

Bombay Legislative Council Debates

(From 20th July 1931).

Vol. XXXI

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CORRECTION SLIP

BOMBAY LEGISLATIVE COUNCIL DEBATES.

Vol. XXXI of the Bombay Legislative Council Debates, at 37, *for* the word "wani" appearing in the statement of names, "Punwani."

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[*Price—Pies 6 or 1d.*]

AGENDA

Agenda for the Second Session of the Bombay Legislative Council commencing at the Council Hall, Poona, on Monday, the 20th July 1931, at 2 p.m.

I. OATH OR AFFIRMATION OF ALLEGIANCE TO THE CROWN.

II. NOMINATION OF FOUR CHAIRMEN BY THE PRESIDENT.

III. QUESTIONS AND ANSWERS.

IV. GOVERNMENT BILLS—

(1) Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879)—*Second Reading*.

Notices of amendments* have been received from—

(1) Mr. B. S. Kamat, M.L.C.

(2) Khan Bahadur M. A. Khuhro, M.L.C.

(2) Bill No. XV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*.

(3) Bill No. XVI of 1931 (A Bill further to amend the Bombay District Police Act, 1890)—*First Reading*.

(4) Bill No. XVII of 1931 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925)—*First Reading*.

(5) Bill No. XVIII of 1931 (A Bill further to amend the Bombay Hereditary Offices Act, 1874)—*First Reading*.

(6) Bill No. XIX of 1931 (A Bill further to amend the Bombay Entertainments Duty Act, 1923)—*First Reading*.

(7) Bill No. XX of 1931 (A Bill to provide for the regulation and control of transactions in cotton in Bombay)—*First Reading*.

(8) Bill No. XXI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925)—*First Reading*.

V. DEMANDS FOR SUPPLEMENTARY GRANTS.

VI. NON-OFFICIAL BILLS—

(1) Bill No. XII of 1931 (A Bill further to amend the Bombay Municipal Boroughs Act, 1925)—*First Reading*—Rao Bahadur D. R. Patil, M.L.C.

(2) Bill No. XIII of 1931 (A Bill further to amend the Bombay District Police Act, 1890)—*First Reading*—Rao Bahadur D. R. Patil, M.L.C.

* Printed as Appendix to this Agenda.

(3) Bill No. XIV of 1931 (A Bill further to amend the Bombay Pleadings Act, 1920)—*First Reading*—Rao Bahadur D. R. Patil, M.L.C.

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

(5) A Bill further to amend (section 5 of) the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Rao Bahadur S. K. Bole, M.L.C.

(6) A Bill further to amend (section 11 (2) of) the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Rao Bahadur S. K. Bole, M.L.C.

(7) A Bill further to amend (section 39 (1) of) the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Rao Bahadur S. K. Bole, M.L.C.

(8) A Bill further to amend (Schedule B of) the City of Bombay Municipal Act, 1888—Motion for leave to introduce the Bill—Rao Bahadur S. K. Bole, M.L.C.

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

(10) A Bill further to amend the Provincial Small Causes Courts Act, 1887, in its application to the Presidency of Bombay—Motion for leave to introduce the Bill—Mr. L. R. Gokhale, M.L.C.

(11) A Bill further to amend the Bombay Municipal Boroughs Act, 1925—Motion for leave to introduce the Bill—Mr. L. R. Gokhale, M.L.C.

(12) A Bill further to amend the Sind Incumbered Estates Act, 1896—Motion for leave to introduce the Bill—Khan Bahadur M. A. Khuhro, M.L.C.

VII. MOTIONS TO AMEND STANDING ORDERS.

Motion No. I of 1931—*Second Reading*—Mr. R. R. Bakhale, M.L.C.

VIII. MOTION UNDER STANDING ORDER XII, 6, TO PRESENT AN ADDRESS TO HIS EXCELLENCY THE GOVERNOR.

By Mr. A. N. Surve, M.L.C.

“That the following humble address be presented to His Excellency the Governor of Bombay :—

May it please Your Excellency,

We, the members of the Bombay Legislative Council, respectfully pray that, in view of the omission to nominate representatives of Labour and agriculturists to the Round Table Conference in numbers commensurate with their importance and numerical strength, and with the amount of protection they need and the stake they have in the country, your Excellency will be pleased to bring to the notice of His Excellency the Viceroy the Secretary of State for India and the Prime Minister of England the great dissatisfaction now prevailing in these classes on

that account, and to urge the necessity of nominating additional representatives of these classes for participating in the deliberations of the Round Table Conference for the purpose of safeguarding their interests."

IX. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.*

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

1. "This Council recommends to Government that the scale of salaries of all Government servants including the All-India, Provincial and Subordinate Services in all Government departments be reduced as per the following schedule with effect from 1st August 1931 :—

5 per cent.	per mensem	from salaries of	Rs. 51 to 100
10 do.	do.	do.	Rs. 101 to 250
15 do.	do.	do.	Rs. 251 to 500
20 do.	do.	do.	Rs. 501 to 1,000
25 do.	do.	do.	of over Rs. 1,000 "

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

1. "This Council recommends to Government that they be pleased to appoint, every year, a certain number of contractors in each district in Sind to supply food-stuffs and other necessary things to officials on tour on payment of bills and to punish in the manner determined by Government any officer asking any member of the public to supply anything to him free of charge."

2. "This Council recommends to Government that any officer of Government asking for or receiving *lapo* (illegal gratification levied by tapadars in Sind) directly or indirectly be dismissed from service immediately on the proof of such act."

3. "This Council recommends to Government to instruct the Revenue Officer, Lloyd Barrage, Sind, while disposing of the land on concessionary rates, to give priority over all others to those zamindars who have forfeited their lands within the Barrage zone in Sind under the Fallow Rules, irrespective of the limit of time of forfeiture."

4. "This Council recommends to Government to appoint an expert official of long experience to enquire into the condition of cottage industries and other indigenous industries in Sind and to suggest measures for their revival and development."

5. "This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money-lenders with a view to restrict the exorbitant rates of interest and numerous other fraudulent ways adopted by them in their dealings with the agriculturists in the Presidency."

6. "This Council recommends to Government to declare in unequivocal terms that in future it will be their policy not to demolish

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

or damage or acquire under the Land Acquisition Act or any other law in force any mosque, temple, or any other place of worship."

7. "This Council recommends to Government to take steps to introduce in this Council a Bill, to be called the "Sind Land Revenue Code," incorporating such revised rules as may be suggested by a Committee of official and non-official members of this Council with a non-official majority to be appointed for the purpose of (1) examining the Commissioner in Sind's Special Circulars regarding Revenue matters in Sind, (2) reporting on their suitability and propriety and (3) suggesting revisions, modifications or amendments thereof, and other means to establish revenue policy in Sind on a sound basis."

8. "This Council recommends to His Excellency the Governor in Council to urge on the Government of India to exempt the Mussalman of the Presidency including Sind from the operation of the Child Marriage Restriction Act, 1929, passed in the Assembly and to suspend its operation in the case of other communities also until such time as the Government of Bombay are in a position to compile a list of all children under the age of 14 years if females and under the age of 18 years if males and to make adequate arrangements for the maintenance of authentic records for the registration of births of children within the Presidency of Bombay."

9. "This Council recommends to Government to take steps to have a feeder Railway line constructed between Hyderabad and Hala via Matari, similar to the one that has recently been constructed between Tando Adam and Sakrand, district Nawabshah."

10. "This Council recommends to Government to take early steps to establish schools in the rural areas of the Presidency for the education of adult agriculturists."

11. "This Council recommends to Government to move the Government of India to construct a branch Railway line between Tando Mahomed Khan and Shahbunder."

12. "This Council recommends to Government to appoint at an early date a committee of official and non-official members of this Council and an expert engineer with experience of road construction, to travel in Sind, and to report on the condition of roads and other communications in Sind and to suggest measures for their extension and improvement."

13. "This Council recommends to Government to instruct the Commissioner in Sind to abolish the antiquated system of granting chairs to certain individuals of the public as a sign of distinction and honour."

14. "This Council recommends to Government to order the abolition of the custom of holding Durbars, in the province of Sind, in future."

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

1. "This Council recommends to Government to appoint a committee of officials and non-officials at an early date for the purpose of suggesting

practical steps for the prevention of beggary in the presidency in general and in Bombay City in particular."

2. "This Council recommends to Government to take immediate action on the Report of the Musalman Wakfs Enquiry Committee, Bombay City, by introducing necessary legislation to amend the Wakf Act and by taking steps otherwise necessary to give effect to the recommendations."

3. "This Council recommends to Government that the liquor shops in mill areas in Bombay City be not kept open after 6 p.m. on the mill-hands' pay-day and the two following days every month."

4. "This Council recommends to Government not to renew the temporary liquor licence in the refreshment stalls in the second enclosure at the race-courses in Poona and Bombay."

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

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

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

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

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

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

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

12. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and

colleges on a wide scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

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

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

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

Resolution by Rao Bahadur G. K. Chitale, M.L.C.

1. "This Council recommends to Government to appoint a committee consisting of the following gentlemen to consider and report after taking evidence as to how the financial aspect of the irrigation works in the Deccan can be improved, having regard to the fact that the present return on the amount of about Rs. 10 crores, which is sunk in their construction, is even less than one per cent. and to suggest ways and means to improve the same.

Members of the Committee :—

Sir Chunilal V. Mehta, Chairman,

Mr. V. N. Vartak, Retired Chief Engineer, Irrigation Department,
The Commissioner (Central Division),

Mr. B. S. Kamat, Mr. J. Humphreys, Mr. G. Wiles, Shaikh Abdul
Aziz and the mover of the resolution (Rao Bahadur G. K. Chitale)."

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

1. "This Council recommends to Government to give immediate effect to the following recommendations of the 'Starte Committee' appointed by the Council to inquire into the educational, economic and social conditions and disabilities of the depressed classes in the Bombay Presidency :—

(a) to appoint forthwith a Board of Advisers from among the depressed classes ;

(b) to launch the smaller of the two schemes mentioned in the report ; and

(c) to adopt in all the schools and colleges and in all the Government offices and in the various departments under Government and local bodies' control the schedule of the nomenclature of the depressed classes as published in the appendix to the report."

2. "This Council recommends to Government that 30 per cent. of the posts of menial staff in all Government offices including the Secretariat requiring no educational qualifications be reserved for the members of the depressed (untouchable) classes, no further appointments to such posts from members of other communities being made until the said proportion of 30 per cent. is reached."

3. "This Council recommends to Government to reserve at least 10 per cent. of the posts of Government services in all the various departments of Government for candidates possessing the requisite minimum qualifications from the depressed (untouchable) classes, no further appointments to such posts from members of other communities being made until the said proportion of 10 per cent. is reached."

4. "This Council recommends to Government that they should forthwith stop all grants to primary, secondary and high schools under the control of local bodies, municipalities, and to all private institutions aided by Government which refuse admission, equal treatment and intermixing in the classes of the boys and girls of the depressed (untouchable) classes, with the children of the Hindu communities."

5. "This Council recommends to Government that they should without any further delay put up boards and public notices at all the public and local board wells, dharamshalas and tanks, informing the people that these places are open to all human beings including the untouchables for their use, irrespective of caste, creed or religion, and that whosoever prevents any human being from making use of these places shall be punished by the authorities."

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

1. "This Council recommends to Government that the block system now existing in almost all the Deccan Canals areas be stopped and that water charges be levied according to the crops grown by irrigators."

Resolution by Rao Saheb P. D. Kulkarni, M.L.C.

1. "This Council recommends to Government that the block system, now existing in almost all the Deccan Canals areas, be stopped and that irrigation charges be levied, taking into account only the actual areas occupied by the crop itself."

Resolution by Dr. M. K. Dixit, M.L.C.

1. "This Council recommends to Government that the Surat Borough Municipality be restored forthwith."

Resolutions proposed to be moved by Mr. A. N. Surve, M.L.C.

1. "This Council recommends to Government to move the authorities concerned to select additional representatives from the non-Brahmans of this Presidency to represent their case at the Round Table Conference."

2. "This Council recommends to Government not to renew this year the temporary liquor licence to the refreshment stall in the second enclosure of the Race Course at Poona."

3. "This Council recommends to Government to move the authorities concerned to give additional representation to Labour on the Round Table Conference."

4. "This Council recommends to Government to raise loans to meet the deficits in the budget, which it proposes to cover up by dismissing employees from its services."

5. "This Council recommends to Government to give liberal remissions and suspensions of land revenue and not to use coercive processes for its collection, and to raise loans to meet the deficit that may arise in consequence of the adoption of this proposal."

6. "This Council recommends to Government to appoint a committee similar to the Haj Pilgrims Protection Committee for minimising the trouble and annoyance to which the passengers are subjected in the ferry steamers plying along the western coast of the Presidency."

7. "This Council recommends to Government not to recover the second instalment of land revenue in the Kolaba and Ratnagiri districts where it has not been recovered before the 15th June 1931."

8. "This Council recommends to Government to introduce legislation for the abolition of khoti tenure in the Kolaba and Ratnagiri districts."

9. "This Council recommends to Government to appoint a mixed committee of officials and non-officials with a majority of the latter to inquire into the practices employed by moneylenders in their dealings with agriculturists in the Central and Southern Divisions of the Presidency."

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

1. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the Hindu and Muslim Devasthan properties (i.e. Wakf properties) and their present use by the managers and to suggest means and measures to make the occupants and possessors use a sufficient portion of the income from such properties for the Devasthans."

Resolutions by Rao Bahadur D. R. Patil, M.L.C.

1. "This Council recommends to Government to take steps to issue strict orders to all the civil, criminal and revenue courts in the mofussil to work between 11 a.m. and 5 p.m. on every working day."

2. "This Council recommends to Government to issue strict instructions to all magistrates in the mofussil to try criminal cases at their headquarters."

Resolutions by Mr. L. R. Gokhale, M.L.C.

1. "This Council recommends to Government to prohibit the Poona Electric Supply Co., Ltd., from levying any kilowatt charge."

2. "This Council recommends to Government that the Poona Electric Supply Co., Ltd., be made to pay interest to its consumers on the deposits made to ensure payment of bills for supply of electricity."

3. (As No. 1 of Mr. N. E. Navle.)

4. "This Council recommends to His Excellency the Governor in Council that economy should be enforced in various branches of Government services in various ways such as—

- (a) by reducing the number of officials in all the departments ;
- (b) by reducing the pay of the posts ; and
- (c) by such other means as the Government finds advisable having regard to the efficiency of administration."

5. "This Council recommends to Government that a Committee consisting of 15 members of this Council, of whom 8 should be from the elected members of this Council and 7 from the officials, be appointed to fix the strength, pay and allowances, etc., of the various departments, and to report within three months from the date of its appointment."

Resolutions by Khan Bahadur M. A. Khukro, M.L.C.

1. "This Council recommends to Government that the land revenue should now be reduced by 50 per cent. all round in rabi as well as kharif, and that until the reduction is effected all the recoveries of the land revenue, which have not been made so far, be forthwith suspended."

2. "This Council recommends to Government that the powers with regard to the appointment and selection of the head masters of the Government high schools that have at present been delegated to the Director of Public Instruction may in future be exercised by Government themselves."

3. "This Council recommends to His Excellency the Governor in Council that the remission of Jama, Salami, Judi and such other dues to Government should be given to the talukdars, inamdars, jagirdars, jamindars and landlords in proportion to the losses they have suffered in consequence of frost, flood, scarcity of rain and low prices of agricultural products."

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

1. "This Council recommends to Government to take immediate steps to introduce a tenancy bill in the interest of tenants in khoti villages of the Ratnagiri and Kolaba districts."

2. "This Council recommends to Government to take immediate steps for introducing legislation for the registration and licensing of money-lenders and sowcars on the lines of the Money-lenders Act recently passed in the Punjab Legislative Council."

3. "This Council recommends to Government to do away with the cumbersome procedure and the dual system under which a firm of solicitors and two counsel are required to be engaged by a litigant in the Bombay High Court and to adopt a simpler and cheaper system as is followed in the Madras High Court."

4. "This Council recommends to Government to introduce legislation for the control of public temples receiving Government grants on the lines of the Religious Endowment Act passed in Madras."

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

6. "This Council recommends to Government that the scale of pay of the karkuns and mistries employed for outdoor work by the Public Works Department in the Thana and Kolaba districts be revised and that the privileges given to permanent staff be extended to them."

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

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

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

3. "This Council recommends to Government to supply to Honourable Members bound volumes of proceedings of each session of the Legislative Council."

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

1. "This Council recommends to Government to provide sufficient funds for making grants to the district local bodies in the presidency to enable them to undertake immediately the schemes embodied in the Compulsory Primary Education Act for compulsory primary education in their respective districts."

2. (As No. 1 of Mr. N. E. Navle.)

3. "This Council recommends to Government that they should at once stop recruitment of candidates belonging to the forward communities for service in all departments until the ratio of 50 per cent. of non-Brahmin servants is reached in all departments."

4. "This Council recommends to Government to publish authorised reports of cattle slaughtered throughout the presidency every year, along with the yearly report of the Agricultural Department, the information required being divided into the following heads, if possible :—

1. Cows under 9 years.
2. Cows over 9 years.
3. Bullocks under 9 years.
4. Bullocks over 9 years.
5. Cow calves (under 4 years).
6. Buffalo calves (under 4 years).
7. She-buffaloes under 10 years.
8. She-buffaloes over 10 years.
9. He-buffaloes.
10. Sheep and goats."

5. "This Council recommends to Government to frame a Bill that will effectively check the passage of disease-carrying herds of cattle into and through the presidency and simultaneously compel the herdsmen to get their cattle inoculated with preventive serum."

Resolutions by Khan Bahadur D. B. Cooper, M.L.C.

1. "This Council recommends to Government that a Provincial Industries' Board composed of the representatives of both city and mofussil industries be established to co-ordinate the work of the Director of Industries and the various agencies at work, to preserve and finance cottage and village industries and to prepare and launch schemes to market, both here and abroad, the products of all village and cottage industries."

2. "This Council recommends to Government to nominate a group of 25 representatives of local bodies and others interested and experienced in primary education including both the Minister for Education and the Director of Public Instruction to meet in a conference to advise the Government on the most important problems and defects which have manifested themselves during the working of the Primary Education Act, particularly with reference to the comments and criticisms made on primary education in the report of the Auxiliary Committee of the Indian Statutory Commission."

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

1. "This Council recommends to Government to give immediate effect to the recommendations made by the committee appointed by them to consider the state of the secondary and primary education in this Presidency."

2. "This Council recommends to Government that pending the passing of a new Government of India Act all constitutional advance permissible under the present Government of India Act should be effected by the exercise of powers vested in the Secretary of State for India."

3. (As No. 1 of Mr. N. E. Navle.)

Resolutions by Rao Bahadur B. R. Naik, M.L.C.

1. "This Council recommends to Government that all the unauthorized arrears which are not recovered in pursuance of Government's decision not to collect during the current year more than one year's assessment owing to economic distress be treated as suspended and that no coercive measures be taken for their recovery."

2. (As No. 3 of Khan Bahadur M. A. Khuhro.)

3. "This Council recommends to Government that the post of Inspector of Agricultural Schools be abolished and the supervision of the agricultural schools be handed over to the Education Department."

Resolutions by Mir Bande Ali Khan Talpur, M.L.C.

1. (As No. 1 of Khan Bahadur M. A. Khuhro.)
2. (As No. 2 of Khan Bahadur M. A. Khuhro.)

Resolutions by Mr. J. G. More, M.L.C.

1. "This Council recommends to Government that no municipal councillor be appointed an honorary magistrate or a magistrate sitting on a Bench of Magistrates, and that Government should see that any magistrate who stands as a candidate for election to a municipality ceases at once to be a magistrate."
2. "This Council recommends to Government that Revenue Officers and Magistrates should not be appointed as *ex-officio* nominated members on municipalities and local boards."

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

1. (As No. 3 of Khan Bahadur M. A. Khuhro.)

Resolutions by Rao Bahadur R. S. Asavale, M.L.C.

1. "This Council recommends to Government to appoint at an early date a committee of official and non-official members of this Council to take adequate steps to collect sufficient data regarding the actual conditions of the peasantry and to investigate the extent of distress among the cultivators and the extent of relief needed."
2. "This Council recommends to Government that steps be taken to give immediate effect to the policy of prohibition by introducing at once total prohibition at least in the district of Satara in this Presidency."

X. *PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee on Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879).
2. Report of the Select Committee on Motion No. I of 1931 to amend Standing Orders.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 20th July 1931.

APPENDIX.

AMENDMENTS TO BILLS.

Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879)
as amended by the Select Committee.

Clauses	Amendments	Name of the mover
Clause 4 ..	Omit sub-clause 3, clause 91, <i>in toto</i> ..	Khan Bahadur M. A. Khuhro.
" ..	For sub-clause 4 (a), clause 92 of the Bill substitute the following :— "All the lands cultivated since the 1st day of August 1911 and having Irrigational facility from the existing water courses shall be exempted from the charges of the construction, survey and other expenses in connection with the new water courses".	Do.
" ..	In sub-clause 4 (a), clause 92 of the Bill substitute the following for the words beginning with "occupied" in line 7 ending with the word "aforesaid" in line 11 :— "Occupied land which has not been cultivated since the 1st day of August 1911 and also the Government waste land shall be assessed to thrice the rates chargeable to occupied land, which has been cultivated since the date aforesaid".	Do.
" ..	Clause 92, sub-clause 4 (b)— Omit Illustration and the following lines up to the word "approximately".	Mr. B. S. Kamat.
" ..	In explanation to sub-clause 5, clause 92 of the Bill in line 6, omit the words "more than 3rds of".	Khan Bahadur M. A. Khuhro.
" ..	In sub-clause 6, clause 92 of the Bill, insert the words "or Civil Court" after the word "Commissioner" in the last line of the above sub-clause.	Do.
" ..	Omit the second proviso to clause 93 of the Bill beginning with the words "Provided further" and ending with the word "aforesaid".	Do.

Monday, the 20th July 1931

The Council met at the Council Hall, Poona, on Monday, the 20th July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
ABERCROMBIE, Mr. J. R.
ANGADI, Rao Bahadur S. N.
ASAVALE, Rao Bahadur R. S.
BALOCH, Mr. HAJI MIR MAHOMED
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BOLE, Rao Bahadur S. K.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DHALUMAL LILARAM, Mr.
DESAI, Rao Saheb B. G.
DIXIT, Dr. M. K.
D'SOUZA, Dr. J. ALBAN
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GOKHALE, Mr. L. R.
GOVER RORA, Mr.
HARIDAS MADHAVDAS, Mr.
HARRISON, Mr. C. S. C.
HUDSON, the Honourable Mr. W. F.
JAM JAN MAHOMED KHAN, Khan Bahadur
JITEKAR, Mr. HAJI IBRAHIM
JOG, Mr. V. N.
JONES, Major W. ELLIS
KADRI, Mr. J. S.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.

KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MATCHESWALLA, Mr. G. E.
 MEHERBAKSH, Mr. S.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 NEWMAN, Mr. H. L.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RESALDAR, Mr. A. K.
 SAHEBSINHI JUVANSINHI, Mr.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, Mir BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

NEW MEMBERS SWORN

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

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

The Honourable Mr. G. A. Thomas, C.I.E., I.C.S.
 Dr. M. K. Dixit,
 Mr. G. H. Cooke,
 Mr. H. B. Clayton, C.I.E., I.C.S.
 Mr. W. W. Smart, I.C.S.
 Mr. C. S. C. Harrison, C.I.E.
 Mr. A. S. R. Macklin, I.C.S.
 Khan Bahadur Shaikh Yakub Vazir Mahomed, M.B.E.
 Mr. Haridas Madhavdas,
 Mr. C. H. Bristow, I.C.S.

NOMINATION OF CHAIRMEN OF COUNCIL

The Honourable the PRESIDENT: I have now to announce a panel of Chairmen for the session, and I nominate the following honourable members:

1. Mr. V. N. Jog,
2. Mr. J. R. Abercrombie,
3. Khan Bahadur M. A. Khuhro,
4. Khan Bahadur D. B. Cooper.

GOVERNOR-GENERAL'S ASSENT TO ACTS

The Honourable the PRESIDENT: The following Acts have received the assent of His Excellency the Governor General since the close of the last session:—

1. An Act further to amend the Court-fees Act, 1870, as amended by Court-fees (Bombay Amendment) Act, 1926, in its application to the Presidency of Bombay.
2. An Act further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.
3. An Act further to amend the Bombay Prevention of Gambling Act, 1887.
4. An Act to amend the Bombay Totalisator Betting Tax Act, 1925, and the Bombay Race-courses Licensing Act, 1912.
5. An Act further to amend the Cattle-trespass Act, 1871, in its application to the Presidency of Bombay.
6. An Act further to amend the City of Bombay Municipal Act, 1888.
7. An Act further to amend the Indian Motor Vehicles Act, 1914, in its application to the Presidency of Bombay.
8. An Act further to amend the Bombay Children Act, 1924.

LORD WILLINGDON'S THANKS TO THE COUNCIL

The Honourable the PRESIDENT : I am now going to read the letter which has been received from His Excellency the Governor General Lord Willingdon, thanking the Legislative Council for offering greetings on his appointment as Viceroy.

" Viceroy's Camp,
India.

18th April 1931.

Sir,

I have received a copy of the resolution passed by the Bombay Legislative Council on 18th February conveying to me its greetings on my appointment as Viceroy. I need hardly say that it has given me the greatest pleasure to receive this cordial message, and I should be grateful if you would take an opportunity of conveying to the Legislative Council my warm appreciation of their kindness.

Yours very truly,

(Signed) WILLINGDON."

QUESTIONS AND ANSWERS

STUDENTS AND CIVIL DISOBEDIENCE MOVEMENT.

Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state whether any students, and if so how many, have withdrawn from colleges or high schools, Government or aided, to join the civil disobedience movement?

The Honourable MOULVI RAFIUDDIN AHMAD :

	Number of students who withdrew from colleges and schools to join the civil disobedience movement
1. Colleges :	
(a) Government	5
(b) Non-Government (aided)	14
Total ..	19
2. Secondary schools :	
(a) Government	2
(b) Non-Government (aided)	102
Total ..	104

REVENUE EXAMINATIONS : EXAMINERS.

Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state—

(a) whether it is a fact that District Deputy Collectors are appointed to be examiners for the Revenue Higher and Lower Standard examinations and also for the qualifying test for mamlats ;

(b) if so, who appoints them and how many Deputy Collectors from the Southern Division have been so appointed during the last ten years ;

(c) if none from Karnatak has been appointed, what is the reason therefor ?

The Honourable Mr. W. F. HUDSON: (a) One Deputy Collector is appointed examiner to draw up question papers assigned to him and to assist in conducting *viva voce* examinations.

(b) The Chief Secretary to Government, who is ex-officio President of the Permanent Committee for Departmental Examinations, appoints the additional examiners required by the Committee. During the last ten years a Deputy Collector from Kolaba District was selected in 1921.

(c) Since 1922 the Oriental Translator to Government has invariably been appointed on grounds of convenience and economy. ✓

ESTABLISHMENT, LLOYD BARRAGE SCHEME.

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

(a) to give in a tabular form—

(i) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks in the Lloyd Barrage Scheme on temporary scales, and

(ii) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks borne on permanent cadres of the Public Works Department;

(b) to give the probable date when they propose to reduce the establishment mentioned in clause (a) (i) in consequence of the progress of the works to completion;

(c) to state the approximate number of the establishment mentioned in clause (a) (i) which they propose to confirm on the completion of the works;

(d) to state whether in view of Government circulars directing the employment of Muslims to the extent of 50 per cent. in Government service they propose to retain Muslim members in service;

(e) to state the number of the members of the establishment mentioned in clause (a) (i) which they propose to reduce in the budget for the year 1931-32;

(f) to place on the Council table the list of members proposed to be reduced according to the new year's budget?

The Honourable Sir GHULAM HUSSAIN: The Honourable Member's attention is invited to the reply given to question asked by Mir Bandeh Ali Talpur and printed on pages 1142-1144 of the Bombay Legislative Council Debates, Vol. XXX.

Mr. HAJI MIR MAHOMED BALOCH: After the question was answered in the March session have any Mussalmans been appointed?

The Honourable Sir GHULAM HUSSAIN: Speaking from memory, I think some appointments have been made.

SYED MIRAN MAHOMED SHAH: Is it a fact that Mussalmans are being discharged from service indiscriminately?

The Honourable Sir GHULAM HUSSAIN: In which grade? Clerical?

SYED MIRAN MAHOMED SHAH: Clerical as well as superior.

The Honourable Sir GHULAM HUSSAIN : I want notice to enable me to make enquiries into the matter.

Mr. HAJI MIR MAHOMED BALOCH : I find that since the reply was given to the question put by the honourable member Mir Bandeh Ali Khan in March last, only a couple of the assistant Engineers' posts etc. have been given to Muslims. At this rate, when will the 50% limit be reached as laid down by the Government of India, and do the Government of Bombay wish to complete the 50% limit ?

The Honourable Sir GHULAM HUSSAIN : I think the 50% limit applies to clerical posts and not to officers' posts.

Mr. HAJI MIR MAHOMED BALOCH : The Honourable the General Member says the 50% limit applies to clerical posts. I find that there are permanent clerks to the extent of 364 from the Non-Muslim communities and only 29 are Mahomedans, or say about 10%. When will the 50% limit be reached at this rate ?

The Honourable Sir GHULAM HUSSAIN : Every attempt is being made to give preference to efficient and qualified Mahomedans.

SYED MIRAN MAHOMED SHAH : Have Government placed on the Council table the list of members proposed to be reduced as asked for by the honourable member Mir Bandeh Ali Talpur in his question to which we have been referred in the Government reply ?

The Honourable Sir GHULAM HUSSAIN : I cannot understand the honourable member's statement "proposed to be reduced." There are no proposals to reduce only the Mahomedans.

SYED MIRAN MAHOMED SHAH : I refer the Honourable the General Member to clause (f) of the question which reads "to place on the Council table the list of members proposed to be reduced according to the new year's budget." Has this list been placed on the Council table ?

The Honourable Sir GHULAM HUSSAIN : In the current year's budget, no reductions have been made.

Khan Bahadur M. A. KHUHHRO : May I know whether Government contemplate determining a certain proportion for each community approximately, for the clerical as well as the superior grades ?

The Honourable Sir GHULAM HUSSAIN : In the higher ranks we cannot fix any proportion. All depends upon the men who are available and their qualifications. Can the honourable member point out a single qualified Sindhi Mahomedan who is not employed ?

Khan Bahadur M. A. KHUHHRO : Is it not a fact that many Muslim clerks at present in service have been given notices that their services will be terminated ?

The Honourable Sir GHULAM HUSSAIN : Not to my knowledge.

Khan Bahadur M. A. KHUHRO: Is it not a fact that two Canal Assistants' appointments that recently fell vacant on the Jamrao Canal were both given to Non-Muslims?

The Honourable Sir GHULAM HUSSAIN: That does not arise out of the present question.

ROADS IN SIND.

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

(1) in a tabular form for three divisions of the Presidency proper and Sind, separately for each—

(a) the length of metalled roads maintained by the Public Works Department;

(b) the length of unmetalled roads maintained by the Public Works Department and open to public traffic;

(2) whether it is a fact that Government are maintaining 6,005 miles of metalled and 727 miles of unmetalled roads in the Presidency proper and only 89 miles of metalled roads and 1,487 miles of unmetalled roads in Sind;

(3) if so, what programme, if any, have Government prepared for constructing metalled main roads in Sind connecting various districts of Sind and other towns?

The Honourable Dewan Bahadur S. T. KAMBLI: (1) (a) and (b) A statement giving the required information is attached.

(2) Yes. The figure of 6,005 miles of metalled roads in the Presidency proper includes certain roads transferred to Local Boards for maintenance at Government cost.

(3) As metal is not readily available and water is scarce, metalling of roads in Sind on any considerable scale is out of the question for the present on account of the cost being prohibitive. Earth roads will, it is considered, largely meet the most urgent needs of Sind for years to come. It is proposed to construct the following roads, as earth roads in the first place, with necessary cross-drainage works from the petrol tax funds :—

(I) *Karachi-Hyderabad-Rohri-Punjab Road (East road)*—

(1) Kotri-Hyderabad-Hala Section.

(2) Sakrand-Moro Section.

(3) Moro to Kandiaro Section.

(II) *Kotri-Dadu-Shikarpur-Baluchistan Road (West road)*—
Shikarpur-Jacobabad-Nasirabad Section.

The Road Sub-Committee of the Advisory Communications Board, Sind, have been asked to submit to Government a scheme costing about Rs. 50 lakhs for constructing roads in Sind during the next 10 years—five lakhs to be provided annually from Provincial revenues. The scheme will be duly considered when received.

Statement showing metalled and unmetalled roads maintained by the Public Works Department in the Presidency proper and Sind during the year 1929-30.

Name of Circle	Length of metalled roads maintained by the Public Works Department	Length of unmetalled roads maintained by the Public Works Department
1	2	3
<i>Presidency proper</i>	Miles	Miles
Northern Circle	1,144	118
Central Circle	2,509	121
Southern Circle	2,014	400
Deccan Irrigation Circle	146	69
Irrigation Development and Research Circle	64	....
	5,877*	708
<i>Sind</i>		
Indus Left Bank Circle	16	1,276
Indus Right Bank Circle	81	143
	97	1,419

* This figure is exclusive of certain roads transferred to Local Boards for maintenance at Government cost.

Mr. HAJI MIR MAHOMED BALOCH : The reply to part (3) of my question is that metal is not readily available and water is scarce. Is there not plenty of metal available alongside from Karachi to Larkana at least from the hills that are there all along ?

The Honourable Dewan Bahadur S. T. KAMBLI : Metal is available in particular places and not all along.

SYED MIRAN MAHOMED SHAH : Do Government contemplate constructing a metalled road from Hyderabad to Karachi which is all rocky ?

The Honourable Dewan Bahadur S. T. KAMBLI : I want notice of the question.

The Honourable the PRESIDENT : I would ask the Honourable Minister to give his replies a little louder as the official reporters are not able to follow him.

The Honourable Dewan Bahadur S. T. KAMBLI : I said, Sir, that I require notice of the question to enable me to furnish the information asked for.

Mr. HAJI MIR MAHOMED BALOCH : As regards Karachi-Punjab and Kotri-Baluchistan Roads mentioned in answer to (3), may I know why these roads should not be begun from Karachi as it forms common part of both these grand trunk roads and Karachi is an important port and the capital of Sind ?

The Honourable Dewan Bahadur S. T. KAMBLI : I require notice of that question.

Khan Bahadur M. A. KHUHHRO : Will Government consider the question of securing metal from the Khirthar range of hills which is only about 25 to 30 miles from Larkana as they can do so very cheaply ?

The Honourable Dewan Bahadur S. T. KAMBLI : That question will certainly be considered if and when metalling of the roads there will be undertaken.

SYED MIRAN MAHOMED SHAH : Is it a fact that the capital of Sind is cut off from the interior for want of roads ?

The Honourable Dewan Bahadur S. T. KAMBLI : Yes.

SYED MIRAN MAHOMED SHAH : Do Government propose to satisfy the wants of Sind in this respect, and, if so, when ?

The Honourable Dewan Bahadur S. T. KAMBLI : Yes, when funds permit.

Mr. S. S. TOLANI : Is it a fact that some time back the Government of India contemplated the construction of the Kotri-Shikarpur-Baluchistan Road for military purposes at their own expense ?

The Honourable Dewan Bahadur S. T. KAMBLI : I would ask for notice of the question.

Mr. HAJI MIR MAHOMED BALOCH : The local board of Karachi has sent in an estimate for the construction of a road from Karachi to Kotri. Has that been received by the Honourable Minister ?

The Honourable Dewan Bahadur S. T. KAMBLI : I would ask for notice of the question.

SYED MIRAN MAHOMED SHAH : Do Government know that if the construction of these roads is postponed, Government will have to pay whatever is demanded by the Railway for the many bridges across several rivers which have been abandoned by the Railway Department now, if those abandoned bridges are not taken up now ?

The Honourable Dewan Bahadur S. T. KAMBLI : I would ask for notice of the question.

Mr. HAJI MIR MAHOMED BALOCH : It is admitted that there are 6,005 miles of metalled roads in the Presidency proper and 89 miles of metalled roads in Sind. When will the work of having more metalled roads in Sind be completed ?

The Honourable the PRESIDENT : Next question.

REPRESENTATIVE WATANDARS.

Mr. V. N. JOG for Mr. H. R. DESAI (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) whether it is a fact that representative watandars were allowed under the Watan Act to nominate outsiders (non-watandars) as their deputies when no watandar fit and willing to officiate was available ;

(b) whether it was the policy of Government in special cases, as for instance when persons of high rank are the representative watandars, to appoint none but a watandar of the same watan as a deputy ;

(c) whether, according to the provisions of section 53 of the Watan Act, the Collector too is bound, equally with the representative watandar, in selecting a deputy from amongst the watandars of the same watan ;

(d) the reasons why special authority to select an outsider as an officiator is given to the Collector by Government Resolution No. 8322/24, dated 1st of November 1927, and not to the representative watandar, if no deputy fit or willing to officiate is available from amongst the watandars of the same watan ?

The Honourable Mr. W. F. HUDSON : (a) Representative watandars were allowed till 1927 to nominate outsiders as their deputies, although they had no right in law to do so.

(b) No. In special cases of the kind referred to, Government confer on representative watandars the privilege of appointing non-watandars as deputies on their behalf (i.e., on behalf of the representative watandars themselves).

(c) Yes, when a suitable and willing person is available from the watan family. When no suitable and willing person is available for appointment as a deputy either from among the members of the representative watandar's family or from among the watandars of the same watan, the Collector is authorised to appoint on behalf of Government any outsider whom he considers fit to serve as a deputy.

(d) The object of the Watan Act is to confine the right of service to the watan family except in the case of persons of high rank who cannot reasonably be expected to serve in person. In the selection of outsiders as deputies, representative watandars are likely to be guided by the payment which they can obtain from such nominees, and this is detrimental to the efficiency of the administration. Government therefore require that, except in the case of persons of high rank, representative watandars should either serve in person or should appoint some one fit and willing to serve from the watan family.

ESTABLISHMENT, LLOYD BARRAGE SCHEME.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) : Will Government be pleased—

(a) to give in a tabular form :

(i) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks in the Lloyd Barrage Scheme on temporary scales, and

(ii) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks borne on permanent cadres of the Public Works Department ;

(b) to give the probable date when they propose to reduce the establishment mentioned in clause (a) (i) in consequence of the progress of the works to completion ;

(c) to state the approximate number of the establishment mentioned in clause (a) (i) which they propose to confirm on the completion of the works ;

(d) to state whether in view of Government circulars directing the employment of Muslims to the extent of 50 per cent. in Government service they propose to retain Muslim members in service ;

(e) to state the number of the members of the establishment mentioned in clause (a) (i) which they propose to reduce in the budget for the year 1931-32 ;

(f) to place on the Council table the list of members proposed to be reduced according to the new year's budget ?

The Honourable Sir GHULAM HUSSAIN : The Honourable Member's attention is invited to the reply given to question asked by Mir Bandeh Ali Talpur and printed on pages 1142-1144 of the Bombay Legislative Council Debates, Vol. XXX.

BARRAGE CANALS : JOINT PEACHES.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) : Will Government to be pleased to state—

(a) whether they intend to have a joint peach of several zamindars on new watercourses on the Barrage canals ;

(b) whether they have considered the consequences of such joint peaches ;

(c) whether they are aware that serious quarrels took place among zamindars in consequence of the system of joint peaches ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes, in the case of small holdings.

(b) Yes.

(c) Occasionally there are disputes regarding distribution of water. Such disputes are generally settled amicably.

SYED MIRAN MAHOMED SHAH : What is the extent of the small holding which Government wish to join on the same karia ?

The Honourable Sir GHULAM HUSSAIN : The answer is in plain English. It will not be a big holding, I can assure the honourable member.

SYED MIRAN MAHOMED SHAH : Big and small are two different words. I want to know the extent. Could the honourable member give us an idea ?

The Honourable the PRESIDENT : What is the meaning of the word "extent" ? What does the honourable member wish to know ?

SYED MIRAN MAHOMED SHAH : I want to know the extent of the holding that they wish to join on the same water-course, the acreage I mean.

The Honourable Sir GHULAM HUSSAIN : A few acres.

SYED MIRAN MAHOMED SHAH : Will it be 10 acres, or 12 acres, or 100 acres ?

The Honourable Sir GHULAM HUSSAIN : I can assure the honourable member that it will not be 100 acres.

SYED MIRAN MAHOMED SHAH : Do Government know that even murders are taking place on account of putting them on the same water-course ?

The Honourable Sir GHULAM HUSSAIN : Occasionally,—it is stated in the reply.

SYED MIRAN MAHOMED SHAH : Is it not fair on the part of Government not to introduce a scheme which brings about murders ?

The Honourable Sir GHULAM HUSSAIN : Murders are committed even otherwise.

INAM VILLAGES, CENTRAL DIVISION AND SOUTHERN DIVISION : SETTLEMENTS.

Mr. L. R. GOKHALE (Poona City) : Will Government be pleased to lay on the Council Table, with regard to Inam villages in the Central and Southern Divisions of the Presidency, a statement containing the following information :—

(a) A list of inam villages summarily settled under Act II of 1863 with dates of settlement ;

(b) A list of those settled under Act VII of 1863 with dates of settlement ;

(c) A list of those inam villages resumed by Government after the passing of summary settlement Acts with reasons for resumptions ;

(d) A list of those inquired into under Act XI of 1852 (with dates of inquiry) and also summarily settled ;

(e) A list of those inquired into under Act XI of 1852 (with dates of inquiry) but not summarily settled ?

The Honourable Mr. W. F. HUDSON : (a) to (e) The time and trouble involved in the compilation of the information is incommensurate with its public interest and utility. Government therefore regret that they are not prepared to undertake it.

TAPEDARS AND SUPERVISING TAPEDARS ON JAMRAO CANALS.

Khan Bahadur JAM JANMAHOMED KHAN (Nawabshah District) : Will Government be pleased to state the reasons why Tapedars and Supervising Tapedars cannot be entertained on Jamrao Canals instead of Abdars and Canal Assistants ?

The Honourable Sir GHULAM HUSSAIN : For the equitable and economical distribution of water on a perennial canal such as the Jamrao, the employment of Canal Assistants and Abdars is necessary. Such duties form part of the irrigation management and control of perennial canals and are the functions of the Irrigation Department and not of the Revenue Department.

WEIGHING OF GRAIN IN SIND.

Khan Bahadur JAM JANMAHOMED KHAN (Nawabshah District): Will Government be pleased to state—

(a) whether they are aware that the merchants in Sind while selling grain calculate 40 seers for a maund but in purchasing they take 42 seers ;

(b) if so, do Government intend to take any action in the matter ?

The Honourable Sirdar Sir RUSTOM J. VAKIL: (a) The practice is not uniform. In some places 41 seers and in others 42 seers are calculated in a maund for the purpose of wholesale dealings, while 40 seers per maund is adopted by dealers for the purpose of retail sales.

(b) Legislation for the standardisation of weights and measures in the Bombay Presidency including Sind is under the consideration of Government.

ROTATION OF WATER : JAMRAO CANAL.

Khan Bahadur JAM JANMAHOMED KHAN (Nawabshah District): Will Government be pleased to state—

(a) whether they are aware that on Jamrao Canals not even 7 days' previous intimation of rotation of water is given to zamindars ;

(b) if so, do they intend to take action in the matter to avoid great inconvenience and loss to zamindars ?

The Honourable Sir GHULAM HUSSAIN: (a) The intervals between the rotations cannot be fixed with any degree of exactness on account of the very varying supply under existing conditions in the Nara, from which the Jamrao Canal derives its supply. It is not therefore possible in such circumstances always to give seven days' intimation to cultivators. When the Barrage is in operation fluctuations in the Nara will disappear.

(b) No action in the direction indicated is possible in existing conditions.

ISMAIL COLLEGE, ANDHERI : FEES.

Mr. J. S. KADRI (Northern Division): Are Government aware that the present rates of term fees in the Ismail College, Andheri, press hard on the slender resources of poor Muslims, who form the bulk of the students in that college ?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes ; Government have decided this year that the Ismail College should be classed as a mofussil and not as a Bombay Arts College regarding the rates of fees.

Mr. J. S. KADRI: What is the reduction in fees ?

The Honourable MOULVI RAFIUDDIN AHMAD: Rs. 15 per head.

URDU-KNOWING MISTRESSES : DEARTH.

Mr. J. S. KADRI (Northern Division): Are Government aware that the dearth of qualified and trained Urdu-knowing mistresses has

proved to be a serious handicap to the advancement of female education among the Muslims of the Bombay Presidency ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

VERNACULAR TEACHERS : COURSES OF INSTRUCTION.

Mr. J. S. KADRI (Northern Division) : Are Government aware that the present courses of instruction for the training of vernacular teachers are too heavy and cumbrous to be completed satisfactorily within the prescribed period ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government is not so aware.

TELANG HIGH SCHOOL, GODHRA : MUSLIM AND NON-MUSLIM STUDENTS.

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

(a) the number of Muslim and non-Muslim students admitted into Standard I of the Telang High School, Godhra, during the last 5 years ;

(b) the number of Muslim students who were refused admission to that school during the last 5 years, with reasons for the refusal ?

The Honourable MOULVI RAFIUDDIN AHMAD : The following table gives the required information :—

(a)

Year.				Muslim.	Non-Muslim.
1926-27	..	..	..	5	26
1927-28	..	..	..	5	25
1928-29	..	..	..	5	27
1929-30	..	..	..	7	27
1930-31	..	..	..	5	29

(b) Number of Muslim students who were refused admission :—

Year.				For inefficiency.	For want of a vacancy.
1926-27	..	..	..	7	9
1927-28	..	..	..	8	13
1928-29	..	..	..	8	4
1929-30	..	..	..	9	6
1930-31	..	..	..	9	10

COUNCIL ELECTION : VOTERS' LIST, N. D.

Mr. J. S. KADRI (Northern Division) : Are Government aware that the Gujarati and Marathi lists of the Mussalman voters for the Urban and Rural Constituencies of the Northern Division at the last Council election were not only incomplete but were full of mistakes and inaccuracies in the names and surnames of voters ?

The Honourable Mr. G. A. THOMAS : Government do not admit that this was the case. Where applications for correction or amendment

of names in the rolls were received before the lists were finally published they were enquired into and such corrections were made as were found proper.

Mr. J. S. KADRI : Has Government made any enquiry into the matter ?

The Honourable Mr. G. A. THOMAS : The printed answer says that where applications were received, they were enquired into.

EXCISE APPOINTMENTS : NOTIFICATION IN "BOMBAY GOVERNMENT GAZETTE."

Mr. J. S. KADRI (Northern Division) : Will Government be pleased to state whether it is a fact that formerly the transfer and appointments of the Excise Department used to be notified in the *Bombay Government Gazette* and, if so, why that practice was discontinued ?

The Honourable MOULVI RAFIUDDIN AHMAD : The Honourable Member is referred to the reply given to clauses (a) and (d) of Rao Bahadur Kale's question printed at page 437 of the Legislative Council Debates, Volume XXV, Part VI.

BOMBAY LEGISLATIVE COUNCIL UNIVERSITY CONSTITUENCY : LIST OF VOTERS.

Rao Bahadur R. R. KALE (Bombay University) : (i) Has the attention of Government been drawn to the fact that the lists of voters in the University constituency of the Bombay Legislative Council were in many places deficient or incorrect owing to the (a) omission of the names of several qualified voters from the electoral rolls, (b) entries being left on the lists several years after the voters had left the place where they were residing at the time of the preparation of the lists ?

The Honourable Mr. G. A. THOMAS : (i) (a) No complaints about omissions from the electoral rolls have been received by Government or by the officers concerned.

(b) Every endeavour is made to make the rolls as complete and accurate as possible. Some names did remain on the lists after the voters had left the place where their names were recorded and gone to live elsewhere, but when this came to notice the voters were given certificates entitling them to vote at the places where they were actually residing.

MEDICAL OFFICERS : TRANSFERS.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts) : (1) Will Government be pleased to state the strength of the Bombay Medical Department in the Subordinate Medical Service and the Bombay Medical Service ?

(2) On what principles are transfers made in both ?

(3) How many transfers were made in each section in the course of the last two years ?

- (4) What is the tenure (period of service) prescribed at each place ?
 (5) Is the tenure system strictly adhered to in both classes ?
 (6) How many of those transferred were given travelling allowance and how many were not ? What were the reasons for not giving them in the latter cases ?

(7) Is it a fact that before transfers are made the officers are asked about half a dozen times to select places to which they would like to go ?

(8) If these places are not available, are they asked again and again till a suitable place in the opinion of the Department is found for the applicant ?

(9) Is it true that when a transfer is made to such a place no travelling allowance is given ?

(10) Is this practice applicable to the Subordinate Medical Service invariably ?

(11) Is it a fact that the Honourable Dewan Bahadur Desai, when in charge of the Medical Department, had insisted on transfers, but that the system was discontinued thereafter, since the portfolio changed ; if not, how many transfers were made since then ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : (1) A statement furnishing the information is appended.

(2) In the case of Bombay Medical Service Officers, no special principles have been laid down. Transfers are made in accordance with administrative requirements. The officers of the Subordinate Medical Service are not ordinarily kept in one place for more than five years.

(3) The number of transfers effected during the two years 1929 and 1930 was 80 in the case of Bombay Medical Service Officers and 652 in the case of Subordinate Medical Service Officers. The number given in the case of Subordinate Medical Service Officers include the number of temporary transfers such as those made on account of leave vacancies and on fair and epidemic duties, etc.

(4) No tenure system exists either for the Bombay Medical Service or Subordinate Medical Service Officers.

(5) In view of reply to clause (4), this question does not arise.

(6) In the case of Bombay Medical Service all the transfers were made at State expense except one case in which the Officer was transferred in consequence of an adverse report.

Out of 652 cases of transfers of the Subordinate Medical Service Officers travelling allowance was not allowed in 79 cases. In the latter cases the transfers were ordered at the expense of the officers under rule 488 of the Bombay Civil Services Rules, since they were purely in the interest of the incumbent and to a place of their choice.

(7) No. But Subordinate Medical Service Officers are asked occasionally to indicate their preferences.

(8) and (9) If a post of their choice is not available, the Subordinate Medical Service Officers are transferred according to the convenience of the Department. In such a case, both the Bombay Medical Service and Subordinate Medical Service Officers are granted travelling allowance.

(10) In view of answer to clause (9), this question does not arise.

(11) In February 1928, when Dewan Bahadur Harilal D. Desai was in charge of the Department, Government pointed out to the Surgeon General that it is undesirable to allow officers to remain in appointments for prolonged periods, as the private practice, which is allowed to them, may develop to such an extent that the discharge of their public duties may suffer. These instructions still remain in force.

STATEMENT.

The strength of Subordinate Medical Service and Bombay Medical Service cadres on 1st March 1931 is as follows :—

Subordinate Medical Service cadre.

394 sanctioned strength.
79 leave reserve.
4 seconded appointments.
1 temporary post.

Total .. 478

Bombay Medical Service cadre.

54 sanctioned strength.
8 leave reserve.
1 temporary appointment in the Jail Department.
3 appointments in the Western India States Agency.

Total .. 66

Mr. M. M. KARBHARI : In view of the answer to part (11) and part (4) of my question do Government think it desirable to fix the tenure of service ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : Government have not considered that question yet.

Mr. M. M. KARBHARI : To the 11th part of my question the answer is :

"In February 1928, when Dewan Bahadur Harilal D. Desai was in charge of the Department, Government pointed out to the Surgeon General that it is undesirable to allow officers to remain in appointments for prolonged periods, as the private practice, which is allowed to them, may develop to such an extent that the discharge of their public duties may suffer."

The answer to my 4th question is :

"No tenure system exists either for the Bombay Medical Service or Subordinate Medical Service Officers."

In view of the answer to my 11th part of the question do Government intend to fix up a tenure ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : I have already answered that Government have not considered the advisability of fixing the tenure of service.

LLOYD BARRAGE : MUSLIM AND NON-MUSLIM STAFF.

Khan Bahadur M. A. KHUHHRO (Larkana District) : (a) Will Government be pleased to state in a tabular form separately the numbers of Muslim and Non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks in the Lloyd Barrage Scheme on a temporary scale ?

(b) Will Government be pleased to state in a tabular form separately the numbers of Muslim and Non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks borne on permanent cadres of the Public Works Department?

(c) What is the probable date of the completion of works on which the temporary staff referred to in part (a) above is employed?

(d) What is the probable number of such temporary staff that will be brought on a permanent scale on the completion of the Lloyd Barrage Works?

(e) What is the number of such temporary staff proposed to be reduced under the Budget provision for the year 1931-32?

(f) Will Government be pleased to place on the Council Table a list of members proposed to be so reduced?

The Honourable Sir GHULAM HUSSAIN : As regards clauses (a), (b), (d), (e) and (f) of the question, the attention of the Honourable Member is invited to the reply given to question asked by Mir Bande Ali Talpur and printed on pages 1142-1144 of the Bombay Legislative Council Debates, Vol. XXX.

(c) The probable date of completion of the works is 1934-35.

SHOLAPUR ACCUSED : DISPOSAL OF BODIES.

Mr. GOOLAMHUSEIN EBRAHIM MATCHESWALA (Bombay City) : Will Government be pleased to state—

(a) the names, status and the social positions of the four Sholapur accused, hanged in January 1931, in the Yeravda Jail;

(b) whether the dead bodies of the four accused were handed over to their relatives for burial or cremation according to their respective religious practices;

(c) whether the relatives of the accused had applied or made request that their bodies might be handed over to them for the performance of their last religious rites;

(d) whether it is a fact that one of the accused belonged to the Bohra Muslim community;

(e) if so, whether the last request of the accused, regarding his burial was acceded to, and if not, what were the special reasons for refusing it?

The Honourable Mr. G. A. THOMAS :

- (a) 1. Mallappa Rewanshiddappa Dhansetti, Private Service,
2. Shrikrishna Lakshminarayan Sarda, Merchant,
3. Jagannath Bhagwan Shinde, Petition-writer,
4. Abdul Rasul Kurban Husain, Frame-maker.

(b) No.

(c) The relatives of the first three prisoners asked for their bodies.

(d) Yes.

(e) The prisoner did not make any such request.

SYED MIRAN MAHOMED SHAH : With regard to the answer to part (c) of the question, may I know whether the bodies as requested by the relatives of the deceased were handed over to them?

The Honourable Mr. G. A. THOMAS: I refer the honourable member to the answer to (b).

ESTABLISHMENT, LLOYD BARRAGE SCHEME.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased—

(a) to give in a tabular form—

(i) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks in the Lloyd Barrage Scheme on temporary scales, and

(ii) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks borne on permanent cadres of the Public Works Department;

(b) to give the probable date when they propose to reduce the establishment mentioned in clause (a) (i) in consequence of the progress of the works to completion;

(c) to state the approximate number of the establishment mentioned in clause (a) (i) which they propose to confirm on the completion of the works;

(d) to state whether in view of Government circulars directing the employment of Muslims to the extent of 50 per cent. in Government service they propose to retain Muslim members in service;

(e) to state the number of the members of the establishment mentioned in clause (a) (i) which they propose to reduce in the budget for the year 1931-32;

(f) to place on the Council table the list of members proposed to be reduced according to the new year's budget?

The Honourable Sir GHULAM HUSSAIN: (a), (b), (c), (d), (e) and (f) The Honourable Member's attention is invited to the reply given to question asked by Mir Bandeh Ali Talpur and printed on pages 1142-1144 of the Bombay Legislative Council Debates, Vol. XXX.

DESERTION RULES: POLICE DEPARTMENT.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether the Desertion Rules for the constabulary service in the Police Department are applicable to the clerks who are on a separate establishment in that department;

(b) if so, whether they will be pleased to place a copy of the rules on the Council table;

(c) whether the clerks in the Police Department are required to remain "Indoor" patients in civil hospitals when they fall ill?

The Honourable Mr. G. A. THOMAS: (a) and (b) There are no "desertion rules" for the police force. If a policeman deserts, he can be prosecuted in a Court of Law under sections 34 and 36 of the Bombay District Police Act or dealt with departmentally for absence from duty. Clerks are not members of the Police Force enrolled under

the Act, and the provisions of the Bombay District Police Act just mentioned do not apply to them.

(c) No.

SUITS AGAINST AGRICULTURISTS IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to supply the following figures about Sind in a tabular form for the last ten years?

Year—

The number of civil suits filed;

The total value of suits filed;

The total number of suits disposed of;

The total amount of decrees executed against the agriculturists;

The amount recovered from them in cost (cash);

The amount recovered from them in kind;

The amount recovered from them from the sale of their agricultural lands?

The Honourable Mr. G. A. THOMAS: The information required by the Honourable Member on the first three points will be found in the annual reports on the administration of Civil and Criminal Justice in the province of Sind which are in the Council Library. The collection of the information asked for on the remaining points would involve an amount of labour disproportionate to the value of the results.

ESTABLISHMENT, LLOYD BARRAGE SCHEME.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Will Government be pleased—

(a) to give in a tabular form—

(i) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks in the Lloyd Barrage Scheme on temporary scales, and

(ii) the number of Muslim and non-Muslim Assistant Engineers, Supervisors, Overseers and Clerks borne on permanent cadres of the Public Works Department;

(b) to give the probable date when they propose to reduce the establishment mentioned in clause (a) (i) in consequence of the progress of the works to completion;

(c) to state the approximate number of the establishment mentioned in clause (a) (i) which they propose to confirm on the completion of the works;

(d) to state whether in view of Government circulars directing the employment of Muslims to the extent of 50 per cent. in Government service they propose to retain Muslim members in service;

(e) to state the number of the members of the establishment mentioned in clause (a) (i) which they propose to reduce in the budget for the year 1931-32 ;

(f) to place on the Council table the list of members proposed to be reduced according to the new year's budget ?

The Honourable Sir GHULAM HUSSAIN : (a), (b), (c), (d), (e) and (f) The Honourable Member's attention is invited to the reply given to question asked by Mir Bandeh Ali Talpur and printed on pages 1142-1144 of the Bombay Legislative Council Debates, Vol. XXX.

PUBLIC PROSECUTORS IN SIND : CIVIL PRACTICE.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : (a) Will Government be pleased to state the number of Public Prosecutors in Sind ?

(b) How many of them are Mussulmans, how many Hindus and how many other communities ?

(c) Is it a fact that several matters of civil character are also referred to them by local authorities for opinion in accordance with which the claims of many contending parties are decided by the latter ?

(d) How many of these Public Prosecutors have had civil practice and if so for how long before they were appointed by Government as Public Prosecutors ?

(e) How many of them are practising as Civil Lawyers at present and how many cases has each of them had on his file in a Civil Court up to date ?

The Honourable Mr. G. A. THOMAS :

(a) Seven with 14 Assistants.

(b) Out of the District Government Pleaders there are :—

5 Hindus, 1 Muhammadan, and 1 Christian.

Out of the Assistant Public Prosecutors there are :—

7 Hindus, 6 Muhammadans, and 1 Christian.

(c) Government have no information about such references and see no reason to make any inquiries about them since it is entirely within the discretion of the local authorities (by which phrase Government understand the local bodies and not the local officers to be intended) to consult any member of the bar whom they may select.

(d) As regards the first part of this clause, the attention of the Honourable Member is invited to the reply to clause (e) below. As regards the second part of this clause, a statement furnishing the information regarding the dates of the commencement of practice and of the past and present appointments of the Public Prosecutors is laid on the Council table. They were recommended as suitable by the local officers and therefore presumably had been in such practice as qualified them for their duties.

(e) All Public Prosecutors are also Government Pleaders and are required to attend to the civil work of Government when needed. The latter portion of the question is purely a private matter with which Government have no concern.

Name.	Present appointment.	First appointment.	From what year commenced practice.
<i>Sind.</i>			
1 Mr. C. M. Lobo ..	D.G.P. and P.P. in Sind, 1929.	II A.P.P., Sind and A.G.P., Karachi.	1907
2 „ P. D. Punwani.	I A.G.P., Karachi and I A.P.P. and A.G.P., Sind, 1929.	III A.P.P., Sind and A.G.P., Karachi, 1914.	1908
3 „ P. T. Hathiramani.	II A.G.P., Karachi and A.P.P. and A.G.P., Sind, 1929.	III A.P.P., Sind and A.G.P., Karachi, 1919.	1905
4 „ H. B. Tyabji ..	III A.G.P., Karachi and A.P.P., and A.G.P., Sind, 1929.	III A.P.P., Sind and A.G.P., Karachi 1928.	1916
5 „ D. N. O'Sullivan.	IV A.P.P. and A.G.P., Sind and A.G.P., Karachi, 1929.	....	1921
<i>Hyderabad.</i>			
6 Mr. Parmanand Kundanmal.	D.G.P. and P.P., 1926.	A.P.P., 1921 ..	1916
7 „ Sikander Beg Mirza.	I A.P.P., 1929 ..	II A.P.P., 1926 ..	1918
8 „ Jethsing Naran-sing.	II A.P.P., 1929 ..	....	1904
<i>Nawabshah.</i>			
9 Mr. D. J. Lalvani..	D.G.P. and P.P., 1927.	A.P.P., 1919 ..	1913
10 Mr. Musakhan Ansari.	I A.P.P., 1927 ..	II A.P.P., 1926 ..	1921
11 „ Faruk Beg Mirza.	II A.P.P., 1928 ..	....	1913
<i>Sukkur.</i>			
12 Mr. K. H. Keswani.	D.G.P. and P.P., 1927	Addl. A.P.P., 1907 ..	1902
13 „ Hasanali Gulam Ali Khan Agha.	A.P.P. and A.G.P., 1927.	Addl. A.P.P., 1924 ..	1923
14 „ Hasanand Hemraj.	Addl. A.P.P. and A.G.P., 1927.	Sub G.P., Rohri, 1902.	1898
15 „ Holaram K. Keswani.	Offg. II Addl. A.G.P., and A.P.P., 1930 (temporary).	....	1913
<i>Larkana.</i>			
16 Mr. R. S. Topandas N. Shahani.	D.G.P. and P.P., 1929.	Addl. A.P.P., 1918 ..	1904
17 „ Kishanchand M. Punjabi.	I A.P.P., 1929 ..	Hony. Asstt. to D.G. P., Sukkur, 1925.	1923

Name.	Present appointment.	First appointment.	From what year commenced practice.
	<i>Larkana—contd.</i>		
18 Mr. Nebhandas U. Shahani.	II A.P.P., 1921 ..	....	1906 with a break of 5½ years spent in Government service as Sheristadar in the Dt. Ct., Hyderabad.
19 „ Yar Mahmud Hayat Khan Junejo.	III A.P.P., 1927 - ..	Hony. Asstt. to D.G.P., 1926.	1923
	<i>Thar and Parkar.</i>		
20 Mr. Imdad Ali Imam Ali Kazi.	D.G.P. and P.P., 1930.	....	Enrolled as a pleader in 1911.
	<i>Upper Sind Frontier.</i>		
21 Mr. Dayaram Dhanrajmal Punwani.	D.G.P. and P.P., Upper Sind Frontier, 1927.	Addl. A.P.P., Sukkur, 1921.	1909

SYED MIRAN MAHOMED SHAH : With regard to (c), do Government know that the local officers refer questions, for instance, the mutation of names in the Record of Rights involving transfer of property, to the public prosecutors ?

The Honourable Mr. G. A. THOMAS : I must ask for notice of that question.

SYED MIRAN MAHOMED SHAH : Do Government know whether such people had civil practice before they were appointed as public prosecutors ?

The Honourable Mr. G. A. THOMAS : I presume so : See answer to (e).

SYED MIRAN MAHOMED SHAH : Have Government made any such enquiry ?

The Honourable Mr. G. A. THOMAS : Not specifically.

SYED MIRAN MAHOMED SHAH : When important cases involving transfer of property are referred to them, is it not necessary for Government to enquire whether they know civil law ?

SHANBHOGS : KANARA AND RATNAGIRI DISTRICTS.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the number of talatis (Shanbhogs) according to their castes in the two revenue divisions of Kanara and Ratnagiri districts ;

(b) whether Government have given effect to their resolution of 1925 to appoint 60 per cent. from the backward communities in these posts ;

(c) the number of appointments of talatis (Shanbhogs) made in the two divisions of these districts since the year 1925 and the number of those who were recruited from the backward classes ;

(d) the number of Muhammadans holding the posts of talatis (Shanbhogs) in these two districts ?

The Honourable Mr. W. F. HUDSON :

(a) Kanara.			Ratnagiri.		
Brahmins	..	117	Brahmins	..	43
Sonars	..	10	Kayasth Prabhu	..	1
Ganigs	..	2	Sonars	..	3
Sherugars	..	20	Marathas	..	37
Namdharis	..	27	Bhandaris	..	14
Komarpants	..	4	Vani	..	1
Madiwals	..	2	Shimpi	..	3
Bandi	..	6	Kunbis	..	3
Kharvi	..	1	Teli	..	1
Kabber	..	2	Koshti	..	1
Devdig	..	3	Gabits	..	7
Bhandaris	..	5	Gurav	..	1
Vaishyas	..	9	Jain Kasar	..	1
Badig	..	1	Mahars	..	2
Halakkivakkal	..	1	Chambhars	..	1
Hazam	..	1	Muhammadans	..	6
Mogers	..	2			
Marathas	..	24			125
Narvekar	..	1			
Nador	..	4			
Kalavants	..	7			
Lingayats	..	5			
Ambig	..	1			
Christians	..	4			
Deshbhandari	..	1			
Devlis	..	2			
Muhammadans	..	18			

280

(b) Yes.

(c) In the Kanara District 80 appointments were made out of which 55 were from the backward classes, and in the Ratnagiri District out of 39 appointments 29 were from those classes.

(d) 18 in the Kanara District and 6 in the Ratnagiri District.

Mr. SYED MUNAWAR : With regard to part (d), may I know, whether these figures of 18 and 6 in the case of Kanara and Ratnagiri

districts respectively are due to Government having carried out their Resolution of 1925 ?

The Honourable Mr. W. F. HUDSON: I cannot say. I expect so.

HANDLOOM INDUSTRY IN THE PRESIDENCY.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether an industrial survey of the hand-loom and spinning industries has been made in the Presidency ;

(b) whether the figure of 800,000 people, stated on page 30 of the Report of the Department of Industries for 1929-30, as being engaged in hand-loom weaving and allied industries in the Presidency, is an approximation or a conjecture ;

(c) whether the number of Hindu and Mussalman hand-loom weavers has severally been ascertained and, if so, what their respective numbers are ;

(d) whether co-operative societies for credit, purchase and sale have been started at every big centre of hand-loom weaving industry ;

(e) whether the appointment of a Textile Expert, as forecasted on page 32 of the above Report, has been made ;

(f) when the facilities for the hand-loom weavers especially items (d), (e) and (f) of paragraph 34 of the Report, will be provided ;

(g) whether the hand-weaving institutes and Demonstration classes at Tatta, Hala, Nasarpur, Lahori, Lakhi and Poona have attracted a sufficient number of those whose hereditary occupation is hand-loom weaving ;

(h) if so, their number at each Demonstration centre ;

(i) if not, what arrangements have been made to popularize the demonstration among weavers ?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) A survey of hand-loom weaving of 40 important industrial centres in this Presidency excluding Sind has been made.

(b) The figure is an estimate derived from the 1921 Census figures for workers and dependants deriving their subsistence from weaving, dyeing, calico printing and allied industries.

(c) No.

(d) The Honourable Member is referred to the Honourable the Minister for Agriculture for a reply to this part of the question.

(e) No.

(f) After the appointment of Textile Expert is made.

(g) Yes, but as regards the Weaving Institute, Poona, owing to lack of education among weavers the non-weavers predominate in the Advance Course.

(h) The subjoined table gives the information required :—

Name of the place of demonstration.				The number of students at each Demonstration Centre.
Tatta	..	..	..	18
Nasarpur	..	..	..	10
Hala	..	..	..	10
Lakhi	..	..	..	30
Lahori	..	..	..	25
Poona	..	..	..	23

(i) The question does not arise.

Mr. SYED MUNAWAR : With regard to reply to (d), the Honourable Minister of Education says that the matter relates to the Minister of Agriculture. Could he not have transferred this part of the question to the Minister of Agriculture ?

The Honourable MOULVI RAFIUDDIN AHMAD : It is for the honourable members who put the question to do so.

Mr. SYED MUNAWAR : With regard to answer to (g), it is stated that "owing to lack of education among the weavers the non-weavers predominate in the Advance Course". Is it not due to lack of propaganda that they are not attracted to the demonstration ?

The Honourable MOULVI RAFIUDDIN AHMAD : That part of the work is done by Government.

Mr. SYED MUNAWAR : Do we understand that "that part of the work" means propaganda ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Mr. SYED MUNAWAR : By what means ?

The Honourable MOULVI RAFIUDDIN AHMAD : The Director of Industries sends emissaries to inform weavers of the weaving demonstrations classes. Notices to that effect are put up for the information of the public interested in weaving and so on.

SMALL CAUSES COURT, BOMBAY : BAILIFFS' QUALIFICATIONS.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) Whether any qualifications are laid down for appointment as a bailiff in the Small Causes Court, Bombay ?

(b) Whether it is a fact that men without any qualification have some time back been employed as bailiffs in the Court ?

(c) The number of such appointments made during the last two years ?

(d) The reasons for making such appointments ?

The Honourable Mr. G. A. THOMAS : (a) No particular qualifications have been laid down for the appointment. It is desirable that a bailiff should be physically fit, have a fair knowledge of English and the vernaculars, be familiar with the streets and localities of Bombay, and understand the practice and procedure of serving processes, levying

attachments and executing decrees. These general principles have been followed in making appointments.

(b), (c) and (d) Do not arise.

Mr. SYED MUNAWAR: With regard to the reply to part (a) of the question, certain qualifications are laid down for a bailiff's post. If these requirements are fulfilled by qualified persons who are already employed as candidates in the Small Cause Court, why are they not preferred to men who have merely a workable knowledge of English?

The Honourable Mr. G. A. THOMAS: I refer the honourable member to my reply to his next question.

SMALL CAUSES COURT, BOMBAY: BAILIFFS' APPOINTMENT.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) Whether it is a fact that outsiders are recruited as bailiffs in spite of there being a number of qualified candidates awaiting employment as such and actually working in the Small Causes Court, Bombay?

(b) If so, the reasons for overlooking the claims of those candidates working for months together in the Court?

The Honourable Mr. G. A. THOMAS: (a) The qualified candidates to whom the Honourable Member refers are candidates for clerical appointments and do not desire employment as bailiffs.

(b) Does not arise.

Mr. SYED MUNAWAR: Have these candidates refused to accept appointments as bailiffs? Was any bailiff's place offered to any one of them?

The Honourable Mr. G. A. THOMAS: These are candidates for clerical posts and not for bailiffs' posts. Bailiffs' posts are not offered to them.

PRISONERS: RELEASE BEFORE DUE DATE.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) Whether it is a fact that in and after the month of November 1930 ordinary criminals were released from jails before the expiry of their sentences, because of the rush of political prisoners in Sind and in the Presidency?

(b) If so, the number of such prisoners released from each prison and the time each prisoner was released before the due date, giving the details of each prisoner?

The Honourable Mr. G. A. THOMAS: (a) To relieve congestion in the jails some prisoners whose sentences had nearly expired and some old and infirm prisoners who had completed half their sentences were released.

(b) A statement showing the number of prisoners released from each prison is placed on the Council Table. The collection of detailed

information about each prisoner would involve an expenditure of time and labour disproportionate to the value of the results:—

Statement showing the number of prisoners whose premature release was sanctioned by Government to relieve overcrowding.

Name of Prison	Number of prisoners released
1. Sukkur District Prison	28
2. Dhulia District Prison	34
3. Thana District Prison	28
4. Visapur Temporary Prison	7
5. Sind Convict Gang	71
6. Hyderabad Central Prison	84
7. Ahmedabad Central Prison	66
8. Shikarpur Special Prison	22
9. Ratnagiri District Prison	8
10. Karwar District Prison	2
11. Arthur Road Prison, Bombay	6
12. House of Correction, Bombay	1
13. Yeravda Central Prison	46
14. Karachi District Prison	70
15. Bijapur District Prison	25
16. Belgaum Central Prison	28
17. Dharwar Juvenile Jail	20
Total	546

EDUCATIONAL DEPARTMENT: OFFICIATING PAY.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) Whether it is a fact that the Auditor General has ruled with the concurrence of the Government of India that in case of a Government servant, having no substantive appointment, officiating service prior to 1st January 1922, counts for increment, when confirmation takes place on or after the 1st January 1922?

(b) Whether the Government of Bombay (Educational Department) has issued a Resolution No. S. 88 (c), dated 26th November 1928, cancelling part I of Government Resolution No. 737 of 19th August 1927 on the authority of the above ruling?

(c) Whether it is a fact that no effect has been given to it up to now?

(d) When do Government propose to put it into effect?

(e) Whether Government propose to allow the difference of pay, due to such teachers affected by the above ruling to be drawn from 1st April 1929 or from the date of confirmation, as mentioned by the Director of Public Instruction in his letter No. S. 84 (b)-1-B of 9th December 1927?

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

(c) and (d) No. Government have sanctioned proposals regarding the revision of the pay of the persons concerned, in accordance with the Auditor General's ruling.

(e) All officiating service will count for increment provided that the incumbent was not confirmed before 1st January 1922 and that the officiating service was not put in on a pay less than the minimum of the time scale on which he is confirmed.

EXECUTIVE ENGINEERS : REMARKS ON SUBORDINATES.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) Whether Executive Engineers in the P. W. D. have to record their opinion in the personal registers of the subordinates on their work in general?

(b) Whether it is a rule that such opinion is recorded after full knowledge of the work of the subordinate after the period of six months at least?

(c) Whether there have been any instances in the Sind P. W. D. when Executive Engineers have made notes in the personal registers of the subordinates before the prescribed period of six months?

(d) If the reply to (c) be in the affirmative why no action has been taken in the matter?

The Honourable Sir GHULAM HUSSAIN :

(a) Yes.

(b) There is no such rule.

(c) and (d) Do not arise.

Mr. S. S. TOLANI: I want to know from the honourable member whether it is not necessary for the Executive Engineers to express their opinions in the personal register regarding their subordinates after a trial of six months?

The Honourable Sir GHULAM HUSSAIN: It is not necessary.

Mr. S. S. TOLANI: I want to know whether on the front page of the personal register it is written that the officers have to record their opinion about the work of their subordinates after a trial of six months' period; I want to know whether the officer should not record his opinion in the personal registers?

The Honourable Sir GHULAM HUSSAIN: It is not necessary. He can express his opinion after two or three months.

SHOLAPUR RIOTS : EVACUATION OF WOMEN AND CHILDREN.

Dr. V. G. VAISHAMPAYAN (Sholapur District): (1) Will Government please state what bungalow in the Camp at Sholapur was set on fire by the mob on May 8th, 1930?

(2) Are Government aware that families of Europeans and Anglo-Indians residing in Sholapur were sent to Poona by special trains on the 8th and 9th May 1930 on account of the riots?

(3) Is it a fact that the travelling and other expenses of these families were paid out of the Public Revenues?

(4) What is the amount so paid?

The Honourable Mr. G. A. THOMAS: (1) No bungalow in the Camp at Sholapur was set on fire by the mob on the 8th May 1930.

(2) A number of families of European, Anglo-Indian and Indian residents of Sholapur were sent to Poona by special train on the evening of the 8th May.

(3) and (4) The train fares which amounted to Rs. 4,080-1-0 were forgone by the G. I. P. Railway, while the charges on account of food amounting to Rs. 2,899-8-0 were met from the general revenues of Government.

Dr. V. G. VAISHAMPAYAN : May I know whether the Collector of Sholapur Mr. Knight has made an affidavit regarding the setting fire to a bungalow in the Camp at Sholapur on 8th May ?

The Honourable Mr. G. A. THOMAS : I am not aware of it.

Dr. V. G. VAISHAMPAYAN : Will Government please place that affidavit of Mr. Knight on the Council table ?

The Honourable Mr. G. A. THOMAS : I want notice of the question.

The Honourable the PRESIDENT : The honourable member wants notice of that question.

Dr. V. G. VAISHAMPAYAN : How many families of Indian residents were sent to Poona by special train ?

The Honourable Mr. G. A. THOMAS : I think there were about six, but I am not sure. I want notice to be able to give these details.

"SHOLAPUR SAMACHAR."

Dr. V. G. VAISHAMPAYAN (Sholapur District) : (1) Are Government paying any subsidy to the *Sholapur Samachar*, a local newspaper at Sholapur ?

(2) If so, for what purpose ?

The Honourable Mr. G. A. THOMAS : (1) No.

(2) Does not arise.

STATEMENT OF BUSINESS.

The Honourable the PRESIDENT : The Honourable the Leader of the House wants to make a statement.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I should like to make a short statement in regard to the business of this session. There was a very keen desire on the part of the non-official members of this House that Government should intersperse official with non-official work. In order to meet their wishes, Government have decided to allot the first four days for official work and the next two for non-official business. This process will be followed if the official work is not finished within the first four days. If the official work is over within the next four days, then non-official business will continue to be taken up. I trust that this decision of Government will satisfy honourable members of this House.

As regards the Agenda, we will go on with the Bills as they are in the Agenda. First, we will proceed with the second reading of the Irrigation Bill, then with the first reading of Bills Nos. XV and XVI.

**BILL No. III OF 1931 (A BILL FURTHER TO AMEND
THE BOMBAY IRRIGATION ACT, 1879).**

The Honourable Sir GOVINDRAO PRADHAN : Sir, I beg to present to this honourable House the Report of the Select Committee on Bill No. III of 1931.*

The Honourable the PRESIDENT : The Report of the Select Committee on Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879) is presented.

Mr. A. N. SURVE (Bombay City, North) : Sir, I wish to rise to a point of order. The point of order I raise is whether the report can be presented to the House if there is an irregularity of conversion of the Bill into a new Bill by an amendment in the Select Committee to which the Bill was referred. At the last session you gave a ruling that the Bill should not be a fresh Bill on fresh lines. That was as regards the amendment that was then proposed by the honourable member Mr. Harrison. In the Select Committee the Bill has undergone still further changes and new provisions have been introduced which make the Bill altogether a new Bill. On that point, I wish to draw your attention, Sir, to May's *Parliamentary Practice*, page 439 :

"The irregularity of the conversion by amendments of a bill into a new bill, by the committee to whom the bill was referred, has been considered (p. 376)."

My submission is that the Bill has been converted into an *altogether new Bill*, and that is an irregularity. Now, what is stated at page 376 of May, on this point, is as follows :—

"Doubts have arisen whether the committee, to whom a bill has been referred, can by amendment so change the provisions of the Bill, that when it is reported to the House, the bill is in substance a bill other than that which was referred to the committee. A committee can negative every clause of which the bill committed to them is composed, and can substitute for those clauses new clauses, if relevant to the bill, as read a second time, and otherwise in order."

My submission here is that in the select committee the Bill has been altered to such an extent as to introduce new matters which are *not relevant* to the Bill and which are *not otherwise in order*. Then further, Sir.

"On the other hand, in 1856, the Partnership Amendment Bill having been committed *pro forma*, was extensively amended, no amendment being inserted which it was not clearly competent for the committee to entertain. When objection was taken that it had become a new bill, the minister in charge of it, while denying the alleged extent of the amendments, consented to withdraw the bill."

Then, again, refer to page 377, line 4 :—

"The Speaker while declaring that the proper time for raising such a question was after the bill had been reported to the house, said that the admission of any one of the amendments to which his attention had been directed would so alter the bill as to make it a new bill, and that he would advise the house under the circumstances that the bill should be withdrawn and leave be asked for the introduction of a new bill."

Now, I raise the point whether the innovations made in the select committee are relevant to the Bill. That is the first point. The second point is whether they are in order. Now, Sir, when the Bill was read for the first time, there was no question of ousting the jurisdiction of the civil courts. In the committee stage a provision has been introduced ousting the jurisdiction of the civil court in certain matters. As I said,

* Appendix 1.

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that was never submitted to the House at the time of the first reading of the Bill. That is a point of principle—whether the jurisdiction of the court should be ousted or not. We had all along understood that the jurisdiction of the courts was to be maintained intact, but in the select committee the jurisdiction of the civil courts has been ousted. Therefore, I say, that the addition of the provision to oust the jurisdiction of courts is not relevant and also is not otherwise in order according to what I have read just now from May.

Having finished with what is stated in May's Parliamentary Practice, I would now refer to the rulings of the Chair in this House. In Volume V of the Debates at page 1314 the following ruling has been given :—

"When the Bill passed the first reading, its scope was limited to bucket shops and recommitting it would not give the select committee power to tamper with the Bill once it has been read a first time."

Thus, Sir, you see that the principle of the Bill being fixed at the first reading, if the select committee exceeds its power and tampers with it in material particulars, it will not be admissible according to the ruling given by the Honourable the President, the late Sir Narayan Chandavarkar.

Again, to the same effect is the following :—

"The Bill has already passed the first reading, it is confined to bucket shops and does not aim any blow at betting in general. If Rao Saheb Harilal wanted to extend its scope, it would have been a capital opportunity for him to have done so at the first reading."

Therefore, I say that, so far as the question of jurisdiction of civil courts is concerned, the Bill as reported extends the scope which was fixed in the original Bill at the first reading.

Then again, Sir, in Volume VII, pages 139-40 :—

"The principle to be borne in mind is this : The Council settles the main principle of the bill at the first reading ; and you cannot go beyond that principle, but you can limit the principle in select committee and in the second reading."

Therefore, my point is this : we can limit the principle which is fixed at the first reading, but we cannot extend it either in the select committee or in the second reading of the Bill in this House.

I will again quote from the same Volume, Volume VII, page 140 :—

"If the Council is of opinion that the principle should be enlarged by bringing in other voters with other qualifications, that is enlarging the principle and an amendment would be necessary now. In the absence of any amendment now, this would be foreclosed on the second reading."

To the same effect is another ruling in Volume VI, page 263 :—

"Where a principle is affirmed at the first reading, it is competent to the select committee and after the select committee to the House to limit that principle. Only it cannot extend it because by extending the principle it extends the scope."

Therefore, my submission is that as the scope of this Bill has been enlarged in the select committee by introducing the question of ousting the jurisdiction of the civil courts, the report of the select committee cannot be placed before this House.

The Honourable Sir GHULAM HUSSAIN : May I ask the honourable member one question ? Does the original Bill placed before the House

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for the first reading contain the section relating to the jurisdiction of the civil courts? Will the honourable member kindly quote the section?

Mr. A. N. SURVE: There was no such section. The absence of such section implies that the court had jurisdiction. Now you exclude in specific terms the jurisdiction of the courts. Therefore the principle of the Bill has been extended. Before this change the matter stood at this stage, that if any person was injured he had.....

The Honourable Sir GHULAM HUSSAIN: Will the honourable member kindly refer to section 91 of the Bill that has been placed before this honourable House? Clause 3 in section 91 reads: "No civil court shall entertain any suit or application as regards the proposed alignment or construction of a water-course." Was this inserted in the Select Committee? My question to the honourable member is whether there was any clause in the original Bill which gave jurisdiction to the civil courts in such matters.

The Honourable the PRESIDENT: The reply of the honourable member Mr. Surve to that is that as there was no mention regarding the jurisdiction of the civil courts, it was presumed that the civil courts had jurisdiction over any matter pertaining to the alignment.

The Honourable Sir GOVINDRAO PRADHAN: Sir, I will explain the position. If you look at section 20-A of the original Bill, it reads:—

"Whenever it appears to any Canal-officer that it is expedient to change the source of water supply of any land, either for the more efficient distribution of water or for the settlement of any dispute concerning a water course, he shall serve a notice on the holder or holders of the land, and if he proposes to transfer the source of water supply of the land to any existing water course, on the owner or owners of such water course also, calling upon them to state their objections, if any, to the change; and if no objection is raised, or any objection is raised and is found by the Canal-officer to be insufficient or invalid, the Canal-officer may change the source of water supply of the land in such manner as he thinks expedient."

There is no appeal or suit allowed to the civil court. As we proceed, the only power which is given to the Collector is as regards disputes about compensation.

Now, if you refer to section 35, to which it was proposed to add section 35-A, you will find that it reads:

"*Compensation on account of interruption of water supply.*—If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in clause (d) of section 31, the holder of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector, after consulting the Canal-officer, shall award to the petitioner reasonable compensation for such loss."

The order under section 20-A referred to two things: it referred to alignment; it also referred to any damage which has got to be compensated to any landholder, in which case the only appeal that was allowed was to the Collector as regards the amount of compensation. So the same thing has been made more explicit in the present Bill. Not only that, but it is more fully explained that if any question of extending the alignment arises, then all the other appeals which are allowed, namely, to the Commissioner or Government, under the original Act, will stand. The scope of the Act has not been extended so as to restrict the

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jurisdiction of the civil courts, but on the contrary, the power which was exclusively given to the Canal-officer was, according to the wishes of honourable members, given to the Collector. The Canal-officer was made of the rank of Executive Engineer and the decision as regards alignment was vested in the Collector instead of in the Canal-officer as in the original Bill without appeal or revision.

The Honourable the PRESIDENT: Has the existing Act any reference to civil courts having jurisdiction at all?

The Honourable Sir GOVINDRAO PRADHAN: There is a mention of "Arbitrator" but the jurisdiction is limited, and then under section 26 you will find it says "whenever a dispute arises between two or more persons" etc., it shall be referred to the Collector if there is no arbitration allowed and any order passed by the Collector under this section will remain in force until set aside by a decree of a civil court. We have not taken away that power. If you refer to section 26 of the original Act, you will find it reads:

"Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course, as to their respective shares of the expenses of constructing or maintaining such water-course. . . . any person interested in the matter of such dispute may apply in writing to any Canal-officer duly empowered to receive such applications, stating the matter in dispute. Such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to enquire into the said matter, and if all the persons interested consent, in writing, to his being arbitrator, he may pass his order thereon; failing such consent, he shall transfer the matter to the Collector, who shall enquire into and pass his order thereon. Any order passed by the Collector under this section shall remain in force until set aside by a decree of a Civil Court."

The power that was given to a civil court under section 26 referred to a dispute arising between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course or among joint owners of a water-course, as to their respective shares of the expense of constructing or maintaining such water-course. So, the power as regards the apportionment of the liabilities between two zamindars has already been given to a civil court. As regards the construction of a new water-course and its alignment, as you know, Sir, under the Bill originally introduced in the Council at the first reading, the decision of a Canal-officer was given a finality. On the contrary, not only we have not restricted the rights of the zamindars to the Canal-officer's decision, but have substituted for the Canal-officer's decision, the decision of the Collector, and we have merely made it more explicit that though under the original Bill there was no suit or appeal allowed in a civil court, we have made it more clear that no suit shall lie as regards the alignment etc. That is the only thing we have done, we have made it more clear. That is all.

The Honourable the PRESIDENT: Which clause in the original Bill lays down that the decision of the Canal-officer shall be final?

The Honourable Sir GOVINDRAO PRADHAN: Clause 20A, under which it was the Canal-officer who was to decide and whose decision was not left open to appeal or revision. It was final and the only thing that

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is left open for decision is the amount of damage or compensation to be paid by the Collector for any loss for which provision is made under section 35-A.

May I also request your attention to section 83, clause 2, of the original Act? So, in the original Bill, the only questions which were open to the decision of a civil court are stated in section 26 in which you will find that the only questions which were left open to the decision of a civil court were as regards alignment or construction. My submission to you and to the honourable House is that the Bill, as it was presented for the first reading, gave a finality and, so to say, gave an arbitrary power to the canal officer which the honourable members did not want. So, instead of the canal officer, we substituted the Collector, and in the original Bill the Collector was given power to award compensation for any loss, etc. So, we make it more clear, we wish to leave no doubt about it, that as regards the alignment the decision of the Collector is a final one as there is no such provision in section 26, but as regards all other matters, the parties have a right to go to a civil court and they have also a right under the original Act to prefer an appeal to the Commissioner or to go in revision to Government over the decision of the Commissioner, and that power is there and it is not taken away. So, not only no power is taken away which was not there, but, on the contrary, larger powers are given to officers, which were not there. So, I fail to understand where it has become a new Bill. On the contrary, the only two principles which were discussed at the first reading were these. If you refer to the Council debates, you will find—and I maintain that there were only two main principles underlying this Bill—that one was that there was an intention to give the power to a canal officer to construct a new canal of his own accord because that power was in the original Act. In the original Act the only power which a canal officer possessed was that if any landholder came to him and said that he wanted a particular canal to be constructed, then the canal officer looked into the matter, gave notice to the other persons interested, acquired the necessary land and constructed the canal and the costs were recovered from the landholder and the canal was handed over. But, of his own accord, he had no such power. So, I said that the Bill was intended to give a canal officer power to have a new canal constructed for two purposes, for the more efficient discharge of water and for settling any dispute, etc. The second principle of the Bill was that the cost of such canal would be paid by the zamindars who were benefited. These were the two principles, and I repeatedly asserted that no amendment could be allowed to go behind these two principles and that these principles must be accepted at the first reading, and that with regard to every other matter a free discussion would be allowed in the select committee and that I did allow.

Syed Miran Mahomed Shah and Mr. A. N. Surve rose—

The Honourable the PRESIDENT: No discussion please.

Mr. A. N. SURVE: On a point of information, Sir. You will see that section 20-A in the original Bill referred to disputes, whereas section 91,

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which has taken the place of section 20-A, refers to alignment of water-courses, etc. Now, the disputes to which the Honourable the Finance Member has referred are altogether done away with. On that point we discussed (whether the Collector would have finality is another matter) but the only question that was before us was, if there was a dispute between two neighbours, that question might be settled by the Collector. Now the question is one of alignment and the Collector has been given the power, but.....

The Honourable the PRESIDENT: What is the point of information ?

Mr. A. N. SURVE: The point of information is only this, will the Honourable the Finance Member please show me where in the original Bill the Collector was given the final power to determine a question about alignment ?

The Honourable Sir GOVINDRAO PRADHAN: I never said that the Collector was given that power. On the contrary I said that the power was given to a canal officer, and honourable members said "No, we will not be satisfied with the decision of the canal officer, we want the decision of the Collector." I said, "All right, I shall put the name of the Collector instead of the name of the canal officer and let the Collector decide."

Mr. A. N. SURVE: That is about disputes about water.

The Honourable Sir GOVINDRAO PRADHAN: I beg my honourable friend's pardon. Clause 20-A reads :—

"Whenever it appears to any canal officer that it is expedient to change the source of water supply of any land, either for the more efficient distribution of water or for the settlement of any dispute concerning a water-course, he shall do....." such and such a thing.

And then the canal officer may change the source of the water supply of the land in such manner as he thinks expedient. That is, he makes an alignment, he orders a new canal or he orders a re-alignment, and that power was concentrated in the canal officer. The members of the select committee thought that that was an arbitrary power which was given to a canal officer and that they would not be satisfied with the decision of the canal officer. They said they would have the decision of the Collector. I said, "All right, you may have the decision of the Collector."

Mr. A. N. SURVE: Clause 20-A only states "whenever it appears to any canal officer that it is expedient to change the source of water supply of any land, either for the more efficient distribution of water." That is the point in the original Bill. As amended, the point refers to this: "No civil court shall entertain any suit or application as regards the proposed alignment or construction of a water-course." There it is for better distribution of water. Here it is for the construction or alignment. That is an important point.

Syed Miran Mahomed Shah rose—

The Honourable the PRESIDENT: I do not think I should allow further discussion. The point raised is clear enough. The Honourable Member has pointed out and quoted authorities to show what the general principles are. Those were the right principles on the question of a Bill going to a select committee. Everyone here knows that the select committee is not authorised to alter the scope of a Bill in its consideration of the Bill. The pertinent question to be asked to the honourable member who raises the point of order, therefore, is, in what respect has the select committee deviated from the principles of the Bill? He points out only one instance, namely, that the authority or the jurisdiction of the civil court is barred by the introduction of a certain clause. For that we have got to go to the original Bill and find out whether the civil court jurisdiction was preserved in the original Bill and barred in the Bill as amended in the select committee. We find that the facts are these. Nowhere in the original Bill was any *specific* mention made either to preserve or to bar the jurisdiction of the civil court in any of the matters connected with the aims and objects of the Bill, on the question of alignment and construction of water-courses. Therefore, the honourable member jumps to the conclusion that the presumption should be that the civil court had jurisdiction in matters which arose out of matters connected with the Bill. But I do not think that is so. The Honourable the Mover has pointed out rightly and clearly that under the original Bill none had any jurisdiction except the canal officer whose decision was appealable to the Collector, and the Collector's decision was proposed to be made conclusive. Before the Bill was referred to the select committee, it was agreed here in the House during discussion that except for the principles which were discussed and agreed upon at the first reading, other matters should be taken as matters of detail and should be settled in the select committee. The honourable member is perfectly right that the select committee, as a matter of general principle, has no authority to change the scope of the Bill. All that the select committee has done in this case is to lay down that the decisions of the canal officer shall not be final, but shall be open to appeal and consideration first by the Collector and then, on that, by the Commissioner. And the expediency of the case perhaps required, as it appears to me, that the jurisdiction of the civil court should be specifically barred; for, otherwise no scheme could be given effect to or take any practical shape for years. Therefore, whether the select committee was right in introducing that particular clause or not would be for this House to decide on the second reading. But, in principle, the select committee has not gone beyond its powers. It has not altered the principles of the Bill or extended its scope. I, therefore, think that the point of order raised by the honourable member deserved all consideration, but does not hold.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I have another point of order to raise. I think my honourable friend Mr. Surve omitted to refer to the really pertinent clause, which he ought to have brought to your notice, which would show that the scope of the Bill had really been extended. The select committee has omitted clause 6 of the original Bill, which contained new section 35-A. My submission

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is that according to the new section 35-A, it was open to a person aggrieved by an order of a canal officer to present a petition for compensation to the Collector for any loss arising from such order. That section has been bodily eliminated from the amended Bill that has been presented by the select committee, the effect of which has been that the scope of the original Bill has been extended by depriving the people affected by the provisions of this Bill of the right of claiming compensation if they are affected by the order of the canal officer. This means, Sir, a real extension of the scope of the Bill.

The Honourable Sir GOVINDRAO PRADHAN: Sir, I think the point is made absolutely clear in the select committee's report. Referring to the proposed new section 92 (6), the report says:

"This sub-section takes the place of section 35-A which was proposed to be inserted by clause 6 of the original Bill. In view of the fact that all lands in the Barrage area will receive water and the fact that a provision has been made in sub-section (4) of this section for the more equitable apportionment of the cost of constructing the water-courses, we do not contemplate that any questions for the payment of compensation would arise."

We have given reasons for making the change. We have not taken away the proposed new section 35-A, but it has been put in another place and made clearer, and we have given the reasons for it. If my honourable friend will please read it, he will find the reply to his objection. I am referring to the reasons as to why original clause 6 was deleted, and where it now appears.

SYED MIRAN MAHOMED SHAH: Where does it appear in the new Bill?

The Honourable Sir GOVINDRAO PRADHAN: In the Bill as amended it appears as new section 92, sub-section (6), and we have given the reasons for the change. We have stated:

"This sub-section takes the place of section 35-A which was proposed to be inserted by clause 6 of the original Bill. In view of the fact that all lands in the Barrage area will receive water and the fact that a provision has been made in sub-section (4) of this section for the more equitable apportionment of the cost of constructing water-courses, we do not contemplate that any questions for the payment of compensation would arise."

We have made it more comprehensive. We have said that all that arises out of this should be pooled together and all the apportionment should be made by the Collector, the Commissioner, or the Government, or for the matter of that by the civil court. For the canal officer we have now substituted the Collector, and the original decision becomes the decision of the Collector. That is as regards the apportionment of the cost of construction of a water-course. If my honourable friend reads the report of the select committee, he will find that everything is clear there.

SYED MIRAN MAHOMED SHAH: I have properly read and digested the report, Sir. I shall point out that the explanation given is not a satisfactory explanation. We raised the point in the select committee that apportionment of the cost of construction would not be enough compensation. Even after the cost of construction and its apportionment is decided, there is still the question of loss accruing

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owing to the change of the source of water. By a change of the source of a water course my cultivation may be reduced by 50 per cent. and the select committee has eliminated from the Bill the provision which enabled me to claim compensation in a civil court in regard to this matter. This is quite a different thing from the cost of construction to which my honourable friend is referring in sub-section (4) of new section 92.

The Honourable Sir GOVINDRAO PRADHAN : Sir, section 31 of the Irrigation Act says :

" Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation : Provided"

Then, under section 35-A the decision *inter partes* was left to the Collector as regards compensation. They substituted the Collector for the canal officer as the person concerned. Under section 67 of the Act every order passed by a canal officer is appealable to the Collector. Then there is the provision for supervision and control. We made it perfectly clear that they may appeal to the Commissioner, they may appeal to the Government, and if they are not satisfied with that, they may go to the civil court. Sub-section (6) of proposed new section 92 says :

" Any person aggrieved by an order of a canal officer under sub-section (4) as to the apportionment of the cost of construction of a water-course may present a petition to the Collector requesting him to revise that order, and the Collector after such inquiry as he thinks necessary and after giving the persons concerned a reasonable opportunity of being heard may pass such orders as he thinks fit. The orders passed by the Collector shall, subject to revision by the Commissioner, be final and conclusive."

Sub-section (4) of new section 92 deals with the method of calculation of the cost of constructing water-courses. So, there is a general provision in the Act, which is not deleted ; I referred to section 31.

I will make the position clear. Section 35-A became necessary because under original section 20-A it was the decision of the canal officer. As it was the decision of the canal officer, and a party was likely to suffer damage, and compensation had to be awarded, it was proposed to refer the matter to the decision of the Collector under 35-A. But when the original decision is the decision of the Collector, then section 35-A became redundant, and section 31 of the main Act came into operation. So, the question of compensation is dealt with in section 31 of the Act, which says " Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act," excepting those which are excluded. Every compensation which is awardable for any act done or for the exercise of any powers under this Act, barring those for which compensation is excluded, is open to the decision of a civil court. So, we did not think that section 35-A was necessary, and we have given our reasons for it in the report of the select committee as to why we have deleted section 35-A and what is substituted for it.

The Honourable the PRESIDENT : I think the reply given and the explanation tendered so fully give me the impression that there is no point of order there at all. I do not know what point of order I have to meet. I do not think the scope of the Bill has

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been tampered with or in any way affected. As a matter of fact, I personally think, as I said at the last session when the Bill was read the first time, that the Bill was brought forward in a form which—it was soon after considered—required modification. The form is different, the Bill is the same. It is a case of a new bottle and the old wine. I do not think the point of order arises at all.

Rao Bahadur R. R. KALE (Bombay University): On a point of information. A note has been appended to the report of the select committee saying that there is a minute of dissent by my honourable friend on my right (Mr. A. N. Surve), and that it will be published when received. I asked my honourable friend, and he says he has just handed it in. If it is so, we want to have it.

The Honourable the PRESIDENT: Order, order. I am glad the honourable member has given me an opportunity to bring to the notice of honourable members here the necessity of a certain procedure to be followed after a select committee has finished its labours. The law on the subject is this. After a select committee has finished its labours the dissenting members of that committee are entitled to submit their dissenting minutes only after signing the report. In this case certain members did not sign the report but sent in their dissenting minutes. The honourable member Mr. Surve signed the report and said that he would submit his dissenting minute later on and he did so. There are also rulings of Presidents which lay down that a member should not divulge the procedure adopted in the select committee or make any personal references. It is a wholesome principle that the House should not be informed as to what took place in the select committee. What took place in the select committee is not to be brought before the House except under very extreme circumstances. The dissenting minutes were sent, not one but two or three, with long details of the procedure that was followed in the select committee. It was my painful duty to draw their attention to the Standing Order. It is Standing Order VIII, 7, which says:

“The select committee to which a Bill has been referred shall make a report thereon within two months from the date of the reference, unless the Council orders the report to be made sooner or grants an extension of the period: the report shall be signed by the members of the committee or by a majority of them.

(3) If any member of a select committee desires to record a minute of dissent on any point, he shall sign the majority report, stating that he does so subject to his minute of dissent, and shall at the same time hand in his minute.”

That minute should be limited to the discussion of the merits and the points on which he differs. There was a minute of dissent by another honourable member who properly discussed certain points and gave his reasons for his difference of opinion. But these dissenting minutes were not in proper form and, therefore, they had to be sent back giving a chance to those honourable members to alter them and make them acceptable. The honourable member to whom the honourable member

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from Satara referred fell under that category, and he was asked to submit his minute after eliminating the portions which were objectionable. It has been received now with the corrections and will be published to-morrow.

Mr. SHAIKH ABDUL MAJID : This is a measure which affects not only the present generation but the future generation also. Further, some of the honourable members from Sind who are deeply interested in this measure have not yet arrived. In view of this, may I request you to postpone the consideration.....

The Honourable the PRESIDENT : The honourable member has stood up before his time. There is no motion before the House to proceed with the Bill.

The Honourable Sir GOVINDRAO PRADHAN : I move that the Bill be read a second time. In making this motion I want to bring to this honourable House certain points which have been adopted by the select committee in order to meet the wishes of the honourable members of this House expressed at the first reading of the Bill.

The Honourable the PRESIDENT : Order, order. The Honourable Member has not asked the Chair to waive the objection which stands against his motion under Standing Order VIII, 8 (2) (a).

The Honourable Sir GOVINDRAO PRADHAN : The Bill was published on the 4th and to-day it is 15 clear days. But technically the report was despatched only on the 5th and so it becomes due to-morrow. No objection was raised by any honourable member not to exclude that one day. It was a question of one day. The rule says that 15 clear days must elapse from the date of despatch. It was despatched on the 5th. But as no objection was raised.....

The Honourable the PRESIDENT : The time for the objection is at the second reading, not when the select committee report is presented. It is clearly the bounden duty of the Honourable Member who moves the second reading in this particular instance to ask the permission of the Chair as to whether he has permission to move the second reading of the Bill. The interpretation of the law, as he seems to understand it, is not correct. The Honourable Member stated that the Bill would be ripe to-morrow. The question is whether it is ripe for this session at all. If it is not ripe to-day, it will not be ripe any day during this session. I will read the law on the subject : Standing Order VIII, 8 (2) (a) says :—

“(a) that the Bill as reported by the select committee be read a second time either at once or on some future date to be then stated ; provided that no such motion shall be made unless copies of the report, of minutes of dissent and of the Bill, if amended, have been despatched to each member 15 clear days before the date appointed for the session of the Council.....”

15 clear days before the 20th. Unless the report is despatched 15 clear days before the date appointed for the session of the Council, the Bill

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cannot be brought up in that session. It is not correct to say that the Bill will be ripe to-morrow. I know, on the other hand, on the grounds of equity this House has allowed such motions to be made if honourable members have had sufficient time to study the Bill. So, the position taken by the Honourable Member is distinctly wrong. If the Honourable Member would ask me to waive the objection, I would do so in his favour.

The Honourable Sir GOVINDRAO PRADHAN : I have no objection to take up the Bill to-morrow. Of course, there must be 15 clear days before the Council session. Because there was not much business, I thought I could save the time of the House by proceeding with the Bill. I have no objection to take up this Bill to-morrow. There are two small Bills which can be taken up now.

Rao Bahadur R. R. KALE : If any other Bill is taken up honourable members may say that they have not read it and so they are not ready to proceed with it.

The Honourable the PRESIDENT : I want to save the time of the House. Is the honourable member Mr. Abdul Majid sure that the leader of the party from Sind is expected to-morrow ?

Mr. SHAIKH ABDUL MAJID : I am not sure, Sir.

SYED MIRAN MAHOMED SHAH : Not only the leader but other members are expected to-morrow.

The Honourable the PRESIDENT : I want to know whether the Sind members who are interested in this Bill will be here to-morrow. Otherwise there is no object in postponing this Bill. If no assurance is given to me that some more Sind members will be coming to-morrow, I will allow the Honourable Member to proceed with the Bill.

Khan Bahadur M. A. KHUHRO : Apart from the consideration that certain members are expected to-morrow, at present about 8 members from Sind are absent, many of them are positively expected to-morrow to be present. Another consideration is the minutes of dissent by members who were on the select committee. These minutes of dissent have not been published. They must be published and circulated among the Council members at least before the Bill is taken in hand for consideration. I have, Sir, addressed one letter to you on the subject to-day.

The Honourable the PRESIDENT : Yes, that is the letter I have got in hand.

Khan Bahadur M. A. KHUHRO : We received the letter signed by the Secretary stating the objections only to-day. We know that there have been occasions in the past when disclosure to a certain extent of what happened in the select committee has been permitted in a dissenting minute.

The Honourable the PRESIDENT : I would like honourable members to abide by the Standing Orders strictly. As I said, the Standing Order lays down that honourable members must first of all sign the report. The honourable member Khan Bahadur Khuhro had not done so. He has signed it to-day. The honourable members from Sind did not sign it in time. In fact the matter was delayed too long. An urgent wire had to be sent, which, unfortunately, was not received by the honourable members before they left. They made it very difficult for the Council Office. All this difficulty arose because they did not bear in mind the Standing Order on the point. Then there is the second thing, to which I wish to draw particular attention, and that is that the dissenting minute should not be, if I may say so, a harangue on the proceedings of the select committee, bringing out grievances against the select committee. Such minutes cannot be allowed. Even to-day, at this stage, the honourable members who have signed the select committee report, are not ready to correct their minutes. Their dissenting minutes cannot be accepted.

An instance has been pointed out by the honourable member (Khan Bahadur Khuhro). Reference has been made, he points out, in a dissenting minute to what happened in a select committee—the instance of Mr. Swaminarayan. I had seen that before I sent the wire. There is a difference between the statement of Mr. Swaminarayan and the statements of honourable members in their dissenting minutes. Mr. Swaminarayan simply alluded to a fact that certain amendments would not have been carried in the select committee had it not been for the casting vote of the Chairman. He says :

“The discussions in the select committee were conducted in a great hurry and in many cases popular amendments were thrown out only by the casting vote of the Chairman.”

That was an argument made by Mr. Swaminarayan against a particular clause—that the clause should not be taken as if the whole of the select committee had passed it. But here personal grievances have been made, things which I could not allow to go to the press at all. I, therefore, do not think the minutes of dissent could have been allowed in the form in which they were submitted.

Khan Bahadur M. A. KHUHRO : With due respect, Sir, I will submit that there were other difficulties also. Although the letter forwarding the report is dated the 29th June, it was received by the Sind members only on the 6th July, and we submitted our minute of dissent on the 8th. The objection was not received till the 16th of July. Therefore, we had no time to correct. Besides, so far as I remember, no personal attacks have been made. We have only disclosed the fact, as was done by Mr. Swaminarayan, that certain amendments were disallowed by the Honourable the Chairman.

The Honourable the PRESIDENT : What does the honourable member wish me to do ?

Khan Bahadur M. A. KHUHRO : If we are pointed out any personal remarks, we shall correct them. We have already signed the report. Some time may be given so that our corrected minutes of dissent may be printed and circulated to honourable members of the House. At least two days ought to be allowed.

The Honourable the PRESIDENT: I wonder whether it would be practicable at all.

SYED MIRAN MAHOMED SHAH: Sir, there is no limitation at all about the time within which the minute of dissent should be sent in.

The Honourable the PRESIDENT: The time-limit is understood by all members of the House. The select committee's report has to be submitted to the Council and the Bill has to be proceeded with when the Council meets. The report of the committee has to be signed by the members as soon as it is received; they should sign it and send in their dissenting minutes, if any. However, that cannot be helped. Honourable members who wish to correct their dissenting minutes may do so during the course of the day, and the dissenting minutes will be published as early as possible. But the Bill will not wait for that.

Rao Bahadur R. R. KALE: I think there is a time-limit: Standing Order VIII, 7 (3):

"If any Member of a Select Committee desires to record a minute of dissent on any point, he shall sign the majority report, stating that he does so subject to his minute of dissent, and shall at the same time hand in his minute."

The Honourable the PRESIDENT: Now, we may proceed with the Bill.

Mr. A. N. SURVE: Sir, shall I rise to a personal explanation?

The Honourable the PRESIDENT: I would not allow it. In fact that personal explanation might give an opportunity to give out what cannot be permitted in the minute of dissent.

SYED MIRAN MAHOMED SHAH: Sir, you will kindly show us the concession that you said you would do to us a few minutes ago. Certain honourable members are arriving to-morrow positively.

The Honourable the PRESIDENT: I would, certainly; but no assurance has been given that they are coming. The honourable member from Larkana said that some were expected to-morrow and some later—some possibly at the fag end of the session.

Khan Bahadur M. A. KHUHHRO: Sir, I made a clear request that the Bill might be taken up day after to-morrow, because the minutes of dissent have to be circulated.

SYED MIRAN MAHOMED SHAH: Syed Muhammad Kamil Shah and Mr. Bhurgri have sent a message that they are arriving to-morrow.

The Honourable the PRESIDENT: Syed Muhammad Kamil Shah is here; I am informed he called on me to-day.

SYED MIRAN MAHOMED SHAH: Mr. Bhurgri is arriving to-morrow. At least this concession we expect from the Chair.

The Honourable the PRESIDENT: The honourable members must remember that I myself suggested that the Bill might be taken up to-morrow if there was a possibility of the absent members from Sind coming here to-morrow.

SYED MIRAN MAHOMED SHAH: There is a possibility and likelihood also, but we cannot swear that they will arrive here to-morrow.

The Honourable the PRESIDENT : The Honourable the Mover agrees that it may be taken up to-morrow, and we proceed to the next business, Bill No. XV of 1931.

Rao Bahadur R. R. KALE : Sir, as to that we have some difficulty. We were not prepared for the other Bills. We expected that this Bill would go on for at least two days. We have no objection to the Irrigation Bill being postponed, but we cannot go on with the other business.

Rao Bahadur G. K. CHITALE : Let us not waste a day.

The Honourable the PRESIDENT : Order, order. Bill No. XV of 1931.

**BILL No. XV OF 1931 (A BILL FURTHER TO AMEND THE
BOMBAY LOCAL BOARDS ACT, 1923).**

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, I introduce Bill No. XV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923).*

The Honourable the PRESIDENT : Bill No. XV of 1931 is introduced.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir,
First reading. I move that Bill No. XV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923) be read a first time. This is a Bill, Sir, which merely contemplates to effect only three very minor amendments in the Local Boards Act which experience of the administration of the Act has shown to be most desirable. At this stage I do not propose to enter into the details of the Bill, but wish merely to say that the clause No. 2 aims at permitting police patils who receive remuneration from the local boards as ex-officio cattle pound-keepers, to stand for election as members of local boards. Clause 3 refers to public ferries. The existing clause (d) of section 75 of the Local Boards Act is, to a certain extent, inconsistent with section 2-A of the Bombay Ferries Act. The latter Act provides for vesting public ferries in any local body, that is, either local boards or municipalities, whereas section 75 is not very clear on the point. If it is allowed to remain, it can claim at any time the income of the ferries vested in the municipality and, therefore, a very minor amendment is necessary, namely, the substitution of the word "a municipality" for the words "the district local board."

Section 93 (3) of the Local Boards Act is now redundant in view of section 10 (4) of the Bombay Local Fund Audit Act which was passed into law last year. The procedure laid down in the Local Fund Audit Act for publication of the audit notes has been improved. According to the Act, the report of the audit note is published in the *Government Gazette*. As we are all aware, the circle of readers of the *Government Gazette* is very limited. Government therefore thought that for the sake of people interested in the advancement of self-governing institutions a wider publicity should be given to the report of the audit. Another point is that in the *Government Gazette* only the report of the audit was published and not the explanation given by the various local boards. The new provision

* Appendix 2.

Rao Bahadur R. R. KALE: May I interrupt for a minute, Sir? Among the publications placed on our tables, there is no Local Boards Act. We are rather handicapped.

(A copy of the Local Boards Act was handed over to the honourable member by the Secretary.)

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It is but fair that the local boards ought to be given an opportunity to have their explanations also published and that has been done by the Audit Act. So I think that is a distinct improvement. I therefore hope that all these three minor amendments will be allowed without any very long debate. At present I do not intend to enter into arguments, but if at a later stage any explanation is necessary, I shall be very glad to do so.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to oppose the first reading of this Bill. The trend of public opinion and legislation which follows it, is that local bodies should be as independent as it is possible to make them, and with that idea when the Local Boards Act was under revision, the nominated members were reduced to a very bare minimum. What is the status of the police patil? A police patil is a Government servant. Again, he is a servant carrying a very low salary. Some of the police patils get hardly Rs. 15 per year. It is proposed that men of this standing should be brought into the local bodies while it is the desire of every one of us that those bodies should be as independent of official control as possible. It is for this reason a very undesirable innovation which it is proposed to introduce.

The second point is that there are many independent persons who are willing to offer themselves for election. When we have independent persons available, to set up rivals to them in the form of Government servants would be to try to exclude independent members from the local bodies. For that reason also the introduction of police patils into the local boards is very unwholesome.

My third objection to the principle of this Bill is that the police patils are supposed to be whole-time Government servants. According to the terms of his service the police patil is required to give uninterrupted service for 24 hours in a day. Now for instance if a police patil living 15 miles away from a taluka town is called upon to attend the taluka local board meeting, what will happen so far as his duty which he owes to Government as a Government servant is concerned? Will it not be affected and the public left unprotected during his absence? Therefore I think that this proposal, though tempting at first sight, is on the whole a very bad innovation; and we must be very cautious when we give our consent to it.

Another point is that the country is at present in a state of transition. It is emerging from the state of dependence to the state of independence. It may be that some people want absolute independence, but what the measure of that independence will be only time can decide. Under these circumstances, if we are sending these police patils who are Government servants and to that extent under Government influence

[Mr. A. N. Surve]

to the local boards, I am afraid that local self-government will be shackled and the ambitions of the people to have free local self-government will be unnecessarily checked.

I therefore humbly submit that the innovation proposed to be introduced by the Bill is unwholesome and hope that the House will not consent to see Government nominees being brought in by backdoor methods when better men with superior qualifications and carrying more salary who were brought into the boards in the persons of magistrates and other Government servants under the old Act by nomination are eliminated from it for fostering the growth of local self-government on independent lines and without tutelage. If better qualified Government servants are excluded by the Act, it is hardly sound to introduce inferior Government servants with lesser educational and other qualifications and who are more susceptible to Government influence into the taluka boards which this Bill proposes to accomplish. I oppose the first reading of the Bill.

Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Sir, the police patels are the ex-officio cattle pound-keepers. Recently these pounds have been transferred to local bodies. Thus the police patels become stipendiary servants of the boards and as such they become disqualified to be members of the local boards under section 9 (2) (e) of the Local Boards Act.

By the proposed amendment Government want to make the police patels qualified to be members of the board. It is not proper for a servant of the board to be a member of the board. Nowhere either in the municipalities or local boards is a servant allowed to have any voice in the deliberations of the bodies. The amendment, if passed, will strike at the root of all constitutional government.

If the Government are so anxious to utilize the services of the police patels in rural areas, they can allow them to continue their membership after asking them to resign their duties as pound-keepers. Thus the disqualification would not come in the way of their remaining in the post of police patels and being members of the boards. But under no circumstances would it be desirable to allow them to be members of the boards and at the same time to continue as pound-keepers. This is, as I have already said, against the sound principle that no servant of the board should be a member of the said board.

I therefore oppose the amendment.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I rise to support the first reading of the Bill. I believe there is some misapprehension in the minds of the honourable members of this House. It is not that the police patels cannot become members of local boards. They can become members of the district and taluka local boards. After the transfer of cattle pounds to local boards, police patels who are, by virtue of the Cattle Pound Act, ex-officio pound-keepers, become servants of the

[Rao Bahadur B. R. Naik]

local boards, have to resign their pound-keepership if they want to be members. As the honourable member Khan Bahadur Abdul Latif pointed out, it is open to the police patels who become members of the board to resign their pound-keepership. I quite agree with him that they can do so. But honourable members have not given sufficient consideration to the question of the revenue of the local boards. As soon as you take away this duty of pound-keepership from the police patels, the revenue of the local board is sure to fall. The board cannot get an efficient man to act as pound-keeper for a small remuneration. The police patel, being an official, can carry out the duties more efficiently than an outsider. The police patel as a Government servant has other duties to perform and therefore is in a better position to perform this duty also. In my own district I have found that when police patels are elected as members of the board, they have to resign their pound-keepership and local boards have to appoint non-official villagers as pound-keepers. The result will be that there will be a considerable decrease in the income from cattle pounds. Therefore, the principle of the Bill brought forward by Government is very desirable. I do not know whether the opinions of the local boards have been invited, but some of the local boards have, I believe, approached Government with the suggestion that this change should be brought about. With these words I support the first reading of the Bill.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) (Gujarat Sardars and Inamdars) : Sir, I want to say a few words on this Bill. So far as Gujarat is concerned, the police patels who hold the posts of cattle pound-keepers have proved very efficient and it has not acted adversely. In my opinion, if you remove them from the posts, there will be a loss of revenue to the local boards. Under the existing law, when a police patel is elected as a member of the board, he should resign his post as cattle pound-keeper. I think it is advisable to rectify this illegality in the interests of the local boards themselves. With these words I support the first reading of this Bill.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I rise to support the Bill. In the first place, the police patels, although they may be pound-keepers, stand exactly in the same position as the kulkarnis or revenue patels who receive certain remuneration for collecting the revenue of the local boards. When those other officers are allowed to become members of the boards, I do not see why these police patels, because they are pound-keepers, should be deprived of their right to become members of the boards as well. It is not correct to say that these are whole-time servants of the boards. They are not, nor are they the whole-time servants of Government themselves. They represent the public. Government have admitted that these patels are the representatives of the public. They are, as it were, rendering aid to local boards. In the opinion of the Legal Remembrancer, their rights to stand as candidates or to become members of the boards have been taken away. But it is not the final word. I think Government ought to have first consulted the local boards concerned and also the police patels themselves.

[Mr. P. R. Chikodi]

Unfortunately, that has not been done, and I am convinced that if the Bill, which is of a contentious nature, had been sent for opinion, it would have received a very strong support. It is of a contentious nature as has been evidenced now, and the best thing would be to send it for opinion to the local boards concerned and also to publish it for eliciting public opinion. Then it will be clear that this Bill will have the support of the bodies and people who are concerned. That is why I support the first reading of the Bill.

Rao Saheb B. G. DESAI (Kaira District): Sir, I rise to support the first reading of this Bill. Under the Local Boards Act of 1923, every person who pays a certain amount of land revenue and local cess is entitled to vote and every voter is ordinarily entitled to contest the election as a candidate. That is the ordinary franchise given to all cess-payers. Police patels in almost every village are cess-payers, and if the amendment is not accepted, the police patels will be deprived of a valuable personal privilege which is extended to all the other voters. Besides, police patels, by virtue of their position and connections, do possess a close knowledge of, and acquaintance with, local circumstances which have been in the past and are likely to be also in future useful to the local boards if they continue to be allowed to become members of these local bodies. Under the Local Boards Act of 1923, the management of cattle pounds came to be transferred to local boards and these police patels who were also ex-officio pound-keepers prior to 1923 continued to act as such. But for that reason they cannot be regarded as full-timed regular salaried servants of local boards which as a matter of fact they are not. Besides when the police patels are not debarred or disabled from contesting council elections even though they continue to act as police patels and receive remuneration, far less can they be debarred from contesting the elections on comparatively smaller and less significant bodies like the local boards for the mere reason that they continue to act as cattle pound-keepers and receive a little remuneration. In spite of these facts, the police patels are sought to be prevented from contesting the local board elections and it is to remove this disability that the present amendment of the Local Boards Act is proposed. I therefore support the amendment proposed by the Honourable the Minister of Local Self-Government and I commend it to the Council for acceptance.

Mr. J. G. MORE (Sholapur District): Sir, I rise to oppose this Bill. I have had some experience of taluka local boards' administration for the last six years and I can positively say that the mischief that this Bill intends to make is to extend the indirect control which Government have over local boards. Under the present Act, officiating patels and kulkarnis are allowed to stand for election and to get elected. What happens in the boards is a matter worth placing before this honourable House. When these members come into the board and when there are ex-officio nominated members like the mamlatdar of the taluka or in a district place the sub-divisional magistrate, the magistrate or mamlatdar exercises a control over the officiating patels and kulkarnis

[Mr. J. G. More]

whose discretion is, therefore, not independent and not sound. And they have to vote in favour of Government servants who might be there. So, this pernicious principle which is in the Act is now being extended by the present amendment. When a police patel receives remuneration from a local board, he in a way becomes its servant, and if he is its servant, then he cannot become a member of that very board of which he is a paid servant. Suppose when such a patel who is paid by a board is allowed to become its member, a matter crops up in the board regarding the fabrication of accounts of the cattle pound with which he himself is connected as a keeper of that pound, then it is natural that he should try to exercise all the influence that he possesses over the board and to get a decision favourable to himself. So, the principle underlying this Bill is the extension of the principle of indirect control of Government over these local bodies. Therefore, I oppose the first reading of the Bill.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, I oppose the first reading of this bill, the object of which is to enable police patels who are cattle pound-keepers to get themselves elected to local boards. I fail to see this extraordinary solicitude on the part of Government for these police patels when Government do not care to show half that solicitude for poor illiterate agriculturists who may have lost their right of vote as the result of mistakes committed by officers who prepare the voting lists for the Legislative Council and Assembly by mere alterations in names of voters. The police patels get Rs. 25 or Rs. 50 or Rs. 100 per year as remuneration for their work. Sometimes they get about eight annas per month for their salary. So Government get the work done by these servants practically free of charge and these servants have to do all sorts of odd jobs for the Government throughout the year.

I am utterly at a loss to know why Government should come forward to ask this honourable House to pass legislation of this kind when they do not show the least anxiety to protect the rights of poor agriculturists who lose the right of vote through the mistakes committed by persons who have to prepare the electoral roll.

I urge this honourable House to reject the first reading of this Bill.

(After recess.)

NEW MEMBER SWORN.

Mr. H. L. Newman made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

(Discussion on Local Boards Bill resumed.)

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I rise to oppose the motion. I do not wish to repeat arguments, but may I ask the Honourable Minister or, for the matter of that, the Secretary in

[Rao Bahadur G. K. Chitale]

charge of the Department how many police patils up to the present have been occupying places on the taluka local boards and district local boards? Is it that as a class the police patils have been excluded from these bodies? I do not think so. I do believe, with a certain amount of inner knowledge, and I must say that on every district local board or, for the matter of that, on every taluka local board you will find not less than 8 or 9 members who are represented by the class of police patils. Then again, what does the legal interpretation of the Remembrancer of Legal Affairs mean? What he has said is this. He asks them to make a small sacrifice. As police patels they are not excluded from becoming members of these local bodies. He says that if they want to qualify themselves for a seat either on the taluka local boards or on the district local boards they should give up the small commission which they get, which is 25 per cent. of the total receipts from cattle pounds. Under these circumstances, may I ask where is the rhyme or reason for this amendment? If it were that they were excluded as a class, that would have been another matter. If it were that they were not represented to the extent to which they are entitled, that might also be another story. If it is just to satisfy the whims of some people who feel that these police patils ought to be there though they are not prepared to give up the little commission which they get, then I should think there is no case made out for the Bill. As regards this commission, I would say that the total amount which we get from the pounds varies from district to district. I may very well put it down at Rs. 10,000 to Rs. 15,000 a year. One-fourth of that will represent a sum between Rs. 2,000 and Rs. 3,000. Every police patil's remuneration—I refer to those who are in charge of these cattle pounds—would come to a very few rupees, may be Rs. 20 or Rs. 15. Therefore, all that is required is to ask them to be public-spirited enough, if they want to sit on these boards, to give up this little commission. If they are not prepared to do that, what service, honorary or otherwise, intelligent or intellectual, can we expect of such men who are not prepared to make such a small sacrifice? Under these circumstances, I feel it my duty to oppose the Bill.

Rao Saheb P. D. KULKARNI (Poona District): Sir, in this Bill, in all, three amendments are proposed, one relating to police patils and two others are about matter which is not controversial, all of which are for the repeal of a certain section in the Act. I oppose the amendment of the section 9 (2) which would allow a police patil, who is a pound-keeper, in his capacity as a pound-keeper to be a member of a local board. I oppose this amendment as a matter of principle. Only a man who is disinterested should be entitled to sit as a member of a local board, to do justice in the cases of the pound-keepers. Because the pound-keepers are subordinate servants to the district and taluka local boards. There are so many cases of misappropriations and defalcations against pound-keepers, and many more of this nature are likely to be decided in future by taluka and district local boards. If pound-keepers are now allowed to stand for election of local boards, then the servants of the Boards will

[Rao Saheb P. D. Kulkarni]

be sitting in judgment on their own cases, and naturally a great loophole will be kept open for them and these cases of misappropriations and defalcations will be encouraged rather than nipped in the bud. That is the great calamity which will befall by allowing this amendment. If it is allowed to pass, the principle will be polluted.

. Another thing is that besides the pound-keepers there are so many other servants of local boards who have the right to vote, and they are disabled from standing for election. The honourable member from Kaira Mr. Desai says, taxation and representation must go hand in hand. It is an undisputed fact. The Act as it stands is not depriving them of their right of voting. Chief Officers, accountants and engineers of the local boards have their right to vote in local board elections, though they are servants of the board. They are not deprived of their right to vote. They can vote, but they are not allowed to be members of the local boards, because they are interested in one way or another; and to allow them to become members is against the general principle. The same principle is applicable in the present case. Servants of the boards, who are interested in the matters to be dealt with by the boards in one way or another, should not be allowed to become masters, i.e., should not be allowed to become members of the boards. If police patels in charge of cattle pounds are allowed to become members of these bodies, when the crimes that are committed by them in their capacity as pound-keepers will be coming up for decision before the boards, there is every possibility that partiality may take place in giving judgment on such cases. In that case defaulters will be sitting to pass judgment upon the action taken by themselves. For these reasons the inclusion of pound-keepers among the members of the local boards is objectionable. With this view in mind I oppose the amendment proposed in clause 2 of the present Bill.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I rise to support the first reading of the Bill. You will remember, Sir, that various objections have been taken. I thought that it was not going to be a Bill of a very controversial nature. But now we find that it has assumed an entirely different turn, and it is getting to be more and more controversial, and I find that it is getting to be more controversial for reasons which I cannot explain.

It is said, for instance, by the honourable member from Ratnagiri that the police patel is a very bad sort of person, that he is a devil and cannot be believed, that he tampers with the electoral rolls, and so on. I think, when he said that he tampers with the electoral roll, he was clearly labouring under a misapprehension. I think he ought to know that the electoral roll is originally not prepared by the police patil, but is prepared by village officers, mostly by the kulkarnis, and it is signed by the revenue patils. I do not know if the procedure is different in his district, but so far as my district is concerned, the electoral roll is prepared by the kulkarnis and revenue patils. When this is so, there is very little chance of the electoral rolls being tampered with by the police patil. He said also that sometimes the names are wrongly written deliberately

[Rao Bahadur S. N. Angadi]

by the police patil. That may be his experience in his district, but, confining myself to my own district, I say that there is no such false writing of names. But even assuming that such a deliberate mistake is made, there is ample opportunity provided to correct the mistakes. One could approach the Collector, and if there is any mistake in the name, that can be rectified. There is some time allowed for doing this, and if the voters do not do this, I think the responsibility and blame must not be thrown on the wrong person. Therefore, when my honourable friend Mr. Surve made those charges, clearly he was labouring under a gross misapprehension.

Coming to the speech of my honourable friend Rao Bahadur Chitale, he appears to suggest that there is sufficient representation, nay, over representation of the class of patils. That may be so in his own district, but I might tell him that in my own district there are very few police patils as members of local boards. The majority of members on the district and taluka local boards is drawn from classes entirely different from that of the patils or village officers.

I do not think the police patils are very anxious to stand as candidates. After all, this is a Bill which simply enables the police patils to be members of taluka local boards or district local boards. In the very few cases where he is debarred from being so, it is by reason of the fact that as a pound-keeper he is receiving some remuneration. I do not think the Bill is one of such a character that there should be serious opposition to it.

Again, it was said that because sometimes we come across cases of misappropriations by these police patils in their capacity as pound-keepers, so it would be a question of the police patils themselves sitting in judgment upon their own offences. In the first place, I do not believe that there are many cases of that character, and even if there be some, there are other members on the board who can easily silence them. I do not think that the police patil is such a devil. This Bill enables the village patil to be a member of the District Local Board because he is at present disqualified on account of the fact that he receives some remuneration. I do not think that there can be any serious objection. In these days of democracy, if these police patils and revenue patils are influential, and amenable to the influence of officers, it is our duty to see that they are not elected to the local bodies. Why debar them from standing as candidates? It shows weakness on our own part. I do not think any man should be disallowed by law from standing as a candidate for local self-government institutions. On this general principle I have great pleasure in supporting this Bill.

Rao Bahadur R. R. KALE (Bombay University): Sir, enough has been said with regard to the first part, that is to say, the police patils. The Bill is dealing with three matters. It is a heterogeneous Bill dealing with three different subjects. A great deal has been said about the police patil's disqualification. I want to confine myself to the third

[Rao Bahadur R. R. Kale]

point where it is proposed to delete sub-section (3) of section 92. This sub-section (3) was added in the Local Boards Act in the year 1927. There a provision is made by which the report of the audit of each local board shall be sent to the Collector and published in the *Bombay Government Gazette* and that the administration report shall be published in any newspaper selected by the board—the whole report of the audit. This was done in order to give publicity to the report of the audit. The recent Act which we passed last year, namely, the Audit Act, deals only with the publication of one simple matter. The accounts should be submitted to the Examiner of Accounts and afterwards it is submitted to the local board, and what is to be published according to this Act is only a very small portion of it, namely, that which deals with misappropriation. If there is any misappropriation of any money or any surcharge, that matter is published. But it is stated in the statement of objects and reasons that in view of section 10 (4) of the Bombay Local Fund Audit Act, sub-section (3) of section 92 is no longer necessary. That sub-clause (c) says that that portion of the report where any amount which ought to have been brought into account but which has not been brought into account should be published. This clause contemplates only a portion of the report, while sub-section 92 (3) contemplates the whole report in the vernacular of the district. Apart from misappropriation, there may be other irregularities which people of the district would like to know. Therefore, it was particularly inserted in section 92 of the Act of 1927. So this part of the Bill is open to objection.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, the object of the Bill is to enable the police patils to become members of district local boards. I strongly oppose such a measure because a servant of the board should not become a member of the board. It will create a ridiculous situation if complaints made against a pound munshi, who happens to be a member of a board or holds an office, are again referred to him in his capacity as a member or office-bearer of the board. Such a man at one and the same time becomes master and servant, and has to pass a verdict against his own action. It appears to me that the Government has no one policy to follow in such matters. I will cite an instance here in which this very Government brought pressure upon a gentleman in Sind who happened to be the Municipal Chief Officer of the District Local Board, Karachi. He was in no way a subordinate of the Municipality, but yet was compelled to resign his membership. Here Government in contravention of their decision are putting on the statute book a measure which they themselves have condemned. I therefore request the Honourable Member in charge of the Bill to withdraw it.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I congratulate the Honourable Minister for Local Self-Government for having introduced this Bill. He has attempted to remove the standing injustice that was done to a respectable member of our community and a respectable citizen. If you look up the Local Boards Act, there is nothing to prevent a police patil from becoming a member of the district

[Mr. M. M. Karbhari]

local board or taluka local board. But incidentally because he happens to be a cattle pound-keeper and because he draws a little remuneration in the form of commission, he is supposed by the Legal Remembrancer or legal opinion to be a servant of the local board. I believe his case was not properly put before the Legal Remembrancer. The commission he gets is not for the work he does, but a small remuneration for the expenses he incurs to engage servants, to look after the cattle in the pounds, to give them water and food. When my honourable friend Rao Bahadur Chitale advocated that the police patil should show some good spirit of citizenship, I would submit and tell him it would be better for the district local board to give him a full time servant to carry out the work of a servant of the local board. If this man the police patil is disqualified from becoming a member of the local bodies, it is a clear injustice that was done to him on account of the oversight and on account of the inadvertent section that was passed in 1898. If this police patil is not debarred from standing as a candidate to the Legislative Council, may I know why he should be debarred from standing as a candidate to a local board, which is inferior to this august body? I would, therefore, say that the misapprehensions and prejudices that have been formed against this class of people should not weigh with us. You must remember that such men should stand for election and come in by the votes of the electors and not by nomination. If he is undesirable, do not vote for him. If he deserves, let him come in by the votes of the people. This Bill is intended to remove the injustice to the police patils who keep our cattle-pounds and so it must have the support of every member of this House.

Mr. L. R. GOKHALE (Poona City): Sir, we have heard about half a dozen honourable members who are connected with taluka local boards and district local boards. Some of them are presidents of those boards. There is a divergence of opinion among them: one set of honourable members say that those patels who are cattle-pound-keepers should not be there, while the other set of honourable members say that they ought to be there and there should be no injustice done to them. Whatever that may be, as a matter of principle I have to oppose this Bill. And for this reason: the policy of the law has been that persons who are interested in any way in money matters either with the local boards or with the municipalities should not have any hand in the management of those institutions and should not be entitled to take any part in those institutions. I believe that is a sound principle. These police patels are in one sense servants of the institutions and are paid by them. My honourable friend from Thana (Mr. Karbhari) said: "No; those persons do pay from their pockets for the service rendered by some menial servant, and it is for that that they draw the amount of the cattle-pound fees." I believe that is not a very accurate statement. As a matter of fact, the expenses are incurred no doubt by the patel, but from funds supplied by the local boards. I am supported in my statement by one of the presidents of these boards—I mean the honourable member from Ahmednagar (Rao Bahadur Chitale). [*Honourable Members:*

[Mr. L. R. Gokhale]

He is right.] So, many of them support him. If that is so, it is a correct principle of law not to have these men on the boards. I do mean to suggest that they at any rate should give up their small remuneration if they prefer to be on the boards. If, however, there was any amendment of the Act necessary, I should have thought that the police patels, kulkarnis and mulki patels should not be allowed to sit as members of taluka and district local boards. They are officers of Government, they are paid by Government. I am not now going to address the House on the desirability or otherwise of that step. My only point is that it is not desirable to have persons who are subordinates of Government officials on these boards. That is my view. We know what these kulkarnis and patels in the villages are. As a matter of fact it is within the knowledge of many of us that they are powerful officers, perhaps more powerful than the mamlatdars even. It is not therefore desirable to remove this disqualification and add to their numbers in the district and taluka local boards. As a matter of fact we have been told that the number of those persons is very large in the district and taluka boards, compared to other persons. Invariably when a patel stands for election he is there. We know the reason. The fact is that whenever a patel or kulkarni or any other village officer stands as a candidate for election, he almost tops the list. I do not think he is extraordinarily wise or extraordinarily clever and therefore he tops the list. We know the reason why he tops the list. By removing this disqualification we shall be doing harm to two principles. In the first place, people under the control of Government officers will be coming and, secondly, persons who are receiving remuneration from the institutions or receiving stipends from them will be allowed to enter in their management. For these reasons, I oppose the Bill.

Mr. N. N. PATIL (Kolaba District): Sir, I rise to support the Bill, especially that part of the Bill which enables the police patels to become members of the boards. An argument has been put forward in opposing the Bill that the police patel is the servant of the board. But may I point out that a police patel in his capacity as pound-keeper is not a full time salaried servant of the local boards, and therefore is not prevented from standing as a candidate for the elections to these boards? He simply gets a little remuneration for what little pound-keeping he does for the boards. If this Bill is passed and if the police patel is allowed to become a member of the district or taluka board, that would go to elevate the position of the police patel in the eyes of the public. If this Bill is passed, and if the police patel becomes a member of the board and sits in a chair beside the mamlatdar in the district local board or taluka local board, no talati, I suppose, would dare ask that police patel to carry his *daftar* on his head. In my district (Kolaba District), some talatis even in these days get the police patels to carry their *daftar* on their heads. I do not know whether this system prevails everywhere. [*An Honourable Member*: Why should he?] That is not the fault of the police patel, it is the fault of the Government. Government keep them illiterate; they should give them education. If they are illiterate, that is no

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reason why they should be prevented from becoming members of the local boards. Having been born in a family of watandar police patels, I thank Government for having brought in this Bill to remove this disqualification. With these words, I support the Bill.

Mr. V. N. JOG (Dharwar District): Sir, I would not have intervened in this debate but for the fact that in supporting or opposing clause 2, honourable members have lost sight of clause 3. The argument has been because clause 2 is there, therefore throw out the whole Bill. I say that whatever opposition there is to clause 2 may be put forward at the time of the second reading of the Bill. As yet, nobody has opposed clause 3 which seeks to give certain municipalities incomes from ferries. When the second reading of the Bill is moved and the Bill is read clause by clause, then all opposition to clause 2 may be concentrated.

The Honourable the PRESIDENT: That would not be possible, because that is one of the principles of the Bill. That must be disposed of now.

Mr. V. N. JOG: If that is to be considered a principle, I oppose the principle that a police patel who is a stipendiary officer or servant of a local board should be eligible to become a member of the district local board or taluka local board.

Rao Bahadur S. N. ANGADI: Sir, I rise to a point of order. Having supported the first reading, can the honourable member now oppose the principle of it?

The Honourable the PRESIDENT: He said that he had objection to clause 2, and now that he is told that is a principle of it, he may oppose the Bill on principle.

Mr. V. N. JOG: We are not at the stage when we should go to vote. If the Bill is mischievous then I have to oppose the Bill. It is a question of the second clause now. As a member of a municipality I was interested in seeing that a certain portion of the income from ferries was got for the municipalities. If the mischief is greater than the advantage, then I have to oppose the Bill. As regards the argument that there are many persons among these police patels who own land and contribute to the local fund and therefore it is an injustice to deprive them of their right to stand for local board elections, I wish to point out that there are many Government servants who also own lands and pay rates to the local fund but who have also been debarred from standing for elections to the local boards. What applies to other Government servants should apply also to the police patels. In view of that opinion I hold that the Bill should be opposed.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): Sir, the observations made by the honourable gentleman representing Poona City as well as those made by the honourable member from Sind confirm me in my view that the honourable member Rao Bahadur Naik was right in saying that the opposition to this Bill is based on a serious misconception

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of its principles. In the first place, Sir, I readily subscribe to the principle that a man who draws any income from the revenues of an institution or a public body should not ordinarily have any share in its administration. It would be in consonance with the best Parliamentary traditions, but, as I understand it, the Parliamentary practice does not go as far as that. So far as I know, a member of Parliament who accepts any office under the Crown resigns his membership; but at the same time he is eligible for re-election. Similarly a police patel in virtue of his drawing a small remuneration for taking care of the village cattle-pound should not necessarily be disqualified from becoming a member of a district or taluka local board. Now, the gentlemen who oppose this Bill forget that there is nothing in law to prevent him from continuing to be a member of that body if he is prepared to make a small sacrifice. He is fully entitled to be a member of that body in virtue of the voting qualification which he possesses. The only consequence of this Bill being thrown out would, therefore, be that a police patel will have to make a small monetary sacrifice if he wants to be a member of the board. Now, my honourable friend Rao Bahadur Chitale expects these people to make a sacrifice. We have no materials before us to enable us to say that they would be willing or otherwise to make a sacrifice in the interests of public service. But what about the interests of the board itself? Those who have any conception of village economy ought to know that these petty officials are combining in themselves the functions of different officers in the administration of the affairs of a village. We know that the village is a very, very small unit and a village board cannot afford to have different officers for different functions. A police patel, in nine cases out of ten, would be most unwilling to make a sacrifice of his membership, but, I expect, if it comes to make a choice, he will willingly forego his small income—I understand that it is only from Rs. 20 to Rs. 50 a year, a very small amount indeed,—and, perhaps, a good many people would be coming forward to make that trifling sacrifice. But who is going to replace them in that case? Would the district or the taluka local board be prepared to engage a full-time salaried servant in his place? That is the crux of the whole question. We have to look at the question from the point of view of the board and not from the point of view of the police patel. That is, to my mind, the chief reason why we should save the police patel from the disqualification which at present attaches to him.

There is another question to be considered. Is he a full-time salaried servant of the board? True it is that he retains a quarter of the fees that are charged for keeping the cattle in the pound. If that is considered to be a salary in the real sense of the term, then, I beg to submit, he draws remuneration from divers other sources too. I am told, for instance, that he gets a very insignificant amount—of course the amount makes no difference so far as the principle is concerned—he gets something like 5 to 10 rupees, for collecting the cess on behalf of the board. That too has got to be taken into consideration. The receipt of any remuneration from the board disqualifies him. The amount of the remuneration is, as I stated before, of no consideration at all. Whether

[Mr. Pestanshah N. Vakil]

he gets 5 or 50 rupees, it is all the same ; the disqualification is there. If you take these two or three things into consideration, the objection to the Bill ought to vanish : firstly, that these police patils will continue to enjoy the right of membership of the board. The only thing required of them would be that they would have to make a sacrifice of their small income. Secondly, if they make a choice to resign the keepership of the pound, the board will be put to a great expense in having to get a full-time salaried servant to replace them, and thirdly, despite this sacrifice, there is nothing to prevent the police patils from drawing other small remunerations which they at present draw from other sources. On these grounds, I think that this honourable House will be well advised to pass this Bill which, to my mind, appears to be of a very non-controversial nature, and I am surprised at the opposition which is offered to it from different quarters.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I am sorry I have to oppose the first reading of this Bill. So far as I have been able to study and understand it, the Bill is contrary to the principles of self-government as well as parliamentary procedure. I have got some experience of the working of local bodies. I have some bodies under my control. It is not a question of remuneration, as has been suggested by several of the honourable members, who said that because police patils receive a small remuneration they should be disqualified. The monetary question is not the real question to be considered here. The real question that ought to be taken into consideration is, to what position would that remuneration put the police patils ? What will be the status of the patils if they receive a fixed share out of the income derived from cattle pounds ? They will become the servants of the Local Body. Supposing a police patil who is appointed as pound keeper instead of receiving one-fourth of the share appropriates one-half of the share, under the present rules we have got control to check it and bring the misappropriation to light and take the orders of the board. I will give an example. I have started certain cattle pounds in my district. I have given one-half of the income from these pounds to certain people in return for managing them. They are fairly respectable people. I have given the pounds to their charge on condition that they will give one-half of the income to the local fund cess. But they are subject to my control. If they make any false entries in their records or misappropriate any money, then I can make a report against them and the board can pass orders. Now, if they are also members of the boards, they will sit on the Board as our colleagues and can influence the decision of the Board in their favour. We cannot pass that unalloyed judgment which we can otherwise pass against our servants—for they are purely servants of the Board. That is the distinction which the Honourable Minister has to make. If he is going to give the right of vote and equality to police patils, he should also give the same to all public servants, because under the Cattle Trespass Act police patils act as ex-officio cattle pound keepers and are also public servants. Therefore, it means indirectly giving to the public servants the right of vote and equality of opportunity that

[Syed Miran Mahomed Shah]

is given to the members of the public. This amounts to shaking the very root of self-government. Where is the distinction between a salaried officer and a member of the public? If a police patil is nominated on the local board because he is very serviceable for the purpose of suggesting measures for the management of cattle pounds, we can concede the point. But if he is going to be given the right of vote and equal opportunity, where is the check in case he commits mistakes? He will sit with us as our colleague. I think by introducing this Bill Government is striking at the very root of the principle underlying the institution of Local Self-Government.

One honourable member suggested that a president or a member receiving allowances from the Board's finances should not be allowed to become a member of the board or its president if police patils are objected to. But there is a distinction between a police patil who is a cattle pound keeper and the president of the district local board. For instance, the president of the local board is surrounded by an expert establishment sanctioned by Government. The establishment has to put up notes to him and he has to pass the final orders in accordance with those notes. He is also advised by experienced officials who initial the papers and are jointly responsible with the president. Therefore, there is a check if the president attempts to misappropriate public money or do anything illegal. As compared to this position, the police patil comes in direct touch with the public. There is no intermediary. Supposing a hundred heads of cattle are impounded and he enters only 50 in the records, where is the check? He will be the master of the situation. Therefore, the control which is at present exercised on the cattle pound keeper will be relaxed by the proposed measure.

If this is conceded in the Presidency, where is the guarantee that this principle will not be extended to Sind also? There also pound keepers have a right of vote because they pay land assessment. But as soon as they accept the cattle pound keepership they are disqualified from contesting a seat on any Local Board. That is the inconsistency which the honourable House ought to realise. I therefore hope the honourable House will be well advised to throw out this Bill at the very first reading.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, the arguments advanced by several of the members who spoke in favour of the Bill are a sufficient answer to the arguments which have been urged against the Bill. I do not, therefore, propose to take up the time of the House by going over the same ground again. But I shall merely confine myself to such of the points raised by some of the honourable members as have not been dealt with on the floor of the House. Permit me to say, Sir, that the honourable member Mr. Surve is not quite correct in saying that the police patil is a paid Government servant in the sense in which other Governments are looked upon. He is merely looking after this part of the business just for perhaps a couple of hours or sometimes not at all for a few days. Therefore, he cannot

[Sirdar Sir Rustom Jehangir Vakil]

be regarded as a regular Government servant. The honourable member Khan Bahadur Abdul Latif is agreeable to let the police patils remain as members of the local boards, but his objection is that they must not be given charge of the cattle pounds. We have already heard the honourable member Rao Bahadur Naik who has explained the difficulties of which he has personal experience, so far as his district is concerned. It is exceedingly difficult to find in small villages people to take charge of cattle pounds and it is generally the police patils who are very efficient in that kind of work and who are the most intelligent inhabitants of the villages. If we were to debar police patils from becoming members of local boards, the result will be that these local boards will have to engage cattle pound keepers by spending perhaps four times as much, and I do not think all the district local boards are in a position to incur such an increased expenditure. I personally should be very sorry, Sir, if the police patils were disqualified from becoming members of the local boards. I know from personal experience that some of these police patils are not only members of the local boards, but they are presidents of taluka and in some cases district local boards. They are most intelligent as a class and I think it will be a great pity to shut the door against these people particularly.

SYED MIRAN MAHOMED SHAH : On a point of information....

The Honourable the PRESIDENT : The Honourable Minister does not yield.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : I may also bring to the notice of the House that in this Presidency over 200 police patils are already members of local boards. It was only in 1929 that their ineligibility to become members of the local boards was questioned by the Examiner of Local Fund Accounts. Until then this question had never been raised. They have been members and at the same time have been performing some of the most important functions in villages, and yet complaints have not been made with regard to their misbehaviour. That very fact shows that even if they are entrusted with the charge of the cattle pounds and at the same time allowed to become members of local boards, they are not likely to prove particularly obnoxious.

At the same time, if a taluka local board or a district local board comes across a case where a police patel, who is a member and at the same time is in charge of the cattle pound, has not been behaving himself well, it is open to the taluka or the district board to remove him from his office as cattle pound keeper and they can do so at any time. Such instances are few and far between, and the district local boards and taluka local boards have got full authority to exercise their power of removing him from his office as cattle pound keeper.

My honourable friend Syed Miran Mahomed Shah is drawing my attention to the fact that the police patels are able to exercise an evil influence upon the other members of the board. Well, as I said, police patels are the most influential people in the village. We all know that,

[Sirdar Sir Rustom Jehangir Vakil]

Even if a police patel is not a member of the taluka local board or of a district local board, I can say from my personal experience that he has power enough to exercise that influence which he would do if he were a member.....

Mr. V. A. SURVE: Are they not Government servants?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: The honourable member Rao Bahadur Chitale stated that the police patils as a class, who are not prepared to make a small sacrifice, must not be given the benefit which this Bill proposes to extend to them. That should not be an argument against the Bill, because the result will be that, if they are not prepared to make the sacrifice, it is the board which will be losing their services, and I for one would certainly wish that they should not, under any circumstances, be disqualified from becoming members of the local boards.

With regard to the point raised by the honourable member Rao Bahadur Kale, that the improvement suggested in the audit notes only refers to certain irregularities and defects to be given publicity to, I may draw his attention to the fact that it is particularly these defects and irregularities which really matter. The other part of the report generally relates to ordinary matters and shows that everything is in order. That part could easily be done without. If, however, the honourable member Rao Bahadur Kale, as I understand, is particularly insistent that the first three lines of the present section 92 (3) should go out and that the remaining part should remain, I shall be very glad to consider the amendment when it comes at the time the Bill is read clause by clause.

With regard to the suggestion of my honourable friend Mr. Chikodi, that opinions may be invited from the district local boards, I can say this that no good purpose will be served by doing so, because I find in this House so many honourable members who represent district local boards in the Presidency and they have already expressed their views here, and I personally do not think that the object which the honourable member Mr. Chikodi has in view would be served by referring this matter to the various district local boards of the Presidency.

With these words, Sir, I commend the bill for the acceptance of the honourable House.

Bill read a first time. Question put and carried.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir,

I move that the Bill No. XV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923) be
Second Reading.
read a second time.

Bill read a second time. Question put and carried.

Bill read clause by clause.

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

Clause 2 (*Amendment of section 9 of Bom. VI of 1923*) ordered to stand part of the Bill.

[Sirdar Sir Rustom Jehāngir Vakil]

Clause 3 (*Amendment of section 75 of Bom. VI of 1923*) ordered to stand part of the Bill.

Clause 4 (*Repeal of sub-section (3) of section 92 of Bom. VI of 1923*)—

“Sub-section (3) of section 92 of the said Act shall be repealed.”

Rao Bahadur R. R. KALE (Bombay University) : Sir, I beg to move the following amendment to clause 4 as under :—

Insert the words “the first sentence in” at the commencement of the clause 4 of the bill.

Sir, the clause 4, as it now stands, proposes to repeal the whole of sub-section (3) of section 92 of the Act. My point is that publication in English in the *Government Gazette* is a mere waste of money and is unnecessary, because the *Government Gazette* does not circulate much in talukas and it will be sufficient if vernacular newspapers of each taluka or district are chosen for giving publicity to the audit notes. It is, after all, a district and taluka matter affecting a district or a taluka local board, and publicity given in such local vernacular newspapers would be enough for all practical purposes to acquaint the electorate with the opinions passed by the auditors. If my amendment is carried, the sub-section (3) of section 92 will read as under :—

“Every local board shall publish the report and audit notes with the replies thereto in its administrative report and in a local newspaper selected by the board. A copy of the report on every taluka local board shall also be sent to the district local board of the district.”

All this will remain, but only the portion which makes it necessary for the notes to be published in the *Bombay Government Gazette* will be deleted. Publication in the *Government Gazette*, as I said, is unnecessary and only costs unnecessary expense.

Question put and carried.

Clause 4, as amended, ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir,

I move that Bill No. XV of 1931, a Bill further to amend the Bombay Local Boards Act, 1923, be read a third time and passed.

Third reading.

Question proposed.

Mr. A. S. R. MACKLIN : Sir, I have a formal amendment to move as follows :—

That the figure “1” be added after the figures “193” in clause 1.

Question put and carried.

Question, “That the Bill be read a third time,”
Bill read a third time.
put and carried.

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

**BILL No. XVI OF 1931 (A BILL FURTHER TO AMEND
THE BOMBAY DISTRICT POLICE ACT, 1890).**

The Honourable Mr. G. A. THOMAS: Sir, I rise to introduce Bill No. XVI of 1931 (a Bill further to amend the Bombay District Police Act, 1890).*

The Honourable the PRESIDENT: The Bill is introduced.

The Honourable Mr. G. A. THOMAS: I move the first reading of Bill No. XVI of 1931 (a Bill further to amend the Bombay District Police Act, 1890).

First reading.

There is little, if anything, to add to the statement of objects and reasons which explains why the main amendment is necessary. The wording of the section proposed to be amended is somewhat ambiguous. It has always been interpreted by the Executive as meaning that whereas a first class magistrate can only issue the prohibitory orders contemplated in the section if he has jurisdiction in the town or village in respect of which his orders are issued and if he is himself present in or in the neighbourhood of the town or village, the latter restriction does not apply to the District Magistrate, whose presence at or near the place is not required. Unfortunately the word "such" appearing in the 7th line of the section can be interpreted and as a matter of fact has been interpreted by the High Court as requiring the presence of the District Magistrate also at or near the place before he can issue orders under the section. It is scarcely necessary for me to point out that his presence is often impracticable partly owing to the large extent of most districts and partly owing to the impossibility in many cases of the District Magistrate being able to visit the locality on account of urgent work elsewhere. Orders, however, under this section have almost always to issue at very short notice to meet or avert an emergency. It is, therefore, necessary to remove the restriction which the High Court has held to be imposed upon the District Magistrate by amending the section in the manner now proposed and giving clear effect to what was the obvious intention of the Legislature.

A good deal could be urged in favour of removing the restriction in the case of first class magistrates also. Sub-divisions are larger than they used to be and a first class magistrate may on occasions find it very difficult to be present at or near a town or village where a prohibitory order is necessary, especially if simultaneous orders are required in several places within his jurisdiction. After careful consideration, Government have decided not to remove this restriction. Should, however, it be the wish of this honourable House to remove the restriction in the case of first class magistrates also, Government would be prepared to accept an amendment to this effect.

This opportunity is taken to extend the provisions of the section to specially empowered second class magistrates, for the reason that if there are an insufficient number of first class magistrates in a district and if a state of affairs should arise necessitating the issue of orders under this section on a wide scale, there might be serious delay, resulting in loss of life and damage to property unless the power to issue the orders were

[Mr. G. A. Thomas]

conferred upon a greater number of magistrates than the section provides for. It is not, however, the intention of Government to make an indiscriminate use of the proposed extension of powers. In fact, I hope that it will never be found necessary to empower a single second class magistrate to take action under the section. The object of the amendment is solely and simply to make it possible for Government to take wider steps than they now possess to quell disorders in the case of a grave emergency arising. I hope that this assurance will enable this honourable House to pass the proposed amendment with easy minds.

There is yet a third amendment of a trivial character, to which no reference has been made in the statement of objects and reasons. It is proposed to omit the words "and subject to his order" which now appear in the second line of the section. Government have no ulterior motive whatsoever in proposing this omission. The reason for the proposal is that it is not at all certain what the words mean and it is *a priori* undesirable to retain in any Act words or phrases that are patent of more than one interpretation. I am quite certain that every lawyer in the House will accept this principle. I have been at some pains to discover what the phrase "subject to his (i.e. the District magistrate's) order" means. Obviously it cannot mean subject to his *prior* order, because that would entirely nullify the provision regarding first class magistrates. If they had to obtain the order of the District Magistrate before issuing their own order, the latter order would in effect be the order of the District Magistrate himself and it would be altogether superfluous to empower first class magistrates to issue any order under the section themselves. Nor can the phrase well mean "under the general orders of the District Magistrate," firstly, because if that was the intention of the Legislature the word "orders" in the plural would have been used, instead of the word "order" in the singular; secondly, because if the general orders of the District Magistrate were referred to, it is most unlikely that the word "general" would have been omitted; and thirdly and lastly, because all magistrates subordinate to a District Magistrate are *ipso facto* under his general orders, so that any reference to this in the section would be superfluous. It seems, therefore, that the phrase must mean "subject to the revisionary order" of the District Magistrate. That too, however, is superfluous in view of the third sub-section of this section, which runs as follows: "An order made under this section by a subordinate magistrate shall be forthwith communicated to the magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient." This is a most important sub-section, as it prevents a subordinate magistrate from misusing the powers conferred upon him by the section.

I have no doubt that the subtle brains of the legal members of this House will find other ways of interpreting the phrase "subject to his order." If so, this will simply reinforce my argument that it is better to omit a phrase which can be interpreted in more than one way.

Sir, I move that this Bill be read for the first time.

Bill read a first time. Question put and carried.

The Honourable Mr. G. A. THOMAS : Sir, I move that Bill No. XVI
 (A Bill further to amend the Bombay District
 Police Act, 1890) be read a second time.

Second reading.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University) : Sir, I wish to offer a few general remarks on this matter. It seems to me that the original object of having the words "The magistrate of the district, or in his absence and subject to his order the magistrate of the first class" was that this is a matter which is considered of such importance that it should not be entrusted to a lower class of officers, namely, the magistrates, even first class magistrates who are lower in rank and not filling the responsible position of a District Magistrate. That is the reason why, it seems to me, in the section as it stands the words "subject to his order" appear. That is to say, a magistrate of the first class may act, but he has no doubt to first get the assent of the District Magistrate before taking action. Whether it is subject to his discretion is another matter. As I read the section, it seems to me that that is the intention underlying the inclusion of the words "subject to his order". I think it does not mean "subject to his general order", nor does it mean that where necessary he may cancel the order. Neither of these meanings, I think, can be put upon the expression. It means that the District Magistrate himself must assume responsibility wherever possible. In case that is not possible, then a magistrate of the first class is given the discretion. Even this thing has to be done subject to the order of the District Magistrate. That is to say, after obtaining the consent of the District Magistrate the procedure that is going to follow must be followed. This Bill has been brought to make provision for cases where the presence of the District Magistrate is not available. In those cases the first class magistrate must act without being subject to the order of the District Magistrate. Therefore, I think, logically speaking, the words "subject to his order" must go. I am not going to move any amendment.

I have my own misgivings when the second class magistrates are specially empowered to exercise these powers. Magistrates lower than first class magistrates must be considered rather not fit to exercise this kind of discretion. The question is whether the empowering of the second class magistrates to exercise this power should be introduced now, considering the importance attached to this question in the original Act wherein it is provided that the District Magistrate, failing him the first class magistrate with the consent of the District Magistrate, should exercise this power. In this Bill the discretion is sought to be vested in the second class magistrates specially empowered in this behalf by Government. I think that at the present time the second class magistrates should not be empowered with this power. However, I leave it to honourable members to express their opinion whether it will be expedient to leave such discretion in the hands of second class magistrates, because we know Government can easily empower second class magistrates to exercise this power. Section 42 deals with the prevention of disorders.

[Rao Bahadur R. R. Kale]

I submit that this question will have to be considered, when the Bill is put clause by clause, whether we should omit the words "or a magistrate of the second class specially empowered in this behalf."

Rao Bahadur G. V. PRADHAN (Nasik District): Sir, the interpretation which the Honourable the Home Member has taken from the High Court Ruling has found place in the amendment before the House. But the words "In the absence of the Magistrate of the District" are not clear. Whether the District Magistrate is "absent from the district" or "from that place" is doubtful. These words should not find place there. Either the District Magistrate or the first class magistrate can issue orders. The words "In the absence of the Magistrate of the district" should be deleted. If the Honourable Member does not see eye to eye with me, an amendment will be moved by me to that effect.

The Honourable Mr. G. A. THOMAS: Rao Bahadur Kale says that the order issued by the magistrate should be subject to the control of the District Magistrate. If the order issued by the Magistrate is subject to the order of the District Magistrate, what is the District Magistrate to do with his own order under sub-section (3)? How is he to confirm, cancel or modify his own order?

Rao Bahadur R. R. KALE: These are orders of a temporary nature. I mean to suggest that he may cancel it. Immediately it may be done.

The Honourable Mr. G. A. THOMAS: I cannot quite understand.

As regards the remarks he made in regard to empowering second class magistrates, I may give an assurance that it will be done only in cases of emergency. There is nothing in section 41 requiring the immediate orders of the District Magistrate. Section 42 deals with the prevention of disorders. They do not spring up every day. In a case where a disturbance takes place in a particular place where there is no first class magistrate and possibly no telegraph communication, I do think that the second class magistrate should have power to act in such an emergency.

As regards the words "In the absence of the Magistrate of the District", if the Magistrate of the district is present, he will issue the order; in his absence the Magistrate of the first class will issue the order.

Rao Bahadur G. V. PRADHAN: What is probably meant is "if the District Magistrate is not present in the place where the disturbance takes place." Even if these words are omitted, the District Magistrate has paramount power to issue orders. The first and second class magistrates so empowered can issue orders. Practically these difficulties will not arise.

The Honourable Mr. G. A. THOMAS: Will the honourable member move an amendment?

Rao Bahadur G. V. PRADHAN: Yes; I am going to move it.

Bill read a second time. Question, "That the Bill be read a second time," put and carried.

Bill read clause by clause.

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

Clause 2 (*Amendment of section 42 of Bom. IV of 1890*),

In section 42 of the Bombay District Police Act, 1890,

(1) in sub-section (2)

(a) the words “, or in his absence and subject to his order the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof,” shall be deleted;

(b) for the word “such” where it occurs for the second time, the word “any” shall be substituted; and

(2) after sub-section (1) the following sub-section shall be inserted, namely:—

“(1A) In the absence of the Magistrate of the district a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf having jurisdiction in any town or village and present therein or in the neighbourhood thereof may similarly issue a prohibitory order of the nature referred to in sub-section (1) which shall have operation in such town or village and the vicinity thereof.”

Rao Bahadur G. V. PRADHAN (Nasik District): Sir, I move:

“That in sub-clause 2 (2) (1A) the words ‘In the absence of the Magistrate of the district’ be omitted.”

The Honourable the PRESIDENT: It occurs to me that if the amendment is accepted, the first class magistrate gets the power whether the District Magistrate is absent or not absent. The first class magistrate is given greater powers. Is the honourable member keen about his amendment?

Rao Bahadur G. V. PRADHAN: Otherwise it would mean that inasmuch as the District Magistrate can issue orders from any part of the district, the first class magistrate will never be able to issue such order.

Mr. L. R. GOKHALE: If you take away the words “In the absence of the Magistrate of the district” then the first class magistrate will be entitled to issue any order whether the District Magistrate is present or absent. We should specify whether the District Magistrate is absent from the district or from the place of disturbance. If you take away these words, it becomes ambiguous and the first class magistrate will be entitled to issue any order. Such an amendment is dangerous. If it means absent from the place of occurrence, it may have some meaning.

The Honourable the PRESIDENT: I take it that the honourable member drops his amendment.

Rao Bahadur G. V. PRADHAN: Yes.

Mr. P. R. CHIKODI (Belgaum District): Sir, I move:

“That the words ‘or a magistrate of the second class specially empowered in this behalf’ be deleted.”

Rao Bahadur S. N. ANGADI: I have an amendment to that amendment.

The Honourable the PRESIDENT: Let me propose the amendment first.

Question proposed.

Rao Bahadur S. N. ANGADI: I want to substitute it with "a magistrate of the second class of not less than ten years' standing."
[*Laughter.*]

The Honourable the PRESIDENT: I understand that the honourable member does not want to move the amendment to the amendment. Has the Honourable the Home Member any remarks to make on the amendment of the honourable member Mr. Chikodi?

The Honourable Mr. G. A. THOMAS: I shall only ask honourable members to trust to Government not to make use of this provision to empower a second class magistrate frequently. I can give an assurance that we shall make use of that power only in exceptional circumstances. The only alternative for Government, if this provision is not there, is to make second class magistrates first class magistrates which Government have power to do. But, of course, we shall not do that. I hope the House will rest assured that only in rare cases we shall take advantage of this power.

Mr. P. R. CHIKODI: I should like to say one word. I am glad that the Honourable the Home Member has given an assurance that this power will be rarely given to the second class magistrates. But I would like to tell him that such assurances are of no value, because the Honourable the Home Member is not going to be there. That is one thing. Secondly, the power is going to be given only on rare occasions. If as an alternative on rare occasions a second class magistrate is going to be turned into a first class magistrate, we shall welcome that, because that is going to happen only on rare occasions. I do not see any reason to withdraw my amendment.

The Honourable Mr. G. A. THOMAS: Sir, I have nothing more to say except that, if the honourable member can trust me, I do not see why he should distrust my successor who will not be an Honourable Member but an Honourable Minister.

Question put and lost.

Clause 2 ordered to stand part of the Bill.

The Preamble ordered to stand part of the Bill.

The Honourable Mr. G. A. THOMAS: Sir, I ask your permission to move the third reading.

The Honourable the PRESIDENT: Yes.

The Honourable Mr. G. A. THOMAS: Sir, I move that Bill No. XVI of 1931 (A Bill further to amend the Bombay District Police Act, 1890) be read for the third time and passed.

Question proposed.

Mr. A. S. R. MACKLIN: Sir, I move the formal amendment:

"That in clause 1, the figure '1' be added at the end of the figures '193'."

Question put and carried.

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

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

Now, I do not think we have time to take up any other business just now. There is one thing I should like to bring to the notice of honourable members regarding the Irrigation Bill to-morrow. As I have pointed out, unfortunately too much reliance is placed on the Chair by the Government side for waiving the provision of the Standing Order to allow them to proceed with Bills. Similarly, honourable members on the non-official side rely too much for pressing their amendments. Both sides should study the Standing Orders and abide by them strictly. In this case there were certain difficulties as regards the dissenting minutes and other things, and possibly honourable members did not get the copies of the Bill in time to think over their amendments. They have had full eight days. They had the copies of the Bill in their hands about the 8th, and that means there was all this interval between the 8th and to-day. This evening will be the last that I will give for honourable members to submit their amendments. I shall not accept any amendment if it is brought up to-morrow morning as we proceed with the Bill.

There is one matter in which I wish to correct myself. I said that the honourable member Syed Muhammad Kamil Shah had called at my place. But I afterwards discovered that it was Syed Ghulam Nabi Shah. I hope that the honourable member Syed Muhammad Kamil Shah will be here to-morrow.

The Council is now adjourned to 2 p.m., to-morrow, Tuesday, the 21st July 1931.

Tuesday, the 21st July 1931.

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 21st July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur.
 ABERCROMBIE, Mr. J. R.
 ALLAHBAKSH, Khan Bahadur.
 ANGADI, Rao Bahadur S. N.
 ASVALE, Rao Bahadur R. S.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, Sir SHAH NAWAZ
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LIHARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HARIDAS MADHAVDAS, Mr.
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JITEKAR, Mr. HAJI IBRAHIM

JOG, Mr. V. N.
 JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALEHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHURRO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 NEWMAN, Mr. H. L.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RESALDAR, Mr. A. K.
 SAHEBSINHJI JUVANSINHJI, Mr.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.

VAISHAMPAYAN, Dr. V. G.

VAKIL, Mr. PESTANSHAH N.

VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR

VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

NEW MEMBER SWORN.

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

Mr. W. G. LELY made the prescribed oath of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

QUESTIONS AND ANSWERS.

PRIMARY EDUCATION ACT: AMENDMENT.

Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state—

(a) whether they intend amending the Primary Education Act;

(b) if so, on what lines and when;

(c) whether it is a fact that they have received a number of representations from local authorities suggesting the incorporation of primary school head masters' and assistant masters' allowances into the regular scale of salaries; and whether the Belgaum local authority is one of them;

(d) whether the incorporation of the head masters' and assistant masters' allowances in the scale of salaries has been sanctioned in the case of the Ahmedabad municipal local authority?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) The matter is under consideration.

(c) Yes; no representation has been received from the Belgaum District Local Board local authority.

(d) A consolidated scale of pay without head masters' and 1st assistants' allowances was sanctioned in April 1926 in the case of the Ahmedabad Municipality.

Dr. M. K. DIXIT: Has any other municipality asked for the sanction of Government besides the Ahmedabad Municipality?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes.

Dr. M. K. DIXIT: Has it been given?

The Honourable MOULVI RAFIUDDIN AHMAD: No.

Dr. M. K. DIXIT: May I know why the incorporation of the head masters' and assistant masters' allowances in the scale of salaries has not been sanctioned in the case of other municipalities?

The Honourable MOULVI RAFIUDDIN AHMAD: I do not think it will be sanctioned in any case in future.

Dr. M. K. DIXIT: I am talking of the past.

The Honourable MOULVI RAFTUDDIN AHMAD: If the honourable member requires the reason, I will find it out if he gives me notice.

CIVIL DISOBEDIENCE MOVEMENT: LOSS RESULTING FROM CLASH WITH POLICE.

Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state whether there has been any loss of life or property to the police on account of clash between them and the people as a result of civil disobedience movement?

The Honourable Mr. G. A. THOMAS: Three Head Constables and two Constables lost their lives. A statement is attached showing the extent of the loss of, or damage to, police property.

Statement showing the extent of the loss of, or damage to, police property on account of clash between them and the people as a result of civil disobedience movement.

District	Government property		Private property		Total	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
West Khandesh	3	4 0	.....		3	4 0
Poona	186	0 0	40	0 0	226	0 0
Sholapur	3,977	5 8	2,453	13 6	6,431	3 2
Kolaba	92	7 9	.....		92	7 9
Karachi	72	11 9	.....		72	11 9
City of Bombay	557	0 0	30	0 0	587	0 0
Total	4,888	13 2	2,523	13 6	7,412	10 8

LLOYD BARRAGE: EXPENDITURE ON BUILDINGS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 43, page 24, of the report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction—

- (1) whether the original provision for buildings was Rs. 64·85 lakhs;
- (2) whether the revised recapitulation contains an increased expenditure of Rs. 87·61 lakhs;
- (3) whether the excess is in the Barrage and Rohri Canal circles;
- (4) whether they agree with the experts that it is "high", i.e. instead of 3 per cent. it is 6·62 per cent. on works;
- (5) whether they have stopped all further expenditure on this head as urged by the experts at the end of the paragraph?

The Honourable Sir GHULAM HUSSAIN: (1), (2) and (3) Yes. (4) No.

(5) No. Buildings which are considered absolutely necessary are still being built but the provision made in the second revised

recapitulation statement of the Lloyd Barrage and Canals scheme will not be exceeded.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): With reference to the reply to my question (4), may I ask whether Government have no confidence in the expert committee?

The Honourable the PRESIDENT: That is hardly a question to ask. Government is not bound by the opinion given by any committee appointed by it. Government appoints a committee for the purpose of giving it an expert opinion and Government is free to take any view which it likes.

Next question.

LLOYD BARRAGE: DRAINAGE AND FLOOD PROTECTIVE BUNDS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraph 38, page 22, of Sir Visvesvaraya's report on the Lloyd Barrage and Canals Construction—

(1) whether they are convinced after the last floods in Sind that the natural formation of ground does not permit of any drainage;

(2) whether they agree with the experts that "provision of drains to carry away surface water is an urgent necessity";

(3) whether they are aware that this absence of drainage facilities will cause waterlogging in addition to flooding of fields and towns at times of heavy rainfall or spill from the river and consequently affect the soil for producing crops;

(4) whether there is a provision of Rs. 93 lakhs in the Barrage estimates for minor drainage;

(5) if the answers to (1) to (4) are in the affirmative, whether, and, if so, when, they propose to construct drains?

The Honourable Sir GHULAM HUSSAIN: (1) The natural formation of the country does permit of drainage to a limited extent but usually only at large capital expenditure.

(2) Yes, it is an urgent necessity in some localities but not everywhere.

(3) This question will be investigated by the newly formed Research Division.

(4) Provision for drainage of canal area apart from the Manchar Drainage scheme is Rs. 50 lakhs.

(5) The design of drainage works has already been started.

LLOYD BARRAGE: PROGRESS IN ROHRI CANAL.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state with reference to paragraphs 23 and 37, pages 14 and 21, of Sir Visvesvaraya's report on the Lloyd Barrage and Canals Construction—

(1) the reasons why the cost of the Rohri Canal per cusec of canal capacity is Rs. 5,258 while that for rice canal is only Rs. 1,943;

(2) the reasons why the progress of excavation of the Rohri Canal is 43·5 per cent. while of the Right Bank Canals is 60 per cent. ;

(3) whether the number of establishment and divisions is bigger in the Rohri Canal Circle than in any other circles ;

(4) whether Mr. S. C. Mould, Superintending Engineer, is responsible for the progress and the cost of the Rohri Canal ;

(5) the grade and salary of Mr. S. C. Mould before joining the Barrage ;

(6) the grade and salary of Mr. S. C. Mould in the Barrage ;

(7) the qualification of Mr. S. C. Mould and his experience of such perennial canal schemes before being promoted to the Barrage ?

The Honourable Sir GHULAM HUSSAIN : (1) There can be no comparison between the cost per cusec of a perennial and that of a non-perennial canal as discharge for discharge the mileage of channels on a perennial canal should be at least five times that on a non-perennial canal such as the Rice Canal.

(2) The percentage of earthwork done till end of December 1930 to the total to be done on the Rohri Canal and on the Right Banks is 81·2 per cent. and 85·4 per cent. respectively. It has to be borne in mind that while the quantity of earthwork to be done in the Rohri Canal Circle is 239 crores cft. that on the Right Bank Canals system is 194 crores cft. Moreover the quantity of earthwork done to end of December 1930 in the Rohri Canal Circle is 194·16 crores cft. while that completed on the Right Bank Canals system is 165·70 crores cft.

(3) Yes.

(4) Yes.

(5) Executive Engineer, salary Rs. 1,475 (i.e. Pay Rs. 1,150 *plus* Technical pay Rs. 75 *plus* Overseas pay Rs. 250) per mensem.

(6) Temporary Superintending Engineer, salary Rs. 2,487 (i.e. Pay Rs. 2,150 *plus* Overseas pay Rs. 177 *plus* special pay Rs. 160) per mensem.

(7) Mr. Mould is a B.A. of Cambridge University. He took his degree in the Engineering Faculty. He had a very successful career and was a Wrangler, a very high distinction. From April 1905 to March 1908 he was on the Jamrao Canal dealing with perennial irrigation matters. From 1908 to 1913 and again from 1914 to 1923 he was employed on Deccan Perennial irrigation works. In the Deccan he was in charge of a district where large construction work was in progress.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : What is the reason of this difference in the progress of work in the two circles ?

The Honourable Sir GHULAM HUSSAIN : It is in accordance with the programme.

Mr. HAJI MIR MAHOMED BALOCH : But why this difference ?

The Honourable Sir GHULAM HUSSAIN : Each case should be treated on its merits. We will finish the whole work within the time that we have fixed for its completion.

Mr. HAJI MIR MAHOMED BALOCH : I understand that Mr. Mould is a Barrister.

The Honourable Sir GHULAM HUSSAIN : That is an additional qualification.

LLOYD BARRAGE : WORKING COST OF CANALS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state with reference to paragraph 86, page 46, of the report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction—

(1) whether they agree with the experts that the working cost of nearly Rs. 1-4-0 estimated is too little and that it will be nearly Rs. 2-12-0 per acre ;

(2) if so, what will be the difference in net returns and its effect on project results ?

The Honourable Sir GHULAM HUSSAIN : (1) As per latest estimates the working cost will be Rs. 2·93 per acre in the first year of opening of the canals and as the area develops it will drop eventually to about Rs. 1·42 per acre.

(2) There will be no appreciable difference.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : Do Government guarantee that the cost will not exceed these latest figures ?

The Honourable Sir GHULAM HUSSAIN : That is our present estimate.

LLOYD BARRAGE : WORKING YEAR AND LAND SALES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraph 86, page 46, of the report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction, whether the final proposals and estimates to start working the project in May of 1932 and to realize Rs. 10 crores from the land sales respectively will be attained ?

The Honourable Sir GHULAM HUSSAIN : Yes.

LLOYD BARRAGE : COST.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state, with reference to paragraphs 70 to 71, page 38, of the Report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction—

(1) whether the final revised cost of the Barrage project without interest charges is Rs. 21·09 less salvage of Rs. 1·05 crores ;

(2) whether the excess of Rs. 169 lakhs on original estimates after the actual construction of 44 per cent. works will not be exceeded again ;

(3) whether Government propose to omit any works as suggested by the experts ;

(4) if so, the names of such works with their costs ?

The Honourable Sir GHULAM HUSSAIN: (1) No. The salvage value expected is Rs. 78·54 lakhs. Excluding this, the final revised cost of the Barrage Project without interest charges is Rs. 20·03 crores.

(2) and (3) No.

(4) Does not arise.

LLOYD BARRAGE: MASONRY AND CEMENT ARCHES.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (1) Will Government be pleased to state with reference to paragraph 27, page 16, of the Report of Sir Visvesvaraya on the Lloyd Barrage and Canals Construction, whether they consider the reasons given for the change from stone masonry arches to cement arches to be adequate?

(2) Is it a fact that the change was introduced because the actual costs of stone arches had gone up to as much as 2 to 3 times the cost estimated by Mr. Musto?

(3) Is it a fact that Mr. Musto had, after very thorough investigation and experiments, shown in the original project report of 1919 that the factor of safety provided by stone arches was quite sufficient?

(4) What are his (Mr. Musto's) reasons for rejecting stone arches?

The Honourable Sir GHULAM HUSSAIN: (1) Yes.

(2) No.

(3) More detailed investigations have been carried out since the project was commenced and the stone has proved to be of doubtful quality for the purpose required.

(4) Mr. Musto has no power to reject arches of any sort.

LLOYD BARRAGE: BORROW PITS IN BEDS OF CANALS.

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

(a) whether at the commencement of the Lloyd Barrage Project work borrow pits were being dug in the beds of canals;

(b) whether the Chief Engineer, Lloyd Barrage, had some time ago issued orders stopping the digging of borrow pits in beds of canals or distributaries;

(c) whether it is a fact that those orders were countermanded by the Acting Chief Engineer, and, if so, the reasons therefor;

(d) whether they have now stopped the digging of borrow pits in the beds of canals?

The Honourable Sir GHULAM HUSSAIN: (a) Yes.

(b) to (d) No.

LLOYD BARRAGE STAFF: MUSLIMS AND NON-MUSLIMS.

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

(1) the number of Muslim and non-Muslim clerks in the service of the Barrage Department;

(2) how many of them, Muslims and non-Muslims, are permanent and how many of them are temporary?

The Honourable Sir GHULAM HUSSAIN : (1) 122 Muslims and 358 non-Muslims.

(2) The number of Muslims and non-Muslims, permanent and temporary, are :—

			Permanent.	Temporary.
Muslims	..	..	3	119
Non-Muslims	..	..	23	335

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : Are Government trying to increase the number of Muslims ?

The Honourable Sir GHULAM HUSSAIN : We are always trying to increase their number. We have asked the Sind Muhammadan Association, which is the representative body of the Muhammadans of Sind, to send the names of their candidates ; but they have never sent us the name of any candidate. If they send anybody's name, they ask for travelling allowance for coming before us.

Mr. HAJI MIR MAHOMED BALOCH : Will Government consider the question of asking me about candidates for any posts falling vacant ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member forms an association and gets elected as its president and the Muhammadans agree to that association, we will most certainly consider any names sent by him.

Mr. HAJI MIR MAHOMED BALOCH : The Sind Muhammadan Association is sleeping.

The Honourable Sir GHULAM HUSSAIN : Government are not responsible for it.

STATIONERY AND PRINTING DEPARTMENT : CLERKS.

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

(a) how many posts there are in the clerical establishment of the Stationery Office, Government Central Press and the Yeravda Prison Press of the following classes :—

(1) Head Clerks,

(2) Selection Grade appointments other than the ordinary clerical grade,

(3) Posts carrying duty allowances ;

(b) who the present occupants of each of these posts are and

(1) The length of services of these respective occupants,

(2) Who are appointed to act in these posts during temporary leave vacancies ;

(c) whether it is a fact that with the exception of 2 Christians all of these posts are occupied by Brahmins ;

(d) if so, whether Government have issued orders not to promote non-Brahmins to any of these posts ;

(e) if not, whether the claims of non-Brahmins have been disregarded in this particular Department, and, if so, the reasons therefor ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The accompanying statement furnishes the information required by the Honourable Member.

(c) Yes, regarding the Stationery Office and Yeravda Prison Press. No, regarding the Government Central Press.

(d) No.

(e) Promotions have been made with due regard to the claims of all classes of clerks on the establishment. The Superintendent, Government Printing and Stationery, has been asked to pay special attention to the claims of non-Brahmins in cases where they can be promoted without injustice to other members of the establishment.

Stationery Office (including the establishment for Government Book Depot).

- (a) (1) 1 Head Clerk (Stationery Office).
1 Head Clerk (i/c Government Book Depot).
(2) Nil
(3) 3.

Length of service.

- (b) (1) Mr. V. L. Phadke (Head Clerk, Stationery Office) ... 26 years.
Mr. G. Lopez (Head Clerk, Government Book Depot) ... 20 "
Mr. D. G. Bhawe } Clerks in receipt of duty allowance. { 19 "
Mr. J. N. Bhide } 12 "
Mr. A. Pimento } 30 "
- (2) Following clerks acted temporarily in these posts during the last two years :—
Mr. D. G. Bhawe as Head Clerk, Stationery Office.
Mr. D. V. Naik as Head Clerk, Government Book Depot.
Mr. N. S. Savant as Head Clerk, Government Book Depot.
Mr. S. L. Trilokekar for Mr. D. G. Bhawe.

Government Central Press, Bombay.

- (a) (1) 1 Head Clerk.
(2) 2 Posts.
(3) 6 Posts.

Length of service.

- (b) (1) Mr. B. J. Rege, Head Clerk 16 years.
Mr. K. B. Bodas, Accountant 18 "
Mr. D. A. Puranik, Establishment Clerk 19 "
Mr. V. B. D'Souza, Head Computer 26 "
Mr. N. K. Joshi, Work Order Clerk 22 "
Mr. S. B. Patwardhan, Despatch Clerk 21 "
Mr. D. A. Nijure, Bill Clerk 10 "
Mr. G. D. Wadke, General Store Keeper 5 "
Mr. S. G. Soman, Cashier 8 "
- (2) Mr. D. M. Muley acted as Head Computer.
Mr. P. D. Dhupkar acted as Bill Clerk.
Mr. K. T. Ranade acted as Head Computer.

Yeravda Prison Press.

- (a) (1) 1 Head Clerk.
(2) Nil.
(3) Nil.
- (b) (1) Mr. D. S. Jogalekar, Head Clerk—14 years.
(2) Mr. V. N. Gosavi, acted as Head Clerk.
Mr. B. R. Soman, acted as Head Clerk.

Rao Bahadur S. K. BOLE : As regards answer to (b), I would like to know what is the pay and allowance of Mr. A. Pimento and the pay and allowance of Mr. D. G. Bhawe and Mr. J. N. Bhide.

The Honourable Sir GHULAM HUSSAIN : If the honourable member gives notice, I will procure the information for him.

ASSISTANT MANAGER, GOVERNMENT CENTRAL PRESS : HOUSE RENT.

Rao Bahadur S. K. BOLE : With reference to the replies given by Government and printed in the Legislative Council Debates, Volume 29, page 771, will Government be pleased to state—

(a) why a certificate to the effect that Mr. Joshi was living within one mile from the Press was subjoined to Mr. Joshi's house rent bills when it was within the discretionary powers of the Superintendent, Government Printing and Stationery, to grant the highest amount of house rent admissible under the Government order sanctioning the said house rent allowance ;

(b) who was responsible for this certificate, how often it was repeated and the total amount drawn on bills bearing this certificate ;

(c) whether the Accountant General who passes these bills was aware of the nature of the certificate when he passed the bills for payment ?

The Honourable Sir GHULAM HUSSAIN : (a) The certificate attached to the Establishment bills in support of Mr. Joshi's house rent did not vouch that he lived within a mile of the Press.

(b) and (c) Do not arise.

Rao Bahadur S. K. BOLE : When the certificate did not vouch that the assistant manager lived within a mile of the press, did the Accountant General pass the highest amount of rent admissible to Mr. Joshi of his own accord ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Rao Bahadur S. K. BOLE : Will copies of the certificates and house rent bills be placed on the Council table ?

The Honourable Sir GHULAM HUSSAIN : I do not think that course will serve any good purpose.

Rao Bahadur S. K. BOLE : They will show how the assistant manager, though he was living outside the one mile limit, was drawing double house rent allowance.

The Honourable Sir GHULAM HUSSAIN : If notice of the question is given, I will supply all the information which the honourable member requires.

Rao Bahadur S. K. BOLE : Will Government be pleased to place on the Council table all the house rent bills ?

The Honourable Sir GHULAM HUSSAIN : All the information contained in the bills will be supplied.

PRINTING PRESS : CLERKS UNDER MR. JOSHI.

Rao Bahadur S. K. BOLE : (a) Will Government be pleased to give a statement of the clerks who resigned, retired prematurely or were dismissed owing to various reasons during the time when Mr. M. V. Joshi was Assistant Manager at Yeravda Prison Press till he resumed duties as the Assistant Manager, Government Central Press, Bombay ?

(b) Will Government be pleased to give a similar statement of the clerks who resigned, retired prematurely or were dismissed owing to various reasons from the time Mr. M. V. Joshi took up duties at the Government Central Press up till now ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The accompanying statements A and B give the information.

A

Statement showing the names of clerks whose services at the Yeravda Prison Press terminated or were terminated during the period from 12th August 1914 to 11th May 1925, during which Mr. M. V. Joshi was the Assistant Manager, Yeravda Prison Press.

No.	Name of the clerk	Reason for termination of the appointment
1	Mr. A. H. Sonatake ..	Resigned.
2	Mr. K. A. Pandharpure ..	Resigned.
3	Mr. G. N. Dani ..	Resigned.
4	Mr. A. K. Desai ..	Went away without notice.
5	Mr. C. D. Gujarathi ..	Resigned.
6	Mr. S. A. Kulkarni ..	Resigned.
7	Mr. D. N. Palshikar ..	Resigned.
8	Mr. S. B. Raje ..	Resigned.
9	Mr. P. W. Bapat ..	Resigned, served only for 4 days.
10	Mr. B. P. Salvi ..	Resigned.
11	Mr. N. Y. Varadkar ..	Resigned.
12	Mr. Shaikh Md. Abdullah ..	Resigned.
13	Mr. H. A. Brahme ..	Served only for a day and did not turn up.
13-A	Mr. V. V. Namjoshi ..	Resigned.
14	Mr. S. P. Joshi ..	Resigned.
15	Mr. A. B. Deshpande ..	Absent and services dispensed with.
16	Mr. K. M. Deshpande ..	Resigned.
17	Mr. D. G. Mulay ..	Resigned to join Arts College.
18	Mr. G. D. Shirke ..	Services dispensed with.
19	Mr. R. J. Mulay ..	Services dispensed with.
20	Mr. N. G. Joshi ..	Absent and services dispensed with.
21	Mr. T. R. Ghatpande ..	Served only for a day and did not turn up.
22	Mr. G. K. Gokhale ..	Resigned. Left service without orders.
23	Mr. P. Y. Potnis ..	Resigned.
24	Mr. G. K. Deshpande ..	Resigned. Left service without orders.
25	Mr. C. B. Udas ..	Resigned owing to some accidental and unavoidable reasons.
26	Mr. K. C. Gorde ..	Services dispensed with.
27	Mr. B. H. Deo ..	Services dispensed with.
28	Mr. B. R. Kulkarni ..	Resigned.
29	Mr. V. R. Amolik ..	Services dispensed with.
30	Mr. G. A. Bhagwat ..	Resigned.
31	Mr. N. R. Kulkarni ..	Resigned.
32	Mr. A. N. Karve ..	Resigned.
33	Mr. P. B. Datar ..	Resigned.
34	Mr. S. G. Date ..	Services dispensed with.
35	Mr. Y. H. Kulkarni ..	Resigned.
36	Mr. G. R. Joshi ..	Resigned owing to sickness.
37	Mr. R. P. Kanade ..	Services dispensed with.
38	Mr. G. W. Phadke ..	Services dispensed with owing to unsatisfactory work.

No.	Name of the clerk	Reasons for termination of the appointment
39	Mr. K. K. Raut ..	.. Services dispensed with.
40	Mr. P. G. Bhide ..	.. Resigned.
41	Mr. G. L. Joshi ..	.. Resigned.
42	Mr. V. J. Gupte ..	.. Resigned.
43	Mr. D. K. Kulkarni ..	.. Resigned and left without notice.
44	Mr. S. A. Atre ..	.. Resigned.
45	Mr. P. M. Mundle ..	.. Services dispensed with.
46	Mr. M. B. Shete ..	.. Resigned on account of bad health.
47	Mr. K. B. Sathe ..	.. Left without intimation.
48	Mr. N. S. Kawalgiar ..	.. Resigned. He was an ex-convict. He stated that the service was not suitable with respect to his health and the education of his children.
49	Mr. B. G. Upadhye ..	.. Resigned owing to fatigue of coming from Poona.
50	Mr. A. G. Ghodke ..	.. Services dispensed with as he stayed away.
51	Mr. S. C. Paranjpe ..	.. Services dispensed with.
52	Mr. D. D. Ghate ..	.. Services dispensed with as he stayed away without intimation.
53	Mr. V. N. Behre ..	.. Services dispensed with owing to frequent absence.
54	Mr. S. Venkatramayya ..	.. Left without notice.
55	Mr. Y. S. Joshi ..	.. Resigned.
56	Mr. N. S. Datir ..	.. Services dispensed with. He wanted permission to attend at 10 a.m. instead of at 8 a.m. owing to weakness and he was given a month's notice, but he stayed away before the expiry of the period of notice.
57	Mr. S. G. Gramopadhye ..	.. Not ascertainable.
58	Mr. B. D. Sangamnerkar ..	.. Resigned owing to his father's sickness. He was required to go to his native place.
59	Mr. A. Aron ..	.. Resigned being unable to walk the distance from Poona to Yeravda.
60	Mr. G. L. Joglekar ..	.. Resigned.
61	Mr. B. R. Puranik ..	.. Resigned to take up an appointment in the office of the Controller of Military Accounts, Poona.
62	Mr. B. A. Gupte ..	.. Resigned.
63	Mr. M. W. Deshmukh ..	.. Resigned. Resignation accepted by the Superintendent, Government Printing, Poona.
64	Mr. J. S. Supekar ..	.. Transferred to Composing Establishment.
65	Mr. H. C. Bhawe ..	.. Resigned.
66	Mr. G. M. Tole ..	.. Resigned.
67	Mr. D. R. Athawle ..	.. Resigned. He was feeling weak owing to frequent attacks of low fever.
68	Mr. R. B. Thite ..	.. Resigned owing to illness.
69	Mr. V. B. Thosar ..	.. Resigned being unable to suffer the trouble in attending office owing to old age.
70	Mr. D. V. Shaligram ..	.. Services dispensed with for continuous absence owing to sickness.
71	Mr. S. R. Dabade ..	.. Services dispensed with as he stayed away from 5th December 1921 without intimation to office.

No.	Name of the clerk	Reason for termination of the appointment
72	Mr. M. S. Pethkar ..	Services dispensed with owing to his continued absence owing to sickness from 30th December 1921.
73	Mr. R. G. Kelkar ..	Resigned as the working condition told upon his health.
74	Mr. N. A. Deshmukh ..	Resigned. He was advised by a medical practitioner not to walk the distance from Poona to Yeravda.
75	Mr. D. N. Dongre ..	Resigned on account of distance from Poona to Yeravda. No boarding arrangement to suit and thus the service was inconvenient.
76	Mr. Durga Prasad Varma ..	Services dispensed with as he absented himself without notice.
77	Mr. G. P. Anagarkar ..	Services dispensed with as he absented himself from 1st August 1922.
78	Mr. S. M. Theurkar ..	Resigned.
79	Mr. S. B. Bodhak ..	Services dispensed with.
80	Mr. B. B. Sawant ..	Transferred to compositors' establishment from where he resigned on 8th November 1922.
81	Mr. B. H. Tamboli ..	Services dispensed with.
82	Mr. B. S. Makasare ..	Services dispensed with.
83	Mr. Shaikh Md. Abdul K. ..	Services dispensed with.
84	Mr. S. V. Deshpande ..	Resigned on account of sickness.
85	Mr. J. S. Shukla ..	Resigned.
86	Mr. S. V. Dole ..	Resigned owing to sickness in the family.
87	Mr. G. H. Bhide ..	Resigned being unable to attend from Poona.
88	Mr. G. B. Salvekar ..	Services dispensed with.
89	Mr. D. N. Sathye ..	Services dispensed with as his work was not satisfactory.
90	Mr. Y. B. Subhedar ..	Services dispensed with as his work was not satisfactory.
91	Mr. V. B. Pathak ..	Services dispensed with.
92	Mr. M. B. Desai ..	Services dispensed with.

B

Statement showing the names of clerks whose services at the Government Central Press, Bombay, terminated since May 1925, when Mr. Joshi was transferred to Bombay.

No.	Name of the clerk	Reason for termination of the appointment
1	Mr. N. B. Kalekar ..	Resigned from 4th July 1925.
2	Mr. M. S. Mehta ..	Invalided on 10th September 1925.
3	Mr. S. G. Edgaonkar ..	Resigned from 11th March 1926 due to bad health.
4	Mr. G. K. Soman ..	Invalided on 9th April 1926.
5	Mr. S. K. Daptardar ..	Invalided on 4th June 1926.
6	Mr. Shankar Vithoba ..	Invalided on 20th August 1926.
7	Mr. N. G. Mhatre ..	Resigned from 16th November 1926 to rejoin College.
8	Mr. S. B. Shukla ..	Resigned from 16th June 1928 to join a more lucrative post elsewhere.

Rao Bahadur S. K. BOLE : What is the number of clerks in the Yeravda Printing Press ?

The Honourable Sir GHULAM HUSSAIN : The honourable member will realise the difficulty of remembering the number of the various clerks in the various branches of the press.

Rao Bahadur S. K. BOLE : Is it about 15 ?

The Honourable Sir GHULAM HUSSAIN : I cannot say.

Rao Bahadur S. K. BOLE : Are Government aware that some of these clerks have put in 20 years' service ?

The Honourable Sir GHULAM HUSSAIN : May be.

Rao Bahadur S. N. ANGADI : May I know why there have been so many resignations and whether Government see any grounds in that to order a general enquiry into the conduct of the person concerned ?

The Honourable Sir GHULAM HUSSAIN : The honourable member should realise that they did not resign simultaneously. If they had done so, then Government might have made an enquiry. The clerks resigned at different times. One may have resigned after one month and another after two years and so on during the long period of 11 years.

Rao Bahadur S. K. BOLE : Is there any truth in the report that the assistant manager used to ask as commission a certain percentage from the salaries of clerks and used to harass.....

The Honourable the PRESIDENT : That question cannot be allowed.

Rao Bahadur S. N. ANGADI : Do not Government think that when there are so many resignations there must be something about the man who is managing these clerks ?

The Honourable Sir GHULAM HUSSAIN : There might be something wrong with the persons who resigned. They might be getting better pay elsewhere.

Rao Bahadur S. N. ANGADI : Will enquiry be made ?

The Honourable Sir GHULAM HUSSAIN : Not necessarily.

Rao Bahadur S. K. BOLE : Does Government intend to institute an enquiry into the matter of the allegations that are made against the assistant manager ? One of them I have just now made.

The Honourable the PRESIDENT : That allegation cannot be said to have been made when it is ruled out of order here.

Rao Bahadur S. K. BOLE : But, Sir, I have already made it here.

The Honourable the PRESIDENT : Next question.

PESHWA DAFTAR : CLASSIFICATION OF PUBLICATION.

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

(a) whether the selections from Peshwa Daftar recently published by Government have been priced as ordinary publications or special publications ;

(b) if they are priced as special publications the reasons for such classification

(c) what would have been the price if these publications had been classed as ordinary Government publications?

The Honourable Mr. W. F. HUDSON: (a) The selections are being priced as special publications.

(b) These selections are not of the nature of ordinary Government publications.

(c) The figures have been worked out for selection No. 1, the price charged for which is based on full cost and is 13 annas. If it were charged for as an ordinary Government publication composition and "make-ready" charges would be omitted and the price thereby reduced to 5 annas.

Rao Bahadur S. K. BOLE: Would not many persons have bought these publications if they had been sold as Government publications?

The Honourable the PRESIDENT: That is hypothetical.

WATER SUPPLY, ISLAMPUR.

Khan Bahadur D. B. COOPER (Satara): Will Government please state—

(a) in what year the Islampur Water Supply scheme was first placed before them;

(b) whether any action was then, or has since been, taken to put the scheme into operation;

(c) whether any revised scheme has been, or now is, submitted to Government;

(d) when it is expected that the scheme will be in full operation?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: (a) 1915.

(b) No, since the project had to be abandoned on financial grounds as the Municipality even with a 50 per cent. grant-in-aid from Government was unable to carry it out.

(c) and (d) Yes, but as the gross estimated cost of the scheme is Rs. 5,42,690 and Government are unable at present to give the financial assistance asked for, the Superintending Engineer, Public Health, has been asked to re-submit the proposal when the financial situation improves.

WATER DIVINER'S DEPARTMENT: EXPENDITURE.

Khan Bahadur D. B. COOPER (Satara): Will Government be pleased to state what were the total amounts spent annually on maintaining the Department of Major Pogson, the Water Diviner, from the date of his appointment until his Department was abolished?

The Honourable Mr. W. F. HUDSON: The following expenditure was incurred on this account:—

Year.	Amount. Rs.
1925-26	23,112
1926-27	42,569
1927-28	41,855
1928-29	30,175
1929-30	38,580

Rao Bahadur G. K. CHITALE : I would like to know whether in such cases where there have been failures, refunds have been granted to the people concerned.

The Honourable Mr. W. F. HUDSON : I want notice of that question.

EDUCATIONAL POLICY : WASTAGE.

Khan Bahadur D. B. COOPER (Satara) : Will Government be pleased to state—

(a) whether their attention has been drawn to the article which appeared in the "Times of India", dated the 19th November 1930, written by Mr. Dinshaw M. Mehta calling "Education in Bombay a profitless Policy";

(b) have Government taken any steps or action in order to prevent the wastage referred to in the article quoted;

(c) if the reply to (b) is in the negative, whether Government propose to take any action hereafter in the matter?

The Honourable MOULVI RAFTUDDIN AHMAD : (a) Yes.

(b) Yes.

(c) Does not arise.

TAKAVI LOANS AND LAND REVENUE ASSESSMENT IN THAR PARKAR DISTRICT.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) : Will Government be pleased to state—

(a) whether the landholders of Thar Parkar District are indebted to Government to the extent of Rs. 40,00,000 as arrears of takavi loans and land revenue assessment;

(b) whether those landholders are also indebted to the Zamindari Bank, Mirpurkhas, and the District Central Co-operative Bank, Mirpurkhas;

(c) whether for the last four years there has been continued failure of crops on account of heavy rainfalls, floods, locusts, etc.;

(d) whether the prices of agricultural products have fallen;

(e) whether, in view of clauses (a) to (d) above, they intend to allow the zamindars of the Thar Parkar District to pay up their debts to them (Government) in instalments spreading over 20 years;

(f) if not, the reasons therefor?

The Honourable Mr. W. F. HUDSON : (a) Takavi outstanding against agriculturists at the end of the takavi year ending 30th September 1930 was Rs. 25,31,599, while the arrears of land revenue outstanding at the end of the revenue year ending 31st July 1930 amounted to Rs. 3,90,810.

(b) Some of the landholders are indebted to the Zamindari Bank, Mirpurkhas. The District Central Co-operative Bank, Mirpurkhas, gives loans to co-operative societies and not to individuals who have no deposits in the Bank.

(c) Yes, but these affected different parts of the district in varying degrees.

(d) Yes, this year.

(e) No.

(f) Government have already rendered generous assistance to agriculturists of the Thar Parkar District. Owing to damages caused by the floods, help was given to them in the form of grants for gratuitous relief, takavi loans on a liberal scale, concession in the rate of interest and in the periods fixed for repayment, free grants of timber from forests and Government waste lands and the concession of free pasturage in forests and other Government lands. Postponements of land revenue and takavi arrears have also been granted liberally to the khatedars from time to time. Recently Government have sanctioned a special remission of 2 annas in a rupee in the assessment this year in the talukas of Mirpurkhas, Digri, Jamesabad, Samaro, Sanghar and Khipro of this district. As the honourable member is doubtless well aware, very much larger and special remissions have now been granted to the Thar Parkar district.

Khan Bahadur M. A. KHUHRO : Is Government aware that it is not possible for these people to pay all this sum of about 30 lakhs immediately next year or in the course of the one thereafter ?

The Honourable Mr. W. F. HUDSON : They are not being asked to pay all this now. I cannot say about future years.

Khan Bahadur M. A. KHUHRO : What about the instalments ? Are they in contemplation ?

The Honourable Mr. W. F. HUDSON : I must ask for notice. I cannot carry all these different rules in my head, but every possible consideration is being shown to the zamindars of Thar Parkar.

CAUSEWAY OVER THE BENNI NALA RIVER.

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(1) whether they are aware that the Benni Nala river between Navalgund and Nargund in the Dharwar District on the Hubli Bijapur-Sholapur Road is not bridged ;

(2) whether they are aware that traffic is held up in the monsoon on this account ;

(3) whether they intend to take any steps in the matter ?

The Honourable Dewan Bahadur S. T. KAMBLI : (1) Yes.

(2) Yes.

(3) The work has been included in the programme of communication works to be financed from the Petrol Tax Fund during the year 1931-32. It will be taken in hand when the programme has been approved by the Government of India.

Mr. V. N. JOG : Is it likely the programme will be approved early by the Indian Road Board ?

The Honourable Dewan Bahadur S. T. KAMBLI : If the Road Conference is meant by the honourable member, then it is expected to meet at Simla in September next to consider the programme.

GOVERNMENT SERVANTS : BOMBAY CITY : SCALES OF PAY.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(1) whether it is a fact that a distinction is made by the Bombay Government in sanctioning the scale of pay to graduates in the offices of the city of Bombay and in the Civil Secretariat;

(2) whether it is also followed in the case of matriculates;

(3) if so, the reasons for having such a distinction;

(4) whether Government intend to keep the distinction in the new scales to be introduced?

The Honourable Sir G. B. PRADHAN: (1) Yes.

(2) Yes.

(3) Work in the Secretariat is of a different nature and is more arduous and exacting.

(4) Yes.

POLITICAL PRISONERS : TREATMENT IN JAIL.

Rao Bahadur R. R. KALE (Satara): (a) Will Government be pleased to state whether they had made any inquiry into the complaints of released political prisoners in regard to their treatment in Jails in the Bombay Presidency?

(b) If so, what steps Government have taken or intend to take to remedy the grievances?

(c) Has the attention of Government been drawn to the constitution of a Committee by the Social Service League to make investigations in the matter?

The Honourable Mr. G. A. THOMAS: (a) No such complaints were made to Government. The Honourable Member presumably refers to complaints which were made through the medium of the Press. Government do not recognise any obligation on them to enquire into complaints made in this manner. They have made enquiries in some of the cases in question where the allegations were sufficiently precise and were not mere repetitions of allegations which had already been enquired into.

(b) The attention of the Honourable Member is invited to the Government Press Notes of the 16th and 29th August and the 17th October 1930 and the 26th February 1931, copies of which are placed on the Council table.

(c) Yes.

With the compliments of the

Director of Information, Bombay.

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16-8-30

There have been recently a number of allegations in a certain section of the Press regarding the treatment of political prisoners in the Thana Jail. A Correspondent writing in the *Bombay Chronicle* of July 25th gave an account of the prisoners' grievances in the course of which he stated that the Jail contained 3 A. class and more than 100 B class prisoners, that the food, which the prisoners were not allowed to supplement at their own expense, supplied to the B class prisoners was unfit for human consumption being unclean, badly cooked and insufficient in quantity, with the result that not a few of the Satyagrahis had become emaciated beyond recognition and that dysentery had become the order of the day. He further alleged that the prisoners are confined in ill-ventilated reeking cells, given insufficient and torn clothing and are not allowed the use of mosquito curtains and also made disgusting accusations regarding the sanitary arrangements.

How far his statement is from the truth is shown by facts which have emerged on enquiry and by the remarks passed in the Visitors' Book both by official and non-official visitors of the Jail. In the first instance on the 1st August there were 9 A class prisoners and 52 B class in the Thana Jail. The food, which is well cooked in a fly-proof kitchen, is the same for both classes of prisoners, the only difference in the arrangements being that A class prisoners are allowed to purchase extra food at their own cost if they so desire. On the 12th July Mr. S. K. Wodeyar, Sub-divisional Magistrate, remarked in the Visitors' Book that he had tasted the food supplied to the B class prisoners and had found it quite fresh and on the 15th of the same month Dr. T. Wells and Mr. J. Karim, both non-official visitors, wrote: "The C class prisoners complain about their food. The undersigned examined the food and tasted it and found it satisfactory. We do not think the complaint is justified." Again on the 19th and 26th July Mr. Wodeyar wrote: "The political prisoners, A, B and C class are all happy now with sanitary arrangements specially made for them recently by the Superintendent. C class political prisoners complain of grit found in their breads. To-day I tasted the breads and found them alright. I was also pleased to see the fresh food being sent to these prisoners in decent and clean pots. B class prisoners still request that they should not be locked up at night, though they are informed the rules do not permit." "Political prisoners of all classes are now pleased with the arrangements made for them. I was surprised to read the *Chronicle* yesterday that A class prisoners have not been supplied with mosquito curtains. I have been seeing their using mosquito curtains since my first visit in this month; to-day also I see curtains in all the cells of A class and some even in B class cells supplied at their cost. Tin-pots have been provided for all seats in the latrines of A and B class. Hot milk and fresh food are supplied to B class prisoners. No complaints from C class about grit in their breads this time. Medical treatment given by the Civil Surgeon is quite satisfactory and the prisoners appreciate that. They thank also the Superintendent and Jailor for heeding their requests in time." These remarks go to prove that the alleged grievances in regard to food are without foundation and in fact enquiry in the Jail shows that the food issued is of good quality and that fresh vegetables are supplied from the Jail garden. As for the allegations regarding dysentery and emaciation of the prisoners, there have been only 5 cases of dysentery in the Jail, none of a serious nature and an inspection of the weight charts of the prisoners shows that the majority of them have gained weight since their admission. The 5 cases of dysentery were due to the monsoon and not to the quality of the food. The cells are properly ventilated by two windows in addition to a barred door and the sanitary arrangements, which are the subject of constant supervision by the Jail authorities, are adequate. The prisoners are supplied with sufficient clothing which is new and clean and which has been specially made for these political prisoners.

With the compliments of the
Director of Information, Bombay.

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Alleged ill-treatment of Prisoners after release.

The edition of the "Kesari" published on the 16th August contained an article headed "When will this zulum be redressed?" which states that when certain prisoners were released from Yeravda Jail on the 9th August they were re-arrested, dragged into the jail again, severely beaten and then confined in a cell for three or four hours merely because they uttered a victory cry in the name of Mr. Gandhi.

An enquiry has been made into the circumstances of the release of the prisoners in question and it shows that the "Kesari" story is a tissue of lies and falsehoods. On the 9th August sixteen prisoners were due for release and they were taken outside the prison under the usual escort to proceed to the railway station. As soon as they were outside the jail they commenced to shout and to create a disturbance. The Superintendent of the Jail thereupon ordered them to be put in the dock at the foot of his office stairs pending the departure of their train for Ahmednagar and arranged for them to be released in couples to avoid any further trouble. They were not taken inside the inner gate nor were they beaten. The Superintendent passed by and saw them several times while they were in the dock and they made no complaint whatsoever to him. To anyone who knows the jail it is impossible to believe that any jail official would attempt to beat or ill-treat any prisoner in such a public place as the dock which is next to the public sales room, the offices and the public roadway.

With the compliments of the
Director of Information, Bombay.

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17-10-30

In a report of the proceedings of the Bombay Municipal Corporation meeting held on Monday last which appeared in the *Bombay Chronicle* dated the 14th October Mr. B. N. Mehisheri is stated to have said that during the twelve days he spent in Arthur Road Jail he lost five pounds in weight and that the food supplied to the prisoners was so bad that

it was unfit even for animal consumption, and also that the sanitary arrangements were deplorable, the latrines in the Jail being in such a filthy condition that he had to request the Superintendent to make use of phenyle.

Against the allegations made by Mr. Mehisheri regarding his loss of weight we have the weight chart recorded in his History Ticket maintained during his stay in jail. The chart shows that on admission to jail on the 15th May last he weighed 109 lbs., on his transfer from Nasik Road Central Jail to Arthur Road on 29th September he weighed 125 lbs. and that on his release on the 13th of this month, the day of the meeting, he weighed 124 lbs. A touch of comedy is given to the story by the fact that while in the Arthur Road Jail Mr. Mehisheri was seen doing physical exercises which he explained to the jailor were reducing exercises carried out as his weight had increased too much.

The truth of the remainder of Mr. Mehisheri's statements may well be judged from the obvious unreliability of his allegation regarding his weight and it suffices to say that the latrines in the Arthur Road Jail are all on the flushing system, are absolutely sanitary, and are always kept scrupulously clean.

*With the compliments of the
Director of Information, Bombay.*

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26-2-31

Letters have appeared in the Press from a Mr. R. D. Baliwala purporting to recount his experiences at Visapur Jail. These letters are full of inaccuracies. In the first place Mr. Baliwala states that on arrival at Visapur he found "an army of policemen armed with lathis waiting near the Jail gate to give us a 'warm' reception." In fact, no policemen are employed in any Jail. He is evidently referring to warders and the latter did not dash upon the party and abuse or assault or threaten the prisoners. It is absolutely untrue to say that any prisoner was deprived of his sacred thread or his religious books. Nothing of the kind has ever occurred at Visapur. The statement that politicals are "taken out in the sun and subjected to all sorts of tortures" is a pure invention. The majority of the prisoners are employed on road making and cleaning prison premises in general, which includes the sweeping of barracks and yards. Nor is it true to say that prisoners are made to carry a load of more than 2 maunds on their heads. The maximum weight carried never exceeds 8 to 10 lbs. at the most.

Another instance of the writer's inaccuracy is found in his statement that 400 Satyagrahis resorted to hunger strike because of the "horrible" food. The writer appears to have been in Visapur Jail from the 27th November to the 26th December 1930. During the period of his stay there was not a single hunger strike; so his story that "75 strikers were made to sit on their toes the whole night from 6 p.m. to 6 a.m. and even drinking water was denied to them," is obviously untrue. It is true that Dr. Jani was given a separate cell but this was because he was suffering from a skin disease and not because he went on hunger strike. The writer also complains that the water is "very bad and dangerous for human use". The water supplied to prisoners is the same as that supplied to the staff and is perfectly fit to drink. The writer also says that when he left Visapur about 150 politicals were undergoing fetters. The truth is that there has never been more than a dozen prisoners in fetters at any time. The barracks are well ventilated and quite fit for habitation and the clothing and bedding is more than sufficient.

Rao Bahadur R. R. KALE: With regard to (c) "Has the attention of Government been drawn to the constitution of a Committee by the Social Service League to make investigations in the matter," may I know whether Government have received a report from this League?

The Honourable Mr. G. A. THOMAS: Yes, we have received a report.

Rao Bahadur R. R. KALE: If so, may I know whether they are going to make any enquiry or any investigation into the facts contained in that report?

The Honourable Mr. G. A. THOMAS: No.

Rao Bahadur R. R. KALE: It was stated that no complaints had been received and therefore no enquiry was made. May I know whether there are any complaints disclosed in the report of the committee appointed by the Social Service League?

The Honourable Mr. G. A. THOMAS : I want notice of that question. I cannot remember the contents of the report.

Rao Bahadur R. R. KALE : My only point is whether it is necessary that the complaints should proceed from a particular individual or whether it is not sufficient that there should be complaint from a body like the Social Service League. Is such a complaint not enough to put Government on their enquiry ?

The Honourable Mr. G. A. THOMAS : I must apologise to you, Sir, and to the honourable House. I am now informed that Government have not yet received the report.

SHRI JARENDESWAR TEMPLE : CONSTRUCTION OF ROAD.

Rao Bahadur R. R. KALE (Bombay University) : Will Government be pleased to state—

(a) whether a petition was made by the Manager of the Shri Jarendeswar temple on the Jeranda Hill near Satara Road Railway Station, requesting permission to construct a public road from the foot of the hill to its top for the use of pilgrims and devotees who visit the temple and are much inconvenienced for want of a road to ascend the hill and carry provisions far to the top of the hill ;

(b) whether the said Manager expressed his willingness to construct the Road himself in case neither the Government nor the District Local Board are able to do so, defraying the cost thereof by raising subscriptions from the devotees ;

(c) whether the Manager also gave a guarantee from respectable citizens of Satara that the road would be maintained in repairs at his cost ;

(d) whether the District Forest Officer and Collector recommended that the permission may be granted ;

(e) how long the matter has been pending in correspondence and when it will be decided ?

The Honourable Dewan Bahadur S.-T. KAMBLI : (a), (b), (c) and (d) Yes.

(e) The matter was referred to Government by the Commissioner, Central Division, in December 1930. Orders permitting the Manager of the temple to construct the road in question were issued in January 1931.

Rao Bahadur R. R. KALE : My question was, how long the matter has been pending in correspondence. Of course, it is stated in the reply that Government received a report from the Commissioner in December 1930 and they passed their orders in January 1931. I want to know how long before December 1930 the matter was pending with the other revenue authorities.

The Honourable Dewan Bahadur S. T. KAMBLI : If the honourable member will please see me in the tea recess, I shall be glad to find out the information for him then.

KHATEDARS IN MEHLOL ESTATE.

Mr. SHAIKH ABDUL AZIZ for Khan Bahadur A. E. PATEL (Northern Division) : Will Government be pleased to state—

(a) whether they are aware that there was a uniform custom of leasing, mortgaging and selling of lands by the estate khatedars in the Mehlo estate in Panch Mahals District ;

(b) whether they are aware that there are two *jahirnamas* in the estate which allow the estate tenants the rights mentioned in clause (a) above ;

(c) whether they are aware that the Collector issued an order in 1916 to insert these privileges in the *kabulayats* whenever lands are granted to any khatedar ;

(d) the number of *kabulayats* in which the privileges were inserted ;

(e) the number of *kabulayats* in which the privileges were omitted and the reasons for this omission ;

(f) whether they are aware that there was discontent among the khatedars when the order of 1926 cancelling the *jahirnamas* of 1910 and 1916 was issued ;

(g) whether it is a fact that a Government Resolution was issued in 1930 cancelling the order of 1926, thereby reintroducing the rules of 1910 and condoning all the cases of transfer of sales and mortgages from 1910 to 1930 ;

(h) whether it is a fact that cases of long leases have not been condoned ;

(i) if so, whether they intend to take any action in the matter ?

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

(b) No. There was only one *jahirnama* issued in 1910, under which the estate lands, if mortgaged, sold or otherwise encumbered, were forfeited and regranted to the mortgagees, purchasers, etc., on payment of certain premia. The regrant was made at the discretion of the Estate authorities and merely conveyed the tenancy-at-will of the land concerned.

(c) In 1916 the Collector of the Panch Mahals sanctioned the insertion of the following two clauses in the conditions of auction sale of tenancy rights and in *kabulayats* to be executed by new tenants :—

“(i) The rights given to the tenants are such as are enjoyed by the other tenants of the Estate.”

“(ii) Permission is given for leasing out the land to other tenants for one year.”

(d) The number of *kabulayats* in which the clauses quoted above were inserted is 235.

(e) The number of *kabulayats* in which the above clauses were not inserted is 5. These latter *kabulayats* were taken for a ten years' period under the orders of 1926 which were promulgated after cancelling the *jahirnama* of 1910.

(f) There was discontent among the khatedars when the orders of 1926 cancelling the *jahirnama* of 1910 and the orders of 1916 were issued.

(g) Yes.

(h) Only four cases of long leases were not condoned at first.

(i) Government have since directed that the four khatedars should not be evicted from the lands held by them on the termination of the leases they have made with their sub-tenants, but that they should be treated as tenants-at-will.

MEASURES USED BY KHOTS, LANDLORDS AND SAWAKARS
IN KOLABA, RATNAGIRI AND THANA DISTRICTS.

Mr. N. N. PATIL (Kolaba District): Will Government be pleased to state—

(a) whether they are aware that the landlords, khots and sawakars in the Ratnagiri, Kolaba and Thana districts, when receiving annual rent (*makta* repayment of debts and interest in kind) from the tenants, use measures which are larger than the standard measures prescribed by Government;

(b) if so, whether the percentage of the excess over the standard measure is uniform in the said district or whether it varies from place to place according to the old established usage or according to the arbitrary will of the individual landlords, khots and sawakars;

(c) the uniform percentage of excess over the standard in both the above cases;

(d) the minimum and maximum percentages of variations;

(e) whether they have taken any action against this practice of arbitrary measures?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: (a) Yes, in some places in the Kolaba and Thana districts.

(b) The percentage varies from place to place either according to old established usage, or the will of the individual landlord, Khot or Sawakar.

(c) There is no uniform percentage of excess.

(d) In Thana the minimum and maximum percentages of the variations are reported to be 4 per cent. and 25 per cent. respectively. In Kolaba the percentages are 9 per cent. to 20 per cent.

(e) Legislation for standardisation of weights and measures in the Bombay Presidency is under the consideration of Government.

Mr. N. N. PATIL: Are Government aware of the fact that immediate relief in respect of the measures, which vary according to the sweet will of the landlord, khot, or sawakar, is needed so far as the tenants in the Kolaba district are concerned?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: I should say that relief is needed.

PRISONER MR. GHATE: TREATMENT IN JAIL.

Mr. N. N. PATIL (Kolaba District): (a) Has the attention of Government been drawn to the report appearing on page 5 of the *Bombay Chronicle* of the 9th January 1931 regarding the treatment meted out to Mr. N. M. Ghate?

(b) Will Government be pleased to state whether the Jail Doctor had certified Mr. Ghate as a fit person for Chakki work?

(c) Is it a fact that Mr. Ghate was kept in a solitary cell for stating to the Havaldar or Jamadar that owing to his short stature it was not possible for him to work on the Chakki?

(d) Is it a fact that Mr. Ghate was given "standing hand-cuffs". If so, for how many days and for how many hours every day and for what reason?

(e) Will Government be pleased to state whether the trying Magistrate had directed that Mr. Ghate should be treated as a B class prisoner?

(f) If the answer to (e) above is in the affirmative will Government please state why and when he was sent to C class?

(g) Will Government be pleased to state whether Mr. Ghate has been deprived of his privileges of interview and correspondence?

(h) If the answer to (g) above is in the affirmative will Government please state the reason for this action?

(i) What is the present state of Mr. Ghate's health and what work he is given at present?

(j) If the report referred to in question (a) is correct, viz., that Mr. Ghate was beaten by the Havaldar, will the Government please state the authority under which a prisoner can be beaten by a Jamadar?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) The prisoner was certified fit for hard labour.

(c) No.

(d) He was given four days' standing hand-cuffs for six hours a day for persistently refusing to do any work.

(e) Yes.

(f) He was not placed in C class.

(g) and (h) The privileges were withdrawn for bad conduct.

(i) He has since been released. His health on release was good.

(j) The report is not correct.

WATER SUPPLY: KHAREPAT LAND.

Mr. N. N. PATIL (Kolaba District): (a) Has the attention of Government been drawn to the plight of the cultivators for want of an adequate supply of water in what are known as the Kharepat lands in the summer?

(b) Have Government received any petition regarding the same?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: (a) and (b) Yes.

Mr. N. N. PATIL: Am I to understand from the reply given that Government are considering that question?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: A petition was received signed by the honourable member himself. Is the honourable member referring to that petition?

Mr. N. N. PATIL: It was forwarded to Government under my signature.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It was considered, but looking to the size of the village and the fact that several other villages were similarly situated, it was not possible for Government to pick out only one village out of about 60 for water supply.

Mr. A. N. SURVE : In addition to the said petition, have Government received a resolution passed at the conference of Kolaba cultivators, held at Pen during Christmas ?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : I am not aware of it ; I could not say offhand.

PETROL TAX : SHARE OF LOCAL GOVERNMENT.

Mr. H. M. RAHIMTOOLA (Bombay City) : Will Government be pleased—

(1) to state what amount they have received or are likely to receive from the Government of India as their share of the New Petrol Tax ;

(2) to state how they propose to spend the amount ;

(3) to make a general statement on the subject similar to the one made by them last year ?

The Honourable Dewan Bahadur S. T. KAMBLI : (1) The amount actually received from the petrol tax revenue during the year 1930-31 is Rs. 25,60,000. During the year 1931-32 a sum of about Rs. 16,00,000 is likely to be received.

(2) This amount is proposed to be spent on the following twelve schemes which have been approved by the Government of India and such further schemes as may hereafter be approved by them :—

(1) Bombay-Poona-Aurangabad Road.

(2) Bombay-Ahmedabad-Rajputana Road.

(3) Dhulia-Bhusawal-Edlabad-Nagpur Road.

(4) Bombay-Agra Road.

(5) Karwar-Bellary Road.

(6) Bombay-Goa or Konkan North to South Road.

(7) Bombay-Poona-Sholapur-Hyderabad Road.

(8) Bombay-Poona-Bangalore Road.

(9) Karachi-Sukkur-Punjab Road on the west side of the river Indus.

(10) Karachi-Sukkur-Punjab Road on the east side of the river Indus.

(11) Hyderabad-Mirpurkhas-Rajputana Road.

(12) Sukkur-Shikarpur-Jacobabad-Quetta Road.

It is also proposed, subject to the approval of the Government of India, to divert a sum of Rs. 16 lakhs out of the same amount to maintenance of roads in the year 1931-32, as a special case.

(3) Government have prepared a programme of communication works to be financed from the petrol tax fund during the year 1931-32. This programme was approved by the Road Board at its last meeting held on 18th December 1930. The programme has yet to be placed before the Road Conference to be held at Simla. The details of the programme are printed at pages 53 to 56 of the Preliminary Issue of the Budget of 41, Civil Works—Provincial, for 1931-32.

DRAINS IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) the number and names of the drains which existed in Sind before the establishment of the Public Works Department ;

(b) whether it is a fact that they have been neglected and allowed to be silted up ;

(c) whether they intend to construct sufficient drains to carry off flood water from the villages which are liable to floods during excessive rains ?

The Honourable Sir GHULAM HUSSAIN : (a) The number and names of the old drains that existed in Sind before the establishment of the Public Works Department are not known. There are certain very old channels which are apparently the beds of former courses of the river Indus and serve as drainage channels in times of heavy rains or floods. Such are the Sind Dhoro in the Upper Sind Frontier District, the Puran Dhoro in the Thar Parkar District, the Gungro Dhoro in the Karachi District and several dhoro with various local names in the Nawabshah and Hyderabad districts.

(b) These old river channels are not maintained by the Public Works Department.

(c) Several drains in connection with Irrigation Schemes are proposed to be maintained or constructed for leading surplus water to the natural drains formed by old river beds and they will be useful to carry the flood water due to heavy rains from the villages.

PRIMARY TEACHERS OF N. J. HIGH SCHOOL, KARACHI :

COMPENSATION PENSION AND LEAVE SALARY.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether they are aware that some of the primary teachers of the N. J. High School, Karachi, were granted compensation pension after the abolition of the double shift system in the said school in 1928 ;

(b) whether the teachers in question went directly on leave on their relief from the N. J. High School ;

(c) whether they received leave salary for about one year or so ;

(d) whether their leave salary is to be borne by Government for the period of the leave they earned while in Government service ;

(e) whether Government intend to recover the leave salary from their compensation pension ; if not, the reasons therefor ;

(f) whether they are aware that the question of the compensation pension was decided after the lapse of more than two years after their relief from the school ;

(g) whether the teachers were entitled to three months' pay as they were not served according to rules with three months' notice prior to their discharge ; if not, the reasons therefor ;

(h) whether they are aware of the decision of the Auditor General under Fundamental Rules that the date of the abolition of a post should be deferred till the termination of such leave as may have been granted to a Government servant holding the appointment without lien on any other appointment ;

(i) whether in view of the Auditor General's above decision they intend to give leave salary to the abovementioned teachers for the period of leave due to them ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes, only one primary teacher.

(b), (c) and (d) Yes.

(e) Government have decided that the leave granted to the teacher should be regulated according to the Fundamental Rules and the question of the recovery or non-recovery of the leave allowances from his compensation is being further examined.

(f), (g), (h) and (i) Yes.

N. J. HIGH SCHOOL, KARACHI : PRIMARY TEACHERS.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) the names of the trained primary teachers of the N. J. High School, Karachi, under the double (shift) system;

(b) whether they were matriculates before they joined that school in 1922;

(c) whether they were permanent in Government service before they joined that High School;

(d) whether they subsequently graduated;

(e) whether their work in the High School was reported to be satisfactory in the annual reports by the head masters and Educational Inspectors;

(f) whether they were discharged from Government service owing to retrenchment;

(g) whether there are any teachers, both primary and secondary, knowing only Sindhi, or who are non-matriculates or untrained matriculates or untrained under-graduates who were taken up or transferred or retransferred to Government high schools and secondary schools and Training College for Men, Hyderabad, in or after 1922, and who have not been affected by this retrenchment;

(h) whether these teachers who are not affected by retrenchment are temporary in Government service;

(i) if so, the reasons for discharging permanent men and retaining temporary men;

(j) the names of the teachers referred to in clause (g) along with their qualifications?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) to (d) The accompanying statement "A" gives the requisite information.

(e) Yes, except in two cases.

(f) Please see the remarks in column 8 of statement "A".

(g), (h) and (j) The accompanying statement "B" furnishes the requisite information.

(i) For retaining the four temporary men mentioned in statement "B" the reasons are as under :—

Nos. (1) and (2).—Messrs. Makani and Khalik have put in longer service than the other temporary men retrenched. Mr. Makani also belongs to a backward community. Mr. Khalik was taken in Government service from Local Board service on 1st April 1925 when the Mirpurkhas Madressah was converted into a Government institution.

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Nos. (3) and (4).—Messrs. Wahid Bux Shaikh and Jalaldin Shah have been appointed to the posts specially sanctioned for the Mirpurkhas Madressah and High School, where preference is to be given to Muhammadans.

STATEMENT

The statement showing the names of trained primary teachers appointed

Serial No.	Name	Qualifications at the time of appointment in the N. J. High School, Karachi	Date of appointment in the N. J. High School, Karachi	Whether permanent in Government service before appointment in the N. J. High School, Karachi
1	2	3	4	5
1	Mr. Ganumal Metharam.	3rd year trained, Matric 1918 (Sindhi).	9th June 1922 ..	Yes ..
2	Mr. Abdul Rasool Md. Hassan.	3rd year trained (Sindhi).	23rd June 1922 ..	No ..
3	Mr. Rajaram Vassanmal.	3rd year trained (Sindhi).	12th June 1922 ..	Probationary.
3A	Mr. Wahid Bux Jumo Khan.	3rd year trained (Sindhi).	18th October 1926.	No ..
4	Mr. Pahlomal Hassomal.	3rd year trained (Sindhi).	13th June 1922 ..	Probationary.
5	Mr. V. S. Shukla ..	3rd year trained (Gujarati).	24th April 1922 ..	No ..
6	Mr. D. L. Shukla ..	3rd year trained (Gujarati).	5th May 1922 ..	No ..
7	Mr. G. S. Methar ..	3rd year trained (Marathi).	26th April 1922 ..	No ..
7A	Mr. V. M. Bivalkar ..	3rd year trained (Marathi).	5th October 1925 (from 5th October 1925 to 9th November 1925 working in leave change of Mr. Methar).	No ..
8	Mr. A. S. Pavaskar ..	3rd year trained (Marathi).	26th April 1922 ..	No ..
8A	Mr. Y. M. Sattaye ..	Matric (Marathi) ..	1st September 1924.	No ..

A.

in the N. J. High School, Karachi, during the period of double shift.

Whether subsequently graduated	Date of termination of appointment	Remarks
6	7	8
B.A. (Alig.), 1928. Graduated after his relief from Karachi High School.	Not yet decided	Given compensation pension as the post has been abolished.
No	30th April 1926	Transferred as Acting Assistant Deputy Educational Inspector. At present Supervisor, District School Board, Karachi.
No	17th October 1926	Transferred to Hyderabad Municipality.
No	31st March 1927	Transferred back to Shikarpur Municipality where he held a lien.
No	26th March 1926	Transferred to Mirpurkhas Madressah and High School from where he was transferred back to his permanent post under District Local Board, Larkana.
No	31st March 1927	Transferred back to the Karachi Municipality where he held a lien.
No	31st March 1927	Do. do.
No	9th November 1925	Died.
No	1st March 1926	Discharged on account of the abolition of the post.
No	16th August 1924	Died.
No	15th March 1928	Discharged on account of the abolition of the post. Although a matriculate only, he was appointed in the scale of 3rd year trained Primary teacher.

STATEMENT

Statement showing the information of trained primary teachers and untrained and Training College

Serial No.	Name in full	Designation	Qualifications
1	2	3	4
1	Mr. Md. Hassan A. Makani ..	Assistant Master, Larkana High School.	III year trained, 1906.
2	Mr. Abdul Khalik A. ..	Assistant Master, Naushahro Madrasah and High School.	School Final ..
3	Mr. Wahid Bux L. Shaikh ..	Assistant Master, Mirpurkhas Madrasah and High School.	Matric ..
4	Mr. Jalal-dinshah I. ..	Do. ..	Matric, S. L. C. ..
5	Mr. Sidik Gulabkhan ..	Assistant Master, High Larkana.	III year trained, 1902.

B.

undergraduate teachers appointed in or after 1922 in Government Secondary Schools for Men, Hyderabad.

Date on which appointed to Government service 5	Whether permanent, probationary or offi- ciating in Govern- ment service 6	Remarks 7
24th July 1919 ..	Officiating ..	Appointed in the Larkana High School on 13th August 1922 owing to the abolition of training school where, he was permanent.
1st April 1925 ..	Do. ..	Taken up on the conversion of Mirpurkhas Madressah into Government institution on 1st April 1925. His previous Local Board service was about 8 years.
24th July 1929 ..	Do. .	
5th October 1929 ..	Do.	
1st August 1927 ..	Permanent ..	He was permanently appointed in the Training College for Men from 1st November 1918. He was transferred to Lawrence Madressah, Tando Bago, from 1st August 1922 under foreign service conditions. He reverted to Government service on 1st August 1927.

JUDICIAL COMMISSIONER'S COURT, SIND : REGISTRAR.

Mr. SHAIKH ABDUL MAJID (Karachi): Will Government be pleased to state—

(a) whether their attention has been drawn to a resolution passed by the Sind Mahomedan Association in their meeting held in July 1930 that the post of the Registrar, The Judicial Commissioner's Court, Sind, be given to a deserving Mussalman ;

(b) for how many years this post has existed ;

(c) the names of the registrars who have been appointed to hold that office from time to time ?

The Honourable Mr. G. A. THOMAS : (a) Yes.

(b) Since October 1882.

(c) A list giving the required information is placed on the Council Table.

List showing the names of officers holding the post of Registrar, Court of the Judicial Commissioner of Sind, from 1882.

Mr. Dayaram Gidumal.
 „ Hassaram Hotchand.
 „ Wadhmal Gangaram.
 „ Vazirmal Utamchand Lalvani.
 „ Varialsing Nihalsing.
 „ Ghurbomal Javharsing.
 „ Lilaram Jethmal.
 „ Chandiram Gianchand Lala.
 „ Dipchand T. Ojha.
 „ Dalmal Doulatram.
 „ Thawerdas Dayaram.
 „ Chandiram Kotumal.
 „ Lilaram Vatanmal.
 „ Wadhmal Gangaram.
 „ Vazirmal Utamsing.
 „ Thawerdas Dayaram.
 „ M. DeSouza.
 „ G. V. Utamsingh.
 „ E. V. Castellino.

Khan Bahadur M. A. KHUHRO : Is it not a fact that there has not been a single Mahomedan appointed to this post ?

The Honourable Mr. G. A. THOMAS : A list of the names of the persons who have held the appointment is given in the answer to the question.

SYED MIRAN MAHOMED SHAH : Why has a Mahomedan not been appointed ? Is Government precluded from giving the appointment to a Mahomedan ?

The Honourable Mr. G. A. THOMAS : I am afraid I cannot give the reasons for every occasion. As regards the last appointment, the Commissioner in Sind at the time made enquiries whether a Mahomedan suitable to hold the appointment was available, and the answer was in the negative.

Khan Bahadur M. A. KHUHRO : Of whom did the Commissioner make enquiries, to find a suitable Mahomedan ?

The Honourable Mr. G. A. THOMAS : The Judicial Commissioner

MUNICIPAL GIRLS' SCHOOL, SURAT : ADMISSION OF A DEPRESSED CLASS GIRL.

Dr. P. G. SOLANKI : Will Government be pleased to state whether they are aware of a case of a depressed class girl, the daughter of one Mr. Dumasia who is a Municipal Councillor in Surat City Municipality, having been refused admission last year in the Municipal Girls' School at Surat on the plea that she belongs to the Depressed class and that the school is situated in a Hindoo locality and that all the girls attending are Hindoo girls ?

The Honourable **MOULVI RAFIUDDIN AHMAD :** Government have enquired into the matter and understand that it is not a fact that admission was refused to the daughter of Mr. Dumasia to the Municipal Girls' School, Surat.

SMALL CAUSES COURT, BOMBAY : JUDGES' HOURS.

Mr. SYED MUNAWAR : Will Government be pleased to state—

Why some of the Judges in the Small Causes Court, Bombay, do not observe punctual hours of sittings and rising and thus cause great inconvenience to the general public and members of the Bar and Court Staff ?

The Honourable **Mr. G. A. THOMAS :** Government are satisfied that regular hours of sitting and rising have been observed by the Judges with a few exceptions which were due to the exigencies of chamber work. When the Judges sit after the usual hours, it is with the consent of the parties and their pleaders. No complaints of inconvenience caused have been received either by Government or by the Chief Judge.

FILM CENSORS : BOMBAY.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether there are any definite rules for the appointment of film censors ;

(b) whether it is a representative body and if so, the interests represented on the Board ;

(c) whether the appointments are for life or for a term of years ;

(d) the number of meetings of the Board per month and the average length of time covered by such meeting ;

(e) whether the attention of Government has been drawn to the reports appearing in the *Times of India* of the 17th February 1931 and in some previous issues of the same paper regarding scenes of protest at the Opera House and Super Cinema ;

(f) the reasons why such objectionable films were not censored before they were exhibited ?

The Honourable **Mr. G. A. THOMAS :** (a) The attention of the Honourable Member is invited to sub-section (1) of section 7 of the Cinematograph Act, 1918 (II of 1918), which provides for the constitution of authorities or Boards for the purposes of examining or certifying films as suitable for public exhibition, and for declaring the area within which such authority shall exercise the powers conferred on it by the Act,

(b) The Bombay Board of Film Censors consists of six members, three of whom are officials and three non-officials. One of the officials represents educational interests. The non-officials represent three different sections of the community, namely, Hindu, Muhammadan and Parsi.

(c) For so long as any member of the Board desires to hold office.

(d) Two. A meeting usually lasts about an hour.

(e) Government have seen the article in the *Times of India* of the 17th February 1931 headed "Angry Muslims Chase Actors with Knives off Stage". This refers to a drama which was staged at the Ripon Theatre. Government have also seen an article in the same newspaper of the 24th November 1930 regarding an incident outside the Opera House in connection with another stage play. No reference can be found in the newspapers to any protests against any film, but Government are informed that on December 26th, 1930 some Muhammadans did raise a protest at the Super Cinema against the exhibition of a film entitled "After Six Days."

(f) The film "After Six Days" was certified by the Bengal Board of Film Censors as suitable for public exhibition. Government do not agree that the film was objectionable; it had been exhibited several times previously without incident, and the protests raised on this one occasion were, it is believed, engineered by interested parties.

Mr. SYED MUNAWAR: With regard to (c), do I understand that the appointments are made periodically?

The Honourable Mr. G. A. THOMAS: The appointments are made as vacancies occur.

Mr. SYED MUNAWAR: How will vacancies occur if appointments are not periodically made?

The Honourable Mr. G. A. THOMAS: If the honourable member reads the answer, he will find it stated that the appointment may be held by a member as long as he likes.

Mr. SYED MUNAWAR: Does it mean that the appointment may be held for life?

The Honourable Mr. G. A. THOMAS: There is nothing to prevent it.

MILL EMPLOYEES, BOMBAY CITY: GRATUITY AND WELFARE WORK.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) the names of textile mills in Bombay City having a system of gratuity for their employees, the amount paid by each mill and the number of employees benefitted during the last two years;

(b) the names of textile mills in the City having a system of provident fund for their employees;

(c) the names of mills in Bombay City carrying on welfare work for their work-people to the same extent as is done by the Gokak Mills and as described on pages 22 and 23 of the Annual Factory Report of the Presidency for the year 1929;

(d) the names of mills in the City carrying on most of the items of welfare work done by the Gokak Mills authorities, if not all the activities;

(e) the number of social gatherings arranged for work-people of various mills under the Bombay Millowners' Association and the number of work-people present at each such gathering;

(f) the steps if any, taken by the Bombay City Mills to encourage the "policy of direct recruitment" and "to introduce a system of discharge certificates" mentioned in paragraph 26 on page 27 of the said Factory Report?

The Honourable Sir GHULAM HUSSAIN: The Honourable Member is referred to Chapter V of the Memorandum from the Government of Bombay to the Royal Commission on Indian Labour, a copy of which is available in the office of the Secretary, Legislative Council. Government have no other information.

Rao Bahadur S. K. BOLE: Is the Millowners' Association doing anything at all in the matter?

The Honourable Sir GHULAM HUSSAIN: I have no information.

JAILS: SALE OF MANUFACTURED ARTICLES.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) in regard to paragraph 52 of the Jail Administration Report, 1929, (1) the name of the Jail where in regard to manufactured articles, "sales to the Public fell by Rs. 10,000 in 1929" as compared with the previous year;

(b) the reasons for the fall and the measures adopted by the Jail authorities to combat it?

The Honourable Mr. G. A. THOMAS: (a) Yeravda Central Prison.

(b) The main reason was trade depression. It is also largely the practice for intending buyers to visit the jail and inspect the articles, and the number of such persons fell considerably during the year in question. To encourage future sales and attract public attention, the prices of jail-made articles have been reduced as far as practicable, and they have been displayed in shops and by agents.

HIGH COURT, BOMBAY: MUSLIM EMPLOYEES.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) the number of posts carrying a monthly salary of Rs. 500 and over in the Bombay High Court;

(b) how many of these are held by Muslims?

The Honourable Mr. G. A. THOMAS: (a) 19.

(b) 1.

Mr. SYED MUNAWAR: Does the figure of 1 in (b) refer to the Honourable Mr. Justice Mirza?

The Honourable Mr. G. A. THOMAS: No.

Mr. SYED MUNAWAR: Does the figure of 19 include the High Court Judges?

The Honourable Mr. G. A. THOMAS: No.

Mr. SYED MUNAWAR: May I know who this 1 is?

The Honourable Mr. G. A. THOMAS: I would ask for notice.

POLITICAL PRISONERS, SUKKUR: JAIL WORK.

Mr. S. S. TOLANI (Western Sind): (a) Has the attention of Government been drawn to the article in the *Hindoo* of Hyderabad (Sind) in its evening issue dated the 9th January 1931 alleging that the Political prisoners in Sukkur Jail are being made to excavate canals and to work as bhangis?

(b) What action, if any, have the Government taken in the matter?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) No prisoner convicted in connection with the civil disobedience movement was made to work as a bhangi and with the exception of the prisoner mentioned in the Article, no such prisoner was employed on excavation work. The prisoner in question was a C class prisoner and he was sent to work with a bund construction party for two days. As this was an ordinary form of work given to C class prisoners no action was necessary.

HONORARY MAGISTRATE SETH HASSOMAL CHELLARAM.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) whether it is a fact that Seth Hassomal Chellaram of Karachi was deprived of his Honorary Magistrateship and if so whether it was on account of his being instrumental in bringing about a settlement between the Foreign Cloth merchants of Karachi and the Foreign Cloth Boycott Committee;

(b) whether it is a fact that the piecegoods merchants association appreciated the services of Seth Hassomal for saving the situation to the advantage of merchants;

(c) whether it is a fact that the association condemned the action of the Government on the ground that Seth Hassomal had worked in the interest of Public?

The Honourable Mr. G. A. THOMAS: (a) Yes. His transactions with the prosecutors of the Civil Disobedience Campaign were considered inconsistent with his duties as an Honorary Magistrate.

(b) and (c) Government have no information.

PICKETING ORDINANCE: SENTENCE ON DR. DUDANI.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state how prisoners in political cases are classified?

(b) Is it a fact that Dr. Dudani belongs to a high and rich family of Larkana, is a double graduate of the Bombay University, was an officer of the rank of Captain in the Army, was an Honorary Magistrate, a nominated Municipal Councillor and shortly before he joined the Civil Disobedience movement was a reserve officer in the Military?

(c) Were some of these facts brought on the record of the case launched against him ?

(d) If so, why was he classified as " B " class prisoner by the Resident Magistrate, Larkana ?

(e) Why did Government not revise the recommendation of the Magistrate as it had done in some cases ?

(f) Is it a fact that Dr. Dudani and his co-accused Mr. Parsram were given a sentence of 6 months' R. I. and a fine of Rs. 1,000 under the picketing ordinance ?

(g) Is this the maximum punishment that the Magistrate could award or the law permitted ?

(h) Did Dr. Dudani in his statement say that it was an entirely false case against him ?

(i) Are there any cases in the whole Presidency including Sind where a similar punishment was given for a similar offence ?

(j) If so, will Government give a list of such cases ?

(k) If the reply to (i) be in the negative, the reasons for awarding this punishment ?

The Honourable Mr. G. A. THOMAS: (a) The attention of the Honourable Member is invited to the Press Note on the subject dated the 17th April 1930, a copy of which is placed on the Council table.

(b) Yes.

(c) Yes.

(d) and (e) He was classified in accordance with the rules mentioned in the Press Note of 17th April 1930.

(f) Yes.

(g) Yes.

(h) Yes, but no proof was adduced by Dr. Dudani in support of his statement.

(i), (j) and (k) The labour and time involved in obtaining the information would not be commensurate with its usefulness.

With the compliments of the

Director of Information, Bombay.

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17-4-30

The Government of India recently announced the principles on which they desired that the jail rules in force in the several Provinces for the classification of prisoners should be revised. In pursuance of the principles there laid down the Government of Bombay have now issued instructions for the separation of all convicted prisoners into three classes.

Class A will include only a limited number of exceptional cases. Prisoners may be admitted to Class A if—

(1) they are non-habitual prisoners of good character ;

(2) they, by reason of their education, occupation and superior mode of living, are clearly of high social status.

They will not be eligible for Class A if they have been convicted of—

(1) offences involving

(a) elements of cruelty, moral degradation or personal greed ;

(b) serious or premeditated violence ;

(c) serious offences against property ;

(2) offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed ;

(3) abetment or incitement of offences falling within these sub-clauses.

Class B will include prisoners who, while not qualified for admission to Class A, have, by social status, education or habits of life, been accustomed to a mode of living superior to that of the ordinary jail population.

The ordinary jail population will constitute Class C.

Prisoners in Class A will have, as far as may be practicable, separate cell accommodation, a few useful articles of furniture, reasonable facilities for association and exercise and suitable sanitary and bathing arrangements. They will be given a diet superior to that of the ordinary jail population and will be permitted to supplement it at their own expense. They will be permitted to wear their own clothes. They will be given increased facilities for reading and will be allowed to write and receive one letter and have one interview, a fortnight. They will also be permitted to use their own cooking and feeding utensils. A lamp, or electric light, when available, will be provided for use up to 10 p.m.

Prisoners in Class B will be given the same diet as that in Class A, but will not be permitted to privilege of supplementing it. They will wear prison clothing, modified in certain respects and of a better type than that worn by C class prisoners, due regard being paid to their health and to the mode of living to which they are accustomed. They may write and receive one letter and have an interview, once a month. Where cellular accommodation is available a lamp, or electric light, will be provided for their use up to 10 p.m. or where they are living in association barracks one or two good general lights will be provided for the common use of the prisoners in each barrack.

Similar arrangements will, as far as conditions may require or permit, be made for the special treatment of undertrial prisoners of these classes.

Mr. S. S. TOLANI: What provision of the rules contained in the Press Note of 17th April 1930 goes against Dr. Dudani that he was classed as a "B" class prisoner and not as an "A" class prisoner?

The Honourable Mr. G. A. THOMAS: The Press Note does not refer to any particular person. It contains the rules, and it was in accordance with those rules that the classification of Dr. Dudani was made.

PRISONERS: WORK AND FOOD.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) whether their attention has been drawn to the following resolution No. 16 of the Sind Hindu Conference held at Sukkur on 27, 28, and 29th December 1930:—

"This conference learns with concern that Hindus of certain castes are made to work for such labours as are against their conscience and Hindu religion and also are given food of non-Hindus in certain jails with particular reference to Central Jail, Hyderabad. This conference therefore urges upon the jail authorities to stop this and permit the liberty of religion and conscience."

(b) whether they have inquired into the allegations mentioned in the above resolution and what steps have they taken in the matter?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) Inquiries have been made and the allegations have been found to be untrue.

LARKANA MUNICIPALITY: PRESIDENT AND COLLECTOR.

Mr. S. S. TOLANI (Western Sind): (a) Is it a fact that the President of the Larkana municipality is a zamindar who has to deal much with the Collector of Larkana?

(b) Is it a fact that the president is not an English-knowing gentleman and has often been getting private instructions from the Collector and gets them carried in the municipality with the help of his supporters?

(c) Is it a fact that the president of the Larkana municipality spent sums of money for repairing a road leading to Kambar on the recent visit of His Excellency the Governor of Bombay to Larkana and Kambar without the sanction of the municipality?

(d) Is it a fact that the Larkana municipality stopped the work and resolved that the money so spent by the president be refunded to the municipality?

(e) Is it a fact that the Collector of Larkana overrules the municipality by directing the road to be made at the cost of the municipality on the ground that the road was in a bad condition?

(f) Did the Collector call for any explanation from the municipality before making such an order?

(g) Did the Collector report such action to the Government?

(h) Is it a fact that the Larkana municipality resolved on 2nd November 1930 that a double garra fee of Re. 1 be not recovered from a man who had appealed to them and the president submitted the paper to the Collector of Larkana to set aside the same order?

(i) What action, if any, do Government propose to take in the matter?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: (a) Yes.

(b) Yes. He like other presidents discusses municipal affairs with the Collector and occasionally acts on his advice, but there is nothing private in the matter, nor can advice be described as instructions.

(c) Yes, but he ordered the work to be undertaken in virtue of the authority vested in him by section 31 (d) of the Bombay Municipal Boroughs Act, 1925.

(d) The Board stopped the work but did not resolve that the money spent on the work by the President should be refunded by him to the Municipality.

(e) Yes.

(f) No.

(g) Yes. The Collector acted in accordance with the provisions of section 214 (2) of the Municipal Boroughs Act, 1925.

(h) Yes, but the Collector declined to interfere in the matter.

(i) None.

Mr. S. S. TOLANI: With regard to (e) how many days after overruling the decision of the municipality did the Collector of Larkana report this matter to the Government?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I could not say that offhand. If the honourable member gives notice of the question, I shall find it out.

Mr. S. S. TOLANI: Was it before I gave notice of these questions or after that?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I could not say that offhand.

Mr. S. S. TOLANI: Did Government uphold the decision of the Collector?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It does not come to Government for action, but the Collector reports his action

to the Commissioner, and the Commissioner merely reports it to Government.

Mr. S. S. TOLANI: The action of the Collector in overruling a decision of the municipality has to be upheld by Government, otherwise the action of the Collector is null and void; it is illegal. I want to know whether Government decided the matter in favour of the Collector. I am referring to (g). According to law, Government have to decide the matter ultimately. I want to know whether Government upheld the decision of the Collector?

The Honourable Sirdar Sir RUSTOM J. VAKIL: It does not come to Government. The Collector reports the matter to the Commissioner.

Mr. S. S. TOLANI: No, it is not like that. If the decision of the Collector is not upheld by Government, it becomes null and void. I want to know whether Government decided the matter as required by law.

The Honourable Sirdar Sir RUSTOM J. VAKIL: Government have taken it for granted that, if necessary, the Commissioner would have revised the order of the Collector.

Mr. S. S. TOLANI: Have Government passed any order on the decision of the Collector?

The Honourable Sirdar Sir RUSTOM J. VAKIL: That is not required.

Mr. S. S. TOLANI: Will the Honourable Minister look into section 214 of the City Municipalities Act?

The Honourable Sirdar Sir RUSTOM J. VAKIL: I will read out sub-section (3) of section 214:—

"The Commissioner shall forthwith submit to the Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made."

Mr. S. S. TOLANI: And further—

The Honourable the PRESIDENT: The next.

CIVIL DISOBEDIENCE AND ZAMINDARS IN SIND.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state what their policy is in regard to recognizing any power of zamindars in Sind to stop Satyagrihis (leaders and volunteers men and women) from entering the villages for the purpose of congress propaganda, demonstrations and speeches?

(b) Is it a fact that the District Magistrates delegated powers under section 144, Criminal Procedure Code, to Zamindars in Sind?

(c) Have such zamindars been invested with authority to use weapons and lathis to prevent the entry of or to turn out Satyagrihis from villages?

(d) Is it a fact that the Collector of Larkana has given them to understand that they possess such powers?

(e) If so, under what law did the Collector give such an understanding?

(f) If the answer to (d) be in the negative, will Government be pleased

to state whether the Collector of Larkana gave any instructions or advice of any kind to the zamindars with regard to the Satyagrahi movement and, if so, what instructions and under what law?

The Honourable Mr. G. A. THOMAS: (a) Government have not laid down any policy on the subject.

(b) No.

(c) No.

(d) No.

(e) Does not arise.

(f) No such instructions were given, but on one public occasion the Collector expressed his confidence in the willingness of his zamindars to prevent breaches of the law of all kinds.

PRISONER, MR. HOONDRAJ : CLASSIFICATION.

Mr. S. S. TOLANI (Sind): (a) Will Government be pleased to state whether their attention has been drawn to the resolution No. 69 dated 19th June 1930 of the Kotri Municipality requesting them (i.e. Government) to place Mr. Hoondraj prisoner in the "B" Class in which he was originally put and to the reply of the District Magistrate, Karachi, to the resolution?

(b) Is it a fact that Mr. Hoondraj was put in the "B" Class first and then put in the "C" Class?

(c) Why was he considered fit to be placed in "B" Class first and why was he considered unfit later on?

(d) Are Government aware that Mr. Hoondraj is a man of education, good social position and one of the important members of the Kotri Municipality?

(e) Are these qualifications of Mr. Hoondraj sufficient to make him eligible for "B" Class according to the rules framed for classification of prisoners?

The Honourable Mr. G. A. THOMAS: (a) Government are aware of the resolution. The District Magistrate did not give any reply to it.

(b) Yes.

(c) The sentencing Magistrate placed Mr. Hoondraj in Class B, but as he was reported to have no income of his own, Government placed him in Class C.

(d) He was reported to be educated and of fair social position. Government are aware that he was a member of the Kotri Municipality.

(e) The Honourable Member is referred to the answer to Clause (c) of his question.

Mr. S. S. TOLANI: With regard to (c) and (e)....

The Honourable Mr. G. A. THOMAS: I cannot understand what the honourable member's question is.

The Honourable the PRESIDENT: Nor can I. Will the honourable member express himself more clearly?

Mr. S. S. TOLANI: With regard to answer to (c) I want to know whether the classification of the prisoners is made according to income only?

The Honourable Mr. G. A. THOMAS: Not entirely. Everything is taken into consideration.

Mr. S. S. TOLANI: I have to ask a question, Sir.

The Honourable the PRESIDENT: What is the question?

Mr. S. S. TOLANI: I want to know whether Mr. Hoondraj had sufficient social position?

The Honourable Mr. G. A. THOMAS: Whether he had sufficient social position, for what? It is clearly stated in part (d) of the answer. He was reported to be educated and of fair social position, but to have very little income.

LARKANA MUNICIPALITY: NOMINATED MEMBERS.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) the total number of municipal councillors in Larkana City Municipality stating the number of elected Hindu, Muhammadan and nominated members, respectively;

(b) whether it is a fact that the number of the nominated members in the municipality has always been the maximum provided by the Bombay Municipal Boroughs Act, 1925;

(c) whether it is a fact that the municipality has been protesting against the number of the nominated members and that before the last general election of the municipality the board passed a resolution recommending its reduction from 1/5th of the total strength to 1/9th as in other municipal boroughs;

(d) whether it is a fact that while forwarding the papers to Government the Commissioner in Sind recommended that the number of the nominated members may be reduced from 1/5th of total strength to 1/8th;

(e) whether it is a fact that the Government in their resolution No. 7030, dated 28th November 1927, maintained the same strength of six nominated members and did not reduce even a single member;

(f) if the reply to (b) to (d) be in the affirmative the reasons for disagreeing with the Commissioner in Sind and the Municipality?

The Honourable Sirdar Sir RUSTOM JEhangir VAKIL: (a)

Elected	{ Non-Muhammadans	15
	{ Muhammadans	10
Nominated	.. ..	6
Total ..		31

(b) Yes.

(c) Yes. They suggested 25 elected members and a maximum of 4 nominated.

(d) Yes.

(e) Yes.

(f) The distribution of elected and nominated members as fixed by Government was considered to safeguard the interests of the communities concerned better than that proposed by the Municipality and the Commissioner.

Mr. S. S. TOLANI: The reply to (f) is:

"The distribution of elected and nominated members as fixed by Government was considered to safeguard the interests of the communities concerned better than that proposed by the municipality and the Commissioner."

I want to know how the reduction in the number of nominated seats will not be in the interests of certain communities.

The Honourable Sirdar Sir RUSTOM J. VAKIL: The reduction in the number of nominated seats was objected to by Mahomedans, because they were afraid that by the reduction of nominated seats they will lose their representation with the result that the representation of their community will not be proportionate.

Mr. S. S. TOLANI:

The Honourable the PRESIDENT: I cannot follow the honourable member. Will the honourable member come nearer the chair?

Sir SHAH NAWAZ BHUTTO: If we are not able to follow him, though he is near, how are you going to follow him when he comes nearer you?

Mr. S. S. TOLANI: I want to know whether there is anything on record to show that the Mahomedans objected to the reduction of the nominated element.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: What does the honourable member mean? The very fact that I am aware of it means that there must be something on record.

Khan Bahadur M. A. KHUHHRO: With your permission, Sir, I wish to ask the honourable member who put the question whether he is aware of the fact that I brought a statutory motion in this Council three years ago that the present representation by nomination should be retained and that it was accepted by the Council?

SHOLAPUR RIOTS: KHAN BAHADUR IMAMSAHEB.

Dr. V. G. VAISHAMPAYAN (Sholapur District): (1) Are Government aware that Khan Saheb Imamsaheb, now Khan Bahadur, is a leader of the Mahomedan Party at Sholapur?

(2) Have Government received any communication to the effect that Khan Bahadur Imamsaheb had any hand in the communal riots of 1925 or 1927 at Sholapur?

(3) Are Government aware that he is a Municipal Councillor and a leader of one of the two parties in the Municipality?

(4) Are Government aware that his assistance was taken in the investigation of cases arising out of the May 1930 riots at Sholapur?

- (5) Did Government employ him on any salary ?
- (6) Is it a fact that Government has granted him a piece of about 114 acres of forest land at Hattur ?
- (7) Is it a fact that the land granted to him is worth more than Rs. 15,000 ?
- (8) Will Government please say for what services of Khan Bahadur Imamsaheb this grant was made ?
- (9) Was this land ever applied for by anybody before ?
- (10) Was it applied for by Mr. G. N. Atre, District Deputy Collector, in 1929 ?
- (11) Was a Panchnama then made about the value of the land and the trees therein ?
- (12) Is it a fact that the land and trees were then valued at more than Rs. 15,000 ?
- (13) Is it a fact that the two Panchnamas about the valuation of the land and trees were made by two different Circle Inspectors in 1930 when the grant of the land was to be made to Khan Bahadur Imamsaheb ?
- (14) Will Government please give the valuations of the land and trees made by these two Circle Inspectors ?

The Honourable Mr. G. A. THOMAS : (1) The Honourable Member evidently refers to Khan Bahadur Shaikh Imam Shaikh Muhammad. Government have no information whether he is a leader of any Muhammadan party at Sholapur.

(2) No.

(3) The Khan Bahadur is a Municipal Councillor. Government have no information as to his being a leader of a party in the Municipality.

(4) Yes.

(5) No.

(6) Yes. The land was disforested land.

(7) No.

(8) In recognition of his meritorious service in the Police Department and his valuable assistance in the investigation of cases arising from the riots at Sholapur in May 1930.

(9) Yes.

(10) Yes.

(11) Yes.

(12) Yes. The figure was Rs. 17,000 which was considered excessive.

(13) and (14) Only one panchnama was made in 1930, in which the land was valued at Rs. 5,000 and the trees at Rs. 400.

Dr. V. G. VAISHAMPAYAN : With regard to clause (2) of my question is it a fact that Mr. Pegge, the then Superintendent of Police, had informed Government of Bombay regarding the stopping of the pension or contribution to the pension of Khan Bahadur Imam Saheb, then Khan Saheb Imam Saheb ?

The Honourable Mr. G. A. THOMAS : That question does not arise.

Dr. V. G. VAISHAMPAYAN : I have asked the question :

"Have Government received any communication to the effect that Khan Bahadur Imam Saheb had any hand in the communal riots of 1925 or 1927 at Sholapur ?"

The reply is 'No.' I am asking a supplementary question whether any communication was received by Government from the then Superintendent of Police, Mr. Pegge, recommending to stop the pension of Khan Bahadur Imam Saheb for having taken part in the communal riot?

The Honourable Mr. G. A. THOMAS: I require notice of that question.

Dr. V. G. VAISHAMPAYAN: As regards (6), is this piece of land adjoining to the land which Khan Bahadur Imam Saheb owns?

The Honourable Mr. G. A. THOMAS: I do not know.

Dr. V. G. VAISHAMPAYAN: As regards (10), why was this land not given to Mr. Atre, District Deputy Collector, in 1929, when he was asking for it?

The Honourable Mr. G. A. THOMAS: Every person who applies does not get the land.

Dr. V. G. VAISHAMPAYAN: Did the price go down in one year by Rs. 12,000?

The Honourable Mr. G. A. THOMAS: The land was estimated at Rs. 17,000, but it was considered excessive. Government valuation was Rs. 5,000.

Dr. V. G. VAISHAMPAYAN: Is it a fact that two panchanamas were made, one by the Mamlatdar and the other by the Circle Inspector, in the month of September 1930, the first on or about the 20th of September and the second on the 30th September 1930?

The Honourable Mr. G. A. THOMAS: If the honourable member refers to the printed reply he will find that only one panchanama was made in 1930.

Dr. V. G. VAISHAMPAYAN: My information is this....

The Honourable Mr. G. A. THOMAS: Government are not responsible for the honourable member's information.

Dr. V. G. VAISHAMPAYAN: May I take it that this land was solely given for helping the investigation of cases arising from the riots of 1930, and not for the meritorious service in the Police Department, from which he retired long ago?

The Honourable Mr. G. A. THOMAS: If the honourable member refers to my answer to part (8) he will find the answer to his present question.

Dr. V. G. VAISHAMPAYAN: This is a question supplementary to my question (8). I am asking whether this grant was made to him solely for the purpose of helping in the investigation of cases and not for his meritorious service, because he had retired three or four years ago.

The Honourable the PRESIDENT: That is arguing.

The Honourable Mr. G. A. THOMAS: I will refer the honourable member to the answer to part (8).

The Honourable the PRESIDENT: It is for both—that is the reply.

Dr. V. G. VAISHAMPAYAN : Are we to take from this that in these days when retrenchment is going on in all the departments, land is given free of charge instead of taking full price ?

The Honourable Mr. G. A. THOMAS : What is the exact question ?

Rao Bahadur G. K. CHITALE : Have not Government suffered any loss by giving this ?

The Honourable Mr. G. A. THOMAS : Government have suffered no loss.

Rao Bahadur R. R. KALE : In reply to part (12) it is stated that the land was valued Rs. 17,000. May I know whether that valuation was made in the same way as the valuation (Rs. 5,000) referred to in (13) and (14) ?

The Honourable Mr. G. A. THOMAS : I am afraid I cannot remember the details. I must ask for notice of this question.

Dr. M. K. DIXIT : The Honourable Member stated that there was no loss to Government. There was an offer of Rs. 17,000 once, but that land has been given away which was valued later on at Rs. 5,000. There is a difference of Rs. 12,000 and this is a distinct loss to Government.

The Honourable Mr. G. A. THOMAS : Government had not these offers simultaneously. But when I said that there was no loss to Government I had in mind the fact that the land was given for his valuable services.

Mr. L. R. GOKHALE : Do Government value the services at Rs. 12,000 ?

(No reply.)

Dr. V. G. VAISHAMPAYAN : Did the Government gain anything thereby ?

(No reply.)

Mr. B. P. WADKE : Who were the authorities who calculated the value of the land ? Will Government disclose that ?

The Honourable Mr. G. A. THOMAS : It is done usually by the land revenue authorities, the circle inspectors. If you want the exact details in this case, I must ask for notice.

Mr. B. P. WADKE : Why is that done by the Circle Inspector and not by Engineers ?

The Honourable Mr. G. A. THOMAS : It is not the business of engineers to value land.

POLICE ACTION : LAND REVENUE COLLECTION IN GUJARAT.

Mr. B. P. WADKE (Bombay City, South) : (a) Has the attention of Government been drawn to the account recently published by Father Elwin of the Christ Sewa Sangh in the *Bombay Chronicle* of the results of his personal investigation into allegations of police excesses in certain talukas of Gujarat in connection with the realisation of land revenue from the no-tax campaigners ?

(b) Do Government intend to make an inquiry into the allegations as demanded by Father Elwin?

(c) What further action have Government taken in regard to the correspondence between themselves and the Indian Merchants' Chamber ending with the latter's letter in reply to Government's letter No. 6334-b/28 dated 27th November 1930 published in the *Bombay Chronicle* of 8th December 1930?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) No.

(c) This part of the question should have been addressed to the Honourable the Revenue Member. I am however authorised by him to state that Government have not taken any further action with regard to the correspondence mentioned in the question.

Mr. B. P. WADKE: As regards (b), may I know why Government do not intend to make any enquiry?

The Honourable Mr. G. A. THOMAS: They do not consider any useful purpose will be served thereby.

Mr. B. P. WADKE: Are the statements made by Father Elwin untrue?

The Honourable Mr. G. A. THOMAS: Government have not made an investigation into the truth of those allegations and they do not intend to make any investigation.

Mr. B. P. WADKE: My question was whether the charges made by Father Elwin in the newspapers were true or untrue?

The Honourable Mr. G. A. THOMAS: The allegations were not accepted by Government.

ENTERTAINMENT DUTY: OFFICE SUPERVISOR.

Mr. B. P. WADKE (Bombay City, South): (a) Will Government be pleased to state whether the Supervisor of Entertainment Duty under the Bombay Collector is a pensioner of the Bombay City Police since 1923 and if so, what his age was on 1st March 1931?

(b) Is it a fact that this Department has been made permanent and if so, why the present incumbent is allowed to continue in the office?

The Honourable Mr. W. F. HUDSON: (a) The Supervisor of Entertainments Duty was formerly in the Bombay City Police, but since January 1923 he has served under the Collector of Bombay as Supervisor. His age is 63 years.

(b) The establishment has been made permanent since July 1927 and the present Supervisor has been retained in service as he is mentally and physically fit and has an intimate knowledge of conditions in Bombay.

Mr. B. P. WADKE: With regard to (a) at what age are Government servants supposed to retire from service?

The Honourable Mr. W. F. HUDSON: Sometimes 55, sometimes 60.

Mr. B. P. WADKE: But the present incumbent retired seven years before!

The Honourable Mr. W. F. HUDSON : No, not at all. He has never retired ; his services were transferred from the Police to the Special department. He has not retired, nor does he draw any pension.

Mr. B. P. WADKE : How many other officers in Bombay City have been allowed to continue in service after 60 years of age ?

The Honourable Mr. W. F. HUDSON : I do not know whether that arises out of this.

Rao Bahadur R. R. KALE : The Honourable Member said that 60 was the limit.

The Honourable Mr. W. F. HUDSON : Still Government always have a right to extend.

Mr. B. P. WADKE : Is it the policy of Government during these hard days to continue in service men who have attained 55 years of age ?

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

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : Could any saving have been made by Government by continuing him in service when younger officers will draw less than the maximum salary as is the case with this officer ?

The Honourable Mr. W. F. HUDSON : Government have benefited financially by this transaction undoubtedly.

Mr. J. S. KADRI : What are his special qualifications ?

The Honourable Mr. W. F. HUDSON : He is the only man in Bombay who knows anything about the business.

Mr. B. P. WADKE : What kind of business is he doing and how many assistants has he ?

The Honourable Mr. W. F. HUDSON : I must ask for notice of that. He may have one or two assistants, but he does the work himself.

Mr. B. P. WADKE : Has he to do only table work or has he to visit cinema theatres and other theatres ?

The Honourable Mr. W. F. HUDSON : The point is that he goes round and inspects theatres. That is what he is concerned with.

The Honourable the PRESIDENT : No more supplementary questions.

Mr. L. R. GOKHALE : Before the next subject is taken up, I would like to know whether the report of the Cotton Contracts Committee will be made available to the members of this House, because that Bill will be coming up shortly.

The Honourable Sir GOVINDRAO PRADHAN : Yes ; it will be made available. We have at present only two copies available which will be given to any members interested. We have ordered more copies which will be distributed when they arrive.

The Honourable the PRESIDENT : As a matter of fact my office will be obliged if a copy is given to them.

• The Honourable Sir GOVINDRAO PRADHAN : We have two copies now and the other copies will also be handed over to the members of the House.

• The Honourable the PRESIDENT : There is need of that report in view of the fact that the Bill will be coming up shortly.

The Honourable Sir GOVINDRAO PRADHAN : We have ordered them from Bombay and will distribute them as soon as we receive them.

Mr. L. R. GOKHALE : Along with the rules and regulations, I believe. There are by-laws under the Act which are not available to us.

The Honourable Sir GOVINDRAO PRADHAN : The by-laws are made by the East India Cotton Association.

The Honourable the PRESIDENT : But would the Honourable Member get one copy and place it in the Library, so that if necessary honourable members may refer to it ?

The Honourable Sir GOVINDRAO PRADHAN : Yes, certainly.

The Honourable the PRESIDENT : Before the Bill is reached. The Honourable Member will kindly see to it.

BILL No. III OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY IRRIGATION ACT, 1879).

The Honourable Sir GOVINDRAO PRADHAN : Mr. President, I beg
Second reading. to move that Bill No. III of 1931 (a Bill further to amend the Bombay Irrigation Act, 1879) be read a second time.

• In making this motion, I have but a few observations to make, because all the reasons why the changes have been made by the Select Committee have been given in the report of the Committee. I will only bring certain features of the report before this honourable House.

The first important change which the Select Committee has made is that all the new sections have been incorporated in a separate part because they are, in the first instance, only to apply to the lands of the Lloyd Barrage. In order that there may not be any confusion those sections which relate to lands irrigable by the Lloyd Barrage canals are incorporated at the end of the original Act.

The next change is that the word "Sind" has been omitted because there are certain canals in the Lloyd Barrage which do not come under Sind. It may be necessary that certain other changes may have to be made in the other canals which now exist and to remodel the water courses as regards those canals. So a provision is made in the Bill that whenever such changes are to be made in the canal system, they will be placed before this honourable House and a motion will be brought up for their adoption before this part is extended to these canals.

The other change which has been made is that originally it was the Canal-officer who was authorised to decide whether a particular alignment was necessary or not. It was found to be the general desire that the Canal-officer should be of the rank of an Executive Engineer. That suggestion has been accepted by the select committee. It was

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further desired that the alignment should be ordered by the Collector. So the officer who orders the alignment is the Collector now and not the Canal-officer. In the body of the original Act honourable members must have noticed that appeals to the Commissioner and the Government are admissible. That provision for appeals is there. So the decision of the Collector as regards alignment is subject to such revisional appeal as is provided in the Act. But if any remedy is allowed in a civil court, then the whole thing may be held up indefinitely. Realignment, construction of water courses and everything will be stopped by obtaining a temporary injunction. Originally there was no provision about this, but, as I pointed out yesterday, the Collector, instead of the Canal-officer, has been authorised to order the alignment, and a revisional jurisdiction is given to the Commissioner and the Government.

As regards any disputes concerning water courses, there is already a provision under section 26 of the original Act that if there is a dispute between two owners, then they should approach the Canal-officer. If they accept the Canal-officer as arbitrator, his decision will be final. If they do not agree, then the Canal-officer refers the matter to the Collector and subject to the decision of the civil court, the Collector's decision is made final. That provision is already there in section 26 of the original Act.

As the Collector was substituted for the Canal Officer in section 35A, the original clause in the amending Bill became unnecessary and has therefore been deleted and this provision has been embodied in section 92 of the Bill now before the House.

Under the original Bill, all the costs were to be equally distributed upon all the lands which were going to be benefited by the Lloyd Barrage canal system. But it was pointed out that the lands which have already got water will not be benefited to that extent to which lands which have had no water whatever, or which have been fallow lands for the last 20 years or more, would; and that there will be a difference as regards the lands which are already getting water when there is a modification of the water courses. As regards the other lands which are not getting any water, they will get water for the first time.— It was therefore pointed out that it was not equitable to divide the cost equally but that it should be distributed in the proportion of 1 to 2 as regards lands which are already irrigated and Government waste lands; and 1 to 3 as regards lands which have not been cultivated since 1911, and private waste lands.

I know there are amendments. I will state the reasons why that differentiation is made as regards the costs of rectangulation and sub-rectangulation which are included in the cost of the preliminary survey. The costs of rectangulation and sub-rectangulation were incurred for the right alignment of the canals and the original intention according to the Bill was that all these costs should be borne by the lands through which the canals were going to be constructed. But it was pointed out that to a certain extent there would be administrative inconvenience. Government are acting in two different capacities, viz., as landholders and as administrators. As administrators they are going to be benefited. Therefore, it is but right

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that a portion of the cost should be borne by Government. So it was decided that one-third of the cost should be borne by Government and two-thirds should be spread over lands through which the water courses are going to be constructed. At the same time I may say for the information of honourable members that even if the whole cost is thrown upon the lands, it works out at 4 annas an acre. Under the proposed arrangement 2 annas and 4 pies are thrown upon the private lands and 1 anna and 8 pies are going to be borne by Government.

According to the wishes of the advisory committee in Sind, it was pointed out to Government that if any landholder was willing to construct the water course at his own cost, then an option should be given to him. This provision was embodied in the original Bill which passed its first reading in the Budget session. Then a difficulty was pointed out. Supposing a landholder who chooses to make his own Karia or water course constructs only a portion and the rest is constructed by the Canal-officer, how is the cost to be distributed? Provision is made in the Bill before this honourable House for the equitable distribution of these costs.

About the cost of construction there are certain ambiguities—how the cost of the construction and the cost of the preliminary survey which includes the cost of rectangulation and sub-rectangulation should be divided. The suggestion was made that the amounts should be distributed according to acreage. It was a very reasonable suggestion and was accepted.

Now as regards disputes about apportionment, suppose the Canal-officer decides that out of the cost X should bear a certain portion and Y should bear a certain portion. If the parties do not agree, then an appeal is provided to the Collector and the Commissioner. There is a suggestion that even a suit may be allowed as regards this apportionment.

The clause about jurisdiction has been slightly modified and made more clear.

As regards section 35-A, as I pointed out, owing to the substitution of the Collector for the Canal-officer, this section became unnecessary. The subsequent clauses which were consequential amendments also became unnecessary and have been deleted.

Illustrations have been added to make the matter more clear as to how the apportionment will take place. I do not think I need explain it in more detail because the report of the select committee is before honourable members and the reasons for the changes have been quite clearly stated. I therefore move that this Bill be read a second time.

Question proposed.

The Honourable the PRESIDENT: Here I must point out one thing to the honourable members, particularly new members of the House, as some of them have been approaching me since yesterday asking whether the House is at liberty to discuss the motion on its merits generally. According to the law, when the motion that the Bill be read a second time is put to the House, any honourable member who wishes to make

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general remarks discussing the Bill in this second stage (that must be remembered) may do so. That is to say, the discussion should not go back to the stage which has been passed. The principle of the Bill will not be allowed to be discussed, but the details of the Bill may be discussed without going into the merit of each particular clause. That can be done when the Bill will be taken up clause by clause if the present motion is accepted by the House.

SYED MIRAN MAHOMED SHAH : I want to move an amendment to the Bill, Sir. Will you allow the general discussion on the amendment as well as the motion together ?

The Honourable the **PRESIDENT :** The honourable member has not placed any amendment in my hands.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I beg to move the following amendment :

"That the Bill, as reported, be recommitted to the select committee with a direction to visit the area affected by the bill, acquaint themselves with the actual conditions obtaining there, ascertain the public opinion, consider the amendments submitted to this House and then re-submit their report to this House before the next sessions of the Council."

Question proposed.

Rao Bahadur R. R. KALE (Bombay University) : Sir, on a point of order. I do not think the amendment is in order, because I find that it can come only under (iii) of (b) of (2) of standing order 8 of VIII, and there the direction to the select committee is to make some particular or additional provision in the Bill. The amendment that was read out does not seek a particular or an additional provision but it seeks something else, it directs that the select committee should visit the area and should hear complaints and see the actual conditions and so on. There is no prayer that a particular or additional provision should be made.

SAYED MIRAN MAHOMED SHAH : I do not come under (iii) but I come under para (i) "without limitation." We can resubmit under this without limitation.

Rao Bahadur R. R. KALE : But the honourable member has given some directions to do general things.

SYED MIRAN MAHOMED SHAH : I will change it to "without limitation" if that is required.

The Honourable the **PRESIDENT :** Would the honourable member enlighten the House as to what is the scope of those words ?

SYED MIRAN MAHOMED SHAH : By "without limitation" I understand that the Bill would be recommitted to the select committee to recommend anything they like besides the recommendations that have been made by this honourable House so that there are no limitations. I am coming under sub-clause (b) (i). The House must give some direction. It cannot recommit but for what ? Something should be done by the select committee. It has to be recommitted to the select

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committee for suggesting that the committee should, after further consideration of the bill, visit certain places in the area affected by the bill and then make recommendations about the whole bill.

The Honourable the PRESIDENT: I think the amendment proposed is in order, but I would suggest to the honourable member that the amendment might simply state that the Bill as reported be recommitted to the select committee under sub-clause (i) (b) of 8; and in stating his grounds for recommitment without limitation, he might mention the various reasons why he suggests this course. Would that suit him?

SYED MIRAN MAHOMED SHAH: Yes, Sir.

The Honourable the PRESIDENT: He may now further explain his motion if he likes. The amendment now would be as follows:

That the Bill, as reported, be recommitted to the select committee under clause 8 (2) (b) (i).

SYED MIRAN MAHOMED SHAH: Sir, the honourable House need not think that I have taken them by surprise nor the Government, because Government are already in the know of the affair. Government know that this motion was brought in the select committee and it was earnestly prayed by some of the members of the select committee, especially those representing Sind, that the select committee should visit the area affected by this bill, especially in view of the various representations submitted by the various zamindars' associations in Sind to the Honourable the Finance Member and many of those representation were not translated nor given to the members in order that they might understand their contents as it was likely that a perusal of those petitions and the digesting of the contents of those petitions might have changed the committee's opinion. I think we were quite serious in making that suggestion, but that was ruled out of order, though I thank you, Sir, that you have held my present motion in order here.

My reasons are that sweeping changes have been made after the first reading of the bill by the select committee. That necessitates that the people should be given a chance to discuss and criticise the various changes brought about by the select committee. I think that in fairness, consistent with the spirit of the times, when we are expecting a popular Government, when our hopes are that people will govern instead of the Government that we have got at present and therefore in such an atmosphere and in these times we should give a fair chance to people likely to be affected by this Bill to criticise the measure which is going to affect them vitally—not going to affect the present generation only, but, as one of my honourable colleagues said yesterday, going to affect generations and generations. This is a question of life and death for them. There is a regular agitation afoot in Sind which the docile people of Sind never imagined in the past, but it is because it is going to affect their livelihood vitally

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that they are very much concerned about the passage of this Bill. I think therefore that the people should be given a chance to criticise and the members of the select committee should consider that criticism. There has been a suggestion made to me that I should ask that the whole House should visit the area affected. I would be very glad to accept this suggestion but for the present financial difficulties of Government, because a suggestion like that might be considered as too liberal, if not foolish. I feel, however, that the select committee being a body elected by this honourable House should have a chance to go and study the actual conditions obtaining there, and I think it is no disclosure of a secret to say that many of the honourable members of this House who belong to this Presidency have got no experience of our irrigational system or of our revenue system in Sind at all. Therefore, to entrust a measure which is going to vitally affect the people of Sind to certain gentlemen who have got no knowledge of the actual conditions would be unfair if they are not given a chance of personally visiting the place and studying the real conditions which would be brought about by the provisions of this Bill if it passes into law. I do not think the cost will be enormous nor the time that is required, because I suggest that the report should be submitted before the next session of the Council, i.e., the one to be held in September or October next. The committee may select certain areas where we can manage to bring representatives of various zamindars' associations who have been carrying on agitations and who have sent in petitions and various telegrams, I think, to the Honourable the Finance Member who appears to have been flooded with petitions and telegrams on the very day when we were deliberating on the various clauses of this Bill in the select committee. That surely ought to have given him an inkling of the exact state of feeling of the people concerned. I earnestly appeal to the honourable House and also to the Honourable the Finance Member and to Government generally that Government will not be losers nor will the people be losers by the delay of two or three months in the passing of this measure. It is a huge scheme which has taken years. Now it is only a question of two or three months during which the members of the select committee might be given a chance to study the representations and the complaints made against the provisions of the Bill. Then they can go and visit the people who are going to be affected by the Bill on the spot and then they may, if they are satisfied with the truth of the representations, report accordingly, but if on the other hand they are satisfied that the clauses as now embodied in the Bill are right and proper or in consonance with the feelings of the people and that those clauses fully satisfy the requirements of the experts of Government, then they may by all means make a report to that effect.

With these few remarks, I commend this amendment to the House for their acceptance.

Mr. B. S. KAMAT: Sir, I feel constrained to oppose this amendment which wants to take the select committee for an outing to the Barrage

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area. My reasons are that the motion seems to have been intended only as a last desperate effort to postpone the passage of the Bill to another session of the Council. I do not think that it is necessary for the select committee to go and visit the site. Indeed, many members of the select committee (official and non-official) have visited Sind in connection with their duties. I think the chairman of the select committee, the Honourable Sir Govindrao Pradhan, has seen Sind and the Barrage area. The Honourable the Revenue Member has also seen Sind and has spent practically all his official life there. Another member, the honourable member from Sholapur, who was on the Advisory Committee, has visited Sind and is acquainted with the Barrage conditions. As for myself, I had the privilege of going to Sind twice, specially for the purpose of studying agricultural conditions, and although I do not pretend to know intimately the detailed conditions that are obtaining there, still it was my business to enquire into the agricultural conditions of all classes of people from the zamindars to the haris, from officials and non-officials, and the co-operative bank people, in order to find out, e.g., the cost of production in agriculture, the indebtedness, the cost of various crops and other matters in connection with the Royal Commission on Agriculture and the Banking Enquiry Committee. I have seen Karachi, Hyderabad, Mirpurkhas, Larkana, Shikarpur, Sukkur and other places in Sind. But, Sir, my chief argument is not based on how many members of the select committee have or have not seen the situation in Sind. My point is that the main principles of the Bill have been accepted by this House and the House has given a mandate to the select committee. Therefore, even if the select committee were to go to Sind and visit the places, I do not think they would be able to go beyond the mandate of this House and reopen the question as regards the liability of the people concerned and such like matters. As for other details, we have had any number of representations from the people of Sind—in fact the select committee was flooded with telegrams from zamindars as well as other people. Indeed, I do not imagine that any possible objections or any possible arguments could be brought forward now even if the whole of the select committee were to find themselves tomorrow at Sukkur. Practically every sort of objection has been either telegraphed or incorporated in written petitions and, in my opinion, no fresh light could be thrown on the subject. The only thing that we could do is perhaps to see a few *kariyas* and a few fields. I do not think it is necessary to see the *kariyas* at site before we can really understand the problem. I would point out that if we are to discuss what should be the powers of the Canal officers, it is not necessary to see what the *kariyas* actually are. We know what they are in the Deccan. Many of us have spent our lives in studying irrigation grievances and the working of irrigation schemes. We know what the water-courses and channels are. Their sizes may vary. I do not think it is necessary to study the water-courses of any particular village before we can define the powers of the canal officers. I am sure it would be nothing but a waste of public money—I am speaking now as a member of the Retrenchment Committee—

[Mr. B. S. Kamat]

it would be a waste of public money to visit Sind in connection with this Bill about which we have already heard so many objections.

Sir SHAH NAWAZ BHUTTO (Larkana District): Sir, before I make a few observations on the motion before the House, I must sympathise with the previous speaker (Mr. Kamat) in his ignorance. Though he is not aware of the A B C of Sind conditions, by paying flying visits to places like Karachi, Sukkur and Hyderabad, he speaks as if an authority and disputes the amendment moved by my honourable friend asking that the members of the select committee should visit the place and acquaint themselves with the facts. Sir, I understand that every Government exists for the good of the people and for the benefit of the people. If that is the real object of every Government, they ought to convince the people for whom they introduce legislation that it is in the interest of the people concerned. I regret to observe, Sir, that in this matter Government and the officials concerned have absolutely failed in convincing the people of the province of Sind that this legislation is introduced in the interest of the people. Rightly or wrongly, the fact is that the people are not convinced of the benefits of this legislation at all. Under these circumstances, if Government want to push this measure in spite of the unanimous and universal opposition from Sind and without the co-operation of the representatives of that province, well, let them take the consequences. It is regrettable that in the last session of the Legislative Council when this measure was for the first time introduced, Government found that they had not the least chance of getting this measure through, the Government excluded Presidency proper from its operation and my honourable friend Rao Bahadur Chitale when speaking on it, expressed how Presidency members were corrupted by this offer of Government of excluding the Presidency proper from the operation of this measure.....

The Honourable the PRESIDENT: I might point out to the honourable member that the present motion before the House is that the Bill be recommitted to the select committee with the object that the honourable mover has in view. The honourable member is, however, arguing on the necessity of a Bill like this. As the honourable member Mr. Kamat pointed out, the principle has been accepted by the House.

Sir SHAH NAWAZ BHUTTO: I will just come to the point. The remarks I made so far were only introductory. It is true that the principle of the Bill was accepted, but it was accepted on some understanding. You yourself, Sir, had very kindly permitted us to discuss some of the principal amendments in the select committee, but some of them were not considered, and we were not given a fair chance to consider them. It was on that condition and that understanding that we had accepted the principle of the Bill.

The Honourable the PRESIDENT: The honourable member and the whole House would get that chance again, if the Bill goes further, at the time of the second reading.

Sir SHAH NAWAZ BHUTTO : In order to save the time of the House I just wanted to suggest some solution, so that we may meet half-way and have a smooth way in regard to this legislation. If that is not permitted, then I would only support the amendment.

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I rise to oppose this amendment, and I do so with the greatest reluctance. I find that the honourable member the leader of the Moslem party had something to say against my honourable friend Mr. Kamat, because he claimed to know a little of Sind, but my honourable friend Mr. Kamat made it very clear that he never pretended to know as much of Sind as the honourable members from Sind. He merely said that having visited Sind twice, he knew something about it, and I do not think there was any justification for the leader of the Moslem party to have made those remarks against my honourable friend Mr. Kamat.

Now, it is said that the select committee was flooded with a number of representations. There is no denying that fact. It is true that we had a number of representations, but it should not be taken for granted that those representations were not considered by the select committee. It will be seen, and we knew, that almost all the representations contained similar allegations, and the principle adopted was that the longest of the representations should be considered. When we went through the longest of the representations, it was found that all that they contained was some allegations against the canal officers, and so far as the grievance against the canal officers was concerned, the select committee did agree to a change from canal officer to executive engineer, which point was made clear by the Honourable the Finance Member. Now, it has to be further remembered that we had on the select committee no less than four honourable members from Sind ; my honourable friend the leader of the Moslem party was there, the honourable mover of the amendment was there, so also the honourable member Khan Bahadur Allahbakhsh was there and my honourable friend Khan Bahadur Khuhro was there. When all these representatives of Sind were on the select committee they could explain the entire position which they knew very well. We did not take a leap in the dark, and it is wrong to say that we had no sufficient light before us ; and, besides, we thought that, after all, even if we went to Sind, it would only be a matter of incurring additional expenditure without any further light being brought to us, because even if we had gone there, the same representations would have been made. It was not a question, as was made very clear by my honourable friend Mr. Kamat, of inspecting a field here and a field there. It was a question of settling certain principles, and in the select committee, as the representatives from Sind are aware, every concession demanded by them has been conceded. The hitch came only as regards the costs to be borne as between themselves and the Government as regards waste lands, and of course, even there, as was pointed out by the Honourable the Finance Member, it was agreed that one-third of the cost should be borne by Government and two-thirds by the zamindars. Of course, the only point on which the select committee did not agree was with regard to the jurisdiction of the civil court. As regards this, as was pointed out,

[Rao Bahadur S. N. Angadi]

if this was allowed, the whole thing would be held up, God knows for how long—it may be for years. For that reason, it was thought reasonable not to allow that power to the civil courts. Otherwise, the select committee was very favourable, and every point brought forward by the honourable members from Sind was very sympathetically considered. With all this, if they are to say that we are ignoramuses and that we do not know anything, I do not understand the propriety of these remarks. With these words, I oppose the amendment.

Khan Bahadur M. A. KHUHHRO (Larkana District): Sir, I rise to support the amendment moved by my honourable friend from Hyderabad. The argument put forward by my honourable friend from Poona (Mr. Kamat) that he and certain other members of the select committee have visited Sind in different capacities and therefore they have acquired sufficient knowledge with regard to this particular problem is, I think, absolutely wrong. Visiting Sind in different capacities means acquiring knowledge in those particular capacities with regard to those particular problems. Visiting certain headquarters of districts does not mean acquiring knowledge with regard to the various technical problems connected with irrigation. In this particular question, what we mean really and what is intended by the honourable mover of the amendment is that the honourable members of the select committee should be given a definite opportunity to go and visit, for example, certain water-courses that are intended to be constructed, to go and take the evidence of those people who are going directly to be affected by the construction of those water-courses and by the source of their water supply being altered. The question governed by this Bill is not only the question of designing and construction of new water-courses. Apart from that, there is another fundamental question governed by this Bill, and that is with regard to the change of the source of water supply from one water-course to another water-course. Therefore yesterday, during the question hour there were certain questions asked about disputes arising out of a change of the source of water supply. I think it is wrong to presume, or for any honourable member to believe, that this particular technical side which is at present before the House could be known merely by a flying visit to Sind. Without casting any reflection on any honourable member, I make bold to say that even those honourable members who are serving on the Barrage Advisory Committee—I am referring to those from the Presidency proper—have never cared to study this problem by visiting the fields. They simply come to Karachi on the day on which the Advisory Committee has to meet; they sit at Government House, Karachi, to discuss questions without themselves knowing much about them, relying on the data supplied by the officials, and therefore their knowledge is not first-hand knowledge. It has been made abundantly clear by every honourable member from Sind in this House that this question vitally affects the interests of the people there, and to deprive them of the right of adducing their evidence before the select committee, who occupy the position of judges selected by this honourable House, is, in my opinion, absolutely wrong and unfair. The point of all honourable members who

[Khan Bahadur M. A. Khuhro]

have preceded me and who have spoken against the amendment is that it is a question of time, that time would be unnecessarily wasted, and so on and so forth. They know it perfectly well—both honourable members who happened to be members of the select committee—that it was expressed by us that ample opportunity should be given to visit the places and take evidence of individuals on the spot, and then the select committee could meet for a final decision. Apart from that, it is no secret that I am divulging when I bring to the notice of honourable members here that in the end of April I had made a reference to the Chairman of the select committee, the Honourable the Finance Member, that it will be necessary that the initial meeting of the select committee should be fixed for some time in May. At that time I had made it clear that such a suggestion of visiting Sind and recording evidence was likely to be made by certain members of the select committee. Therefore, there was ample time for the members of the select committee to visit the places and see for themselves and then come and discuss matters in the select committee finally after having heard the people concerned and after having known things for themselves. But I am sorry to say that the Honourable Member in charge of the Bill refused to accept my suggestion. Therefore, for various reasons better known to him, he did not care to agree to this suggestion. He held the meeting of the select committee in the middle of June. I am sorry to say that on account of the Honourable Chairman of the select committee and certain other Government members the select committee was deprived of this right. Apart from that the mover of this amendment has stated that this matter was not even placed before the select committee, for giving their opinion and for voting on the subject. So, in my opinion to brush aside a very strong and a pertinent suggestion like this so summarily is absolutely not justified.

Apart from that, the minutes of dissent that have been submitted by myself, by the honourable members Syed Miran Mahomed Shah and Mr. Surve make it abundantly clear that the representations that we received from various bodies and associations which were intended for the members of the select committee were not circulated. These were received just before the select committee sat. So, its members did not have sufficient opportunity to see what those representations contained. There various other representations and petitions which were never circulated. Because many of them were in the Sindhi language, the members from the presidency who were on the committee could not have the benefit of the materials contained in those representations. It is proverbial that the English language is not much known in Sind. So, the agriculturists cannot be expected to translate them into English and send them to the committee. But it is the bounden duty of the Chairman of the select committee to get them translated and keep them ready for the members before the meeting is called for.

Another question—which was also tackled by the honourable member Mr. Surve—is that there was a departure from the ordinary procedure laid down for the select committee. For instance, the restricting of the scope of the civil court.

The Honourable the PRESIDENT : Is that an artful way of criticising the ruling given by the President yesterday ?

Khan Bahadur M. A. KHUHRO : I am not divulging what happened in the select committee. I am only saying what has come out here. I want only to submit that the select committee has made certain recommendations in the altered Bill before us which were not in the original Bill. I was referring to clause 3. The civil court has been deprived of its inherent right of giving decision on the matter and the people have been deprived of the right to approach civil courts.

Another question which was referred to by the Honourable the Finance Member is the question of compensation. I think he partially agreed in his speech that the right of the civil courts to interfere in the matter of improper compensation and such other matters has not been definitely laid down in the Bill. The original clause 35A made it clear and that has been taken away when the Sind members who were on the committee were absent from the meeting of the select committee. These are really very cogent reasons in my opinion to show that the consideration of time should not weigh with us. It will be about a month or so as pointed out by the honourable member from Hyderabad. If Government ever intended to bring a Bill of this nature they should have done so earlier and given time to the people to consider it. The Barrage scheme commenced in 1923 and now 8 years have elapsed. During all this time no effort was made by Government to acquaint the people of the fact that a Bill of this character is going to be brought into this House. So, the whole responsibility lies on Government. But it is no reason to deprive the people of their inherent right.

The Honourable the PRESIDENT : This is really a subject for which a few remarks should suffice.

Khan Bahadur M. A. KHUHRO : I hope honourable members will take into consideration all the points and support the amendment.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I may remind the House that on the last occasion when we met in this House I pleaded for the postponement of this measure in view of the points raised by honourable members from Sind. I do not wish to rely on my memory and so I will read from the Debates what I said on that occasion :

"There are only four months, and I should think it is not too much for Government to buy out their contentment if it is possible to buy it. If they were to oppose the whole Bill altogether and be so unreasonable, that would be another matter, but what appeals to us most strongly on this side of the House is their offer, namely, that they are willing to consider the Bill in the next July sessions, in the meanwhile they will go back, speak to the other men, take stock of the grievances and practical objections of the several zamindars and agriculturists and after they will be ready and by that time also I think the figures which are now collected or are being collected by Government officers will also be available and complete. What appeals to me personally is this that if for this small concession you can buy up their contentment and run through a legislation of this kind which is beneficial not only to Sind but to the rest of the Presidency, I should think the Honourable the Finance Member would be very well advised in leaving the first reading to-day—we shall vote unanimously if you like—and having the other stages in the July sessions."

I read this to the House just to remind it that this is not a new matter that is sprung upon us suddenly. There is a long history behind this scheme. Enquiries began in May 1930 and the advisory committee

[Rao Bahadur G. K. Chitale]

met in Sind. This Bill was on the legislative anvil for a considerable time and some assurances were asked of the Honourable the Finance Member. After having promised to consider the Bill in the July sessions, I do not think it fair either to us or to Government to go back upon our promise. It is due to us to face the battle through and through now. Therefore, as a member of this House, I would plead earnestly that honourable members from Sind should remove this blocking motion and not oppose it. Then we will see what help we can give you in the manner in which we think it reasonable. I think this will satisfy the honourable members from Sind and the whole House. Otherwise this discussion will end in disappointment which my honourable friends from Sind will feel.

Mr. A. N. SURVE (Bombay City, North): Sir, I only submit that there are very good grounds for the recommitment of this Bill to the select committee. When the House appoints a select committee it expects them to exercise their discretion and to give a right judgment. Judgments are formed on materials that are placed before you. If the material is placed before you, you can come to a right judgment. But what happened in this case is several representations were received by Government. Some of them were in English. Others were in Sindhi. Even those that were in English were not placed before the members of the select committee. The point was raised and an adjournment was suggested to enable them to be typed and handed over to the members. Notwithstanding that suggestion the work was proceeded with. Then, at the end of the first sitting the representations in English were placed in the hands of the honourable members of the select committee. Then as regards Sindhi translations they were not translated,....

The Honourable the PRESIDENT: I am informed that out of the Sindhi representations one typical was picked out and translated and sent to the honourable member himself.

The Honourable Sir GOVINDRAO PRADHAN: I asked the honourable member from Larkana to pick one typical representation in Sindhi; it was translated and given to honourable members.

Mr. A. N. SURVE: I am just coming to it.

Mr. V. N. JOG: May I know whether the discussion is on the amendment or on the motion for the second reading?

The Honourable the PRESIDENT: Only on the amendment.

Rao Saheb P. D. KULKARNI: The honourable mover of the amendment has left out several points which must be made clear to support his cause. Those points must necessarily be made clear to make out his case. That is necessary for the purpose of the amendment which will only justify the proposal of visiting Sind.

Mr. A. N. SURVE: As regards the translations, at my request it was agreed that one representation out of the whole lot should be translated and sent to me. But let me mention this fact. This was done several days after the committee was over. All along we were taking decisions

[Mr. A. N. Surve]

without having material before us. That is the point which I am making now. If the materials were available to us then we would have been able to make our formal adjustments. As we were placed in that predicament, whatever judgments we arrived at we arrived at without possessing all the relevant materials that could have been made available to us but which was not done. That is one point.

Then, the second point is that the honourable the nominated member from Poona (Mr. Kamat) referred to the mandate to the select committee. He said that the select committee was not given any mandate to examine witnesses. In that connection I wish to draw the attention of the House to a provision made in the Standing Orders.....

The Honourable the PRESIDENT : Mr. Kamat never said that.

Mr. A. N. SURVE : He referred to a mandate to the select committee.

The Honourable Sir GOVINDRAO PRADHAN : The mandate to the committee was only—you cannot discuss the principles: beyond that you can discuss anything. That was the mandate.

Mr. A. N. SURVE : If it did not extend to taking of evidence, the Standing Orders have a provision that in certain cases the members of the select committee can call for evidence. I am reading from page 234 of the Council Manual :

"A select committee may hear expert evidence and representatives of special interests affected by the measure before them."

I am very thankful to the Government for having given us the assistance of the expert. I am very thankful to them for that. I wish to make that point clear. But as regards the special interests affected, we had no opportunity of knowing how the Bill would affect them. It was pointed out that the Sindhi members were there and that they could guide the members from the Presidency. That point was made by my honourable friend Rao Bahadur Angadi. May I just ask if the Sindhi members were there till the end of the meeting ?

The Honourable Sir GOVINDRAO PRADHAN : Whose fault was it ?

Mr. A. N. SURVE : We were deprived of the guidance of the Sindhi members in the middle of the work of the select committee.

The Honourable the PRESIDENT : I am informed that the unfortunate walk-out took place a few minutes before the end of the meeting.

Mr. A. N. SURVE : It was only a few minutes before, because the other members were not in the know of things. Had the Sindhi members been present, the work would not have ended quite so soon. If the proceedings collapsed, the reason was we were left in the dark ; we had no knowledge of the local affairs, and they could not be raised, because those who could have raised them were not in the meeting.

The Honourable Sir GOVINDRAO PRADHAN : Does the honourable member include in the plural all the other members ? At any rate, we are not going to be included in the plural. He can say "I" if he likes.

Mr. A. N. SURVE: By the plural only non-official non-Sindhi members are meant. I purposely brought this fact to the notice of the Honourable the Finance Member.

The Honourable the PRESIDENT: I should like again to point out not only to the honourable member who is speaking, but also to members who may speak after him, that the motion moved by the honourable member from Hyderabad should not be made a ground for ventilating the grievances against honourable members of the select committee. The question is whether there is sufficient ground for the Bill to go back to the select committee.

Mr. A. N. SURVE: The moment we were deprived of the guidance of the Sindhi members, I drew the attention of the Honourable the Finance Member to another provision of the Standing Orders, namely, the one under which he can approach the President to have fresh members appointed to the select committee.

The Honourable the PRESIDENT: I think that was a very wrong suggestion made under a mistaken view of the law. No vacancy occurred at all.

The Honourable Sir GOVINDRAO PRADHAN: That is why I did not accept the suggestion.

The Honourable the PRESIDENT: The walk-out did not create any vacancy. It will be remembered by the honourable member that a famous walk-out had occurred in this House, but that did not create any vacancy.

Mr. A. N. SURVE: I mentioned this fact simply because the Honourable the Finance Member did not agree to the proposal that witnesses should be examined. He gave us to understand that the Sindhi members would be in the committee and that they would guide us. Therefore, I raised the point that the Sindhi members were absent and we were deprived of the benefit of their knowledge. That was the point.

Then, Sir, take the other point, how matters are being carried on. Just this afternoon my honourable friend at the back (Mr. Gokhale) has pointed out that there is not a copy of the rules and by-laws under the Irrigation Act even in the Council library.

The Honourable the PRESIDENT: Mr. Gokhale said nothing about the Irrigation Bill at all; he spoke of the Cotton Contracts Bill.

Mr. A. N. SURVE: My point is that we are not in possession of the materials; whether it refers to the Cotton Contracts Bill or the Irrigation Bill does not matter. You ask us to form a judgment on certain questions, but do you provide us with the materials on which we can form that judgment? That is my point.

Then, about the cost of construction, the ratio is fixed as one, two and three times. The point there is that Government waste lands are to be assessed at a lower rate than the private waste lands.

The Honourable Sir GOVINDRAO PRADHAN: Is the honourable member allowed to argue on the merits?

Mr. A. N. SURVE: I am giving the grounds why the Bill should be recommitted to the select committee. I submit that Government lands have been burdened less than private waste lands. That gain is not to go to Government but to those who purchase that land. There is no guarantee that the purchasers from Government will be the inhabitants of this Presidency, or of Sind because much of the land in Sind is at present uncultivated and the Sindhis have enough land to cultivate. When the Barrage land is brought into the market, there is every likelihood that it will be purchased by people from outside this Presidency. If that is so, then I submit that that land should be treated equally with private waste lands. That is a ground why Government land should not be given preference. That is one other point.

Even to-day the Bill is not complete. Even to-day there was placed in my hand a notice of amendments which are going to be moved by the honourable member Mr. Harrison. He is going to make a new provision about the construction of canals to meet the convenience of some private owner. That very fact shows that the Bill, as it has emerged from the select committee, is incomplete. Even Government want to give notice at the eleventh hour of some additions which they desire to make.

For all these reasons, I submit that there are very good grounds why the Bill should be recommitted.

There is another point which has to be taken note of. The next session will be after two months—very likely within two months. The next session will meet in next September, and we will not lose much if we recommit the Bill. Let it be reconsidered in the select committee, let the members who want to examine witnesses do so. That will help them to come to a right judgment, and then, let their report come here with the stamp of their full approval.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I rise to support the amendment moved by my honourable friend Syed Miran Mahomed Shah. My honourable friend has two objects in view in moving this amendment. One is that the select committee should get an opportunity of going into the representations and resolutions submitted by the various zamindari associations and also to consider the amendments that have been proposed to the Bill not only by non-official members but also by the official member, Mr. Harrison. Besides, they will also get time to visit a few select places in the province of Sind and to decide for themselves whether the revolutionary changes contemplated in the Bill will in any way benefit a large portion of the province and whether it is desirable or not to modify the Bill in the light of what they may happen to come to know there. Perhaps this honourable House does not know that about one hundred zamindari associations belonging to various talukas have passed resolutions offering their criticism on the Bill. I am surprised to know that only the resolutions sent by one zamindari association have been translated into the English language. Perhaps for want of a translator the select committee could not know the true significance of those resolutions. I wish to submit to the House that it was the duty of the Chairman of the committee to

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have referred those resolutions or petitions for translation to the Oriental Translator, as he would then have come into touch with public opinion. I think the honourable member Khan Bahadur Khuhro said in his speech that he actually wrote a letter to the chairman of the select committee that he should convene the committee in May and give the members of the committee an opportunity of visiting a few places in Sind and seeing and deciding things for themselves. I also happen to know that other members of the select committee also made the same suggestion. I do not want to challenge the knowledge of anybody here about the state of affairs in Sind. I have got very great respect for my honourable friend Mr. Kamat (whom I do not find here now); he is an old and experienced man; but I would only request him to go through the resolutions of the various zamindari associations of Sind and take the evidence of the people affected by the Bill, as he will then be in a better position to decide how far the provisions of the Bill ought to be modified. Every one of us is anxious to help Government as far as possible in seeing that lands in the Barrage zone get adequate supplies of water and that the Barrage proves a success, because on the success of the Barrage depends to a very great extent our claim for separation also. None of us will throw obstacles in the path of the committee who wish to see that the Barrage proves a success and not the huge failure that some people in Sind have been led to think it will prove.

There is another reason why the amendment of my honourable friend should be accepted. Now we are living in a democratic age, when no piece of legislation can be carried into effect at the point of the bayonet. If you want to keep Sind within the Presidency and rule Sind from a distance of 800 miles, then you should at least take the trouble of acquainting yourself with the real views and grievances of the people of Sind. With this appeal I support the amendment and I hope that the honourable House will not feel disturbed at postponing the Bill for one or two months.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): Mr. President, it would be better if at this stage we hear the Government side.

The Honourable the PRESIDENT (in Urdu): The honourable member will get the Government view very soon.

Mr. V. N. JOG (Dharwar District): Sir, with all my sympathy towards my Sindhi friends, I am constrained to oppose this amendment. I think that no good purpose will be served by the members of the select committee going and visiting the place. I think no advancement will be made in the consideration of the Bill.

As regards the representations, there was a number of representations received by the select committee. On the first day when a complaint was made that the select committee had no chance of looking into those representations, the matter was postponed to the second day. In the meantime, we went through the typical representations and came to the conclusion that most of the representations were repetitions. Therefore we took the longest of the representations because they contained the

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most common grievances. We considered all the grievances mentioned in those petitions and arrived at the conclusions which are before the House. What more can we do by going to the place? If we visit Karachi or Hyderabad or any other place, we shall get the same representations containing the same grievances. Perhaps we shall get a few witnesses. Those grievances can be voiced forth by the Sind members who number 14 or 16. Even now my Sindhi friends can analyse the evidence which we are likely to get if we visit Sind and place it before this House and if they can convince the House with regard to those grievances, they will be very well met.

As regards the point raised by my honourable friend Mr. Surve that we had not the benefit of the Sindhi members with regard to certain clauses of the Bill, I can point out (I was a member of the select committee) that it was only at the end of the Bill—clause 92—where the difference arose as regards the distribution of the expense of rectangulation and sub-rectangulation. It was only on the third day that this difference arose and the Sind members took the course of walking out. After that the only section which was discussed was clause 93. There was no hurry in the closing of the select committee's deliberations because after the walk-out the select committee only made consequential changes here and there.

With regard to the inspection of the site, I cannot understand how a few members going to Sukkur can find out anything more. I had been to Sukkur once at the time when we were all taken there to see the Sukkur Barrage. During the five days we were there we visited certain places and canals. So many experts are working over this matter trying to find out whether it will be an engineering success and revenue success and so on. We may not be more enlightened in the matter of the consideration of this Bill by touring the areas. We will not be in a position to say whether it will be beneficial to the agriculturists by only seeing the site. It is for the experts of the engineering department to decide. I submit therefore that it would be a waste of money when we are in very stringent circumstances if we go there to see the site. Already so much money has been spent over the Barrage. It would not be fair for the other part of the Presidency to delay this matter because everything will depend upon the revenue success and the engineering success of the Barrage. From the engineering point of view it is said it has been a success. But we must also look to the revenue side. Therefore the earlier we begin the better.

Mr. C. W. A. TURNER : Sir, I move the closure.

The Honourable the PRESIDENT : I accept it.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I oppose the motion. The reasons have already been given by the previous speakers.

Question put and lost.

Question, "That the Bill be read a second time," again proposed.

SYED MIRAN MAHOMED SHAH : Sir, I do not propose to take up much time of the honourable House, but I wish to make a few observations as regards the general merits of the Bill in the expectation that

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I might induce some of the honourable members on this side of the House to throw out this Bill even at this stage.

As pointed out by various colleagues of mine from Sind, this is a Bill with which the interests of agriculturists of Sind are entwined. From the remarks of the various speakers who spoke on my amendment which has unfortunately been rejected by this honourable House, it seems that they have not realised the significance of certain clauses of this Bill. They remarked that it will be no use seeing the site and one member, a very learned and experienced member (Mr. Kamat), went to the extent of saying that the honourable members can imagine the conditions here, after having heard the representatives from Sind. I assure them that this is no question of imagination. This is no question even of theoretical knowledge or bookish knowledge or literature. It is only practical experience that will really give them a clue to the real consequences of this Bill.

I will give them only one instance. By passing section 91 as proposed in this Bill we shall be investing the canal officer with powers to change at his sweet will any source of water supply. This clause consists of a few lines only and ostensibly looks very innocent and harmless. But by investing the canal officer with this power we are going to transfer the very source of livelihood of the agriculturists to the hands of the canal officer. "How?" you will argue. Suppose a canal officer is given power under this Bill after it passes into law to change the source of my water supply which is 4 feet wide at present and he according to his own calculations and schemes is going to reduce it to 4 inches. That is what is actually happening according to the moduling system. Shall I not suffer immense loss owing to such a change? To justify his action he will have abundance of arguments.

The Honourable Sir GOVINDRAO PRADHAN: May I correct the honourable member, Sir? It is not the canal officer who is empowered to change the source of water supply; it is the Collector. We have substituted the Collector in place of the canal officer. That has been done in the select committee on the suggestion of the honourable member Sir Shah Nawaz Bhutto.

Sir SHAH NAWAZ BHUTTO: You are quite right.

SYED MIRAN MAHOMED SHAH: I quite realise the fact that the Collector has been empowered to change the source of water supply. But it is after consulting the canal officer that he will change the source. Moreover, the jurisdiction of the civil courts has been eliminated. It is only an independent tribunal which can adjudicate the rights of the people. The Collector is an executive officer. It is not that we were enamoured of the justice of the Collector. It is only a compromise. It was not my suggestion anyhow even in the select committee.

The Honourable Sir GOVINDRAO PRADHAN: It was the suggestion of one of the Sind members.

SYED MIRAN MAHOMED SHAH: May I remind the Honourable the Finance Member that I was opposed to the suggestion? I am

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speaking for myself and for the people whom I represent—agriculturists. I am neither bound by the suggestion of Sir Shah Nawaz nor of any other Sind member. I can produce voluminous evidence to show that the people are against that provision. They are against the Collector possessing these powers. They wish that the civil courts should not be divested of that power. I am speaking consistently with the wishes of the people. I am bound to the wishes of the people whom I represent. This is against the interests of the people of Sind. Why have you eliminated the jurisdiction of the civil court in the matter of change of *peach* when it can adjudicate about every other matter but not this matter which concerns their very livelihood, since by changing the source of water supply you will be affecting the very source of their livelihood which they have been enjoying for a long time.

By proposing recommittal to the select committee I did not mean that the select committee should only take evidence as regards the grievances of the people. I think I was palpably misunderstood. I meant to say that the honourable members should actually visit the site and should see the working of the water courses with their own eyes. I will show them the Karias which are in existence now before any scheme is introduced. I will also show them the state of affairs where the scheme has been in working order. You can see with your own eyes and ask the people on the spot whether by the introduction of the scheme they have been losers or have benefited. Let us base our judgment on that. I am sure you will hear from the people who have suffered immensely by the introduction of such schemes rather than benefited. At present, only a few people, infinitesimally small, say 10 per cent. have benefited. For the sake of 10 per cent. of the people, 90 per cent. will be aggrieved by such schemes. My purpose is to point out that by the elimination of the jurisdiction of the civil courts, the people know the consequences. Supposing my cultivation is reduced from 100 acres to 50 acres, certainly I will resort to court, but by a stroke of the pen they will brush aside the jurisdiction of civil courts which offer protection to the members of the societies. This will mean a deprivation of the fundamental rights of the people. I will give you another instance. Supposing my honourable friend succeeds in getting the Bill passed as it is. The canal officer will, according to his own scheme, wish me to cultivate wheat instead of cotton. According to his own scheme, two-thirds of the barrage area is to be given to wheat cultivation. He will not take into consideration the prices of wheat ruling at present. He will not take into consideration what is the fate of wheat in the other parts of the world, whether there is over-production in Australia, whether there is over-production in Russia or in America, whether in Persia the people are burning wheat instead of charcoal. He will never take these things into consideration but will go according to tabular calculations and will say "so many acres of the barrage land will be disposed of at so much per acre." Wheat will be abundant and they will fix my duty at 100 acres per cusec. Who is going to resist the P. W. D. and who is going to listen to me if I say that

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100 acres per cusec will not be sufficient? They will never admit my contention because the Government experts will say that 100 acres per cusec will be enough and the source of the water supply will be constructed not according to my judgment but to their judgment. What is the remedy left to me? The Collector? The Collector will say "I am not an expert" and, of course, we have to retain some confidence in him because we have no other course open to us as the civil court is going to be eliminated. We consented to it because we found in the select committee that we could not prevail against the majority members of the committee. The Collector will base his judgment on the decision or opinion given by the canal officer. To whom should I go for relief? To whom should I complain that my land is not fit for wheat cultivation, that 100 acres per cusec will not be sufficient for me? This change is going to affect me to that extent and going to change the very face of my soil, going to change the condition of the cultivation itself. Who is going to listen to that? I cannot resort to a civil court however much I suffer. I have got no power to do that, as I have no power to seek the help of a civil court in the matter of alignment and construction of my sluices from which I will draw my water.

Then as regards the second clause. My honourable friend raised a point of order. Though my motion may not be in order, still I would say and appeal to all the honourable members to consider this whole matter in a sympathetic spirit. As regards the elimination of section 35A which Government had proposed, my honourable friend revelled in rhetoric but did not explain, although he was a legal man, that it meant the deprivation of the fundamental right of getting compensation, the greatest right which was conferred upon the agriculturist by this measure. There is a clause, I understand, but I do not know which.....

The Honourable Sir GOVINDRAO PRADHAN : 26 and 31.

SYED MIRAN MAHOMED SHAH : My honourable friend said that because there was a provision already in those sections, the section 35 was redundant. They have legal experts on their side and yet they did not think that it was redundant when they incorporated it in the original Bill. If it was redundant, why did they at all introduce that clause 35A?

The Honourable Sir GOVINDRAO PRADHAN : Because it was the decision of the canal officer which was not open to an appeal to the Collector. Under the present Bill, the Collector's decision is open to be taken in appeal or revision to the Commissioner and Government.

SYED MIRAN MAHOMED SHAH : As if the question of compensation will not arise, as if the Collector is always such an officer that his decision will always be satisfactory to the people concerned. This is the presumption you draw. You presume that the Collector's judgment will be accepted as a gospel truth by the people and that they will not raise any objection to that decision and that his decision will always

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prove advantageous, not detrimental, to the people. That is the presumption you draw. You presume that in the case of judgment given by the canal officer, it may prove detrimental to the people and that the people will claim compensation, but that in the case of decision given by a Collector, it will always be advantageous to the people and therefore you eliminate clause 35A. I do not think that that argument will appeal to any side of the House. The Honourable the Finance Member had the Legal Remembrancer and other legal advisers to help him, he himself is a legal man, he had the help of the Secretariat; and with all that, he thought it fit or necessary to insert clause 35A in the original Bill in order to award compensation. The only change made in the present Bill is that instead of the canal officer's decision being final, that of the Collector has been made final. Otherwise there is no difference, only the officers have been changed. Where is the right of compensation? Supposing I suffer because my cultivation is reduced from 100 to 50, what is the remedy? Is there any provision which gives me the right to have resort to a court and to pray that compensation should be given to me? My honourable friend says that because of the alteration in the proportion of the cost of construction we shall have no cause to claim compensation. This is another argument of his, but I say that the question of the cost of construction does not provide for compensation. It is quite different from the cost of construction. The only other remedy, the consequential remedy, will be to claim compensation. Suppose I am the owner of a water course and I pay according to the proportion fixed. Suppose I pay the full cost, one share out of six. Still I shall suffer on account of the change of the source of my water course on account of the "peach" as we call the quantity of water, on account of the dimension of the sluice that you gave me. Where is the remedy? There is no remedy at all. This is another fundamental defect in this Bill.

The third thing of course is that which has been pointed out by my honourable friends. Government have in a surreptitious way tried to include the cost of the preliminary survey in the cost of alignment and construction of a water course. The innocent people, laymen I mean, do not readily understand that the preliminary survey means the expensive rectangulation business in regard to which the officials have been trying to get the leaders of the people and the members of the Legislative Council to induce people to give kabuliyats and other agreements for getting their rectangulations, which mean a huge expensive business. For this Government have made a closely hidden provision. Is it fair on the part of a constitutional Government whose duty it is to protect the rights of the people to provide for the cost of rectangulation, etc., in a surreptitious way? It was only after I put a question, inadvertently perhaps, that the honourable member the Chief Engineer of the Lloyd Barrage admitted frankly that it does include the cost of rectangulation too. The people have always been agitating against this rectangulation business and we wonder how this has come here; how, when it properly belongs to the Revenue Department and not to the Irrigation

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Department, it finds a place in the Irrigation Bill. The surveys are always carried on under chapter VIII of the Land Revenue Code and so we were eagerly expecting some amendment of the Land Revenue Code so that we should be mobilised to oppose that measure. How can we imagine that it can come under the Irrigation Bill? We argued about this in the select committee and I still urge on the floor of this honourable House that this portion should be expunged and that this rectangulation business should not come at all. If it does come, there will surely be a wide agitation and discontent. If at the risk of discontent, you get this provision through, you may do so, but the people will never be satisfied with it.

With these few remarks, I resume my seat.

(After recess.)

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, in making a few general observations on the second reading of this Bill, I want to deal with certain points which have been omitted or have not been mentioned in the first speech delivered just before tea time by my honourable friend from Hyderabad. Sir, the Bill has not only one or two points in which there is a question of disagreement between the people who are affected—the agriculturists I mean—and the Government, but there are various points which require in fact to be gone into in more detail and more careful scrutiny. When new legislation of such an important character is going to be passed by this House, it is absolutely necessary that every word should be properly weighed and proper consideration should be given to every clause of this Bill. Sir, unfortunately, hitherto sufficient opportunity has not been given either to this honourable House or to the select committee to understand, appreciate and realise the viewpoints and the apprehensions of the agriculturists from Sind. Originally, as has already been mentioned, the Bill was intended to apply to the whole of the Presidency, but its scope was, however, subsequently altered in the February session, by the amendment brought forward by the honourable member the Chief Engineer, Lloyd Barrage. Before the scope of the Bill was restricted only to Sind and the Lloyd Barrage zone, this question elicited sympathy and consideration from the entire House, but at present, unfortunately, the position is that on questions relating only to the province of Sind, the painful duty of criticising the far-reaching consequences and the results of the Bill falls only to the lot of the honourable members representing that province.

Sir, just as in the debate which took place this morning one or two drawbacks were mentioned and just as one or two interpretations were pointed out by my honourable friend Syed Miran Mahomed Shah that were not originally meant but were subsequently added up in the select committee, similarly I submit that there are certain other interpretations which are not at present very clear and which are not clearly defined, and there is an apprehension that these interpretations may be given quite a different meaning from what we might understand at present. Sir, to start with, the very word "water-course" is vague. We do not understand to what extent the word "water-course" has a

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limitation. We are only told that the area that will be commanded by a water-course will be to the extent of about 1,000 acres, if I understood the Chief Engineer, Lloyd Barrage, correctly, but there is nothing defined so far as this Bill goes. Sir, although an area of 1,000 acres is mentioned, in certain cases it is a larger area. For instance I have practical experience that in certain places the very canals that existed up to now and gave water supply to the area to the extent of about 10,000 acres are being altogether eliminated, and they are being replaced by new canals, minors, distributaries, or by whatever other name you call them. So, in those places where these canals are to be replaced, they should in fact rightly and justly be replaced by the Government canals or the Government distributaries and minors, but they are, as we understand, in certain places being replaced by what may be called water-courses. A water-course as defined in the law at present is to be constructed at the cost of the landholders according to the apportionment of cost that is recommended by the select committee in different shares. That proportion is in any case going to fall upon the land. The entire cost of the water-courses is going to fall upon the land, whether the land belongs to private individuals or whether it belongs to Government. In any case, as regards the water-courses that are going to take the place of the canals, Government ought to take particular care, and proper and fair discretion should be exercised that the cost of the water-courses does not increase. At present, in the Bill as it is, it is vaguely worded, and not knowing the proper definition of the word we do not know how far it has the limitations. To give an instance in the Larkana district, which I represent, there is a canal which is called the Ford-wah. It commands a cultivated area roughly of about 10,000 acres. Besides, it is the great backbone of the Ghar canal and a great support to it, which canal commands a very large rice area in the district of Larkana. This canal, according to the present system, is going to be altogether scrapped, eliminated and abandoned. From the recent discussions that I had with the executive engineer in charge of the canal, I find that it is going to be replaced not by a Government minor or by a Government distributary, but by water-courses, and he pointed out certain rules, which evidently the Chief Engineer has laid down, that no land is to receive water directly from a Government minor or distributary, and in order to justify that rule or that order, instead of taking the minors and distributaries from the canal system which is called the Northern Dadu canal, at certain places water-courses are to be taken that will reach the land of zamindars and through those water-courses again they (zamindars) will have to construct their own water-courses. That means water-courses out of water-courses, and those water-courses they will have to construct apart from the consideration whether Government construct them for their convenience or not. Necessarily, for the good supply of water for their lands, they must construct them if they do not exist at present or do not appear to suit the new conditions. Therefore, in addition to these water-courses which necessarily and compulsorily they have got to construct for themselves, the cost of the fresh water-courses which will be constructed by Government just to provide water to these smaller water-courses is also being debited to the landholders. This, Sir, to a certain

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extent creates a genuine apprehension in the minds of the people that the cost as given out in the select committee will greatly increase—I refer to the cost of about Rs. 2-4-0 or Rs. 2-8-0 per acre which has been estimated by Government.

Besides, there is another point which needs further consideration, and this point never came to the notice of the select committee, because at that time nobody imagined what would be the interpretation of the word “water-course”. If the right interpretation, as every man understands it, is given to it, these minors and distributaries can never be called water-courses and therefore they cannot rightly be constructed at the cost of the zamindars. Secondly, as has been briefly mentioned already, the cost of the water-courses that is going to be debited to the land-owners is not properly defined. The interpretation now being offered is that all the different costs just as preliminary-survey, which in itself is too vague a word, will be regarded as a cost of the excavation and construction of water-courses. There were about seven or eight items that were mentioned by the Chief Engineer, Lloyd Barrage, in the select committee, the cost of which, he said, would be debited to the landholder and would be considered as the cost of the water-courses. Rectangulation and sub-rectangulation now forms part of it and the land-owner has to pay for it. Then, alignment, acquisition of land, excavation, masonry work, boundary marks, and whatever Government spends on survey, which is and should be covered by the Land Revenue Code is going to be added to the cost of the water-courses. It is known to everybody in Sind, although it may not have reached the honourable members here from the Presidency proper, that rectangulation and sub-rectangulation is really an old question which was started some four or five years ago, when originally the Government of India was approached for sending their survey party to undertake rectangulation Survey in Sind. At that time the zamindars were induced, and an effort was being made through co-operative societies, through different special officers appointed to undertake schemes to induce the zamindars to agree to rectangulation survey. But I know it perfectly well that no zamindar was willing and none in fact ultimately willingly agreed to it. It is admitted that the advantage will accrue, if at all it accrues, to the State and not to the land-owners. Sir, we have mentioned in our joint minute of dissent—my honourable friend Syed Miran Mahomed Shah and myself—that one of the two obvious advantages of rectangulation survey is a proper and equitable distribution of water. Now, a proper and equitable distribution of water is the main consideration of the State and not of the people. If, for instance, a certain zamindar at present is getting 50 cusecs of water and his 50 cusecs are being cut down to 20 or 25 cusecs, and the balance of 20 or 25 cusecs is going to be utilised for the benefit of other land-owners, it is not the business of the zamindar whose water supply has been cut down to pay for that; it is the business of the State to do it. If they are trying to bring more land under cultivation, and they are trying to distribute the water more equitably, as they say, among the different land-owners, it does not become the business of any individual or any class of zamindars to pay for the rectangulation survey made for the purpose. Who can

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justify this action of Government to cut down water supply of the people and at the same time make them pay the penalty in the shape of the cost of new water-courses ?

The second point that was raised by some honourable members of Government was that because the survey numbers are very large and unwieldy and that the zamindars are not able to cultivate the whole number they are paying more assessment than what is really due. In all earnestness I ask the Government, whether they really feel for people more than they do themselves ? The agriculturists know their interests better than Government officials are expected to know. When they know that rectangulation is not going to give them any benefit and that they can conveniently cultivate the present survey numbers in their entirety, it is absolutely wrong to presume that the cultivators will benefit by rectangulation survey. In the original Bill there was the explanation which has been taken away by the select committee and substituted by the one which is much worse and is added to justify all these lavish and absurd demands.

The point about the civil court has been sufficiently dealt with by my honourable friend from Hyderabad, and hence I do not wish to repeat those arguments. I merely wish to say that I give my fullest support to him in all that he has expressed about it. The jurisdiction of the civil court is an important question and no agriculturist from Sind and no representative from Sind is prepared to give up that right, which is absolutely essential in the interest of the agriculturists.

As regards the question of compensation which the agriculturists can claim, in certain cases it has been taken away. Section 26 of the existing Act referred to by the Honourable the Finance Member does not pertain to claiming compensation from Government in case of loss sustained on account of wrong action on the part of the canal officer. That section deals with the question of compensation between one landholder and another. The other compensation which may arise is not dealt with. By the elimination of that clause we feel that our right has been taken away.

Then, at the very end of the Bill a second proviso has been added to the new section 93 in the Bill. This was done at a time when the representatives from Sind on the Committee were not present at the meeting. That second proviso never existed in the original Bill. This proviso definitely lays down that the landholders will have no right to claim compensation for any loss suffered as a result of the change of a water-course. A very great principle is involved in this question. The canal officer for instance takes up the work of a change of a water-course and takes much longer time than necessary and also happens to choose the *abkalani* season for it, when the zamindar is cultivating his lands ; if as a result of that the zamindar suffers any loss, he is not entitled to claim any compensation. Who will regard such a legislation a measure of justice ? The holders of land in that particular water-course will suffer loss which is not due to their own fault but due to the fault of the canal officer, who undertakes the work. By the inclusion of this proviso, a great apprehension

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exists in the minds of the agriculturists in Sind. This proviso is in no way justified.

As I said, Sir, the select committee has made very many fundamental changes in the Bill. The Bill now has taken quite a different shape. When the Bill is so drastically changed, it is absolutely necessary that the Bill as it has emerged from the select committee should have been circulated to the people in the province that is affected. I find that this Bill was translated and published only recently on the 13th July in the *Sind Official Gazette*. It hardly gives sufficient time to the people to understand whether the Bill as it has emerged from the select committee does them any good or evil. The people absolutely got no chance to express their opinion on this Bill in its present shape. The people who are affected ought to have been given ample opportunity to express their views on the present Bill. By the hurried procedure adopted by Government, that right too has been taken away. Some honourable members might have presumed that the original amendment for referring the Bill back to the select committee was a delaying tactics. There was no such intention at all on the part of any honourable member from Sind. Our only intention is that people have not had sufficient opportunity to express their views on the Bill as it is presented to the House now.

The proceedings in the select committee are confidential and therefore whatever transpired there cannot be published legally. The people are so ignorant about the deliberations of the select committee that when I started for Bombay to attend the Council session, many people asked me whether we had signed the report and agreed to the report of the select committee. They were under the impression that we have agreed to the report of the select committee. They even do not know which members signed and what attitude we have taken in the matter. This is a point for the serious consideration of the House. As I have stated, the points that we have urged before this House ought to receive their careful consideration. Either this Bill should be postponed or thrown out at this stage. Nothing will be lost thereby. A new Bill can be brought after careful consideration of the points that have been brought forward and the points that are contained in the amendments that are proposed to be moved. If such a Bill is brought, it will satisfy the people and it can be brought at the next session of the Council.

Of course, it is the genuine apprehension of the members from Sind that this Bill will be rushed through this session with the vote of the members of the Presidency, who unfortunately do not know the conditions in Sind and the far-reaching effects of this measure. By the amendment of the honourable member the Chief Engineer (Mr. C. S. C. Harrison) restricting the scope of the Bill to Sind only this calamity is going to fall on our province alone. Therefore, it is true to say, as one of the honourable members mentioned this morning, that our union with this Presidency is not in the interest of the people of our province. Therefore, we are right in claiming that we should have our

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own legislative council wherein these things could be properly and rightly discussed. Similarly the members from the Presidency may feel when we vote on their questions, that we do not understand the interests of the Presidency. We do not understand their interests and they do not understand our interests. It is, therefore, our strongest ground that we ought to be separated from this Presidency. To-day we know the votes that were taken on different amendments were not exercised after properly understanding the principles that are involved in this Bill. I therefore strongly urge that this Bill should not be pressed further at this stage but should be postponed to some later stage or thrown out.

Rao Bahadur R. R. KALE (Bombay University): Sir, I do not wish to take more time of the House. The arguments that have been advanced on the floor of this House show that the Bill as it has emerged from the select committee has undergone fundamental changes—it has revolutionised the original Bill. That argument, if it shows anything, shows that full consideration was given to the various objections and the various defects that had been pointed out in the original Bill. I do not know, therefore, why there should be any objection to the Bill as it has emerged from the select committee. If the Bill had not undergone any changes, perhaps it could have been contended that the select committee had done nothing to improve the Bill. Numerous changes have been made in the select committee and the select committee made those changes in the hope that all of them are changes that could be introduced in the interest of the zamindars. If the Bill has undergone many changes, these changes are in the interests of the zamindars. We cannot at this stage refer the matter to the select committee. After having spent so much time and labour on the consideration of the Bill, it is now too late to urge that another Bill should be brought in.

Another point which my honourable friend referred to was about the separation of Sind. I only wish to say that the liability that has to fall on the Sind province in case it becomes a separate province, must be considered by the members who come from Sind. I had no intention to refer to this point, but since the honourable member from Larkana has referred to it, I wish to point out that it is in the interests of Sind that the Bill should be passed now so that they will have no difficulty later on. If it is not passed now and it goes to the Sind Council when that province is separately constituted, the government of Sind will have to be carried on by means of funds raised in Sind. At present the money required is coming from all the Presidency; now the burden is on the whole of the Presidency. It seems to me that it is really in the interests of Sind that the Bill should be passed now as it will be difficult for Sind members to get a taxation Bill like this through their Council.

Mr. B. S. KAMAT: Sir, after hearing the speeches from my honourable friends hailing from Sind, I am more convinced than ever that by refusing to go to Sind the select committee has been saved a great deal of trouble. All that could be heard in that part of the country by a personal visit has been heard on the floor of this House. The issue before the House to-day

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is not whether the canal officer should or should not be empowered ; that point has been decided at the first reading of the Bill. Neither is it the issue whether the zamindars should or should not pay the cost ; that has been decided in March last. All that we are concerned with now is whether the task that was assigned to the select committee, namely, to devise a machinery containing certain safeguards and restrictions on the powers of the canal officer, has been well discharged by the select committee. Similarly, whether the select committee in apportioning the cost of construction has discharged its duty in a proper manner. That is the only issue before the House. And I maintain, without any hesitation, and conscientiously say, that the select committee has to my mind discharged its task and brought forward an amended Bill in a manner which is just, which is fair and which is equitable and in every way satisfactory to all the interests concerned. The viewpoint which some of my honourable friends from Sind put forward is, if I may venture to say so, a bit partisan in character. I am not surprised at it ; I sympathise with them to a certain extent ; they happen to enjoy at the moment certain privileges as zamindars, of which they are likely to be deprived. But the viewpoint from which I have to look at the Bill is not this narrow parochial view. I beg to assure my friends from Sind that the view I have taken of the Bill both here and in the select committee is the broad view of safeguarding the interests of the general taxpayer. That is the viewpoint, the detached point of view, that my honourable friends Syed Miran Mahomed Shah and Khan Bahadur Khuhro have to take when looking into the Bill. The general taxpayer has spent twenty crores of rupees, and to a certain extent it is our duty here to see whether that amount has been properly spent. Let me say frankly that I do not care what the executive Government think about the scheme. I hold no brief for them. On the other hand, I am their critic here and, if they were to make a mistake, certainly it is my duty as the watch-dog of the taxpayer, as a custodian of the public finances, to point it out to them. It is from that point of view that I have looked at the passage of this Bill. And it is from this point of view, I contend that the Bill has emerged from the select committee in a very satisfactory manner ; indeed, it goes in some respects even beyond the expectations of my honourable friends from Sind, judging by their own suggestions. Take, for instance, the first question, the powers to be given to the canal officer. That was the first important point. The second important question was the apportionment of the cost of construction ; and the third was the apportionment of the cost of rectangulation. I shall deal with these three points and show that in all these respects the Bill, as it has emerged from the select committee, is to the advantage, decidedly to the advantage, in favour of the zamindars.

Firstly, with reference to the powers to be assigned to the canal officer. Our Sind friends had never themselves raised the point as to the case where the canal officer wanted to have a second alignment after the first alignment, whether the zamindar was to pay the cost of re-alignment. I believe it was some member from the Presidency who drew the attention

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of the select committee to this point. I think it was myself who at the first reading suggested that if the canal officer wanted to have a second alignment after the first, it was not fair and just that the zamindar should pay the cost. That point was never brought out by any member from Sind. Now it is decided that the Government ought to pay for this. In that respect, for instance, there has been an improvement in favour of the zamindars.

Then, again, take the question of defining the status of the canal officer. That point was never raised by the zamindars. They said vaguely that his powers were excessive. They never had insisted that his status should be defined. That has been done now at the instance of the Presidency members. A clause has been inserted defining the status of the canal officer, that he should be of the rank of an executive engineer. That is the second improvement in favour of the zamindars.

Thirdly, Sir, the original Bill had said that the canal officer should have power to change the source of water-supply of any land even for the settlement of any dispute between two shareholders. That vicious principle has now been taken away by the select committee. That is the third improvement in favour of the zamindars of Sind. Now, I come to the question of appeals. There, as the Honourable the Finance Member pointed out, it was at the express desire of the Sind members that appeals were provided for to the Collectors. The select committee should not be blamed for putting in that provision. Surely, if they wanted to have an appeal to the civil courts they could have pressed it at that time. But the select committee came to the conclusion on the merits that an appeal to the civil courts was undesirable in the interests of all people sharing the water of the Barrage. And all that we have done is to debar the jurisdiction of civil courts in respect of the alignment of the water-course and its construction. The reason for that has already been given, namely, that it is not fair that one single zamindar, who may be fond of going to the civil courts, should hold up the whole scheme to the detriment of thousands and thousands of people who are waiting for the water. Now, I ask in all fairness, is it just that any man who is fond of litigation should go up to the Privy Council for a petty decision whether a water-course should follow this line or that, and hold up the whole project and deprive thousands of people from enjoying their water and raising crops? To enable such matters to be taken to the civil courts is out of the question. And I think that what the select committee has done is absolutely fair, just and equitable, not to any particular zamindar, but to the whole body of cultivators.

Then comes the question about compensation. As has been already pointed out by the Honourable the Finance Member, we find there is already provision made for it. We have modified the original Bill in that respect only because we are convinced that the main Act, the Irrigation Act of 1879, gives every facility for people to go to the civil courts and claim compensation. That right is there and anybody who reads section 26 will not have the slightest doubt about the existence of that right to claim compensation in a civil court for substantial damages.

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It is true, as my honourable friends have said, that when the new courses are arranged, probably those who are getting water for 100 acres may get water for less than 100 acres. That may be or may not be true. But assume that it is true. Well, the taxpayer is spending twenty crores of rupees on the Barrage as a whole. The whole object of public policy ought to be to see that the water goes round to all, not only to a few select people at the head of the Barrage but even to those who are at the tail. If some people get reduced quantity of water, I think public policy requires that little sacrifice on their part. Those who have enjoyed the right to draw unlimited water so long may have no doubt to curtail their acreage in future years, but this would be in the interests of those who never had the advantage of canal water for so many years. I might give an analogy. Supposing you invite people to a dinner, is it fair, I ask, that the menu should be enjoyed only by those who are at the head of the table, and those at the tail should be starved or given less? I contend, Sir, that it is not equitable and fair that those at the head of the channels should have the same quantity or acreage for all time as now, if it is to be at the expense of those who have been starved of water for so many years. What we have, therefore, done is this. Assuming that there is a little hardship to vested interests, still we maintain that in the interests of the general body of cultivators, the distribution of water henceforward should be made more equitable than at present.

Now, Sir, I come to the second question about the apportionment of the cost of construction. Here again I maintain that we have met the Sind friends in the most liberal spirit. If my honourable friends will read my speech in the March session, I had pointed out to the honourable member the Chief Engineer that it was not fair that those who had already any existing water-courses in the peach, that is to say, people whose ancestors have built the water-courses now existing, should be taxed to the same extent as those who have no water-courses at all at present. This is a fair principle of equity and it has been well respected by the select committee. We have taken into account the fact that those who have existing water-courses deserve some concession, and that concession has been considered in the formula, namely, 1, 2 and 3, that is to say, if the cost of constructing a water-course is 3 rupees, the landholder who has got existing water-courses will have to bear one-third and those who have not got water-courses will have to bear two-thirds of the cost. Here again I maintain that this is a fair apportionment, as fair between the zamindar and the tax-payer as we could arrange. If you have a better formula, by all means bring it forward and we will give it every consideration. But under the circumstances, considering the greater advantage which the landholder who will now get water for the first time, I affirm that our formula is very fair and equitable. We are quite prepared to listen to any better formula which may be put forward.

Now I come to the question of rectangulation. I confess that this question emerged during the proceedings of the select committee, that is to say, it was not forcibly brought to the notice of this House in the

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March session. But I deny that the question is an entirely new one as maintained by my Sind friends. I will quote chapter and verse to prove that it was not surreptitiously brought in by any member of the select committee. The House knows that in 1929 an independent committee was appointed by Government consisting of two distinguished irrigation engineers, Sir M. Visveswaraya and Sir Nawab Ali Jung Bahadur,—one from Mysore and the other from Hyderabad State,—two absolutely independent experts having nothing to do with the executive Government of the Bombay province. They have distinctly stated that rectangulation is necessary and justifiable, and that fact is before the Sind people since 1929. Then again the White Book which has been published by Government last year has again distinctly pointed out that the question of rectangulation has been under consideration since a long time. That White Book says:—

"In May 1926 Government decided as a result of the conference of irrigation and revenue officials held by the Commissioner in Sind that in order to secure proper distribution of water and facilitate the alignment of water-courses, it was necessary to have the area rectangulated as far as possible."

I have quoted from page 5. That White Book, I dare say, has been read by every interested zamindar since last year. It will thus be seen that so far as independent opinion goes, I believe the opinion of the two expert irrigation engineers is before my Sind friends for a pretty long time. There is nothing surreptitious in this.

Khan Bahadur ALLAHBAKSH: Are you referring to the Visveswaraya Committee's Report?

Mr. B. S. KAMAT: Yes. It says on page 29:—

"The main rectangulation work is being done by the Survey of India who have undertaken to divide the land into plots of half a square mile each. The Special Revenue Officer is doing the sub-rectangulation work and is parcelling out the land into 16, 32 and 64 acre plots."

Further on they proceed to add:—

"It is proposed to construct water-courses in all new land at the cost of the owner or occupant."

That gives a perfectly clear indication to every zamindar as to the cost of rectangulation being charged to him. There cannot possibly be any misconception there. Further on they proceed to say:—

"The justification for this measure is that under the new perennial supply, production from land will be much higher than at present and the land itself will appreciably rise in value."

So it will be seen they add two justifications: as to why this rectangulation should be done and secondly why it should be paid for by the occupants. I therefore say that it is not a fact that some official members of the select committee smuggled this question of rectangulation in the select committee, although it might have been better if the honourable member Mr. Harrison had made that point clear to this House in the last session.

Mr. C. S. C. HARRISON: I made that point clear in Bombay last March.

Mr. B. S. KAMAT : I now come to the second point. The question whether it was done surreptitiously or not is, after all, a side issue. I will take up the question of the cost of rectangulation which is more important. Is the proposal of the select committee in regard to the distribution of the cost fair and equitable ? I assert that the arrangement suggested by the select committee as between Government and the zamindars is perfectly fair and just. Even assuming that the cost of rectangulation is only eight annas.....

The Honourable Sir GOVINDRAO PRADHAN : Four annas.

Mr. B. S. KAMAT : If I may depend upon the leaflet circulated by the honourable member Mr. Harrison, it is 8 annas. To be on the safe side, I take it to be 8 annas. The whole question before the select committee was, who benefited by rectangulation and to what extent ? When that was decided, then the apportionment of the cost would be an easy matter. Now, we had not this leaflet at that time in our hands in the select committee. All the same, from my knowledge of rectangulation in the Punjab in the Lyallpur Canals, I know that Government benefited a great deal,—sufficiently at least to bear some of the cost. My honourable friend Sir Shah Nawaz remarked this afternoon that I have not seen the interior of Sind and its agricultural conditions. May I have the permission to say that I have also seen some of the interior of Sind and its agricultural conditions, and in addition have seen actual rectangulation carried out in the Punjab ? I am convinced that no sensible cultivator, once he knows rectangulation, will deny that it gives an immense benefit to cultivation. Suppose a cultivator has a unit of 16 acres rectangulated and has four-acre plots by sub-rectangulation, the water flows much more easily and he irrigates his plots with great facility. The select committee carefully considered the benefits which the Government and the zamindars would respectively derive from this rectangulation, and impartially came to the conclusion that Government should bear one-third and the zamindars should bear two-thirds of the cost in proportion to the benefit which they respectively derive. It was in a spirit of honest compromise that they arranged this proportion. Now, Sir, the question is whether this apportionment is fair and just. I maintain it is ; and my reasons are these. Government have treated the zamindars of Sind in various other matters (which I am going to describe) in a very liberal manner and it is not now fair on the part of the zamindars to higgie-baggle over a portion of this 8 annas. Let me point out that two-thirds of 8 annas is, after all, 5 annas and 4 pies. They have to pay 5 annas and 4 pies per acre and once for all. Is that, I ask, a very big sum compared to the immense benefits which are derived from the new irrigation scheme ? One benefit which has been conferred by the Government on the zamindars in the past is this : It is well-known and it has been made perfectly clear during the March session that Government have decided at the initial stage of this project to make a gift—I say it is nothing but a gift—of 3½ lakhs of acres to the zamindars at a concession price of Rs. 15 an acre. When that land is fully developed by irrigation, it can easily fetch something like Rs. 100 an acre. In other words, Government have given a concession of Rs. 85

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an acre to the zamindars in respect of these mohag lands in the past. In view of that, is it reasonable to higggle over 5 annas? Not only that, but still further, I work out the cost of this project per acre for irrigation at between Rs. 30 to 40 including interest charges. That is to say, the whole scheme will cost about 25 crores of rupees including interest and the total acres are 55 lakhs, which works out at something like Rs. 30 to 40 per acre for bringing irrigation to the door of the cultivator. Now Government are selling these lands to the zamindars at the rate of Rs. 15 an acre, that is, 50 per cent. below cost price. We have to bear in mind this concession has entailed upon the tax-payer a strain of something like three crores of rupees. I ask in all fairness and earnestness, is it fair that the zamindars should grudge, after receiving this concession and this boon of three crores of rupees, to pay a little sum of 5 annas and 4 pies per acre? If the sum of Rs. 3 crores had been brought into the exchequer of the Bombay Government, we might have partially saved the need for the present retrenchment in salaries by which we are compelled to inflict upon Government servants a cut and a pinch with a view to secure a reduction of some lakhs in our salary bill. This three crores could have earned interest of Rs. 15 lakhs per annum. On these grounds, I maintain that the sum of 5 annas and 4 pies is not a very big burden. Then again, take the land assessment. Sir M. Visveswaraya's Committee has pointed out that Government propose to charge a rate of Rs. 5.42 for the irrigated land which is very low. Or compare it with what we have to pay under Deccan Canals, something like Rs. 10, nearly double the amount. In addition to this advantage my friends from Sind will enjoy two crops now as a result of the irrigation scheme, while the assessment rate is not even half of what we are paying in the Deccan for one crop. In view of the great advantage in respect of assessment which they will enjoy for all time to come, is it fair, I repeat, that they should grudge this sum of 5 annas and 4 pies which the select committee has recommended? The two crops will give the zamindars financial advantages hundred times more than this Rs. 0.5-4 which they have to pay for the rectangulation.

Lastly, let me now make only one appeal to the Sind zamindars who are now in this House. We are here to watch every penny of the Presidency's finances. If my honourable friends from Sind, on their return to their homes, were to describe all the advantages which have been conferred upon the people of Sind by the select committee, I am sure that every sensible man would, instead of blaming the Sind representatives in this Council, admit that the select committee has done things far beyond the expectations of the Sind members themselves and that their report does no injustice to any one but treats the rich or the poor cultivator most equitably.

On these grounds, Sir, I urge that the second reading of the Bill should be passed. [*Applause.*]

The Honourable the PRESIDENT: It is very seldom that discussion is so lengthily conducted on a mere motion for the second reading of a Bill. Of course, on the first reading questions of principle are discussed,

[The President]

but at the second reading, usually, hardly any one speaks and the Bill is taken up clause by clause. In this particular case, as I knew that the honourable members from Sind were deeply interested, I have allowed this general debate on the second reading, and I think we have taken several hours over that. All that was to be said has been said, and therefore I do not think I should continue the debate any longer. I will put the question.....

Khan Bahadur ALLAHBAKSH : The general discussion will reduce the number of amendments which will come up for discussion.

The Honourable the PRESIDENT : I am afraid that is not my experience ; honourable members will not be generous and withdrawing their amendments. I would, therefore, close the debate and put the question.

Khan Bahadur M. A. KHUARO : Only 1½ hours have been taken up in the discussion and there are still several honourable members who evidently wish to speak. There is only one hour left and even then it will be 2½ hours which will be occupied over this discussion.

The Honourable the PRESIDENT : I would now put the motion unless the Honourable the Finance Member has anything to say.

The Honourable Sir GOVINDRAO PRADHAN : Nothing, Sir.

Mr. V. A. SURVE (Ratnagiri District) (in Marathi) : I rise to a point of order. I invite your attention, Sir, to Standing Order 8 (6) (4) which lays down that the select committee may hear expert evidence and representatives of special interests affected by the measure before them. I submit that the agriculturists who are affected by this legislation have not been properly and adequately heard by the select committee and therefore the Bill should be recommitted to that committee.

The Honourable the PRESIDENT : There is no point of order in that, as every provision of the Standing Order has been complied with, and without wasting further time, I will put the motion.

Bill read a second time. Question, "That the Bill be read a second time," put and carried.

Bill read clause by clause

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

Clause 2 (*Amendment of section 24 of Bom. VII of 1879*) :—

In section 24 of the Bombay Irrigation Act, hereinafter called the said Act, after the word "water-course" the words "and no land occupied by a water-course constructed under section 20B 92" shall be inserted.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I beg to move the following amendment :—

In section 2 of the Bill, add the words "except for the growth of trees for improvement of agriculture" after the word "purpose" in section 24 of the Bombay Irrigation Act.

This is a very innocent amendment. I think, in all fairness, if Government have got an open mind and realise the difficulties of the people,

[Syed Miran Mahomed Shah]

this is such an amendment to which there ought to be no opposition or exhibition of a spirit of vengeance of any sort. This merely provides that the agriculturists should be permitted to grow trees on the banks of their own water-courses. At present they have got trees on the banks of their own water-courses and they enjoy the fruit, and as a matter of fact, they belong to them and they can make any use of them that they like. But, on the strength of the section as it stands, some canal officers and engineers have been taking exception to the fact that Government have got this right and the officers say that under the present section the zamindars have got no right to trees standing on the banks of their water-courses because they have been grown without previous permission. In order to meet that objection or any future contingency, I seek to provide that the zamindars should be permitted to grow trees which are useful for them, especially in Sind where there is no rain and the question of fodder will arise and the question of implements of agriculture will also arise and fuel will be very scarce within the barrage zone. From all these points of view, these trees will meet the requirements of the agriculturists and even the Government is going to hand over the water-courses to the zamindars who will thus be the owners of that property. That being so, why should the zamindars not be permitted to grow trees which will not hinder the passage of water? I think that the only object of Government in keeping the power in their own hands is to ensure that the zamindars will not grow such trees as will hinder or obstruct the passage of water. Trees will never obstruct the passage of water and therefore I think this amendment should be acceptable to Government.

The Honourable the PRESIDENT: The amendment moved, I think, requires alteration to be put in the proper form. However, the purport is understood.

The Honourable Sir GOVINDRAO PRADHAN: I shall try to explain why I have not been able to accept the amendment in the select committee.

The Honourable the PRESIDENT: The amendment as proposed by the honourable mover is before the House.

The Honourable Sir GOVINDRAO PRADHAN: Sir, I may explain that that was a point also raised by the honourable member, Mr. Kamat, in the select committee. Section 24, as it stands in the original Act of 1879, reads as follows:—

“No land acquired under this Part for a water-course shall be used for any other purpose without the previous consent of a canal officer duly empowered to grant such permission.”

Sometimes the trees are so planted that the water-course is damaged; otherwise, permission is as a rule granted. Is not that the practice? My honourable friend himself admits that there are trees along the banks of the water-course which belong to the zamindars and the fruits of which they enjoy. This safeguard was provided in the original Act and is being repeated now in the present Bill because otherwise the

[Sir Govindrao Pradhan]

zamindars may plant such trees as might damage the water-course. The water-course may be carrying water to more than one person's land. So, if the trees are such that the water-course is likely to be damaged, no permission will be granted, but in all other cases permission is, as a matter of fact, granted. This was the main thing which weighed with the select committee in providing the present safeguard of previous permission. The section nowhere says that he shall not plant trees, or that he shall not grow anything. It only provides that the previous consent of the canal officer should be taken, and that clause is inserted only to safeguard the water-course itself.

SYED MIRAN MAHOMED SHAH : I cannot understand how trees damage a water-course.

The Honourable Sir GOVINDRAO PRADHAN : You may plant a tree the roots of which may damage a water-course. Is it the case of my honourable friend that permission is always refused ? On the contrary, he says that the trees are there. If he brings to the notice of Government instances to show that permission is as a rule refused, or that permission is not granted, then certainly I could understand the position which he takes up. If, on the contrary, permission is granted, unless it becomes necessary to refuse permission, then I do not see why he should press his amendment. I explained the position in the select committee. The honourable member Mr. Kamat raised the point and my honourable friend will remember it. That is the only reason why I cannot accept the amendment.

WADERO WAHIDBAKSH ILLAHIBAKSH BHUTTO : If the water-course goes through only one zamindar's land, then will he be allowed to plant the trees or not ?

The Honourable Sir GOVINDRAO PRADHAN : The point is that in such a case it is to the interest of the zamindar not to plant trees which will obstruct his water-course. In such cases permission will not be refused. Can honourable members point out cases in which canal officers have wantonly refused permission ? It is not in their interest to refuse permission. The land is there, and when we can get a benefit out of the land, why should we refuse permission ? All that is done is to provide a safeguard that the planting of such trees should not be allowed where they would interfere with the water-course.

SYED MIRAN MAHOMED SHAH : Sir, if my honourable friend the Finance Member would point out those particular species of trees which have always obstructed water-courses in Sind and therefore he has put in this safeguard, then I could understand his position. So far as my knowledge goes, there are no such species of trees. I belong to Sind, and I have some experience. The trees are usually grown at a distance from the banks of the water-course itself, about two or three feet away from the brink of the canal, so that they are far away from the canal. I do not know which are those trees whose roots will be so huge that they would obstruct the passage of the canal. If my

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honourable friend could point out any example where the passage of water in the canal is obstructed by trees, then I would be induced to withdraw my amendment.

Mr. C. S. C. HARRISON : Sir, I might be able to clarify the position somewhat if I explain that it is possible for trees to damage water-courses very considerably. For instance, take the case of the mango tree which is common in Lower Sind. If a zamindar who has received permission plants trees on the top of the bank of the water-course, and especially on banks of water-courses running in high banks, the mere falling of a tree across or into the water-course may injure the interests of other zamindars further down on the water-course. It is not always possible for the canal staff to be promptly on the spot, and even a few hours' lack of supply to a zamindar further down may cause him, if not considerable loss, then very considerable inconvenience. As has been pointed out by the honourable mover of this Bill, no case has been brought before this House of a refusal by the canal officer to allow the planting of trees. I personally have never heard of any such refusal that could be called unjustified. I understand that on the Jamrao canal the existing rule works perfectly well. The zamindars formally ask for permission and the canal officers grant it. The only condition the canal officer is likely to impose is that the trees shall not be planted on the top of the bank.

The honourable member from Hyderabad says, from his vast store of experience, that he knows of no water-course having been obstructed by trees. I would ask him to go about and keep his eyes open. It was only a matter of eight weeks or so ago that I saw a tree completely obstructing a water-course. The tree had been planted at the side of the water-course and had been blown down into the water-course by the wind. I did not enquire whether the water-course belonged to one zamindar, but if we assume that two or three zamindars had an interest in that water-course, the interests of those below that point were obviously jeopardised. If an act of the legislature causes no harm to individuals, I cannot see any objection to such legislation. No instance has been brought before the House to show that this clause has caused hardship in the past, and I personally can see no reason why we should assume that it is likely to cause hardship in the future.

Question put and declared lost.

SYED MIRAN MAHOMED SHAH : I claim a Division, Sir.

The Honourable the PRESIDENT : I should like to know how many honourable members stand up in favour of the amendment.

SYED MIRAN MAHOMED SHAH : That would be shown by a regular Division, Sir.

The Honourable the PRESIDENT : Before I order a regular Division, I would ask those honourable members who are in favour of the amendment to stand up. Their names would be recorded ; that is all.

SYED MIRAN MAHOMED SHAH: That will serve my purpose, Sir.

The following honourable members stood up in support of the amendment:—

Khan Bahadur M. A. Khuhro.
 Mr. Shaikh Abdul Aziz.
 Mir Bandeh Ali Khan Talpur.
 Mr. S. S. Tolani.
 Khan Bahadur Ghulam Nabi Shah.
 Syed Miran Mahomed Shah.
 Mr. Haji Mir Mahomed Baloch.
 Mr. Haji Ibrahim Jitekar.
 Mr. Shaikh Abdul Majid.
 Wadero Wahidbaksh Illahibaksh Bhutto.
 Khan Bahadur Allahbaksh.
 Mr. Gover Rora.
 Mr. Hoosenally M. Rahimtoola.
 Mr. Dhalumal Lilaram.
 Mr. A. K. Resaldar.

SYED MIRAN MAHOMED SHAH: Are not the names of those who are against the amendment to be recorded?

The Honourable the PRESIDENT: Those who are not in favour of the amendment will be against it. What is the object of the honourable member?

SYED MIRAN MAHOMED SHAH: To have a record.

The Honourable the PRESIDENT: The names of those who are in favour of the amendment may reasonably be recorded in the proceedings, and they have been recorded. The rest of the House may be taken to be against the amendment. Has the honourable member no value for the time of the House?

SYED MIRAN MAHOMED SHAH: Sir, I think there has never been a case where only the positive side is recorded and not the negative side.

Khan Bahadur GHULAM NABI SHAH (speaking in Urdu): Sir, some of the honourable members who have not stood up in favour of the amendment may remain neutral in a regular division. This being an important Bill, it is necessary that the names of those who are against the amendment should also be recorded. Therefore, it would be better to have a regular Division.

The Honourable the PRESIDENT: A division is claimed, and I think the simplest way, after all, is to allow a division and ask the honourable members to go to the lobby rather than waste time in this way.

House divided. Ayes, 20; Noes, 58. Motion lost.

Division No. 1.

Ayes

ALLAHBAKSH, Khan Bahadur
BALOOCH, Mr. HAJI MIR MAHOMED
BHUTTO, Sir SHAH NAWAZ
BHUTTO, WADERO WAHIDBAKSH ILLAHI-
BAKSH
DHALUMAL LILARAM, Mr.
GHULAM NABI SHAH, Khan Bahadur
GOVER RORA, Mr.
JAM JAN MAHOMED KHAN, Khan Bahadur
JAN MAHOMED KHAN, Khan Bahadur
JITEKAR, Mr. HAJI IBRAHIM

KHURRO, Khan Bahadur M. A.
RAHIMTOOLA, Mr. HOOSENALLY M.
RESALDAR, Mr. A. K.
SHAIKH ABDUL AZIZ, Mr.
SHAIKH ABDUL MAJID, Mr.
SURVE, Mr. V. A.
SYED MIRAN MAHOMED SHAH
TALPUR, Mr. BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHASAHEB
RAISINGHI
TOLANI, Mr. S. S.

Tellers for the Ayes : Mr. SHAIKH ABDUL AZIZ and Mr. HOOSENALLY M. RAHIMTOOLA.

Noes

ABERCROMBIE, Mr. J. R.
ANGADI, Rao Bahadur S. N.
ASAVALE, Rao Bahadur R. S.
BELL, Mr. R. D.
BOLE, Rao Bahadur S. K.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
BULLOCKE, Mr. A. GREVILLE
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DESAI, Rao Saheb B. G.
DIXIT, Dr. M. K.
D'SOUZA, Dr. J. Alban
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
HARRISON, Mr. C. S. C.
HUDSON, the Honourable Mr. W. F.
JOG, Mr. V. N.
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur
S. T.
LELY, Mr. W. G.

MACKLIN, Mr. A. S. R.
MODAK, Rev. R. S.
MODI, Sardar DAVAR T. K.
MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.
NEWMAN, Mr. H. L.
OWEN, Mr. A. C.
PATIL, Mr. N. N.
PATIL, Mr. V. N.
PRADHAN, the Honourable Sir GOVINDRAO
PRADHAN, Rao Bahadur G. V.
PRATER, Mr. S. H.
RAFIUDDIN AHMAD, the Honourable
MOULVI
SHAIKH YAKUB VAZIR MAHOMED, Khan
Bahadur
SHANKARRAO JAYARAMRAO ZUNZARRAO
Mr.
SHINDE, Mr. R. B.
SMART, Mr. W. W.
SOLANKI, Dr. P. G.
SYED MUNAWAR, Mr.
THOMAS, the Honourable Mr. G. A.
TURNER, Mr. C. W. A.
VAISHAMPAYAN, Dr. V. G.
VAKIL, Mr. PESTANSHAH N.
VAKIL, the Honourable Sirdar Sir
RUSTOM JEHANGIR
VANDEKAR, Rao Saheb R. V.
WADKE, Mr. B. P.
WILES, Mr. G.

Tellers for the Noes : Dr. J. A. COLLACO and Mr. PESTANSHAH N. VAKIL.

Clause 2 ordered to stand part of the Bill.

Clause 3 (*Amendment of section 28 of Bom. VII of 1879*).

In section 28 of the said Act, at the end of clause (e) for the full stop a semi-colon shall be substituted and after the said clause the following clause shall be inserted namely :—

“(f) whenever the source of water-supply of any land dependent on any water-course is ordered to be changed by a Canal-officer under section 91.”

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I move:

For clause (f) of section 3 of the Bill, substitute the following:—

“(f) Whenever and so long as it may be necessary to change the source of water supply of any land from one source to another ordered by the Canal Officer under section 91.”

I have added the words “so long as it may be necessary” as it is already provided in the Act itself. The Honourable Member referred to section 28 and there you will find from (a) to (d) the words “whenever and so long as it may be necessary” appear for executing work, for repairs and so on. These words are provided in those clauses in order that they may have a deterrent effect on the capricious action of the canal officer, who might adopt dilatory procedure. Thereby the zamindars would not be put to unnecessary damage or loss. Therefore, I have moved it.

Question proposed.

The Honourable Sir GOVINDRAO PRADHAN: I am prepared to accept the principle of the amendment, but I should look into the phraseology of it. I accept to put in the words “whenever and so long as it may be necessary” but I shall have to make verbal changes, if any, to make it conform to the Act.

SYED MIRAN MAHOMED SHAH: I agree.

Question put and carried.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (*Insertion of a new Part XI*).

4. After section 89 of the said Act, the following heading and sections shall be inserted, namely:—

“Part XI.—Special provisions for certain lands irrigable by the Lloyd Barrage Canals.

90. This Part shall apply, in the first instance, to lands irrigable by the Lloyd Barrage Canals only. The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, extend this Part to lands irrigable by such other canals in Sind as may, from time to time, be improved or re-modelled for the more efficient distribution of water therefrom:

Provided, however, that no such notification may be published until the scheme in respect of it has been laid on the Council table and approved by the Council on a motion made by Government.”

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I move the following amendment:

Delete the words “in the first instance” after the word “apply” in the new section 90; and delete all the words appearing after the words “only.”

The section as amended will read as follows:

“This Part shall apply to lands irrigable by the Lloyd Barrage Canals only.”

The words which I have asked to be deleted are as follows:

“The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, extend this part to lands irrigable by such other canals in Sind as may, from time to time, be improved or re-modelled for the more efficient distribution of water therefrom:

Provided, however, that no such notification may be published until.....”

The Honourable the PRESIDENT: Does the honourable member propose to delete the proviso also?

Mr. SHAIKH ABDUL MAJID : All these to be deleted.

The Honourable Sir GOVINDRAO PRADHAN : He takes only two lines in that section. He wants to delete the proviso also.

Mr. SHAIKH ABDUL MAJID : In moving this amendment I hope honourable members on this side of the House, as well as on the other side, will consider the fact that speaker after speaker from the official side stated on the last occasion when the Bill was before the House that it was intended to supply sufficient water to barren and waste lands coming within the Barrage zone, while the clause as it stands in the Bill gives power to the Governor in Council to extend the application of the Bill to other areas which do not fall within the Barrage zone. Now, Sir, my submission is that the areas not within the Barrage zone are going to suffer by the operation of the Barrage canals, and it is a problem for Government how to save those areas from total ruin, especially the lands in the Karachi district which are rice lands. Government themselves have admitted that the rice lands in Karachi district may not receive adequate supply of water and have therefore promised that they would give sympathetic consideration to the cases of zamindars who might suffer by the operation of the Barrage canals. The Karachi District Zamindars and Jagirdars Association have submitted a petition to the Honourable the General Member—perhaps also to other Members of Government—enquiring whether, in view of the Barrage canals coming into operation from the year 1932, the zamindars of the district could carry on paddy cultivation and if they did they would receive sufficient water for that cultivation. For the information of this honourable House, I must also state that rice is the main crop in the Karachi district, and if sufficient water is not available there for rice cultivation, most of the land, being kalar land, will not be fit for any other crop. I hope, therefore, that the justice of the case of these people would appeal to everybody. This Bill is primarily meant for the equitable distribution and efficient control of water given to lands within the Barrage zone. There is no explanation given why the Bill should be extended to lands falling outside the Barrage zone. The lands outside the Barrage zone are threatened with a deficiency of water. All the arguments advanced in the last session in favour of the introduction of this Bill go to prove that if any benefit is going to accrue from the operation of this Bill it is going to accrue to lands within the Barrage zone. Not a single argument has been given to show that the lands outside the Barrage zone also will gain in any way by the construction of the Barrage. Some of the best authorities on the question are of opinion that sufficient water will not be available for the Karachi district, and Government have undertaken improvements in the Karachi district on a vast scale to face the impending danger. It was expected that all those improvements would be completed by the time the Barrage canals begin to operate, but they have not been completed; hence this alarm among the zamindars that they might not get enough water in the coming season for the cultivation of rice. Sir, in fairness, Government must exclude the non-Barrage area from the operation of this Bill. If, to ensure equitable distribution of water to the vast area coming under the Barrage, you want to replace

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the old karias within the Barrage zone, and you propose some charges on an acreage basis for rectangulation etcetera, what reason have you for charging anything on the zamindars in the Karachi district or in Lower Sind for improvements carried out to save them from the deficiency of water that is expected to result as a direct consequence of the operation of the canals within the Barrage zone? The demand of the zamindars, on the other hand, is that if enough water is not available for the cultivation of their lands in Lower Sind, Government should go to their help with an assurance to them that compensation will be given to them either in the shape of lands in the Barrage zone or in cash. Instead of giving an assurance to that effect, you want to apply this new Bill to that area also.

I understand, Sir, that so far as the change of the source of water supply is concerned, Government may have a show of justification for applying this Bill to Lower Sind, but my objection will still remain. Why should you charge anything for the improvements you may carry out or for the new karias you may have to construct, when as the result of the operation of the Barrage scheme the zamindars, even after the improvements, are not going to gain anything substantial? At the most they will get only the minimum supply of water and not the maximum which they get at present. The supply of water is surely and certainly going to be curtailed and curtailed to a very great extent for the area outside the Barrage zone. Under these circumstances, Sir, I hope that the honourable members will consider this amendment on its own merits in the light of the few arguments that I have placed before them.

If I were a powerful speaker like Mr. Kamat, I would have been in a position to place my case before this honourable House in a forcible manner and carry the House with me. I find that there is a prejudice against the Sind members. [*Honourable Members*: No, no.] That is at any rate the impression left in my mind. It is thought that they have reaped unbounded gains owing to the generosity of the Government. Reference was made to the large area given to the zamindars at a nominal malkano of Rs. 15 per acre. There was no generosity at all in that case, because all that land, the better portion of that land, was fallow-forfeited land: it belonged to the zamindars originally, but the zamindars were deprived of that land without any rhyme or reason. Simply because they did not get sufficient water to cultivate that land for a period of five years, therefore according to the fallow rules, it became fallow forfeited.

The Honourable the PRESIDENT: What is the relevancy of these remarks?

MR. SHAIKH ABDUL MAJID: I want to remove the impression that any generosity has been shown to the Sind zamindars. So far as my constituency is concerned, the fact is that we are threatened with deficiency of water to such an extent that the zamindars have been compelled to ask Government whether they could undertake paddy cultivation in the next season or not. I do admit that if this Bill is applied to the

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Barrage zone, with necessary modifications, it may prove a blessing for the people living within the Barrage zone—I say “with necessary modifications.” But so far as Lower Sind or the area outside the Barrage zone is concerned, their water is going to be curtailed. Where lies the reasonableness, where lies the logic of asking that the Bill should be extended to an area which is going to suffer by the operation of the Barrage scheme?

With these few words I move this amendment.

Question proposed.

The Honourable the PRESIDENT: I have to stop the business of the House at this stage. Before the House adjourns, I would like to inform honourable members that a copy of the report of the Cotton Contracts Act Committee, a copy of the Minutes of Proceedings of that Committee, and a copy of the By-laws of the East Indian Cotton Association Ltd. have been handed over to the Secretary and are placed in the Library. Honourable members who want to make use of them may do so.

The House is now adjourned to 2 p.m., to-morrow, Wednesday, the 22nd July 1931.

Wednesday, the 22nd July 1931

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 22nd July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
ABERCROMBIE, Mr. J. R.
ALLAHBAKSH, Khan Bahadur
ANGADI, Rao Bahadur S. N.
ASAVALE, Rao Bahadur R. S.
BALOCH, Mr. HAJI MIR MAHOMED
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BHUTTO, Sir SHAH NAWAZ
BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
BOLE, Rao Bahadur S. K.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
BULLOCKE, Mr. A. GREVILLE
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DHALUMAL LILARAM, Mr.
DESAI, Rao Saheb B. G.
DESAI, Mr. H. R.
DIXIT, Dr. M. K.
D'SOUZA, Dr. J. ALBAN
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
GILDER, Dr. M. D.
GOKHALE, Mr. L. R.
GOVER RORA, Mr.
HARIDAS MADHAVDAS, Mr.
HARRISON, Mr. C. S. C.
HUDSON, the Honourable Mr. W. F.
JAM JAN MAHOMED KHAN, Khan Bahadur
JAN MAHOMED KHAN, Khan Bahadur
JOG, Mr. V. N.
JONES, Major W. ELLIS

KADRI, Mr. J. S.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUERO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 NEWMAN, Mr. H. L.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PETIT, Mr. J. B.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOSENALLY M.
 RESALDAR, Mr. A. K.
 SAHEBSINHI JUVANSINHI, Mr.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHAB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.

VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

ATTEMPT ON HIS EXCELLENCY THE GOVERNOR'S LIFE.

The Honourable the PRESIDENT: Order, order. The House will regret to hear that news has been received by me just now that a cowardly attack was made on His Excellency the Governor by one of the students as he was paying a visit to the Fergusson College this morning. It was a sheer grace of God that he was saved. The House will get an opportunity, I am sure, to express its feeling on that very sad and regrettable incident, perhaps during the course of the day. I am sure the whole House in the meanwhile will regret and condemn the action.

Now we take up questions.

QUESTIONS AND ANSWERS.

SANADIS, BIJAPUR: REMUNERATION.

Rao Bahadur S. N. ANGADI (Belgaum District): Will Government be pleased to state—

(a) whether they were giving extra remuneration to officiating sanadis in the Bijapur District;

(b) if so, from what year and for what reasons;

(c) whether the remuneration so paid to them has been stopped from July 1930;

(d) whether the sanadis have now been ordered to refund the amount of remuneration paid to them with effect from 1914-15?

The Honourable Mr. W. F. HUDSON: (a), (b) and (c) No extra remuneration in addition to their scale potgi was paid to the shetsanadis in the Bijapur District except during the scarcity period in 1927-28 and 1930-31 when extra remuneration was paid for six months in each year under the provisions of the Famine Relief Code to sanadis of those villages where the crops had failed.

(d) In 1914-15 at the time of the 2nd revision settlement, assessment on some sanadi lands was increased. In proportion to this assessment the cash kambharti to be paid to these sanadis was reduced. But through mistake the old kambharti was paid to them for some years. When this mistake was detected it was ordered to recover the excess amount wrongly paid to such sanadis in Bijapur and Badami Talukas only. Clause (d) of the honourable member's question seems to refer to this.

Rao Bahadur S. N. ANGADI: Will the Honourable Member kindly state what the total amount of the refund money will be in individual cases?

The Honourable Mr. W. F. HUDSON: I have asked for the figures and will communicate them when I receive them.

Rao Bahadur S. N. ANGADI : May I know whether the sanadis would be given the opportunity to pay the amount in instalments ?

The Honourable Mr. W. F. HUDSON : I will certainly consider that suggestion.

MOTOR ACCIDENTS, KARACHI.

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

(a) the number of minor and fatal motor accidents at Karachi during each of the years from 1925 to July 1930 ;

(b) whether any precautions have been taken with a view to reduce such accidents ;

(c) if so, the nature of such measures ?

The Honourable Mr. G. A. THOMAS : (a) A statement giving the information is placed on the Council table.

(b) and (c) The authorities in Karachi have consulted the Bombay Police and are considering the adoption in Karachi of measures which have proved useful in Bombay, such as restrictions on bullock carts and on parking in congested roads, marking white lines at corners and cross roads, stricter tests for applicants for driving licenses and propaganda to urge caution on both drivers and pedestrians.

Statement showing number of accidents caused by motor vehicles in Karachi.

Year	Number of accidents				Remarks
	Fatal	Involving injury to human being	Involving no injury to human being	Total	
1925 ..	4	42	*	..	*These figures are not available as the records have been destroyed.
1926 ..	4	62	*	..	
1927 ..	5	67	*	..	
1928 ..	4	119	78	201	
1929 ..	3	97	189	289	
1930 ending July	5	85	152	242	

MULLAH SCHOOLS, SIND : GRANTS-IN-AID.

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

(1) whether the grant sanctioned by Government for the Mullah schools in Sind has been found to be sufficient for the needs of those schools ;

(2) the amount of grant sanctioned for Hyderabad, Sukkur and Larkana Divisions respectively for each year from 1927 to 1930 ;

(3) the amount actually given as grants to the Mullah schools and the balances, if any ;

(4) the conditions under which Mullah schools are given full grants in accordance with the Grant-in-aid Code;

(5) whether it is a fact that those Mullah schools which impart education in accordance with the full Primary Code have not received the grant they are entitled to under the Grant-in-aid Code;

(6) if so, the reasons therefor;

(7) whether the Mullah schools received any intimation before the reduction of their grants and whether they were informed of the reasons for such a reduction;

(8) if not, the reasons therefor?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) Attention of the Honourable Member is invited to the reply given during the current session to clause (a) of a similar question put by Mr. Shaikh Abdul Majid.

(2) and (3) The accompanying statement gives the requisite information.

(4)-(8) Attention of the Honourable Member is invited to the reply given during the current session of the Legislative Council to clauses (c), (d) and (e) of a similar question put by Mr. Shaikh Abdul Majid.

Statement

Division	1927-28			1928-29			1929-30			
	Amount of grant sanctioned	Amount actually given as grants to Mullah schools	Balance	Amount of grant sanctioned	Amount actually given as grants to Mullah schools	Balance	Amount of grant sanctioned	Amount actually given as grants to Mullah schools	Balance	
	1	2	3	4	5	6	7	8	9	10
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Hyderabad ..	67,574	61,727	5,847	67,574	63,646	3,928	70,088	68,505	1,583	
Sukkur ..	51,401	50,356	1,045	51,401	51,303	98	57,837	53,540	4,297	
Larkana ..	38,707	35,595	3,112	38,707	37,908	799	45,175	44,710	465	
Total ..	1,57,682	1,47,678	10,004	1,57,682	1,52,857	4,825	1,73,100	1,66,755	6,345	

Khan Bahadur M. A. KHUHHRO: In the tabular statement large amounts have been shown as balances. What are the reasons for not absorbing the entire grants for the purpose for which they were given?

The Honourable MOULVI RAFIUDDIN AHMAD: I will get the information and speak to the honourable member about it.

PUBLIC WORKS DEPARTMENT: MUSLIM OFFICERS.

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

(1) the number of officers in the Public Works Department in the Indian Service of Engineers, the Bombay Service of Engineers and the Bombay Subordinate Engineering Service;

(2) how many are Muslims in each of the above cadres?

The Honourable Sir GHULAM HUSSAIN : (1) The number of officers in the Indian Service of Engineers, Bombay Service of Engineers and Bombay Subordinate Engineering Service is 95, 161 and 448 respectively.

(2) There are 3, 7 and 14 Muslims respectively in the cadres of the services mentioned in (1) above.

Khan Bahadur M. A. KHUHHRO : May I know whether Government are taking any action to increase the negligible number of Muslims in the service ?

The Honourable Sir GHULAM HUSSAIN : As I told the House yesterday, every available Muhammadan is given a chance. The honourable member may name any one, and his claims will be considered.

Khan Bahadur ALLAHBAKSH : Are there no graduates available at present ?

The Honourable Sir GHULAM HUSSAIN : The honourable member will soon know that a few of them are being taken up.

Khan Bahadur ALLAHBAKSH : How many graduates are there ?

The Honourable Sir GHULAM HUSSAIN : I cannot say offhand.

Khan Bahadur M. A. KHUHHRO : Is it not a fact that some of them are being appointed as apprentices without any salary ?

The Honourable Sir GHULAM HUSSAIN : Not to my knowledge. There is one apprentice, and he gets Rs. 75 per mensem.

Khan Bahadur ALLAHBAKSH : Is there a likelihood of some being taken up after the Barrage works ?

The Honourable Sir GHULAM HUSSAIN : We will consider their cases.

ROHRI CANAL CIRCLE : MUSLIM OFFICERS.

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

(1) to lay on the Council table a complete list (with names) of all officers, Upper Subordinates and Lower Subordinates, who have served at any time in the Rohri Canal Circle under Mr. S. C. Mould, Superintending Engineer, from the commencement of the Circle up to the end of December 1930 ;

(2) to state against each of them any punishment inflicted by or on the recommendation of Mr. S. C. Mould, such as reduction, dismissal, discharge from service, fines, stoppage of increments or removal from sub-divisional charges, etc. ;

(3) to state whether it is a fact that no Muslim officer or subordinate has escaped adverse action and got a recommendation from Mr. S. C. Mould for service under him ?

The Honourable Sir GHULAM HUSSAIN : (1) and (2) The importance of the question is not commensurate with the great labour that would be involved in collecting the information asked for therein. In any case disciplinary action is hardly ever taken

by a Superintending Engineer except after full consideration of recommendations made in the matter by the Executive Engineer concerned.

(3) No.

Khan Bahadur M. A. KHUHRO : In answer to (3) the Honourable Member says "No". Is there sufficient information before the Honourable Member to enable him to give a definite reply in the negative ?

The Honourable Sir GHULAM HUSSAIN : Yes.

Khan Bahadur M. A. KHUHRO : In answer to (1) and (2) the Honourable Member replies that it is not necessary to call for information.

The Honourable Sir GHULAM HUSSAIN : I would draw the attention of the House to the nature of the question.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : I want to know how many Muslims have been dismissed or convicted under Mr. Mould.

The Honourable the PRESIDENT : The reply to the question put is there. I suppose the honourable member refers to (3).

Mr. HAJI MIR MAHOMED BALOCH : No ; I refer to (1) and (2).

The Honourable Sir GHULAM HUSSAIN : If the honourable members of this House will read the question carefully, they will easily realise how much time and labour will be involved in answering it. There are frequent transfers from one circle to another. We should have to make enquiries into all these transfers. If the honourable House is ready to pay, we can employ special establishment for obtaining the information.

SYED MIRAN MAHOMED SHAH : There are the records of Government. You can find out the information very easily from them.

The Honourable Sir GHULAM HUSSAIN : Look at the number of upper subordinates who must have been transferred. Look at the period for which information is asked.

SYED MIRAN MAHOMED SHAH : The number of upper subordinates who have been punished must have been very few. The honourable member asks for the number of people who have been punished.

The Honourable Sir GHULAM HUSSAIN : The honourable member has not read the question. If he reads it carefully, he will understand it.

Khan Bahadur M. A. KHUHRO : Have many transfers taken place during the course of the 7 years that Mr. Mould has been the Superintending Engineer ?

The Honourable Sir GHULAM HUSSAIN : There must have been several.

Khan Bahadur ALLAHBAKSH : The number of Muslims in those posts is very small, four or five, and it should not take a long time to prepare a statement.

The Honourable Sir GHULAM HUSSAIN : Read the question. "Will Government be pleased to lay on the Council table a complete

list (with names) of all officers, upper subordinates and lower subordinates who have served at any time in the Rohri Canal Circle under Mr. S. C. Mould, Superintending Engineer, from the commencement of the Circle up to the end of December 1930?"

The Honourable the PRESIDENT: Next question.

ROHRI CANAL CIRCLE: OVERPAYMENTS.

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

(1) whether they are aware that Mr. Wadhvani has built a huge palatial building in Hirabad, Hyderabad (Sind);

(2) is it a fact that Mr. Wadhvani was reported for having made overpayment to an Executive Engineer;

(3) if so, is it a fact that Mr. S. C. Mould, Superintending Engineer, left him off with a warning;

(4) are Government aware that in another similar case Mr. S. C. Mould ordered recovery from the other Assistant Engineer?

The Honourable Sir GHULAM HUSSAIN (1) Mr. (L. T.) Wadhvani, Assistant Engineer, is in *joint* ownership of a building measuring 1,900 square feet situated at Hyderabad (Sind). The approximate value of the building is estimated to be Rs. 10,000 and the Assistant Engineer's share in the joint property is one-fifth, it being divisible amongst five brothers.

(2) No.

(3) Does not arise.

(4) No.

DEPUTY SUPERINTENDENTS OF POLICE, SIND: MUSLIMS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state in a tabular form the names of permanent and acting Deputy Superintendents of Police at present in Sind?

(b) Is it a fact that out of 14 appointments of Deputy Superintendents (both permanent and acting) only 4 are held by Mussalmans, 7 by Hindus, 2 by Europeans and 1 by a Parsi?

(c) Is it a fact that Messrs. Gokaldas and Bhagwandas are junior to Messrs. Didar Husain and Mir Moulabux Khan?

(d) If the reply to (c) is in the affirmative, what were the reasons for superseding two Mussalmans by two Hindus?

The Honourable Mr. G. A. THOMAS: (a) A statement giving the required information is placed on the Council table.

(b) No. It will be seen from the statement that there are at present sixteen Deputy Superintendents of Police in Sind, of whom five are Muhammadans, seven Hindus, three Europeans and one a Parsi.

(c) Yes, in the cadre of Inspectors of Police in Sind.

(d) Promotion to the rank of Deputy Superintendent of Police goes by selection and not by seniority.

Statement showing the names of permanent, acting and temporary Deputy Superintendents of Police in Sind.

Serial No.	Name of Deputy Superintendent of Police	Remarks
1	2	3
	<i>Permanent.</i>	
1	Mir Maqbul Khan	Acting as District Superintendent of Police, Nawabshah.
2	Mr. Gopaldas Daulatram.	
3	Khan Saheb Zaman Shah Mahbub Shah Hashimi..	Acting as District Superintendent of Police, Panch Mahals.
4	Rao Bahadur Narayandas Wadhmal.	
5	Mr. Tahiram Dharamdas Vasvani.	
6	Khan Saheb Jehangir Rustamji Sukhia.	
7	Mr. Chimandas Devandas Motwani.	
8	Khan Saheb Saiyid Muhammad Husain Shah Shujaat Ali Shah.	
9	Rao Saheb Tejmal Narayandas Mansukhani.	
10	Mr. W. H. Brotherston.	
	<i>Acting or temporary.</i>	
11	Mr. K. R. Eates.	
12	Mr. Gokaldas Wadhmal Phulwar.	
13	Mr. Bhagwandas Premchand.	
14	Mr. Didar Husain Khan Allahdad Khan.	
15	Mir Maula Bakhsh Khan Kadir Bakhsh Khan.	
16	Mr. H. Galbraith.	

Khan Bahadur M. A. KHUHRO : Is it not a fact that the two Muslim Inspectors who were superseded for promotion to the posts of Deputy Superintendents have since been acting as Deputy Superintendents ?

The Honourable Mr. G. A. THOMAS : I do not know.

Khan Bahadur M. A. KHUHRO : I mean Messrs. Didar Hussain and Mir Moulabux Khan ?

The Honourable Mr. G. A. THOMAS : I cannot see how that question arises.

SYED MIRAN MAHOMED SHAH : Are there any Sindhi Muslims in the permanent grade of Deputy Superintendents ?

The Honourable Mr. G. A. THOMAS : I must ask for notice of that question.

Khan Bahadur M. A. KHUHRO : With regard to reply to (d) which says "Promotion to the rank of Deputy Superintendent of Police goes by selection and not by seniority," I wish to ask whether those Muslims who were superseded have now been given a chance to act and what is the reason for their being superseded in permanent vacancies by people who went above them, but are ordinarily junior to them ?

The Honourable Mr. G. A. THOMAS : I must ask for notice. It does not follow that because a man was superseded on one occasion he should be superseded on the second occasion. On this occasion they

were superseded because they were not considered equally good as the two men who went over their heads.

Khan Bahadur M. A. KHUHRO : Is it not a common rule in Government service that when a man is acting in any grade and he is found fit for it, he is given a permanent grade when the time comes, in his proper rank ?

The Honourable Mr. G. A. THOMAS : Not in selection grades. The answer to (d) makes it clear that promotion to the rank of Deputy Superintendent of Police goes by selection and not by seniority.

Khan Bahadur M. A. KHUHRO : Is not the grade of a Deputy Superintendent an ordinary grade and not a selection grade ?

The Honourable Mr. G. A. THOMAS : No, it is a selection grade.

Khan Bahadur M. A. KHUHRO : Does the confirmation also depend on selection or on the extent of service ?

The Honourable Mr. G. A. THOMAS : Confirmation depends upon the result of his probation, not on the period of service. If the man does well, he gets confirmed.

SYED MIRAN MAHOMED SHAH : Does it not depend on the period of acting as Deputy Superintendent ?

The Honourable Mr. G. A. THOMAS : No.

FAIR FUND, SHINGNAPUR.

Khan Bahadur D. B. COOPER (Satara District) : (a) Will Government be pleased to state when the fair fund at Shingnapur in Satara District was established ?

(b) How many times during a year the fair is held and what is the duration of the fair at each time ?

(c) What amount was collected every year as tax from the pilgrims during the past five years ?

(d) What was the expenditure each year during the said period ?

(e) What permanent establishment is maintained throughout the year for the management of the fund ?

The Honourable Mr. G. A. THOMAS : (a) In 1891.

(b) Seven times during a year, the duration of the fair on each occasion being 15, 5, 10, 5, 5, 4 and 6 days respectively.

(c) The amounts collected during the past five years are given below :—

Year.	Amount.		
	Rs.	a.	p.
1925-26	9,245	14	0
1926-27	9,130	6	0
1927-28	15,889	13	0
1928-29	2,575	15	0
1929-30	10,463	9	0

(d) The expenditure each year during the same period was as follows:—

Year.	Amount.		
		Rs.	a. p.
1925-26	5,876	5	7
1926-27	6,346	1	4
1927-28	6,470	9	9
1928-29	4,972	3	4
1929-30	5,218	3	4

(e) A Secretary on Rs. 75. per mensem and a peon on Rs. 14 per mensem.

FOREIGN LIQUOR SHOP, GOWALIA TANK ROAD.

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister of Excise be pleased to state—

(1) the number of foreign liquor shops “off” or “on” and refreshment rooms along Gowalia Tank Road and Cumballa Hill existing at present and the distance between each of them;

(2) whether any application has been received to open another shop or refreshment room in the same locality;

(3) whether this application is for the transfer of a shop from Fanaswadi (Thakurdwar Division) to Gowalia Tank Road (Grant Road Division);

(4) the reason why the licensee wishes to transfer his shop;

(5) the number of refreshment rooms and licenses for the sale of foreign liquor (“on” and “off”) in the Thakurdwar and Grant Road Divisions respectively;

(6) the approximate distance between the proposed site for the transfer and

the Jain Vidyalaya,
the New Era School,
the Proprietary High School,
St. Columba's School,
Gowalia Tank Maidan;

(7) whether any residents in the neighbourhood have sent in any objections;

(8) whether the Commissioner of Excise has refused his permission, and if so, on what grounds;

(9) whether his decision has been upheld by the Honourable Minister and if not, the grounds for the Honourable Minister's action?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) There are three foreign liquor “off” shops on Gowalia Tank Road. The distance between the first two shops is 315 yards and between the second and the third 185 yards. There are no foreign liquor “on” shops or refreshment rooms on Gowalia Tank Road or Cumballa Hill.

(2) and (3) Yes.

(4) (a) Strong agitation against the continuance of the shop in the locality.

(b) The recent erection of a costly Hindu temple at a short distance from the licensed premises.

(c) Pressure brought to bear upon the landlord to ask the licensee to vacate the premises.

(5) There are 5 refreshment rooms, 6 foreign liquor "off" and 2 foreign liquor "on" licenses in Grant Road Division and 1 refreshment room, 3 foreign liquor "off" and 3 foreign liquor "on" licenses in Thakurdwar Division.

(6) The approximate distances are as given in the footnote* though, in the opinion of Government, mere approximate distances without a personal visit to the site can give no correct idea either of the real situation of the building or its suitability for a liquor shop.

(7) Objections were received and were rejected by the Excise Advisory Committee of the Ward after full consideration.

(8) The Commissioner of Excise rejected the petition mainly on the ground that there was no necessity for another shop in the locality.

(9) The Commissioner of Excise had overruled the recommendation of the Excise Advisory Committee of the Ward, the Collector of Bombay, and the Commissioner of Police, Bombay, supporting the petition, and an appeal was made to the Honourable the Minister against the decision of the Commissioner of Excise. The Honourable the Minister after a personal inspection of the site agreed with the recommendation of the Excise Advisory Committee of the Ward and sanctioned the transfer.

* The approximate distances of the site selected for the foreign liquor "on" shop and the following places are as under :—

	Yards.
Jain Vidyalaya	14
New Era School	115
Proprietary High School	90
St. Columba's School	450
Gowalia Tank Maidan	100

Dr. M. D. GILDER : With regard to the reply to part (6), is it maintained by the Honourable the Minister that a personal visit by him is necessary to decide the suitability or otherwise of a location for a liquor shop which is known to be within 14 yards of a school ?

The Honourable MOULVI RAFIUDDIN AHMAD : I visited the place personally and I found that the Jain Vidyalaya is on the first floor while this liquor shop is opposite to it, but the door does not face it, and therefore I decided that there was no harm.

Dr. M. K. DIXIT : Can the children from the school go down to the road without passing the liquor shop ?

The Honourable MOULVI RAFIUDDIN AHMAD : They are not children, as a matter of fact they are really speaking young men.

Dr. M. D. GILDER : That being so, is it not a greater temptation for the young men to go into the "On" Foreign Liquor shop ?

The Honourable MOULVI RAFIUDDIN AHMAD : The honourable member himself knows that matter very well.

Mr. SYED MUNAWAR : When there are already 5 refreshment rooms, 6 foreign liquor "off" and 2 foreign liquor "on" licenses in Grant Road

Division, why was this new shop transferred to the Grant Road Division from the Thakurdwar Division ?

The Honourable MOULVI RAFIUDDIN AHMAD : The reasons are given in the reply.

Mr. L. R. GOKHALE : Is there any particular reason why this particular site was selected for a liquor shop ?

The Honourable MOULVI RAFIUDDIN AHMAD : No, but the Advisory Committee saw no objection.

Dr. M. D. GILDER : Did that Advisory Committee contain any representative of the Bombay Municipal Corporation or any other public body ?

The Honourable MOULVI RAFIUDDIN AHMAD : I want notice of that question.

Dr. M. K. DIXIT : Is it possible now at least to change the place ?

The Honourable MOULVI RAFIUDDIN AHMAD : No, it is not possible now.

Dr. M. D. GILDER : With regard to reply to (8) which reads "The Commissioner of Excise rejected the petition mainly on the ground that there was no necessity for another shop in the locality," how in those circumstances did the Honourable the Excise Minister conclude, after his personal visit, that there was a necessity for another shop in that locality ?

The Honourable MOULVI RAFIUDDIN AHMAD : The honourable member does not appear to have read the reply fully. The Police Commissioner, the Advisory Committee and the Collector all approved of the place and on my personal visit I found that they were right.

Dr. M. D. GILDER : The point is that the Commissioner of Excise stated that there was no necessity for another shop in that locality and the Honourable the Minister takes the trouble of paying a personal visit to the place. On what grounds did he decide that there was a necessity for another liquor shop in that locality ?

The Honourable MOULVI RAFIUDDIN AHMAD : There was an appeal against the decision of the Excise Commissioner. The Collector himself thought that the new shop was necessary and on my personal visit I gave my decision in the appeal in his favour.

Dr. M. D. GILDER : That is my very point. When the Excise Commissioner decided that there was no necessity for another liquor shop, it does not matter what the Collector says or what any other person says. On what exceptional or stronger grounds did the Honourable the Minister conclude that there was a necessity for another shop ? He must have applied his mind to the question and found some reasons for coming to his decision. I want to know what those reasons are ?

(No reply.)

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA): With regard to answer to (9), may I know why the Commissioner of Police was consulted in a matter relating to a liquor shop? Is he supposed to be an expert on excise matters?

The Honourable MOULVI RAFIUDDIN AHMAD: I am very sorry that the honourable member does not know that the Commissioner of Police is very nearly interested in the location of liquor shops.

Dr. M. D. GILDER: The Commissioner of Police is interested from the point of view of taking objection to that particular shop with regard to the preservation of peace. Is it not so?

(No reply.)

BARJAKHOL AND CHAPHERI: ORIGINAL SURVEY.

Mr. L. R. GOKHALE (Poona City): Will Government be pleased to state the year of the Original Survey of the villages of Barjakhhol and Chapheri of Taluka Ratnagiri?

The Honourable Mr. W. F. HUDSON: The villages in question were surveyed in the year 1865 and settled in 1867-68.

INAM VILLAGE, KANSARI: SURVEY SETTLEMENT.

Mr. L. R. GOKHALE (Poona City): Are Government aware of the fact that the Inam Village of Kansari in Taluka Ratnagiri was surveyed by Government in 1873 and that the survey settlement made at that time was not accepted by the Inamdars?

The Honourable Mr. W. F. HUDSON: The survey papers of the village show that a part of the survey work was done in the year 1855 and part in the year 1865-66. The survey settlement was not however introduced for reasons which cannot now be ascertained.

INAM VILLAGES OF KANSARI: TRANSFER OF PLOTS.

Mr. L. R. GOKHALE (Poona City): Will Government be pleased to state whether it is a fact that two plots of land within the boundary of the Inam village of Kansari have been transferred, without the consent of the Inamdars of the village, to two other villages, viz. Barjakhhol and Chapheri of the same Taluka, i.e. Ratnagiri. If so, under what provision of law they were so transferred?

The Honourable Mr. W. F. HUDSON: The plots in question though standing within the boundaries of the Kansari village have belonged to the villages of Barjakhhol and Chapheri since the original survey in the year 1865.

Mr. L. R. GOKHALE: Were the properties transferred as a matter of fact after the survey?

The Honourable Mr. W. F. HUDSON: I am afraid I do not know. They have always belonged to these two villages. I understand it is rather a difficult question which is still under discussion, and an appeal has been made to the Commissioner.

WAGERING TRANSACTIONS : COMPLAINTS AGAINST EAST
INDIA COTTON ASSOCIATION.

Mr. V. N. JOG (Dharwar District) : (a) Have Government received any and if so, what complaints against the East India Cotton Association and the working of the Bombay Cotton Contracts Act of 1922 by the said Association ?

(b) Have Government taken any, and if so, what action or inquiry to elucidate the truth of such complaints ?

(c) Have there been petitions or complaints to Government that several members of the East India Cotton Association were and are still dabbling in unauthorised and illegal transactions called (1) Katcha Khandi (2) American Futures (3) American Cents (4) Indore Dhara (5) Ank Farak ?

(d) Is it a fact that such illegal gambling transactions are being carried on openly in Shaikh Memon Street ?

(e) If so, do Government propose to take any and if so, what action in the matter ?

The Honourable Sir G. B. PRADHAN : (d) Yes. Government received a few complaints from private persons regarding the administration of the Cotton Contracts Act, 1922, by the East India Cotton Association.

(b) A few individual complaints were investigated, and Government decided not to take any action. The Honourable Member is aware that a Special Committee of Enquiry into the working of the Cotton Contracts Act was appointed, and their report has been published.

(c) Government are aware that allegations of this kind are freely made. It is not possible to substantiate them.

(d) Government have no information on the point.

(e) The Honourable Member is referred to the Bill about to be introduced into the Legislative Council and already published.

BRIDGE ON THE BHIMA RIVER.

Mr. V. N. JOG (Dharwar District) : (1) Are Government aware that the Bhima river on the Main Karwar-Hubli-Bijapur-Sholapur Road is unbridged ?

(2) Are Government aware that great inconvenience is caused to the through traffic public ?

(3) Are Government aware that the road ultimately passes through the Nizam's Road ?

(4) Do Government propose to take any steps in the matter ?

The Honourable Dewan Bahadur S. T. KAMBLI : (1) and (2) Yes.

(3) Probably "Nizam's Dominions" is meant for "Nizam's Road." The reply is in the affirmative.

(4) The question of providing a crossing over the river Bhima at Chanegaon is under the consideration of Government.

EDUCATIONAL INSPECTOR : INDEBTEDNESS.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(1) whether it is a fact that one of the Educational Inspectors in the Educational Department is indebted heavily and there is a regular attachment on his salary through the Treasury;

(2) whether Government or Head of the Department have a knowledge of the same;

(3) if so, whether Government approve of the policy of keeping such indebted persons in charge of responsible posts;

(4) if not, what steps Government propose to take in the matter?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) and (2) Yes.

(3) and (4) Government are satisfied that the circumstances in this case do not reflect any discredit on the officer. Government do not consider that any action is called for.

DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE : SUPERINTENDENT.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(1) whether it is a fact that an undergraduate was recently appointed permanently to the post of Superintendent in the office of the Director of Public Instruction in the Bombay Educational Service from the clerical cadre;

(2) whether it is a fact that there were several senior and duly qualified persons in the Department who could have been selected for the same and who have been passed over;

(3) if so, the reasons therefor;

(4) whether it is a fact that there were several senior and duly qualified persons in the Department from the intermediate and backward classes who could have been selected for the post?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) Yes.

(2), (3) and (4) The post of a Superintendent in the office of the Director of Public Instruction is a special post which is filled by selection of the most suitable man and naturally due weight is given to the opinion of the Director of Public Instruction himself in its selection. About the officer under reference the Director of Public Instruction writes as follows :—

“I believe Mr. Khan to be head and shoulders above any Assistant Deputy Educational Inspector or Deputy Educational Inspector in the whole Presidency. I know of no officer who was so well qualified for the post.”

The question, therefore, whether there were any senior men whose claims were overlooked does not arise. The person selected was also a member of a backward community.

BUDGET ALLOWANCES.

Mr. V. N. JOG (Dharwar District): (1) Will Government be pleased to state what sort of allowances are included in the term mentioned as House-rent and other allowances in the Budget?

(2) Does it include the compensatory allowance?

(3) Are all the allowances subject to the vote of the Council?

(4) If not, what are the allowances which are not subject to the vote of the Council?

The Honourable Sir G. B. PRADHAN: (1) The attached statement shows the allowances grouped under the detailed head "House-rent and other allowances."

(2) Yes.

(3) No.

(4) The following allowances when drawn by persons whose salary is not subject to the vote of the Legislative Council are not subject to the vote of the Council:—

- (a) Compensatory allowance.
- (b) House-rent allowance.
- (c) Permanent travelling allowance.
- (d) Conveyance allowance.
- (e) Tentage allowance.
- (f) Sumptuary allowance.
- (g) Fees to Government servants.
- (h) Rewards to Government servants.
- (i) Honoraria.

Statement.

- (1) House-rent allowance.
- (2) Compensatory allowance.
- (3) Head Quarters allowance.
- (4) Overtime allowance.
- (5) Plague allowance.
- (6) Clothing allowance.
- (7) Proficiency allowance.
- (8) Sumptuary allowance.
- (9) Forage and grain compensation allowance.
- (10) Fees to Government servants.
- (11) Rewards to Government servants.
- (12) Honoraria.

GOVERNMENT SERVANTS, BOMBAY CITY: CASHIER'S ALLOWANCE.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(1) whether it is a fact that an extra allowance in addition to their own salary is given to some of the clerks in each of the Departments in the Secretariat for attending to money transactions;

(2) whether it is a fact that it is not so given to others in the Island of Bombay and mofussil when they also deal with money transactions;

(3) if so, the reasons for the distinction?

The Honourable Sir G. B. PRADHAN: (1) A special allowance is given to cashiers in the Secretariat for additional duties, not only the handling of money.

(2) Cashiers in many offices in the City and mofussil draw a special allowance varying with the extent of transactions and the amount of security required.

(3) Does not arise.

Mr. V. N. JOG : Why is the special allowance given over and above the pay ?

The Honourable Sir GOVINDRAO PRADHAN : The reply is there, that it is for additional duty—not only for handling money but for additional duty which the cashier has to do.

Mr. V. N. JOG : Has not that been taken into consideration in determining the pay ?

The Honourable Sir GOVINDRAO PRADHAN : He gets his grade pay ; so, that cannot be taken into consideration.

CONVICTIONS : CIVIL DISOBEDIENCE CAMPAIGN.

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO for Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) the number of convictions on account of civil disobedience campaign in the Presidency ;

(b) the number of accused who participated in the proceedings of the court and those who did not take part in the trial ;

(c) the number of cases in which the High Court set aside the orders of conviction passed by subordinate courts ;

(d) the total expenditure on account of the trials and maintenance of the prisoners ?

The Honourable Mr. G. A. THOMAS : (a) 11,164.

(b) and (d) This information could not be obtained without very great difficulty, and no approach to accuracy would be possible.

(c) The High Court set aside the orders of conviction in 80 cases.

MANUAL OF FOREST RULES.

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO for Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state whether a manual of Forest Rules in vernacular is kept in every village with the Forest Officer of that place for the use of agriculturists ; if not, whether they intend to do so ?

The Honourable Dewan Bahadur S. T. KAMBLI : All Round Forest Officers of the Presidency proper have been supplied with vernacular copies of the Indian Forest Act and the Privilege Code of the district concerned. Vernacular copies of the rules under the Indian Forest Act have also been supplied to these officers in the Northern and Southern Circles and will shortly be supplied to all Round Forest Officers in the Central Circle also. Agriculturists can always have access to these rules or codes.

SYED MIRAN MAHOMED SHAH : Has this facility been provided in Sind also ?

The Honourable Dewan Bahadur S. T. KAMBLI : I require notice of this question.

Dr. M. K. DIXIT : Are there forests in Sind ?

The Honourable Dewan Bahadur S. T. KAMBLI : Yes ; there are.

SYED MIRAN MAHOMED SHAH : When do Government propose to take similar action with regard to Sind ?

The Honourable Dewan Bahadur S. T. KAMBLI : I would ask for notice of the question.

Rao Bahadur G. K. CHITALE : What is the meaning of "Agriculturists can always have access to these rules or codes ?"

The Honourable Dewan Bahadur S. T. KAMBLI : The sentence means what the words thereof signify.

Rao Bahadur G. K. CHITALE : What do they mean ? Are the agriculturists expected to go to the Round Guard or other Forest Officer and enquire what the rules are ? Can the rules not be published so that they will be available to the people themselves ? That is the question.

The Honourable Dewan Bahadur S. T. KAMBLI : If the agriculturists cannot afford to purchase copies of the rules they may then go to the Round Forest Officer and acquaint themselves with the rules.

CONVICT V. P. JANI : TREATMENT IN JAIL.

Rao Bahadur R. R. KALE (Bombay University) : (a) Will Government be pleased to state whether any inquiry was made in the matter of the petition made to the Honourable the Home Member by the widow of one V. P. Jani (Jail No. 1470) who was convicted by the Chief Presidency Magistrate, Bombay, on 31st July 1930 and sentenced to simple imprisonment for one year complaining that rigorous labour was exacted from him for about 14 days and that he was confined in a solitary cell for about a fortnight in the Yeravda Jail and that as a result he suffered from acute pain in the chest and lost 35 lbs. in weight ?

(b) What was the result of the inquiry ?

(c) What steps were taken by Government in the matter ?

The Honourable Mr. G. A. THOMAS : (a) The prisoner was released on the 25th March 1931 and as far as is known is still alive. The petition was made by his wife and was enquired into.

(b) The allegations were found to be untrue.

(c) Does not arise.

MOTOR TRAFFIC.

Rao Bahadur R. R. KALE (Bombay University) : Will Government be pleased to state whether Government intend to take any steps to encourage railway or other companies of established reputation to take over the management of Motor traffic so as to ensure better organisation, equipment, efficiency and supervision ?

The Honourable Mr. W. F. HUDSON: The question is couched in such general terms as to make it difficult to understand to what the Honourable Member refers. It is assumed that the Honourable Member is referring to the organisation of feeder and supplementary passenger and goods motor service by railway and other companies. If this is so, Government could do no more than make a reference to the Railway Board and to the Railways concerned and the present would not appear to be an opportune time for such a reference. As for private companies, the initiative must come from them.

**IRRIGATION ACT: PROCEEDINGS OF BARRAGE ADVISORY
COMMITTEE.**

Khan Bahadur M. A. KHUHHO (Larkana District): Will Government be pleased to state whether they intend to supply the members of the Legislative Council with a copy of the proceedings of the non-official Barrage-Advisory Committee, with regard to the proposed amendment of the Sind Irrigation Act?

The Honourable Sir GHULAM HUSSAIN: The attention of the honourable member is invited to the reply given to a similar question by Mr. Shaikh Abdul Majid.

CANALS OF THE BELAPUR SYNDICATE COMPANY.

Mr. N. E. NAVLE (Ahmednagar District): Will Government be pleased to state—

(a) whether it is a fact that owing to the canals of the Belapur Syndicate Company the lands of Mouze Malwadgaon have been water-logged;

(b) whether it is a fact that almost all the roads to the village have been blocked by water from the above canals;

(c) whether it is a fact that the villagers of Mouze Malwadgaon and their cattle find it difficult and dangerous to pass by those roads;

(d) whether it is a fact that a Marwadi named Jasaraj died owing to a snake-bite while passing by one of these roads to Mouze Malwadgaon;

(e) whether it is a fact that the villagers of Mouze Malwadgaon have sent several applications and petitions to the Irrigation Department authorities and to the Collector of Ahmednagar;

(f) what action was taken by the above officers on those petitions;

(g) whether they intend to make inquiries in the matter?

The Honourable Sir GHULAM HUSSAIN: (a) Lands of the village Malwadgaon are on a lower level than those of the Belapur Company and some of them have been water-logged due partly

to percolation from the cane areas of the Company and partly to the extremely flat nature of the depression, which in its lower portion, has been banded up by the villagers.

(b) Most of the roads approaching the village are rendered impassable at the points where they cross depression or nallas.

(c) Yes.

(d) Yes.

(e), (f) and (g) Various applications have been received by the Collector of Ahmednagar and the question of allowing remission on water-logged fields is under consideration. As regards drainage of these lands the matter as in all other similar cases is under consideration and the necessary measures will be taken up in order of urgency and as soon as funds become available.

Mr. N. E. NAVLE : Is it not necessary for Government to construct at least temporary roads to allow the people and the cattle to go to Mouze Malwadgaon ?

The Honourable Sir GHULAM HUSSAIN : The honourable member might refer to the taluka local board in the matter. It is their primary duty.

SEARCHES UNDER SECTION 165 OF CRIMINAL PROCEDURE CODE BY
POLICE STATION OFFICERS OF KAIRA AND AHMEDABAD DISTRICTS.

Mr. C. N. PATEL (Kaira District) : Will Government be pleased to state—

(a) the number of searches per each police station made under section 165 of the Code of Criminal Procedure by the police station officers of the Kaira and Ahmedabad districts during the year 1930 ;

(b) whether the record required by the said section was made and forwarded to the proper magistrate in each case ;

(c) if not, the number of cases per each police station in which it was not sent, and the reason therefor ;

(d) whether it has ever been brought to their notice that the provisions of section 165 have not been universally carried out by the police officers concerned ;

(e) if so, whether they have taken or intend to take any disciplinary action against the officers not complying with the same ?

The Honourable Mr. G. A. THOMAS : (a) A list is placed on the Council table.

(b) No.

(c) The record was not sent to a magistrate except as regards the searches conducted by the officers of Matar Police station. In other cases the provisions of section 165 were overlooked through inadvertence.

(d) The matter has not previously been brought to notice.

(c) A circular has been issued to the officers concerned to ensure compliance with the provisions of the section in future.

List.

Name of Police Station	No. of searches	Name of Police Station	No. of searches
<i>Kaira District</i>		<i>Ahmedabad District</i>	
Kaira Town	42	'A' Division	39
Nadiad Town	51	'B' Division	48
Nadiad Rural	12	'E' Division	70
Mahudha	78	Sherkotda	315
Chaklasi	88	Madhavpura	68
Kapadvanj	41	North Daskroi	142
Thasra	78	Prantij	10
Dakor	21	Harsol	10
Umreth	5	Modasa	15
Anand	85	Virangam	20
Khambholaj	40	Patdi	4
Borsad	25	Ashlali	Nil.
Virsad	30	Kujad	Nil.
Mehmedabad	45	Sanand	Nil.
Anklav	53	Detroj	Nil.
Matar	11	Ranpur	30
Kathana	37	Dhandhuka	116
		Gogho	Nil.
		Dholera	8
		Dholka	25
		Bavla	28
Total ..	742	Total ..	948

MAMLATDAR OF BORSAD : MR. M. M. SHAH.

Mr. C. N. PATEL (Kaira District) : Will Government be pleased to state—

(a) whether Mr. Mohanlal M. Shah was appointed as Mamlatdar of Borsad in supersession of the claims of other senior members in service ; if so, the reasons therefor ;

(b) why was Mr. Shah transferred from Borsad ;

(c) whether it is a fact that the various excesses were committed by that officer as are alleged by Mr. Brailsford in his statement to the press ;

(d) did Mr. Brailsford communicate his impressions of the doings of this officer to the Commissioner, Northern Division ? If so, was an enquiry made by the Commissioner into the truthfulness or otherwise of those allegations ? What was the result of those enquiries ?

The Honourable Mr. W. F. HUDSON : (a) Mr. Shah was appointed to act as Mamlatdar of Borsad in a leave vacancy of 3 months and 18 days.

In the Divisional list of candidates for Mamlat there were two officers above Mr. Shah, but the latter was considered more suitable for this particular post.

(b) Mr. Shah was transferred to Bulsar on administrative grounds.

(c) and (d) Mr. Brailsford communicated his impressions to the Commissioner who made an inquiry into the allegations. The charges were found to have been either grossly exaggerated or totally false. Nothing calling for disciplinary action was proved.

POLICE ACTION : MEDICAL AID.

Mr. C. N. PATEL (Kaira District): (a) Will Government be pleased to state whether a circular or order was issued to medical officers in the Kaira District not to entertain any cases of hurt or death caused as a result of police action without a report in writing from a Police Officer?

(b) Will Government be pleased to state whether the medical officer-in-charge of the Umreth dispensary (Kaira District) refused to do the *post-mortem* examination on the corpse of the man shot at Ode without a report from the police?

(c) Is it a fact that after taking charge of the dead body the medical officer wrote several times to the Police Sub-Inspector, Umreth, to authorise him to hold the *post-mortem*, but the police station officers at Umreth did neither reply to the medical officer nor go to the dispensary?

(d) When was the corpse received by the medical officer at Umreth, and when was it returned to the relations of the deceased?

(e) Is it a fact (i) that the Medical Officer at Umreth demanded Rs. 15 as fees for holding *post-mortem* examination on the dead body, (ii) that the amount was paid by the relations of the deceased, (iii) that as the Police Sub-Inspector, Umreth, did not turn up or authorise *post-mortem* the medical officer returned the money and corpse after nearly 8 hours from the arrival of the corpse, (iv) that the corpse had to be taken in a cart at dead of night to Nadiad a distance of about 20 miles through roads full of water and mud owing to monsoon, (v) that the medical officer at Nadiad refused to take charge of the dead body, (vi) that an application had to be made to the Resident Magistrate who directed a *post-mortem* to be made.

(f) Do Government propose to take any action to prevent recurrence of such events in future?

The Honourable Mr. G. A. THOMAS: (a) No.

(b) The Medical Officer acted in accordance with the Civil Medical Code, Chapter XXVII, Rule 2, which lays down that the Medical Officer must obtain written authority from a police officer before he carries out a *post-mortem* in medico-legal cases.

(c) Please see the answer to clause (e) (v). The Medical Officer wrote once to the Police Sub-Inspector, who was however away from headquarters, and was thus unable to reply in time.

(d) It was received at 7 p.m. on the 30th August 1930, and was returned at 12-45 a.m. on the morning of the 31st August 1930.

(e) (i) to (iii) Messrs. C. N. Patel and Thakker put in a written application to the Medical Officer, Umreth, asking him to perform the *post-mortem* privately and offered him Rs. 15 as his fee. As the Civil

Medical Code did not allow a private *post-mortem* to be done, the Medical Officer returned the money immediately and obtained a receipt.

(iv) The body was taken to Nadiad via Pansora. The journey is not particularly difficult even in the monsoon. There is a cart-track from Umreth to Pansora and from Pansora to Nadiad there is a metalled road. Pansora is not on the direct route to Nadiad. It seems that the corpse was taken by that route to excite the people of Pansora who had taken part in the attack on the police at Ode.

(v) The Medical Officer, Nadiad, had no authority to take charge of the body.

(vi) He carried out a *post-mortem* as directed by the Resident Magistrate, Nadiad, in accordance with his powers under the Criminal Procedure Code.

(f) Does not arise.

ADDITIONAL POLICE : KAIRA DISTRICT.

Mr. C. N. PATEL (Kaira District): (a) Did any and, if so, which Officer-in-charge of Police stations, Kaira district, complain in 1930 or prior to that that the police force at their disposal was inadequate and that additional police should be given to them?

(b) When was the entertainment of additional police in Kaira district in 1930 decided upon?

(c) Why was the additional Police not recruited from Kaira district?

(d) What is the strength of the additional police employed in the Kaira district after March 1930? Where was the police force recruited from?

(e) Have any and, if so, how many members of this additional police force been suspended or dismissed or made to resign till now and for what reason?

(f) Is it a fact that several members of this additional police force have been guilty of rowdiness, affrays, assaults, thefts, walking away after purchasing goods without paying for them, etc.? If so, how many cases of offences by members of the additional police force have been reported to the Officers, and how many men have been dealt with and punished?

The Honourable Mr. G. A. THOMAS: (a) Not only officers in charge of Police stations but all the higher local officers have for a number of years past pressed for an increase of the police force in Kaira district. Government do not consider the value of collecting detailed information on this point worth the time and trouble it would take to collect it.

(b) It was decided in the spring of 1930 to make a temporary addition to the police force not only in this District but in other parts of the Presidency.

(c) Owing to the heavy pressure of work in certain districts, of which Kaira was one, it was decided to recruit and train the additional police only in those districts in which District Superintendents of Police could devote the necessary time for the purpose. The first contingent were recruited in May, 650 in number, and the second contingent of 1,450 men were recruited in July and trained for the most part in Poona as a special battalion.

(d) One Headquarters Sub-Inspector, 40 Head Constables and 210 Constables, drawn from the special battalion. Three Sub-Inspectors were subsequently added.

(e) There were no suspensions, dismissals or compulsory resignations. Two men were however discharged.

(f) The answer to the first part of this question is in the negative. The second question does not arise.

FIRING AT CHIRNER.

Mr. N. N. PATIL (Kolaba District): (a) Will Government be pleased to state whether they received the telegrams from the citizens of Panvel, the Bar Association, the Municipality of Panvel, and the Merchants' Association and Taluka Local Boards of Panvel, that a committee of officials and non-officials presided over by a judicial officer should be appointed to enquire into the firing at Chirner in Panvel Taluka on the 25th September 1930?

(b) If so, has such an enquiry been held?

(c) If not, what are the reasons therefor?

(d) Is it a fact that the Sub-Divisional Magistrate, Kolaba N. D., received an application from some citizens of Panvel that there were several witnesses ready to make statements before him, and that he closed the investigation abruptly without assigning any reason for not recording the depositions of witnesses?

(e) If so, what were his reasons for so doing?

(f) Are Government aware that the Sarvajanik Sabha of Poona appointed a committee to enquire into the incident at Chirner and that the members of the said committee were prohibited from visiting Panvel taluka and Uran Petha by the Sub-Divisional Magistrate by issue of an order under section 144, Criminal Procedure Code?

(g) What were the reasons for the issue of the order?

(h) Is it a fact that some of the persons who made statements before the committee were immediately arrested on their return to the village and, if so, what was the number of such persons and what were the reasons for their arrest?

The Honourable Mr. G. A. THOMAS: (a) Yes. The Panvel Municipality and the Panvel Bar Association suggested the appointment of a committee of non-officials presided over by a Judicial Officer, while the Panvel Merchants' Association, the Citizens of Panvel and the Panvel Taluka Local Board recommended the appointment of a Committee of non-officials only.

(b) No.

(c) Government considered that such an enquiry would interfere with and prejudice the police investigation into the offences arising out of the Chirner riots.

(d) and (e) An application signed by five citizens of Panvel was presented to the Sub-Divisional Magistrate. At that time he had already completed his enquiry after extending it by two days beyond the prescribed date for presentation of witnesses, and all the points had been sufficiently elucidated. He therefore informed the gentleman who

presented the petition that there was no need to examine any more witnesses.

(f) Yes.

(g) The order was issued as the proposed enquiry was "likely to cause obstruction or annoyance or risk of obstruction or annoyance to the Deputy Superintendent of Police and his staff lawfully employed in holding investigation under the Criminal Procedure Code into the cognisable crimes of rioting and murder, etc., alleged to have been committed in the course of the same series of events of which the unofficial committee intends to hold the enquiry."

(h) Government do not know the names of the persons who made statements before the non-official committee. It is not, therefore, possible to say whether any such persons were arrested. Arrests were made in the regular course of investigation.

Mr. N. N. PATIL : Do the Government mean to say that they were giving no attention to the proceedings of this non-official enquiry committee ?

The Honourable Mr. G. A. THOMAS : Yes.

Mr. N. N. PATIL : Is it not a fact that Messrs. Dhanaji Joma Patil and Gajanan Balu Chirlekar who made statements before this non-official committee were arrested immediately on their return to the village ?

The Honourable Mr. G. A. THOMAS : I do not know on what dates they were arrested. If the honourable member gives notice, I will find it out.

Mr. L. R. GOKHALE : Has not Government noticed the names of the witnesses appearing before the committee in the newspapers ?

The Honourable Mr. G. A. THOMAS : What newspapers ?

Mr. L. R. GOKHALE : The local newspapers.

The Honourable Mr. G. A. THOMAS : Will the honourable member give the names and the dates of the issues ?

Mr. L. R. GOKHALE : The *Dnyanprakash* and the *Kesari* among others.

The Honourable the PRESIDENT : And the dates.

Mr. L. R. GOKHALE : About the time when the enquiry was going on.

The Honourable Mr. G. A. THOMAS : I am afraid that is not sufficient.

INDUSTRIAL HIGH SCHOOLS, ALIBAG.

Mr. N. N. PATIL (Kolaba District) : (a) Has the Honourable the Minister of Education received an application for a special grant-in-aid from the Managers of the Konkan Education Society's Industrial High School, Alibag ?

(b) Is it a fact that the institution is a pioneer institution which has included at least one vocational subject in the school curriculum ?

(c) Is it the only institution of its kind in the Presidency ?

(d) Is it a fact that His Excellency the Governor of Bombay praised the Managers for giving this new desired turn to education in the Presidency ?

(e) Is it a fact that Government have laid down conditions for its recognition by limiting the number to two hundred and not allowing any students to join in the 6th and 7th standards?

(f) Have the Managers complained that these conditions are proving an obstacle to the progress of the institution?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) A copy of the application made to the Director of Public Instruction for a special grant-in-aid for the High School Section and for removing certain restrictions was forwarded to the Honourable Minister of Education. Owing to financial stringency, no such grant could be sanctioned. The industrial section of the school has, however, been receiving a grant since the year 1926-27. The amount of the grant for the year 1930-31 was Rs. 2,049.

(b) Government are unaware whether this is a pioneer institution in vocational training.

(c) No.

(d) His Excellency the Governor congratulated the Managers on their desire to introduce an industrial bias in the schools under their charge.

(e) and (f) A limit of 200 pupils was at first imposed. On receipt of a further representation from the Management, the limit of pupils has been raised from 200 to 250. The Management have also been permitted to admit boys coming from the Society's schools in the district to standards VI and VII, subject to the condition that the limit of 250 pupils is not exceeded.

Mr. N. N. PATIL : May I know how many institutions of this kind there were in the Presidency before 1923?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know about 1923, but there are more now.

KONKAN COAST RAILWAY SCHEME.

Mr. N. N. PATIL (Kolaba District) : (a) What has prevented the Konkan Coast Railway Scheme from being completed?

(b) When will the scheme be taken in hand?

The Honourable Mr. W. F. HUDSON : (a) and (b) The Diva-Dasgaon Railway project may be regarded as the initial step of a possible line of railway extending along the Western Coast of India and eventually connecting with the South Indian Railway in its extension northwards from Mangalore. As regards the construction of the Diva-Dasgaon Railway, the Railway Board asked for a guarantee, whereupon this Government represented that the prospects of the line were likely to be favourable, as indicated by the estimates made by the late Special Officer, Railway Projects, who investigated the project, and requested the Railway Board to reconsider the question of a guarantee. The Railway Board however do not consider the project as likely to be remunerative and in view of the existing financial stringency and the fact that precedence must be given to schemes of greater importance, there is hardly any prospect of this project materialising in the near future.

✓ **PATHAN MONEY-LENDERS, KOLABA DISTRICT.**

Mr. N. N. PATIL (Kolaba District): (a) Has the attention of Government been drawn to the merciless manner in which the Pathan Sawkars carry on the money-lending business in the Kolaba District?

(b) Are they aware that criminal complaints were filed in the course of the last year against some of them?

(c) What steps are Government taking in the matter?

The Honourable Mr. G. A. THOMAS: (a) Government are aware that Pathans carry on money-lending business at exorbitant rates of interest in Kolaba District.

(b) No complaints were filed in 1930. In 1929 three Pathan money-lenders were dealt with under section 110, Criminal Procedure Code.

(c) A copy of a Circular recently issued by Government for the guidance of Local Officers is placed on the Council Table.

Pathan Money-lenders.

Instructions about taking steps to prevent oppression by —.

GOVERNMENT OF BOMBAY.**HOME DEPARTMENT.**

Circular No. 6076/2.

Bombay Castle, 30th April 1931.

The attention of all District Magistrates and the Commissioner of Police, Bombay, is invited to paragraph 284* of the Report of the Bombay Provincial Banking Enquiry Committee, 1929-30, where it is suggested that action should be taken against Pathan money-lenders under section 3 of the Foreigners Act (III of 1864) in places where complaints about oppression by them are common and no proceedings can be taken against them under the ordinary law.

2. The Governor in Council is pleased to direct that all District Magistrates and the Commissioner of Police should pay careful and particular attention to the operations of Pathan money-lenders.

When cases of brutality or intimidation can be proved against them the prosecution should be instructed to press for the infliction of severe and deterrent sentences and the police should not hesitate to take action under Chapter VIII of the Criminal Procedure Code in suitable cases.

It should however be borne in mind that complaints against Pathans are sometimes the result of communal hostility or business rivalry.

The Governor in Council is not inclined to make use of the Foreigners Act against Pathans who are liable to externment except in aggravated cases and then only after the Pathans have actually been convicted of an offence or ordered to give security under Chapter VIII of the Criminal Procedure Code.

By order of the Governor in Council,

G. F. S. COLLINS,

Secretary to the Government of Bombay,
Home Department. ✓

* Copy enclosed.

To

The Commissioner in Sind,
 All Divisional Commissioners,
 The Chief Presidency Magistrate, Bombay,
 The Inspector General of Police, Bombay Presidency,
 All Deputy Inspectors General of Police,
 The Commissioner of Police, Bombay,
 All District Magistrates,
 All District Superintendents of Police,
 The Political Department,
 The Finance Department.

Copy of paragraph 284 of the Report of the Bombay Provincial Banking
 Enquiry Committee, 1929-30.

284. *Pathan Money-lenders.*—The question of the Pathan money-lenders formed part of the subject-matter of the enquiry entrusted to us. The Bombay Riots Committee of 1929 also called attention to it as a subject deserving special consideration and suggested that we should investigate the question. In most of the districts which we visited, we received evidence about the alarming manner in which the Pathans carried on money-lending business. We also collected information from various district magistrates and the Commissioner of Police in Bombay to ascertain the extent of business carried on by these people, the terms on which they advanced loans and the methods adopted for recovery. It appears from the information received by us that except in Kanara and in parts of Sind, the Pathan is to be found in small or large numbers in all the parts of the Province. In Sind he sells articles on credit and does actual money-lending business. The Pathan's business is confined more to particular classes of people than to particular tracts. Nevertheless, it can be said that industrial towns, where there are large classes of indigent people, backward tracts and famine zones constitute their sphere of operations. Poor wage earners such as factory workers, menial servants, peons, low-paid clerks, aboriginal tribes, depressed and backward classes form their usual clientele. Sometimes men in a better position such as railway servants receiving good salaries, also invoke their assistance. Except in a few tracts such as Shahpur in Thana district and parts of Gujarat where cultivators belong to Kaliparaj class, the agriculturists as a class do not resort to these Pathan money-lenders.

The Pathans advance any amount from Re. 1 to Rs. 500 but their usual limits are from Rs. 5 to Rs. 50. The rates of interest are very high, two annas per rupee per month being very common, while in some cases the rate rises even to 360 per cent. Default in payment leads to levy of penal interest. The period of repayment varies from one week to three years, but most of the loans are for short periods ranging from one week to three months. Promissory notes and signatures or thumb impressions in khata books are the most common forms of acknowledgment obtained from the debtors.

Recoveries are made regularly and punctually. In cases of default the Pathan uses force to make recovery. He seldom resorts to law courts as abuse, threat, intimidation, obstruction, violence and even other questionable means of recovery answer the purpose equally well, probably better, so far as he is concerned. Even when criminal force is used against the debtors, the poorer classes of population are so much terrorised that complaints against the Pathans for the use of force are seldom filed. We are informed that three Pathans were bound over under Chapter VIII of the Criminal Procedure Code in the Kolaba district and that two complaints were received in another district in which the accused were convicted and sentenced. The capital invested by the Pathans in this province ranges according to the estimates furnished to us from Rs. 4,000 in Ratnagiri and Bijapur to Rs. 1,00,000 or Rs. 1,50,000 in Ahmednagar and East Khandesh.

In considering the question of money-lending by the Pathans, one has to remember that they deal with classes of people who have practically no credit and to whom even the village money-lender refuses to make any advances. The sums advanced by the Pathan are usually very small in amount and given for temporary accommodation. The lender runs a great risk of losing his money and has naturally to charge a higher rate of interest than that prevailing in the tract. It is, however, not so much to the high rates of interest, and these are undoubtedly exorbitant, that the objection against the system of money-lending by the Pathan lies. It is the means and methods that he uses for the recovery of his dues that are objectionable. Assaults, insults to debtors, both men and women, intimidation and wrongful restraint are some of the measures adopted. Actual cases of violence may not be many, but the methods employed are such as to keep the borrower in perpetual fear of being victimised. Should wrongful methods of recovery be resorted to by the Pathans, the best course would be to prosecute

them. This, if possible, would be certainly one way of checking the evil, but the people who deal with him are so ignorant and are so terror-stricken that they scarcely dare file a complaint against them. The result of the action recently taken in Kolaba is reported to be very salutary. Some of the Pathans are reported to have closed down their business in the district after proceedings were taken against the three Pathans. We think that it is very necessary for district authorities to watch the conduct of the Pathans engaged in money-lending, especially in tracts where the population is backward, and take, whenever necessary, the initiative in prosecuting the Pathans where they are found harrassing the people. It would be too much to expect the oppressed to come forward to file complaints of their own accord. Even when Government take the initiative, evidence may not be forthcoming against the Pathans owing to the fear engendered in the minds of the injured parties. We suggest, therefore, that where complaints about oppression by Pathans are common and no proceedings can be taken against them under the ordinary law, Government should take action under section 3 of the Foreigners' Act* or under some special legislation and deport such money-lending Pathans as are found to be menace to society. A few such cases of deportation will have a very wholesome effect in curbing the evil.

*India Act III of 1864.

BHUSAWAL RIOT PRISONERS.

Mr. SHAIKH ABDUL AZIZ (District West Khandesh): Will Government be pleased to state—

(i) whether they are aware that a riot took place in the year 1923 at Bhusawal, District East Khandesh, in which an unknown man was done to death by a mob taking him to be a kidnapper of children;

(ii) how many persons were convicted in that riot case and how many of them are at present in jail;

(iii) what are their names and for what period was each of them sentenced to undergo imprisonment?

The Honourable Mr. G. A. THOMAS: (i) Yes.

(ii) Seven persons were convicted in the case, five of whom are still in jail.

(iii) The names of the convicts are:—

- (1) Chandrya Manaji.
- (2) Vedu Barku.
- (3) Hirya Bansi.
- (4) Usman Amir.
- (5) Vajir Mardan.
- (6) Mahadu Kisan.
- (7) Onkar Pandu.

They were sentenced on the 24th August 1923 to transportation for life under sections 302/149 of the Indian Penal Code and two years' rigorous imprisonment, under section 147 of the Code, sentences to run concurrently. The sentences of Mahadu Kisan and Onkar Pandu were commuted by Government to 5 years' and 2 years' rigorous imprisonment, respectively.

G.I.P. RAILWAY: WAITING ROOM, MANMAD.

Mr. SHAIKH ABDUL AZIZ (Central Division): Will Government be pleased to state—

(a) whether there are two waiting rooms for Second Class passengers at Manmad on the G.I.P. Railway, one for Europeans and the other for Indians;

(b) whether the arrangements in these two waiting rooms regarding Benches, Privies, Lights, etc., are equal ?

The Honourable Mr. W. F. HUDSON : (a) and (b) Government have no information and a question of this nature should properly be addressed to the Government of India in the Legislative Assembly. If however the Honourable Member desires to bring any local grievance in connection with the Great Indian Peninsula Railway to the notice of the Administration, it is suggested that he should communicate with the representative of the Legislative Council on the Local Advisory Committee of the Railway.

Mr. SHAIKH ABDUL AZIZ : Cannot Government give the information whether it is a fact or not ?

The Honourable Mr. W. F. HUDSON : We have no means of getting the information from the railway. They are not subordinate to us, and there is no reason why they should answer our questions. We have no staff which goes about inspecting the local railway stations. I am afraid I cannot promise to collect information of that kind. The honourable member can get it perfectly well from our representative on the local advisory committee.

MOTOR ACCIDENTS AT KARACHI.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) the number of motor accidents at Karachi during each of the years 1925, 1926, 1927, 1928, 1929 and 1930 (July ending) ;

(b) whether any action has been taken to reduce the number of such accidents ;

(c) if so, what action has been taken ?

The Honourable Mr. G. A. THOMAS : (a), (b) and (c) The attention of the Honourable Member is invited to the reply given to the question of Mr. Haji Mir Mahomed Baloch during the current Sessions.*

ACCOMMODATION IN MAGISTERIAL COURTS IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether they are aware that there are no waiting rooms in various magisterial courts in Sind for litigants and witnesses ;

(b) whether they propose to make enquiries in the matter ?

The Honourable Mr. G. A. THOMAS : (a) and (b) From enquiries made it has been ascertained that a large number of courts in Sind have been provided with waiting rooms for litigants and witnesses. In those courts where there are no waiting rooms, the witnesses and litigants accommodate themselves on verandahs.

Mr. SHAIKH ABDUL MAJID : Will the Honourable the Home Member name three places outside district towns where waiting rooms have been provided ?

The Honourable Mr. G. A. THOMAS : I must have notice.

SYED MIRAN MAHOMED SHAH : Is it not a fact that for want of waiting rooms the litigants sit on the verandah, obstruct the passage and create noise ?

The Honourable Mr. G. A. THOMAS : I have no personal experience of that ; I cannot say.

MULLA SCHOOLS IN SIND : GRANTS.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether they are aware that the annual grants sanctioned by them for the Mulla schools in Sind are not sufficient to meet the needs of those schools ;

(b) the amounts of grants sanctioned for Hyderabad, Sukkur and Larkana divisions, respectively, for each of the years 1927-28, 1928-29 and 1929-30 ;

(c) whether they are aware that some Mulla schools which are imparting education in accordance with the Primary Education Code are not receiving the grants they are entitled to under the Grant-in-aid Code ; if so, the reasons therefor ;

(d) whether previous intimation with reasons is given to the Mulla schools whenever any reduction is made in their annual grants ;

(e) if not, the reasons therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes ; however owing to acute financial stringency Government are unable to incur increased expenditure in this behalf.

(b) The accompanying statement gives the requisite information.

(c) Neither the rules in the Grant-in-aid Code nor the Primary Education Rules are applied to Mulla schools. The grants paid to these schools are in accordance with the provisions of the Mulla Code, a copy of which is placed on the Council Table. If any Mulla schools teach according to the Primary curriculum, such schools are paid additional grant admissible to them in accordance with Rule 8 of the Rules attached to the Mulla Code. Usually full grants due are paid to these schools. In some districts, however, where a deficit is anticipated in the sanctioned allotment for the district proportionately less grants are paid to new schools and to those schools which have earned more grant than that earned during the previous year. •

(d) No.

(e) Mulla schools do not get a fixed grant. Grants in their case are assessed (on a capitation basis) on the results of the annual examination held by the Inspecting Officers. Thus, the question of giving the Mullas previous intimation in respect of any reduction in their grants does not arise.

Statement.

Division	Grants sanctioned for Mulla schools during the years		
	1927-28	1928-29	1929-30
	Rs.	Rs.	Rs.
Hyderabad	67,574	67,574	70,088
Sukkur	51,401	51,401	57,837
Larkana	38,707	38,707	45,175
Total ..	1,57,682	1,57,682	1,73,100

MULLA CODE (1922).

Curriculum.

Infant Class—Rs. 4 per boy.

1. Reading the Infant Primer.
2. Writing easy words.
3. Arithmetic—Counting and writing numbers up to 100.

Standard I—Rs. 6 per boy.

1. Reading the first book.
2. Writing short sentences from the Reader.
3. Arithmetic—Numeration and Notation up to 1,000, Khoras up to 5×10 . Simple mental arithmetic based on the Khoras.

Standard II—Rs. 8 per boy.

1. Reading the Second Book.
2. Writing to dictation from the Reader (a written copy book to be shown).
3. Arithmetic—Numeration and Notation up to 10,000. Addition and subtraction of numbers less than 1,000. Khoras up to 12×10 . Simple mental arithmetic. Multiplications and divisions by numbers not exceeding 10.

Standard III—Rs. 10 per boy.

1. Reading the Third Book.
2. Writing to dictation from the Reader. Copying a simple letter (a written copy book to be shown).
3. Arithmetic—Numeration and Notation up to one lakh. Four Compound Rules. Indian Money Table and Table of weight. Simple mental arithmetic.
4. General Geography of Sind with detailed knowledge of the District.

Standard IV—Rs. 12 per boy.

1. Reading the Fourth Book.
2. Writing dictation, writing a simple letter (a written copy book to be shown).
3. Arithmetic—Higher compound rules. Table of length and measurement. Simple mental arithmetic and interest by the Native Methods.
4. More advanced Geography of Sind.

Notes.—1. Mullas should be encouraged to use patis rather than slates.

2. Mullas should be instructed in the use of mental arithmetic as a preliminary to written work.

3. Nur Nama may be taught to girls in standard I when they are capable of understanding it.

RULES.

1. The maximum grant will only be given if the pupil satisfies the inspecting officer in all subjects.
2. A grant will not be paid for the same pupil more than once under the same standard.
3. The grants paid for girls will be double those paid for boys.
4. For each *bona fide* student sent by the Mulla to a Local Board School, double the maximum grant per boy for the standard in which he joins the Local Board School will be allowed for the first year. For every succeeding year in which the boy continues to attend the Local Board School regularly, half the maximum grant for boy for the standard in which he may be studying in the Local Board School will be allowed.
5. A grant not exceeding Re. 1 per mensem may be allowed if the attendance is recorded regularly and correctly and if the returns called for by the Department are duly submitted.
6. Mullas will be allowed to teach standard IV and above with special sanction of the Deputy Educational Inspector provided they are competent to do so.
7. Mulla schools teaching up to standard IV and above like a Local Board School according to Schedule H, will be classed "Advanced" and others "Ordinary".
8. Maximum grant per boy studying in advanced school will be Rs. 2 more than the rate fixed for that standard in ordinary schools. Grant for girls will be double that for boys.

* DECCAN AGRICULTURISTS' RELIEF ACT : OPERATION IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state with reference to the statement made in the "Report of the Administration of Criminal and Civil Justice in the Province of Sind, 1929" that "certain sections of the Deccan Agriculturists' Relief Act, however, are not working satisfactorily, and some amendments in the Act appear to be desirable" :—

- (a) which sections of the above Act are not working satisfactorily,
- (b) the reasons why they do not work satisfactorily;
- (c) the nature of amendments suggested in the above Report;
- (d) whether, and, if so, when, the suggested legislation will be undertaken;
- (e) whether, and, if so, when, the whole Deccan Agriculturists' Relief Act will be applied to the Province of Sind?

The Honourable Mr. G. A. THOMAS: (a) The Judicial Commissioner of Sind recommended in 1929 that section 22 of the Act should be repealed, as it was not working satisfactorily.

(b) It has been noticed that dishonest debtors try to take advantage of this section by pleading that they have acquired the status of an agriculturist after decrees have been passed against them.

(c) No amendments have been suggested in the Report.

(d) and (e) The consideration of the repeal, amendment or extension of the Deccan Agriculturists' Relief Act has been postponed pending the examination of the recommendations made on the subject by the Provincial Banking Enquiry Committee. *

CENTRAL JAIL, HYDERABAD : PRISONERS' WEIGHT.

Mr. SHAIKH ABDUL MAJID: (a) Will Government be pleased to state the total number of prisoners in the Hyderabad Central Jail during the year 1930?

(b) How many prisoners have been reduced in weight in that jail during the last year ?

(c) How many of them have been reduced in weight by 10 lbs.

(d) What is the name of the jailor ?

(e) For what period has he remained as jailor in Hyderabad Jail ?

(f) Has the attention of Government been drawn to the complaints published in certain Sindi Newspapers that the diet given to the prisoners is of very inferior quality ?

The Honourable Mr. G. A. THOMAS : (a) 3,128.

(b) 1,246.

(c) 122.

(d) There were two jailors during the period—

(1) Mr. Keshavlal Hiralal,

(2) Mr. Lilarām Lachiram.

(e) The former from the 8th December 1923 to the 10th April 1930 and the latter from the 11th April 1930 to the 17th March 1931.

(f) Yes, but the allegations were found to be untrue.

LAND REVENUE, SIND : RECOVERIES.

Mr. SHAIKH ABDUL MAJID (Karachi) : Will Government be pleased to state—

(a) how many warrants for the forfeiture of property were issued against the zamindars in each of the districts of Sind for failing to pay land revenue assessment ;

(b) the total amount of arrears for which the warrants were executed ;

(c) the total amount recovered under the following heads :—

(i) in cash, (ii) in kind, (iii) by auction or sale of immoveable property ?

The Honourable Mr. W. F. HUDSON : Government have been informed that the honourable member requires the information for the years 1927 and 1930. His attention is invited to Appendix III to the Land Revenue Administration Report for Sind for the year 1927-28, a copy of which will be found in the Council Library. This contains all the information that is available and Government do not consider it necessary to incur the trouble of collecting further details. Similar information for 1930-31 will be published in due course in Appendix III to the report for that year.

MITHRAO CANAL : WATER SUPPLY.

Mr. SHAIKH ABDUL MAJID (Karachi) : (a) Will Government be pleased to state since what year the administration of the Mithrao Canal has been entrusted to the Executive Engineer of the Barrage Remodelling Division, Mirpurkhas ?

(b) Is it a fact that before the control of the canal was entrusted to the above officer, the system of supplying water by rotation was not applicable to the Churkhi cultivators depending on the Karias receiving water from the Mithrao Canal ?

(c) Is it a fact that before the appointment of the above officer, the rotation was fixed for Moki cultivation only when there was extreme scarcity of water?

(d) Is it a fact that last year when water at Bukkur was 13 feet, the above officer permitted the flow of water into the Karias watering the land from mile 72 to 78 for two days only a fortnight?

(e) Is it a fact that the above Karias are six to seven miles in length?

(f) Is it a fact that several zamindars of Tando Jan Mahomed affected by his orders sent petitions and telegrams to the above Officer without receiving any reply from him?

(g) Is it a fact that several zamindars interviewed the above Officer at Mirpurkhas in July 1930 and made an appointment with him to meet him at the spot?

(h) Is it a fact that the zamindars reached the spot after riding or walking seventeen miles and waited there in the scorching heat for several hours but the Officer in question did not turn up and when several telegrams were sent to him he replied that his motor had been injured and he could not come?

(i) Is it a fact that the zamindars wanted to send one more telegram to him when the Telegraph Master told them that the Engineer had forbidden him to accept any other telegrams?

(j) Will Government state what orders were issued by the Superintending Engineer in the matter of rotation in the above case?

The Honourable Sir GHULAM HUSSAIN: (a) Since April 1930.

(b) No.

(c) No.

(d) No. Bukkur attained a reading of 13 feet on the 3rd July 1930 and by the 18th idem the karias between miles 72 to 78 got their full discharge for five days and one-fourth their full discharge for four days.

(e) No. Only one or two karias in this length are six to seven miles long.

(f) No. Some telegrams were received from Mirs Ditalkhan and Kadirbux and they were all answered.

(g) No appointments were made. The Executive Engineer only informed them of his tour programme in that tract.

(h) It is not known whether any zamindars travelled long distances to meet the Executive Engineer. The Executive Engineer wired to the Sub-divisional Officer concerned informing of his inability to keep to his tour programme due to a serious break-down of his Car.

(i) No. The telegraphic station concerned, viz., Tando Jan Mahomed being outside the Executive Engineer's jurisdiction is not under his control.

(j) Orders issued in the matter by the Superintending Engineer were to the effect that all outlets should be given water in rotation according to their designed discharges and according to the water available in the Canal.

CANAL ASSISTANT, SINGHORO : TRANSFER.

Mr. SHAIKH ABDUL MAJID (Karachi District) : (a) Will Government be pleased to state whether it is the policy of Government not to allow any official to hold his post for a long time in one place ?

(b) Is it a fact that Mr. Parsram, Canal Assistant, Singhoro, District Thar Parkar, and his munshi Ashiram, and Mr. Godumal Abdar have held their posts within Singhoro limits for more than fifteen years ?

The Honourable Sir GHULAM HUSSAIN : (a) No definite policy has been laid down by Government in the matter. Transfers of officers are, however, ordered when public necessity overrides other considerations.

(b) Only in the case of Mr. Godumal Abdar.

Khan Bahadur M. A. KHUHRO : Is it not the administrative policy of Government to transfer an officer after three years ?

The Honourable Sir GHULAM HUSSAIN : There is no such rule.

Khan Bahadur M. A. KHUHRO : What is the reason for keeping Mr. Godumal in one place for 15 years ?

The Honourable Sir GHULAM HUSSAIN : He must be a useful officer.

ZAMINDARI ASSOCIATIONS, SIND : GRIEVANCES.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether they have received recently any representations from the Zemindari Associations in Sind regarding the redress of their grievances ;

(b) the names of the Associations or public meetings who may have submitted such representations ;

(c) which of their grievances have been redressed by Government ?

The Honourable Mr. W. F. HUDSON : (a) and (b) Yes. The names will be found in the attached list.

(c) Government have granted, as a special case, a remission of two annas in the rupee of land revenue, in respect to both kharif and rabi crops, in all the talukas in Sind in which revision settlements have been introduced in and since the revenue year 1917-18 and also in talukas which though they were resettled before 1917-18, had been seriously affected by calamities, especially the floods of the last few years. As regards other grievances no action was considered necessary.

List showing the names of the Associations or public meetings in Sind from whom representations were received.

- (1) Sind Baluchs' Association.
- (2) Zamindars of the Nawabshah District.
- (3) Mussalmans of Larkana.
- (4) Anjuman of Zamindars of the Tail of Mussoowah Taluka Mirpur Mathelo.
- (5) Nawabshah District Muslim Association.
- (6) Sind Muslim Conference.

- (7) Zamindars of Shikarpur Taluka.
- (8) Zamindars of Badin Taluka.
- (9) Sinjhor Taluka Zamindars' Association.
- (10) Zamindars meeting, Shahdadpur.
- (11) Zamindars of Upper Sind Frontier District.
- (12) Zamindars of Tando Bago.
- (13) Zamindars of Larkana District.*
- (14) Zamindars' Association, Moro Taluka.
- (15) Nawabshah Division Zamindars' Association.
- (16) Karachi District Zamindars' and Jagirdars' Association.
- (17) The Muslim Zamindars' Association, Thar Parkar.

The Honourable Mr. W. F. HUDSON: The answer is as printed except with regard to (c). Honourable members are aware that since the answer to this question has been printed, Government have given much larger remissions than is found in the answer.

SYED MIRAN MAHOMED SHAH: Have Government considered the advisability of postponing the recovery of land revenue arrears?

The Honourable Mr. W. F. HUDSON: Government are taking that into consideration every day.

SYED MIRAN MAHOMED SHAH: Have they arrived at any decision?

The Honourable Mr. W. F. HUDSON: The Collectors have been asked to give concessions in cases where they are absolutely necessary and the local officers are well aware of it.

DRINKING WATER: JAMBUSAR AND VAGRA TALUKAS.

Mr. M. J. SINDA (Broach District): (a) Are Government aware that very great difficulty and hardship is felt by the people of the western parts of the two talukas of Jambusar and Vagra in the District of Broach for want of drinking water?

(b) If so, what steps do Government propose to take to mitigate the hardship?

The Honourable Sirdar Sir RUSTOM J. VAKIL: (a) Yes.

(b) Government placed the following grants at the disposal of the District Local Board, Broach, to mitigate the hardship by deepening the tanks and constructing new wells:—

Year.			Ra.
1927-28	..	..	15,000
1928-29	..	..	8,500
1929-30	..	..	11,376
1930-31	..	..	10,000

JAMBUSAR-SAROD ROAD.

Mr. M. J. SINDA (Broach District): Are Government aware—

(a) that the Broach District Local Board has constructed a katcha road between Sarod and Jambusar Town;

(b) that this road affords communication for eight villages of the Jambusar Taluka and also a section of the Borsad Taluka ;

(c) that the people experience great hardship when this katcha road is broken up in rainy season ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : (a) Yes. It is only a fair weather road.

(b) Yes.

(c) Yes.

CIVIL DISOBEDIENCE MOVEMENT, GUJARAT : BOYCOTT OF VETHIAS.

Dr. P. G. SOLANKI : (a) Are Government aware of the fact that the Non-co-operation and Civil Disobedience movement is at its highest pitch in Kaira and Surat Districts in Gujarat ?

(b) Are Government aware of the fact that the Vethias and inferior village servants who have not joined this movement in Gujarat have been harassed, persecuted and socially boycotted by the whole village population ?

(c) If the answers to (a) and (b) are in the affirmative, what action have Government taken in the matter ?

The Honourable Mr. G. A. THOMAS : (a) Such was the case during the existence of that movement.

(b) They were, in common with other Government servants, subjected to such treatment by the Congress and its sympathisers.

(c) The local officers were directed to do all that was possible to afford them relief. This was done partly by the use of the Prevention of Intimidation Ordinance, 1930 (V of 1930), and partly by the adoption of special measures. In Kaira District, where the persecution of these inferior village servants was not nearly as severe as in Surat District, revenue and police officers paid special visits to villages where instances of such harassment were reported and in many cases the offending persons were prosecuted. In Surat District the following special measures were adopted :—

(i) Vethias and inferior village servants were encouraged to make use of the special shops which were opened for subordinate Government officers for the purchase of grain and other articles, and in some cases their debts to the shops were remitted.

(ii) Cash advances were made to them to purchase such articles.

(iii) Rewards were given to them for good work.

(iv) The police were asked to give them special protection.

TRAINING COLLEGES : DEPRESSED CLASSES STUDENTS.

Dr. P. G. SOLANKI : Will Government be pleased to state the number of males and females of the Depressed Classes studying in the

various male and female Training Colleges in the Bombay Presidency at present?

The Honourable MOULVI RAFIUDDIN AHMAD: The accompanying statements A and B furnish the requisite information.

A.

Statement showing the number of Depressed Class students at present in Government Training Institutions for Men and Women in the Presidency.

Training Institutions for Men.

Name of the Training Institution	Number of Depressed Class students in		
	I year	II year	Total
<i>Bombay Division</i>			
1. Government Training School at Bhiwandi ..	1	..	1
<i>Central Division.</i>			
2. Training College for Men, Poona ..	15	3	18
3. Training College for Men, Dhulia ..	6	..	6
4. Rural Training School, Narayangaon ..	..	..	..
5. Urdu Training School, Poona ..	..	..	..
<i>Northern Division.</i>			
6. P. R. Training College, Ahmedabad..	2	..	2
7. Urdu Training School, Ahmedabad..	..	..	..
<i>Southern Division.</i>			
8. Government Training School, Dharwar ..	1	..	1
<i>Sind.</i>			
9. Training College for Men, Hyderabad ..	..	..	..
Total ..	25	3	28

Training Institutions for Women.

Name of the Training Institution	Number of Depressed Class students in			
	Junior I year	Senior I year	Second year	Total
<i>Central Division.</i>				
1. Training College for Women, Poona..	..	2	*	2
2. †Urdu Training School for Women, Poona	†	..
<i>Northern Division.</i>				
3. Mahalaxmi Training College for Women, Ahmedabad	*	..
<i>Southern Division.</i>				
4. †Training College for Women, Dharwar	†	..
<i>Sind.</i>				
5. Training College for Women, Hyderabad
Total	2	..	2

* There is no Second Year class this term on account of the intercalary term of this class due to the change in the academic year.

† These institutions teach only the First Year course.

B.

Statement showing the number of Depressed Class students at present in non-Government (Recognised) Training Institutions for Men and Women in the Bombay Presidency.

Training Institutions for Men.

Name of the Training Institution	Number of Depressed Class students in			
	First year	Second year	Total	Remarks
<i>Bombay Division.</i>				
1. The Municipal First Year Training Class, Bombay.	1	..	1	
<i>Central Division.</i>				
2. Union Training College, Ahmednagar.	1	..	1	
Total ..	2	..	2	

Training Institutions for Women.

Name of the Training Institution	Number of Depressed Class students in			
	Junior First year	Senior First year	Second year	Total
<i>Bombay Division.</i>				
1. Seva Sadan Training College for Women, Bombay.	1	1	..	2
<i>Central Division.</i>				
2. Seva Sadan Training College for Women, Poona.	..	1	..	1
3. C. S. M. Training College for Women, Poona.	..	1	..	1
Total ..	1	3	..	4

DACOITIES IN SUKKUR: ARRESTS.

SYED MIRAN MAHOMED SHAH (Hyderabad): Will Government be pleased to state—

(a) how many persons have been arrested so far under the charge of rioting or dacoity in Sukkur District during last August;

(b) how many of them were released on bail, before the trials began, and how many up to-date?

The Honourable Mr. G. A. THOMAS: (a) 1,620.

(b) Up to May 1st 1931, 678 had been released on bail of which 109 were released before the trials began.

Khan Bahadur M. A. KHUHRO: May I know whether there are any reasons why a larger number have not been let out on bail?

The Honourable Mr. G. A. THOMAS: I presume there are excellent reasons.

SYED MIRAN MAHOMED SHAH: Is it a fact that there were no specific charges made against many of them?

The Honourable Mr. G. A. THOMAS: The charge sheets must have been put up before now.

Khan Bahadur M. A. KHUHRO: Is it not a fact that the special magistrate reported to the District Magistrate that in certain cases there was absolutely no evidence?

The Honourable Mr. G. A. THOMAS: I am not aware of that.

SYED MIRAN MAHOMED SHAH: Is it not a fact that many were kept in custody even without first information of the offence being recorded?

The Honourable Mr. G. A. THOMAS: I want notice of the question.

UNDERTRIAL PRISONERS : UNBAILABLE OFFENCES.

SYED MIRAN MAHOMED SHAH (Hyderabad) : Will Government be pleased to state the number of persons accused of non-bailable offences, detained at present in each jail or sub-jail in Sind.

The Honourable Mr. G. A. THOMAS : The number of such persons detained in all the jails in Sind on the 1st March 1931 was 721, as shown below :—

Hyderabad Central Prison	..	..	..	72
Karachi District Prison	..	..	..	45
Sukkur District Prison	..	..	..	88
Shikarpur Special Prison	..	..	..	31
Sub-Jails of Hyderabad District	..	..	..	65
Sub-Jails of Nawabshah	..	..	..	100
Sub-Jails of Karachi	..	..	..	33
Sub-Jails of Larkana	..	..	..	148
Sub-Jails of Sukkur	..	..	..	28
Sub-Jails of Thar Parkar	..	..	..	35
Sub-Jails of Upper Sind Frontier	..	..	..	76

REVENUE DEPARTMENT, KANARA DISTRICT : MUSSALMAN CLERKS.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the number of Mahomedans holding the posts of clerks in the Revenue Department in the Kanara District ;

(b) the number of applications received from Mahomedans since the year 1925 and the number of Mahomedans appointed as clerks since the year 1925 ;

(c) the number of applications received from candidates from advanced communities since the year 1925 and the number of such candidates appointed as clerks since the year 1925 ;

(d) whether it is a fact that the names of Mahomedans who had sent their applications for these posts were not even registered ?

The Honourable Mr. W. F. HUDSON : (a) 13.

(b) and (c) No record has been kept of applications received. The number of Mahomedans appointed since 1925 is 5 and that of candidates of the advanced communities 18. In addition 14 candidates from the backward communities were appointed.

(d) Applications received by the Collector are not registered. A waiting list of candidates is maintained by the Collector, and, twice a year, by advertisement in the local press, applications for entry in the list are invited. After the applicants are interviewed by the Collector, the selected candidates are enlisted. Applications received at other times usually meet with the reply that there is no vacancy. Details of the 27 candidates on the waiting list are given below :—

Brahmins	..	..	..	..	10
Lingayats	..	..	..	..	1
Nadors	..	..	..	..	2
Sherungars	..	..	..	..	1

Bandi	..	..	..	..	1
Konkanmarathas	..	..	..	..	4
Moger	..	..	..	..	1
Kharvis	..	..	..	..	1
Vaishyas	..	..	..	..	2
Namdharis	..	..	..	..	2
Mahomedans	..	..	..	..	2
					—
					27

REVENUE DEPARTMENT, KANARA DISTRICT : MAHOMEDAN HEAD
KARKUNS.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) the number of Mahomedan head-karkuns in the Revenue Department in the district of Kanara ;

(b) the reason why the Mahomedans are not given special preference for these posts as is done in other districts, where the clerks who have put in a service of 4 to 5 years are appointed as head-karkuns ?

The Honourable Mr. W. F. HUDSON: (a) *Nil*.

(b) Appointments to the grade of head-karkuns are made according to merit and after considering the claims of members of the backward classes generally.

It is not known what are the "other districts" referred to in the question. In the remaining five districts of the Southern Division Mahomedan head-karkuns are to be found only in the Dharwar District. In the remaining districts there are no suitable Mahomedans to whom preferential treatment can be given; in the Belgaum and Bijapur districts two Mahomedans were appointed to posts of head-karkuns but they had to be reverted as they failed to pass the Qualifying Examination.

Mr. SYED MUNAWAR: With reference to part (a) of the last question which has direct bearing on the subject of the present question, I want to know the reason why out of the 13 Mahomedan clerks in the Revenue Department in the Kanara district not one has been appointed as head karkun ?

The Honourable Mr. W. F. HUDSON: I suppose for the regrettable reason that they were not fit for that appointment.

Mr. SYED MUNAWAR: May I know the criterion of that fitness ?

The Honourable Mr. W. F. HUDSON: The usual criterion, I presume, framed by district officers.

KAZIS, BOMBAY CITY : APPOINTMENT.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) who appoints Kazis in Bombay City ;

(b) whether their number is limited or increased from time to time ;

(c) whether it is a fact that some complaint or information regarding vagaries on the part of one or more of them has reached Government ;

(d) whether it is a fact that one of the Kazis has unlawfully effected divorces or compelled payment of maintenance allowance in a number of cases ;

(e) whether it is a fact that some such cases have been decided by the Presidency Magistrate, Second Court, Bombay, and that the Magistrate has passed strictures on the Kazi on several occasions ;

(f) whether any other complaints besides the above have come to the notice of the Government of late ;

(g) if so, the nature of the complaints and the action taken by Government thereon ?

The Honourable Mr. G. A. THOMAS : (a) and (b) No such appointments are made. Certain persons of their own initiative call themselves Kazis.

(c) Yes. Please see replies to clauses (e), (f) and (g).

(d) Government are not aware of any such cases.

(e) Three complaints were lodged before the Presidency Magistrate, Second Court, against Kazi Abdul Latif Londay for performing marriages alleged to be illegal. One case was compounded and the complaints in the other two cases were dismissed, as the complainants did not appear to prosecute. The Presidency Magistrate, Second Court, remarked that it was unfortunate that the Kazi should get himself mixed up in unsavoury incidents of this kind.

(f) and (g) Kazi Abdul Latif Londay has been charged along with others with the offence of cheating by performing a fraudulent marriage. The case is being tried by the Resident Magistrate, Kurla.

PRISONERS IN JAILS : CLASSIFICATION.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the rules governing the classification of prisoners in Class A ;

(b) whether social status of the prisoner and gravity of the offence committed by him are the chief determining factors in the classification ;

(c) if so, why Mr. S. A. Brelvi, Editor of the *Bombay Chronicle*, was put in Class B throughout the term of his sentence of imprisonment ;

(d) whether it is a fact that men of status inferior to him were put in Class A ?

The Honourable Mr. G. A. THOMAS : (a) and (b) The attention of the honourable member is invited to the Press Note on the subject dated the 17th April 1930.

(c) The sentencing court placed Mr. Brelvi in Class B and this classification was confirmed by Government.

(d) This is really a question of opinion rather than of fact.

ADMINISTRATIVE OFFICER, THANA : ALLEGED EMBEZZLEMENT.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether their attention has been drawn to the judgment in the case in which the Administrative Officer, Thana, was charged with

embezzlement, which is published in the *Times of India* of the 17th February 1931 ;

(b) the reasons for ordering revision when the Officer was totally exonerated by the First Class Sub-Divisional Magistrate, Thana ;

(c) whether the fact of the officer being made " an unfortunate victim of party animosity in the School Board of Thana " had not come to the knowledge of Government after perusal of the judgment in the lower court ;

(d) the amount of legal expenditure incurred by Government in the retrial of the case by the Sessions Judge ?

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

(b) Government were not satisfied that the Administrative Officer was rightly acquitted by the Sub-Divisional Magistrate.

(c) No.

(d) There was no retrial ; only a revisional application was filed. The legal expenditure incurred by Government in connection with the revisional application amounted to Rs. 86-8-0.

CITY POLICE, BOMBAY : SPECIAL BRANCH.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether the increased expenditure on the City Police of late has been partly devoted to the augmentation of the Special Branch to deal with offences under Prostitution and Children's Acts ;

(b) if so, to what extent the force has been augmented or is proposed to be augmented ;

(c) if not, what measures Government propose to adopt to combat the social evil and when ?

The Honourable Mr. G. A. THOMAS : (a) No.

(b) It has not been augmented. The measures proposed are stated in the answer to (c).

(c) Government have approved administratively a proposal for the entertainment of a special wholetime investigating staff consisting of one Inspector, one Deputy Inspector, three Sub-Inspectors, four head constables and eight constables to work the Prostitution Act of 1923 as amended by the Act of 1930. Owing, however, to financial stringency it was not found possible to make provision for this staff in the budget for 1931-32. Provision will be made as soon as the financial situation permits.

PROHIBITORY ORDER ON MR. A. V. CHITRE : MANGAON.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether the Second Class Magistrate of Mangaon taluka, district Kolaba, had issued an order under section 144, Criminal Procedure Code, against Mr. A. V. Chitre, B.A., a social worker, directing him to abstain from making any speeches within the limits of the Mangaon taluka for a period of two months ;

(b) if so, the date of the order ;

(c) whether it is a fact that the meeting about which allegations against Mr. Chitre had been made was held on the 18th December 1930 and the affidavit was made on the 5th February 1931 and the order under section 144 was passed on the same date;

(d) whether the order was *ex parte*;

(e) if so, what was the urgency in issuing the said order without giving an opportunity to Mr. Chitre to show cause why the order should not be made;

(f) the evidence on which the order was passed;

(g) whether it is a fact that only affidavits were made by two persons, one of whom was not personally present at the meeting which Mr. Chitre had addressed?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) 5th February 1931.

(c) The honourable member is referred to the answer to clause (f) below. In other respects the answer to this clause is in the affirmative.

(d) Yes.

(e) The feeling between the Khots and tenants was high, and several more meetings were to be held in the week by Mr. Chitre. Consequently the Magistrate considered immediate action necessary.

(f) The order was based on the affidavits of two Khots in regard to a meeting held by Mr. Chitre on December 18th, 1930, and on the information received from time to time that Mr. Chitre had been making speeches and spreading propaganda in the Mangaon and Mahad talukas which were likely unduly to excite the agriculturists of those talukas.

(g) Yes. Only one of them was present. The affidavit of the other person was based on the account of his brother who was present.

TALUKDARI LANDS, GUJARAT: AREA.

The THAKOR OF KERWADA (Gujarat Sardars and Inamdars): Will Government be pleased to state the total area of the talukdari lands in the four districts of Gujarat and what the percentage of the area is in relation to Crown lands?

The Honourable Mr. W. F. HUDSON: The total area of talukdari lands is 1,536,845 acres. It is understood that by Crown lands the honourable member refers to lands held on ryotwari, bhagdari and narwadari tenures and excludes inam lands. The proportion of talukdari lands to Crown lands is 11 : 20 approximately. v

DRAINAGE IN SIND.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state what schemes Government have in view regarding general drainage of rain and flood water in Sind necessitated by the experience of the increase of monsoon and overflowing of the river in Sind causing enormous loss?

The Honourable Sir GHULAM HUSSAIN: Outside the Barrage zone, drainage schemes have been proposed in the Fuleli Canals Division for leading away surplus water from irrigation channels.

These drains will be useful in times of floods due to rain or canal breaches. In the remodelling projects of the Karachi Canals Division, the canals have been so aligned as not to cross or obstruct any existing drainage lines. These drainage lines with slight improvements will therefore act quite efficiently. No special schemes are necessary in the Begari Canals and Shikarpur Canals Divisions as the natural drainage lines of the country serve the purpose.

As regards the Barrage zone, only such drainage schemes are to be now undertaken about which no doubt of their efficacy exists. The question of drainage is being investigated further in detail by the Research Division and further schemes will be formulated in the light of the results of these investigations. Every precaution has, however, been taken while designing the new Barrage canals not to interfere with the natural drainage of the country.

SYED MIRAN MAHOMED SHAH : How many drainage channels have been provided in the Fuleli tract ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

SYED MIRAN MAHOMED SHAH : Is it a fact that Fuleli people have been asking for drainage channels ?

The Honourable Sir GHULAM HUSSAIN : Outside the barrage area, schemes have been prepared in the Fuleli division for letting away surplus water.

SYED MIRAN MAHOMED SHAH : When are they likely to be carried out ?

The Honourable Sir GHULAM HUSSAIN : They are being carried out.

Khan Bahadur ALLAHBAKSH : Why has the drainage scheme in the Begari Canals Division been neglected ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member gives notice, I will obtain the information.

PRISONER MANIKRAI : TREATMENT IN JAIL.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) whether their attention has been drawn to the article in the *Hind Aftab* of Hyderabad Sind dated the 14th October regarding the allegations made by Mr. Manikrai a "B" Class prisoner against the Jail authorities in the Hyderabad Central Jail ;

(b) whether the allegations have been inquired into and if so, with what results ;

(c) whether it is a fact that Mr. Manikrai suffered in health on account of the indifference of Jail authorities in the matter of food, water, etc. ;

(d) whether it is a fact that Mr. Manikrai became so seriously ill that his release from Jail became necessary ;

(e) whether they have taken any action in the matter, and if not the reasons therefor ?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) The allegations have been inquired into and found to be untrue.

(c) His bad health was due to an old duodenal ulcer and not to the indifference of the Jail authorities.

(d) Yes.

(e) Does not arise.

MAGISTRATES IN SIND.

Mr. S. S. TOLANI (Western Sind): (a) Has the attention of Government been drawn to the contribution by Mr. Hashmatrai K. Mirchandani to the "Sind Observer" dated the 25th November 1930 regarding the judicial administration in the province of Sind?

(b) What action have Government taken in the matter?

(c) Are Benches of Honorary Magistrates still appointed in Sind? If so, at what places?

The Honourable Mr. G. A. THOMAS: (a) Government had not seen the article in question until their attention was drawn to it by the Honourable Member.

(b) None. The appointments of Honorary Magistrates and Benches of Magistrates in Sind are made by the Commissioner in Sind, and he has abolished Benches at all places except those referred to in the reply to clause (c) of the question.

(c) Benches continue to exist at the following places:—

Karachi,
Hyderabad,
Shikarpur,
Rohri.

SATYAGRAHIS AND KHAN BAHADUR HAJI AMIRALI.

Mr. S. S. TOLANI (Western Sind): (a) Is it a fact that Vadero Mahomed Panah of Valid and Khan Bahadur Haji Amirali resident of Lahoria in the Larkana District organized attacks on Satyagrahis in which they and other citizens were beaten and injured?

(b) Is it a fact that Khan Bahadur Haji Amirali invited by written notification and collected a large body of armed people on 22nd and 24th June 1930 for the purpose of beating back Satyagrahis who had declared their intention to come from Larkana to Lahoria (a village within the Larkana Municipal limits) to hold meetings?

(c) Will Government be pleased to state whether the District Magistrate took any action against the aforesaid zamindars with regard to the incidents mentioned above in (a) and (b). If not, why not?

(d) Has the attention of Government been drawn to the telegram sent by the Panchayat of Larkana to His Excellency the Governor of Bombay published in the "Sind Observer" of 28th June 1930 complaining of high-handedness and hooliganism instigated by Khan Bahadur Haji Amirali?

(e) What action did Government take with regard to it?

(f) Is it a fact that the Collector of Larkana in a public meeting on 30th of June 1930 when presiding at the annual ceremony of the Larkana District Co-operative Bank made a speech justifying Khan

Bahadur Amirali's action, congratulating him and promising him the entire support of the Government and that he further exhorted the zamindars to emulate the example of Khan Bahadur Amirali and see that no Non-Co-operator entered their villages ?

(g) If the answer to (f) be in the negative, will Government be pleased to place on the Council table an extract from his speech on the subject ?

(h) If the answer to (f) be in the affirmative, do Government propose to take any action in the matter ?

The Honourable Mr. G. A. THOMAS: (a) and (b) The events to which the Honourable Member refers were as follows. Parties of Congress volunteers had on several occasions during the previous few days gone to Valid village near Larkana to make contraband salt. This was not approved of by the villagers, and on one occasion a volunteer was beaten and the salt scattered. On another occasion the volunteers interviewed the mukhi of the village who made it clear that they were not wanted in the village. They however threatened to return and did so again. On this occasion they were accompanied by a party of police who were afraid that communal trouble might take place as the Muharram was in progress. This unfortunately gave rise to the idea that the mukhi of the village had been disgraced, and it seems that threats were then made by the Congress volunteers to enter several villages. On June 22nd, a large number of volunteers were on their way to Lahori village near Larkana with a view to insult the mukhi of that village because he filed a defamation suit against the son of a leading Congress leader, when they came into collision with some Muhammadans who were returning from a meeting held in Khan Bahadur Haji Amirali's otak and several volunteers were injured. The Congress party met the next day and decided to organise a similar procession on June 24th. To meet this situation, a number of persons collected in Khan Bahadur Haji Amirali's garden. The procession was however stopped on the intervention of the Panchayat of Lahori and other leading citizens. A rumour was then circulated that the Muhammadans were coming to attack the bazaar and shops were closed. The next day the Panchayat of Larkana organised an eight days' hartal without approaching the district authorities. It was subsequently called off on the 28th on the intervention of the District Magistrate.

The attacks on the Satyagrahis were not organised by the two zamindars referred to. Khan Bahadur Haji Amirali did not summon the people who collected on June 22nd and 24th by written notification. He however issued a leaflet on June 24th a copy of which is placed on the Council table.

(c) Government took no action. They considered that the Congress volunteers brought upon themselves the results of their own actions.

(d) Yes.

(e) The telegram alleged to have been sent on the 25th June 1930 was not received. The telegram sent on the 26th idem in continuation of the former was, however, received. No action was taken on it as it was not in conformity with the rules which require that the chief local authority shall first be approached.

(f) No.

(g) A relevant extract is placed on the Council table.

(h) Does not arise.

Extract from the speech made by the Collector of Larkana at the annual meeting of the Larkana District Central Co-operative Bank on 30th June 1930.

I had intended making a few remarks about the action of some of my leading zamindars in protecting the peace of their villages from the trouble caused by the provocative and unjustifiable action of some of the Congress followers of this district. I have however already taken up a considerable portion of your time and the responsibility of a zamindar for the safety and well being of his village is so thoroughly well understood as a part of our administration in Sind, that I consider it purely waste of time to make any further remarks. I would only say that I rely with confidence on my Waderos to give in the future as they have done in the past all the help required willingly and to the full to keep all movements private or quasi political against the law of the land within due bounds.

Translation of the leaflet issued by Khan Bahadur Haji Amirali Lahori on 24th June 1930.

Hindu and Muslim brothers,

It is probable that Congressmen may again and again without intimation attack our village poor Hindus and Muslims in order to create their own impressions on them and as there are some persons among the Congressmen who do not refrain from fighting and entering private houses for the purpose of molestation, and as in this village poor Muhammadans and our Hindu brothers are mostly law-abiding, they have requested me to protect them from these rioters who in thousands might suddenly attack and unduly molest the inhabitants of our poor village. It is a wonder that these Satyagrahis who do violence, break law and intentionally attack us—law-abiding people—with intent to pick up quarrels, and then instead of repenting they make false complaints and wish to malign us law-abiding, peace loving and silent men. Village Lahori is hardly at a distance of one furlong from Larkana and since those Lahori people who want to attend meetings or take part in this movement can go to Larkana and join them there, is not their action in coming to Lahori and insulting us and other respectable people, which is a source of grief to our friends and well wishers, creating disturbance? I therefore, appeal to you that if it comes to your notice that this class of people intend to make unpleasant, unfair and uncalled for attacks on us, and if out of humanity, you help us to save our Lahori village Hindus and Muslims from their cruelties, so that they may be prevented from entering and creating disturbance in our village, do not bring with yourself any sort of weapon, because we know our responsibility and we welcome and like the law and know that these very attacking and misled people are our brothers. All else well.

AMIRALI LAHORI.

MARTIAL LAW: DEATH OF R. H. SHAHA.

Dr. V. G. VAISHAMPAYAN (Sholapur District): (1) Are Government aware that one Ratilal Hirachand Shaha, a boy of 13 was shot dead, while standing on a terrace 27 feet above street level in his house in Shukrawar Peth at Sholapur, by a shot fired from Police lorries patrolling the city on 8th May 1930?

(2) Is it a fact that this house was far away from the places of rioting or arson?

(3) Will Government be pleased to state how many bullet-wounds were found on the body of the boy at the post-mortem examination?

(4) Were these bullets sent to any Arsenal for examination? If so, with what result?

(5) Will Government be pleased to state whether the relatives of the boy have made any complaint to the District Magistrate at Sholapur?

(6) Has any inquiry been made by the District Magistrate?

(7) Is it a fact that the District Magistrate has refused copies of *panchnama* and other papers to the complainant?

(8) Have Government received the extra issue of the "Karmayogi" newspaper dated 10th May 1930 published in Sholapur City giving particular instances of indiscriminate firing in Sholapur by the Police on 8th May 1930?

(9) Have Government ordered any inquiry about these allegations?

(10) If so, who is making this inquiry?

(11) Has the inquiry been completed?

(12) If so, will Government be pleased to place the papers of the inquiry on the Council table?

The Honourable Mr. G. A. THOMAS: (1) A boy named Ratanlal Hirachand Shaha aged about 14 years was alleged to have been shot by the police on the 8th May 1930.

(2) The house is situated about $\frac{3}{4}$ mile from the scene of the disturbance.

(3) Seven.

(4) Yes. The examination showed that the bullets were not of any type of Government ammunition.

(5) Yes.

(6) Yes.

(7) The District Magistrate has since been instructed to give copies of the documents to the parties concerned.

(8) Yes.

(9) to (11) Government ordered no inquiry. The District Magistrate, however, himself inquired into every case except those cases in which there were no available witnesses to identify the person or persons who fired or in which the movements of the police could not be correlated with the times and places of alleged firing.

(12) Government think that at this late date no useful purpose would be served by laying on the Table the full papers of the District Magistrate's inquiry. A copy of the conclusions arrived at by him, in which Government concurred, is however laid on the Table.

Extract paragraph 11 from the District Magistrate of Sholapur's letter dated the 8th July 1930.

11. To deal first with the "atrocities" published by the "Karmayogi" of Sholapur which I believe has been extensively copied, I attach a list giving names and places and remarks.

To deal with these seriatim—

1. Shankar Pandarinath Joshi—He did not die in hospital. He got a bullet through his shoulder which appears to have healed up. He says he was shot by a Sergeant who was kneeling up in the back of a lorry firing with a gun. He could not identify the Sergeant. His story did not convince me of its truthfulness, nor did an obviously manufactured bullet graze, where the bullet is said to have glanced off a wooden pillar before hitting him. But the story may be correct.

2. Kalidas Odhavji—Not found as absent from Sholapur.

3. Ganpat Balkrishna Thembe—Not found as absent from Sholapur.

4. Bhola Gareno = Bholagir Ramgir—He along with Nos. 17, 18, 20 and I think No. 19 was hit by pieces of a bullet on an iron railing. The bullet went through the iron pipe of a railing about 2' from ground level. Bholagir and No. 20 Parashram say this was fired from a police lorry that came up the road opposite and turned towards the Railway Station. This could not have been fired at any of these persons.

5. Tatyā Arjun = Tatyā Awba—Killed in Playfair's firing on patrol.

6. Not identified.

7. Son of Ranade—A criminal complaint against a Sergeant for shooting this boy is under enquiry under section 202, Criminal Procedure Code. Comment is not possible at present.

8. Ratilal Hirachand, nephew of Maneckchand Shah, late President of the Municipality—The Inspector of Ammunition, Kirkee Arsenal, states that the bullets taken from the body are either sporting ammunition or locally made smooth bore bullets. The statement in the telegram which gave first information to the effect that the boy was shot by a Sergeant was not borne out by any evidence when I inquired into the matter on 9th May 1930. This was an obvious attempt to create racial prejudice, as such telegrams were sent to H. E. the Viceroy, H. E. the Governor etc.

There are various other circumstances which make it improbable that the boy was killed as alleged. But I do not know how he was killed. I do not believe he was killed by the Police.

Yirappa, hit by the same shot as No. 9 and the same remarks apply.

9. Thombre—Not injured and not inquired into.

10. Narsappa Antappa=Narsappa Krishnappa, said to have been shot through an open door from a passing lorry. He can hardly have been aimed at and his brother states that they both were in a yard where they had gone to watch the Courts burning. The yard is only a few feet wide and the side towards the Court is a house 20 feet high. I much doubt that he was killed here at all, but I cannot prove he was killed elsewhere.

11. Not identified.

12. Bhadange Mandke—Presumably shot on Playfair's patrol in Chatti Galli.

13. Sargappa Karbasappa = Sangaya Karbasaya—He states that he was shot just behind the Collector's bungalow. This area was absolutely peaceful and I cannot imagine any reason for firing here. I suspect that he was shot elsewhere in a riot, but I cannot of course prove it.

14. Malkarjun Swami says he was shot just outside his shop, doesn't know where the bullet came from and saw no police lorry. Possibly a ricochet.

15. Sundarsingh Sardarsingh—Gitabai his wife, were sitting inside their house—see No. 4 above—and hit by fragments of bullet on railing.

16. Baburao Shene—Not found, but from accounts of others was hit by fragments of No. 4's bullet.

17. Parashram Bapu—see No. 4.

18. Manohar Krishna was inside a closed shop and hit by 476 bullet. There is a corresponding hole through the door and I have little doubt that a Police sepoy let off his musket either accidentally or at random when passing in a lorry.

19. Shanker Dhondur says he came out on his verandah to see what the firing was and some one in a passing lorry fired at him and missed him.

20. Wasudeo Shastri also says he came out to see what the firing was and a shot was fired and he immediately went inside. He was not hit.

21. Chandrasain Baburao says he looked out of his window to see what the firing was and a Police sepoy in a passing lorry aimed at him and fired. The bullet missed him and hit the wall.

22 and 23. Not examined.

Dr. V. G. VAISHAMPAYAN: As regards (4), will Government be pleased to put the report of this Arsenal on the Council table?

The Honourable Mr. G. A. THOMAS: I cannot say until I have a look at the report.

Dr. V. G. VAISHAMPAYAN: As regards (7), why were these *panchnamas* kept in abeyance for such a long time until the District Magistrate had to be instructed by Government?

The Honourable Mr. G. A. THOMAS: I shall have to ask the District Magistrate; if notice is given, I will find out.

Dr. V. G. VAISHAMPAYAN: Why are Government afraid of keeping the papers of enquiry on the Council table?

The Honourable Mr. G. A. THOMAS : Government are afraid of nothing.

Dr. V. G. VAISHAMPAYAN : They promised in the last Council session to the honourable member Rao Bahadur Kale when he moved this question of an enquiry into the Sholapur riots that the papers would be kept on the Council table for the information of this honourable House.

The Honourable Mr. G. A. THOMAS : Will the honourable member refer me to the volume and page ? I will find out what was actually said and see if we can comply with the promise if it was made. I was not myself present at the last session and do not know what was said.

Dr. V. G. VAISHAMPAYAN : In the District Magistrate's letter, dated the 8th July 1930, it is stated that Shankar Pandarinath Joshi did not die in hospital. The *Karmayogi* did not say.....

The Honourable the PRESIDENT : The honourable member cannot refer to newspaper articles.

Dr. V. G. VAISHAMPAYAN : The report of the District Magistrate refers to a statement of the *Karmayogi*. Did that local newspaper ever print a report that this man died of a bullet wound in hospital ?

The Honourable Mr. G. A. THOMAS : I expect that the honourable member knows that as well as myself.

Dr. V. G. VAISHAMPAYAN : I have got a copy of that paper with me, and it says that he did not die. Where was then the necessity of saying that he did not die at the hospital ? Then, No. 2, Kalidas Odhavji. It is stated against his name "Not found as absent from Sholapur." He was lying in my hospital, and he has a sweetmeat shop in the City run in broad daylight.

The Honourable the PRESIDENT : What is the question ?

Dr. V. G. VAISHAMPAYAN : It is stated in the reply that he is not in Sholapur. He is still in Sholapur and has got a shop. Why was wrong information given ?

The Honourable the PRESIDENT : Are Government aware that he is still in Sholapur ?

The Honourable Mr. G. A. THOMAS : I do not know. This letter is dated the 8th July 1930, and we are now on the 22nd July 1931.

Dr. V. G. VAISHAMPAYAN : He has been there from that date up till now : that is what I want to say.

The Honourable the PRESIDENT : The reply is that the Honourable Member does not know.

Dr. V. G. VAISHAMPAYAN : Then, No. 4, Bhola Gareno. This patient also was in my own hospital. The last line says : "This could not have been fired at any of these persons." How do Government account for this shot then ? If it was not fired by the police lorries, how was it fired ? I am explaining myself as the report of the enquiry is not on the Council table.

The Honourable the PRESIDENT : Has the Honourable Member followed the question ?

The Honourable Mr. G. A. THOMAS : I have not the faintest idea of it.

The Honourable the PRESIDENT : Will the honourable member ask the question in a simple form ?

Dr. V. G. VAISHAMPAYAN : What was the nature of this firing, No. 4 ?

The Honourable Mr. G. A. THOMAS : I am afraid I do not understand the question.

Dr. V. G. VAISHAMPAYAN : Against No. 7, Son of Ranade, it is stated "Comment is not possible at present." [*An Honourable Member : That is sub judice.*]

The Honourable the PRESIDENT : Would the honourable member proceed ?

Dr. V. G. VAISHAMPAYAN : I shall frame my questions on paper and hand them over.

Dr. M. K. DIXIT : As regards (4), it is stated "The examination showed that the bullets were not of any type of Government ammunition." If the bullets were not of the type of Government bullets, have Government instituted any further inquiries to find out whether the bullets were shot by people other than police sepoys or sergeants ?

The Honourable Mr. G. A. THOMAS : Government have made enquiries, and all that they can say is that the bullets were not of any type of Government ammunition.

DISCUSSION ON IRRIGATION BILL RESUMED.

Khan Bahadur ALLAHBAKSH (Sukkur District) : Sir, I beg to move an amendment to Mr. Shaikh Abdul Majid's amendment :—

After the word "only" add the following :

"and substitute instead the following :—

'The Governor in Council may, however, by notification in the *Bombay Government Gazette*, extend the provisions of sections 91 and 92 (1) exclusive of the proviso to lands irrigable by canals in Sind which take or may take off below the Lloyd Barrage, and the provisions of sections 91 and 92 to such other canals in Sind as may, from time to time, be improved or remodelled for the more efficient distribution of water therefrom :

Provided, however, that no such notification may be published until the draft thereof has been laid on the Council table and approved by the Council on a motion made by Government'."

Sir, my object in moving this amendment to the amendment of the honourable member Mr. Shaikh Abdul Majid is to make the Bill applicable only to the Barrage area. I find that certain provisions of the Bill, for instance, sections 91 and 92 (1) will be necessary in other cases outside the Barrage zone such as Fuleli or other canals which are now being remodelled and it is necessary to change the source of supply and in that case that power has been given to the canal officer. The other provisions except sections 91 and 92 (1) exclusive of the proviso should not apply to the canals in Lower Sind because the supply in Lower Sind is being improved and the canals are being remodelled so as to save them from the adverse effect of the Barrage. These people are already suffering on account of the operation of the Barrage. Therefore it would be most unfair that

[Khan Bahadur Allahbaksh]

over and above the losses sustained on account of the operation of the Barrage canals they should be made to pay the cost of the watercourses. Neither was it contemplated that this cost should be recovered as it was in the case of the Lloyd Barrage scheme. Therefore it has been thought advisable that the zamindars should not be charged with the cost of the watercourses. As far as the change of the source of supply is concerned, I think it would be necessary to change it when the canal is remodelled. Therefore this part should not be applicable in the case of the canals which now take off or afterwards may take off below the Barrage because their supply would be adversely affected by the canals which lie outside the Barrage zone but are above the Barrage. I think this is a reasonable demand and I hope the Honourable the Finance Member will have no objection to accept this amendment.

Question proposed.

Mr. C. S. C. HARRISON : Sir, it seems to me that if this provision is not to apply to canals outside the Barrage area, the taxpayers' money is likely to be jeopardised. In the case of the Fuleli Canal Government undertook certain works in view of the possibility of that canal being affected by the working of the Lloyd Barrage. But, Sir, apart from taking precautionary measures, the scheme provides for the development of waste land and also for the extension of irrigation to undeveloped *kabuli* lands, that is, lands held by zamindars and not by Government. It seems to me that it would be unfair to the Presidency not to recover the cost of new watercourses from the zamindars. It may possibly be advisable for Government to consider the question of not charging for existing watercourses which are only slightly remodelled; but I submit in that case, if and when the Governor in Council applies this Act to the Fuleli area, there is the opportunity given to the zamindars to represent their case to Government for sympathetic consideration. But the general application of the Act must, I submit, be extendable to all canals in Sind. The honourable member Khan Bahadur Allahbaksh said that those who have already got sufficient water supply should not be made to pay for new watercourses merely because, as he says, Government is remodelling the Fuleli Canal on account of the fear of shortage of water. I say that such cases should be treated on their merits. But what about the cases I mention, namely, the undeveloped *kabuli* lands? The Fuleli water is being redistributed and many who are not getting a proper supply of water will get a good supply. Further, there are Government waste lands. These are to be administered or disposed of in some way or other. They surely would bear their share of the cost of the watercourses.

The proposal goes further. In the Narichach area there will eventually be considerable development of irrigation and lands which do not get water now will have a good supply after that scheme is completed. Are Government to pay for those watercourses?

Further, there is the case of the Mirani Canal which I hope when better times come, will be undertaken by Government. That scheme will take up a lot of undeveloped land and also improve the supply of some of the area under existing small canals. If this Act is not made to apply

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to canals south of the Barrage, then I submit that the taxpayers' money would be jeopardised by transferring it to the benefit of individuals. I request honourable members to consider whether they should not trust in Government's wise decision and have individual cases referred to Government, if ever the Act is applied to the Fuleli Canal, by means of representations in favour of those who allege that they will not derive any particular benefit from the remodelling and whose watercourses will be little, if at all, affected.

Mr. SHAIKH ABDUL MAJID : On a point of information, Sir, the honourable member did not mention anything about the Mirani canal.

Mr. C. S. C. HARRISON : I mentioned the Narichach Canal which is being undertaken at present.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I rise to support this amendment to amendment, though I was willing to support the original amendment moved by my honourable friend Mr. Shaikh Abdul Majid. But I hope this amendment will commend itself to the acceptance of the Government. If it is closely examined, Government will find that it is a very innocent amendment.

The reasons advanced by the honourable member the Chief Engineer are that if the Bill is not applied to the whole area the taxpayer will suffer and in order to support that statement he has given various reasons. He has also impressed upon the honourable members of this House that Government will take into consideration any hard cases that are brought to the notice of Government. I would like to bring to his notice the fact that his apprehensions are groundless because the instances that he mentioned were with regard to the undeveloped *kabuli* lands and Government waste lands. He said that if Government is not given power to extend these provisions to non-Barrage areas, then there will be much of the land within the non-Barrage area which will escape the cost which the general taxpayer has incurred in carrying out certain remodelling schemes. But I assure him that that will not be the case. The general taxpayer is quite safe there because in new lands, the zamindari undeveloped waste lands and the new lands that will be coming will be given to the purchasers and Government has got the option to lay down any conditions under which they will sell or let out these lands.

Mr. C. S. C. HARRISON : May I ask the honourable member what conditions can Government lay down for undeveloped *kabuli* lands ?

SYED MIRAN MAHOMED SHAH : The undeveloped *kabuli* land is that which is fallow-forfeited, if I understand it rightly. That is the only undeveloped *kabuli* land. If any zamindar wants water for these lands, even if he is going to get at a concessionary rate of Rs. 15 an acre, Government may surcharge him at the rate of Rs. 2-8-0 per acre. That may be calculated to be the cost of a watercourse, including the rectangulation. He might pay Rs. 17-8-0 per acre instead of Rs. 15 per acre. As regards the Government waste land, of course they have got option to charge Rs. 100 or Rs. 200 or Rs. 1,000 per acre, but the question, the necessity that is really arising is with regard to the existing irrigated lands and

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Government have also shown in their statement of objects and reasons of the bill that they have brought this bill with a view to give power to the canal officer to change the source of the water supply which under the present law he does not possess. He cannot touch the source of the water supply of existing watercourses at present. It is with regard to that that Government have brought this bill in order to invest the canal officer with a power which he does not possess at present. There is no other necessity for the bill. The others are simply consequential clauses and provision has been made for the future contingencies. There are apprehensions in the minds of those who own land which will be adversely affected by the withdrawals from the Barrage next year that they too shall have to pay for the cost of the new watercourses that shall have to be made in consequence of the remodelling schemes that Government have undertaken and intend undertaking in future. In order to safeguard these people who have got their watercourses at present and who will also, according to the very statement of Government, be affected by the withdrawals from the barrage, in order to safeguard the interests of these people, whether in the Fuleli Tract or in the Karachi Canals Division, remodelling schemes are being carried out or are proposed to be carried out. I will read from the White Book that Government issued with reference to the Lloyd Barrage Scheme in July 1929 and in which they express their intention to safeguard the tracts which will be adversely affected by the withdrawals of the barrage. I will read from page 8, part C, paragraph (1):

(c) *Lower Sind.*

"(i) It is the third section of Sind, comprising the larger part of the Fuleli Canals Division and the whole of the Karachi Canals Division, situated to the south of the limit of command of the Barrage which stands in danger of being adversely affected at the critical periods of the kharif season under future conditions. In recognition of this danger Government in 1923 gave assurance to the zamindars of Lower Sind that systematic improvements to canals in this area would be undertaken, and in pursuance of these assurances projects have been prepared and are in process of preparation for the complete remodelling of the canals irrigating Lower Sind. The projects will provide for straightening the old tortuous inundation canals, for taking out new branches and distributaries, where required, and for control of draw-off to equalise distribution of available supplies at a higher level of command. As the result of the adoption of these measures not only would Lower Sind be safeguarded from possible lowering of the river levels at critical periods, due to withdrawals of the Barrage Canals, but the more equitable distribution of supplies would benefit considerable areas now precariously commanded."

By quoting this passage, I wish to bring to the notice of the honourable members of this House that it is in consequence of the adverse effects of the barrage and in consequence of the assurances given by Government at the time when this scheme was going to be inaugurated and passed in this honourable House that Government have introduced or proposed to introduce remodelling schemes, the effect of which is not the increase or improvement of agriculture even by an iota, but only to prevent the adverse effects which would follow as the result of the policy of Government. There was no question of benefiting the existing landholders who have got watercourses at present. When that question of benefit does not arise, then I think it is unjust to charge them for the new watercourses.

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I think my honourable friend (the previous speaker) has said that if any cases are brought to the notice of Government, then they will be considered because the notifications with regard to the extension of the provisions of this Act will also be submitted to this House at which time the representatives of the Fuleli Canal or the Karachi Canals Division can represent and can bring such cases to the notice of Government and then Government will take them into consideration. But I wish to inform the Government and also to bring to the notice of the honourable members of this House that they will not be able to give free new watercourses, because, under the Act, if any scheme is introduced and if the source of the water supply is going to be changed and a new watercourse is going to be constructed, under section 92 (4) they will have to levy a charge. They cannot give free watercourses. Under what law can they do it? If they have provided for any such clause, then I will say that I can take protection under that clause. I see no special clause under which I can approach the Honourable the General Member and say that I should be given protection because you have provided that those people who would be adversely affected within the area where remodelling schemes are introduced will not be charged for it. In the absence of such a provision, I think it will be absurd to rely simply on expectations which are still in the womb of futurity, of which we do not know anything, and to provide for them. Government can very well provide for contingencies; they can move an amendment of this measure later on and then we shall consider it on the merits with reference to the non-barrage areas where such remodelling schemes may be introduced. Then we shall consider those amendments on its merits and then Government may suggest quite a different proportion of charging various people concerned. Just as they have 1 : 2 : 3, they may charge differently in accordance with the conditions prevailing in the Fuleli Tract as well as in the Karachi Canals Division, because the advantages will certainly not be commensurate with the advantages that will accrue to the barrage canal people. The non-barrage area people have a strong case that this part should not be made applicable as proposed by my honourable friend from Sukkur.

Mr. HAJI MIR MAHOMED BALOCH (Karachi District) (Addressed the House in Urdu) : Sir, I find that one honourable member from Sind has brought forward one amendment to which another honourable friend from Sind has brought an amendment.....

(At this stage His Excellency the Governor was seen entering the Governor's Gallery.)

The Honourable Sir GHULAM HUSSAIN called for three cheers for His Excellency the Governor and the House responded with acclamation.

The Honourable the PRESIDENT : The honourable member Mr. Baloch may now proceed.

Mr. HAJI MIR MAHOMED BALOCH : Sir, the intention of this Bill is to give water to lands which are under the command of the Sukkur Barrage. During the last session, the Presidency proper was left out

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of the purview of this measure. In the year 1923, when the Sukkur Barrage Scheme was before this House, Government gave an assurance that there would be plenty of water and that lands would be improved, and that schemes costing a crore of rupees in different areas which were going to be affected by withdrawals of water from the Indus by the Barrage Scheme were proposed. These schemes included improvements of Kalri, Pinyari, Sattahwah, Gungrawah, Bagharwah, Ghar Maro, Nasirwah and Gherabari. But to-day eight years have passed and only the Kalri scheme is only half-finished by now. At this rate Government will take 100 years to complete all the proposals.....

The Honourable Sir GHULAM HUSSAIN : Sir, I would like to make a few observations in order to curtail the discussion on the point. Government fully realises that after the Sukkur Barrage comes into operation, the canals of Lower Sind will be affected adversely. It is therefore that we have undertaken improvements of the Fuleli and the Karachi Canals. Now, the contention of my honourable friends seems to be that we have undertaken these schemes to improve the water supply and therefore we should not charge the people for the cost of construction of the karias when they already have karias. I oppose the amendment, but I assure the House on behalf of Government that all existing karias in the Fuleli and the Karachi Canals, that is to say, all the canals below the Barrage, will be exempted from the cost of construction, but all those waste lands of Government which will be brought under cultivation and will be hereafter developed, and any new karias that will be constructed there, will be charged for as well as all those waste lands or uncultivated lands of private owners which have no karias at present. When they are brought under cultivation, they will be charged the cost of construction. I trust this assurance on behalf of Government will satisfy my honourable friends and I hope they will withdraw these amendments, because we fully sympathise with the case of the zamindars of Lower Sind whose canals are below the Sukkur Barrage.

Khan Bahadur ALLAHBAKSH (Sukkur District): Sir, my first objection to that is—

The Honourable the PRESIDENT : In view of the statement made on behalf of Government, does the honourable member Mr. Baloch still wish to proceed with his speech ?

Mr. HAJI MIR MAHOMED BALOCH : Yes, Sir. I think that it is for the honourable movers of the two amendments to decide whether the Government assurance satisfies them and whether they should withdraw their amendments. My point is that Lower Sind lands which have no connection with the barrage scheme, those in the Karachi district particularly, should be exempted. Schemes costing nearly a crore of rupees have been undertaken or proposed to be undertaken for remodelling various canals. So far, only half of one canal has been completed. If this is the pace at which Government do this work, I suppose 16 years will be required to complete one canal, and it will take 128 years to complete all the eight canals. It may be that the work

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will be completed in 120, or 50, or 20 years. Even assuming that the work will be completed in 20 years, Government could bring in a Bill in the Council in order to charge increased rates after the work is completed. Why should they keep this sword hanging over the heads of the zamindars of Lower Sind? It is the Chief Engineer, Lloyd Barrage, who should understand this point and consider it. The Government propose to spend one crore of rupees to protect Karachi lands but zamindars are not satisfied with the way these proposals are carried out and measures brought to harass them. I assure Government that they will not be satisfied with such cruel treatment and request that this amount of one crore may be distributed amongst zamindars who are willing to accept it as compensation and leave the lands to Government and migrate elsewhere. They are not sure of sufficient water supply.

I wish to say that affairs in the Presidency have now reached such a stage that we are on the verge of ruin, and if anybody is responsible for that ruin, it is the engineering department. In the course of the last twelve years they have spent several crores of rupees in the most extravagant manner and show petty-mindedness in small matters and wish to penalise Karachi District which derives no benefit from the Barrage Scheme. When it comes to a question of recouping the amounts spent; no heed is paid to the interests of the zamindars at all. Even people who have spent lakhs of rupees in improving their lands are not left alone. Government can borrow money in order to carry out their schemes, but how are the zamindars, who are already deep in debt, expected to raise further loans? Looking to all this, I am confident that Government will agree to the amendment moved by my honourable friend Mr. Shaikh Abdul Majid. The Honourable Member in charge of Irrigation has given us an assurance, but after 20 years another Honourable Member may be in charge of the subject, and he might say that the giving of an assurance by Government is an old story, that conditions have changed, and he will want to do what he thinks proper at the time.

In this connection, Sir, I wish to make an appeal to my honourable friends from the Presidency proper. This question relates to the lands in Sind, and they should listen to the representatives of Sind in a cool manner. The value of the vote which they will cast on this question is extremely great. I myself am a resident of Karachi. But I do not know what losses the zamindars incur and what their profits. It is only after consulting them that I understand something about the question. Honourable members from the Presidency proper should not think that if Karachi district or other parts of Lower Sind are excluded from the Barrage area, the costs will have to be borne by the Presidency proper. I wish to inform my honourable friends that Sind is a partner of the Bombay Presidency, and Sind should get the rights which the Presidency proper enjoys. They should consider that Sind is their younger brother. When money is spent for the benefit of the Presidency proper, honourable members from Sind never raise any objection, and never enquire as to why the expenditure is necessary. I wish to give a few instances.

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So far fifteen crores of rupees have been spent on irrigation works in the presidency proper, and that is for unproductive works. Annually twenty-five lakhs of rupees are paid as interest on the capital, but in Sind not a single pie is necessary to be paid for unproductive debt. The net income from the canals in Sind is thirty lakhs to sixty lakhs a year. That is the amount which the treasury gains from Sind. In the course of the last 80 years Rs. 32 crores have been contributed to the treasury by Sind, and even assuming that Rs. 20 crores have been spent for Sind, that would still leave a balance of Rs. 12 crores in favour of Sind. For roads and buildings Rs. 72 crores have been spent for the Presidency proper; in Sind not even a crore has been spent for the purpose. For the maintenance of provincial works Rs. 50,00,000 are spent in the Presidency proper, but in Sind they do not spend even Rs. 2,00,000. Look at the Back Bay and Development Schemes for the benefit of the Presidency. Rs. 14 crores were spent on which we are paying Rs. 56 lakhs annually as interest from general revenues. When so much has been done for the Presidency at the cost of Sind, the Presidency need not worry about a small expense on karias in non-Barrage area. They should consider that the zamindars will individually have to pay Rs. 2-4-0 or Rs. 2-8-0 per acre for the cost of construction of water-courses, and if they do not pay it, is there no other means of making up the cost? It is for Government to see how they can get the amount through some other means. Even at present the zamindars do not get sufficient water, and in future they will get even less water and they will be ruined. When the Barrage comes into operation, if Lower Sind will get less water, why should the zamindars of that area be burdened in this way? Speaking with a sense of responsibility, I say let Government pay the zamindars Rs. 1,25,00,000 for all their lands, and they are ready to give up their claims to their lands. I hope the Honourable the Finance Member will accept the amendment moved by my honourable friend Mr. Shaikh Abdul Majid.

The Honourable the PRESIDENT: An assurance has been given by the Honourable the Leader of the House on behalf of the Government that the old karias below the Barrage zone would not be disturbed, and if disturbed the cost would not be put on the owners of the karias, but that the new karias would be charged for. The Honourable the Leader of the House has asked the honourable mover of the amendment to the amendment to see if he can see his way to withdraw it. I think it is but fair to ask the Honourable the Leader of the House, in the interest of the demand made by this amendment and the amendment to the amendment, whether that assurance is likely to be incorporated in the shape of any provision in this Bill. If it is merely a verbal assurance, and the new part to be introduced by this Bill—sections 91 and 92—remains as it is, I think the assurance will be of no avail unless some provision is made for making such exceptions.

The Honourable Sir GOVINDRAO PRADHAN: If you will allow me, Sir, I will explain the position. In sub-section (4) of new section 92,

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it is provided that the charge will be calculated on an acreage basis on lands which are affected by the same canal system. To that we shall add an illustration, or in the body of the section we shall say that when Government declare a canal system, all the lands which come under the canal system should be declared. When the notification is placed on the Council table, those lands which are already irrigated will not be included in the canal system. If "X Y Z" lands which are already irrigated and which ought not to have been charged are included, they can be pointed out and they could be omitted.

The Honourable the PRESIDENT: Will the Honourable Member make it a little clearer?

The Honourable Sir GOVINDRAO PRADHAN: Under sub-section (4) of new section 92, the charges are to be levied on the acreage basis of lands affected by a particular canal system. We shall even embody it in the clause itself that the notification which will be published showing the canal system and the lands affected by it should specify the lands (which will be the basis) which will be affected by the particular canal system. In that case, when the notification for the extension of this Act is placed on the Council table, those lands which are already irrigated lands, lands having karias of their own, will be excluded from that notification. Only waste lands, what are known as *kabuli* lands, which are not being cultivated will be included in the notification. But supposing, through mistake, some lands which are already irrigated are included in the notification—that notification will be placed on the Council table and will be adopted only after a motion made by Government as stated in the section. Honourable members can point out that X Y Z lands which we have included in the notification are really, already irrigated and are not liable to be charged, and they could then be omitted. So, I am agreeable to modify that part of section 90 to read as follows:—

"The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, extend this part wholly or partly to lands irrigable by:....."

Khan Bahadur ALLAHBAKSH: That leaves the discretion to Government.

The Honourable Sir GOVINDRAO PRADHAN: Under section 92 (4), what is the basis of the charge? The charge is on the acreage basis of lands which are irrigated by a particular canal system. So, in the notification we shall put in that a particular canal will irrigate so many lands. We shall notify it and make it obligatory by putting it into the section. In that case when we come to extend that notification, if there is an obligation on the part of Government to mention in the notification the lands which are irrigated by a particular canal system, necessarily we have to put on the Council table that notification. We will say in the notification that it will extend to so many lands which will be irrigated and not to so many lands. We will say that it will extend to so many lands which are waste or *kabuli* lands. If by some mistake we include lands which ought not to be included, a motion can be moved

[Sir Govindrao Pradhan] .

on the notification placed on the table of the House and it may be pointed out that such and such land should not be charged.

Sir SHAH NAWAZ BHUTTO : Add the words "the lands which are already irrigated in Lower Sind in the non-Barrage area shall not be charged."

Khan Bahadur ALLAHBAKSH : After the notification we have to fight to get their promise fulfilled.

The Honourable Sir GOVINDRAO PRADHAN : I am perfectly willing to abide by the promise. I am perfectly willing to add the two lines suggested by the Honourable Member Sir Shah Nawaz. We shall put it in this section. As a further security I will also put in sub-section 92 (4) that in the notification we shall put the lands to be irrigated in a particular canal system. In the Ghar canal area only 8,000 acres are to be charged. In the Jamrao canal area out of 9 lakhs of acres only one and one-third lakhs are going to be charged.....

Sir SHAH NAWAZ BHUTTO : Under what provision do these lands escape from the cost, being in barrage area ?

Mr. B. S. KAMAT : This means introducing in sub-section 92 (4) a description of the Barrage lands only, that is to say, of lands which are affected by this new clause but under the barrage zone. How will that description help to identify lands in the non-barrage area, which have existing karias ?

The Honourable Sir GOVINDRAO PRADHAN : I am coming to....

The Honourable the PRESIDENT : I think the time of the House will be saved if the Honourable Member chooses to take into consultation one or two members from the other side to frame the amendment. In the meanwhile proposed section 91 may be proceeded with.

The Honourable Sir GOVINDRAO PRADHAN : I will do it.

Mr. M. M. KARBHARI : On a point of information. May I know whether the assurance you have given relates to the fact that the present irrigated lands are not to be subjected to rectangulation and sub-rectangulation ?

The Honourable Sir GOVINDRAO PRADHAN : My honourable friend has misunderstood me. By putting a barrage at Sukkur we have reduced the water supply to lower Sind and we have to remodel the lower canals as a result of the barrage at Sukkur. Zamindars say : "You have reduced the water supply by the action you have taken at Sukkur. When we have already got lands irrigated by our karias, why do you charge us ?" The honourable member Mr. Harrison says that he cannot accept the whole amendment, because there are certain waste lands which will be irrigated. It is fair that lands already irrigated should not be charged. The honourable member Sir Shah Nawaz suggests the addition of two lines to the effect that the lands already irrigated in Lower Sind should not be charged. We say that in the notification we shall mention the lands—the waste and *kabuli* lands—which will be charged. If through

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inadvertence we include in the notification lands which are already irrigated, it may be pointed out by means of a motion tabled before this House.

Khan Bahadur ALLAHBAKSH : There is some confusion which ought to be made clear. I do not accept the assurance. I press for my amendment.

The Honourable the PRESIDENT : If the assurance takes shape in the clause ?

Khan Bahadur ALLAHBAKSH : I would like to point out to the Honourable the Finance Member and the Honourable the General Member that my objections is—

The Honourable the PRESIDENT : Objection to what ? We should not forget the procedure of the House. The honourable member has moved an amendment to an amendment. It is under discussion. What is he speaking on ?

Khan Bahadur ALLAHBAKSH : The Honourable the Finance Member pointed out that charges should be recovered from those waste lands which are Government waste lands or private owners' lands not cultivated but which will come under cultivation after the re-modelling of the Fuleli canal. I am afraid he is not right.

The Honourable Sir GOVINDRAO PRADHAN : It is impossible then to meet my honourable friend. I have got a proviso. I shall read it :—

“ Provided also that lands watered by canals in the Lower Sind non-Barrage area shall not be liable to pay any charge for reconstruction of watercourses, if and when the notification is extended to them.”

Sir SHAH NAWAZ BHUTTO : The feelings are : In the interest of those people whose lands are undeveloped, why should the owners of existing karias be made to pay ? I can well understand the objection of the Honourable Member Khan Bahadur Allahbaksh. He asked that Government should bear the cost on behalf of the owners of existing karias, and not the owners of undeveloped lands. It is hard, but we have to meet half way. There is no other alternative. What is to be done ?

Rao Bahadur R. R. KALE (Bombay University) : Sir, may I point out that in the original Bill as it was framed it was merely stated that the notification would be published subject to the condition of previous publication ? Mere publication of the notification. It was expressly stated that the notification shall be laid on the Council table. There is sufficient safeguard. These are matters of detail. We cannot say at present what will happen in future. There is enough safeguard. The notification will become law only if it is passed by the Council. The notification will be placed before the House. That being so, these questions of details can be discussed then with reference to particular areas in the notification. There is ample safeguard. The Honourable the Finance Member has come forward with another concession by means

[Rao Bahadur R. R. Kale]

of adding a second proviso. There is no occasion, therefore, for pressing this amendment.

Khan Bahadur ALLAHBAKSH: I beg leave of the House to withdraw my amendment.

The Honourable Sir GOVINDRAO PRADHAN: The proviso will read as follows:—

“Provided also that lands at present watered by canals in Lower Sind in non-Barrage area shall not be liable to pay any charge for reconstruction of water-courses if and when this part comes to be extended to such lands.”

SYED MIRAN MAHOMED SHAH: Does it exclude lands which are to be cultivated five years hence? It ought to be made clear.

Sir SHAH NAWAZ BHUTTO: Put the time limit say 20 years.

The Honourable Sir GOVINDRAO PRADHAN: We have got to fix a date. How is that to be counted?

The Honourable the PRESIDENT: Order, order. Four honourable members are speaking at the same time.

The Honourable Sir GOVINDRAO PRADHAN: The proviso will read:

“Provided also that the lands watered within twenty years previous to the date of the notification by canals in Lower Sind in non-Barrage area shall not be liable to pay any charge for reconstruction of water-courses if and when this part comes to be extended to such lands.”

Has that general acceptance?

Honourable Members: Yes.

Khan Bahadur Allahbaksh's amendment to Mr. Shaikh Abdul Majid's amendment, by leave, withdrawn.

Mr. Shaikh Abdul Majid's amendment, by leave, withdrawn.

The Honourable the PRESIDENT: The honourable member Mr. Surve has an amendment to the same effect.

Mr. A. N. SURVE: That goes.

The Honourable the PRESIDENT: Syed Miran Mahomed Shah has an amendment: does he wish to move it?

SYED MIRAN MAHOMED SHAH: Sir, I wish to ask the Honourable the Finance Member if he can make the amendment more clear.

The Honourable the PRESIDENT: Does he wish to move his amendment “substitute the words ‘the scheme in respect of it’ by the words ‘the same’?”

SYED MIRAN MAHOMED SHAH: I wish to move that, and I would further request Government to put the notification as well as the scheme on the Council table, because both are necessary.

The Honourable the PRESIDENT: How would it read?

SYED MIRAN MAHOMED SHAH: “Provided, however, that no such notification may be published until the same and the scheme in respect of it, have been laid on the Council table.”

The Honourable Sir GOVINDRAO PRADHAN : I submit, Sir, that when we put the word "scheme" we included also the notification in it. I pointed out to the honourable member that, if he put the words "the same," Government would have to lay only the notification on the Council table and not the scheme.

SYED MIRAN MAHOMED SHAH : I suggested that he should put the words "the same" also.

Sir SHAH NAWAZ BHUTTO : We want both the scheme and the notification to be placed on the Council table. If the scheme is found very necessary in the interests of the people, we may accept the scheme and reject the notification.

The Honourable the PRESIDENT : The honourable member is agreeable to that. Then the amendment would have to be : "Insert the words 'the same and' between the words 'until' and 'the' in the proviso to 90."

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I move :

In the proviso to section 90, insert the words "the same and" between the words "until" and "the".

Question put and carried.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I propose :

Add a second proviso to section 90—

"Provided also that the lands watered within twenty years previous to the date of the notification by canals in Lower Sind in non-Barrage area shall not be liable to pay any charge for reconstruction of water-courses, if and when this part comes to be extended to such lands."

Sir SHAH NAWAZ BHUTTO : If Government takes twenty-one years to effect this improvement and then there is a notification, what will happen ?

The Honourable the PRESIDENT : Now, I suppose "re-construction" includes both alignment and construction.

The Honourable Sir GOVINDRAO PRADHAN : Yes.

Question put and carried.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) (Addressed the House in Urdu) : Sir, I beg to move :

Insert the following words in clause (1) of proposed new section 91, after the word "land" occurring in the clause for the first time :

"Other than that in which rice is cultivated since 1911."

Change of water-course means change of source of water-course from one to the other. Bunds of water-courses have been strongly constructed since last 60 years and water at present very conveniently flows through them. If new water-courses are constructed, it is very likely that they might give way and Zamindars might not be in a position to cultivate their lands owing to the danger of flood. Land of rice cultivation is not a table land as the level varies from 2 to 3 feet at different places in the same area. It is beyond the scope of my comprehension to see how such

[Khan Bahadur Gulam Nabi Shah]

a land will be rectangulated and new water-courses constructed thereon. Government have realized these difficulties and it is therefore that both the Irrigation and Revenue Departments have by their decision resolved to exclude class "C" land from the operation of the system of rectangulation and new water-courses. I think the honourable member the Chief Engineer, Lloyd Barrage, will agree with me that the rice land coming under class "C" will not be fit for the purpose of rectangulation and new water-courses. The amalgamation of karias is another thing which is resented by zamindars. If according to the provision of this Bill, water-courses of different land owners are joined together, it is bound to lead to perpetual quarrels and even to murders. The case of Sufi Kalandar Bux is one of this kind. He was murdered owing to a dispute over a water-course. Another incidence occurred in Digri taluka recently.

Under these circumstances, I appeal to the Honourable the Finance member and the General member to accept my amendment. I would also draw the attention of the members of the Presidency to the conditions mentioned by me and I am certain that they will take the difficulties of the Sind agriculturists into consideration and support my amendment, specially when by the acceptance of the amendment Government will not have to incur any additional expenditure.

I assure the members of the honourable House that new water-courses will not give satisfaction to the zamindars cultivating rice and whose lands are bounded by huge bunds. I am surprised to hear from the honourable member the Chief Engineer that the water will not be given for rice cultivation from Barrage Canal, as I feel it is unfair to impose the condition of the restriction of rice cultivation on the lands which have been cultivated since more than half a century. By the addition of this restriction I am sure that the public will be put to a great loss who are already indebted to the extent of Rs. 50 lakhs to Government. It will, therefore, be improper and unjust to saddle such people with further liabilities which they will not be able to discharge. I therefore appeal to the members of the honourable House to accept my amendment.

Question proposed.

SYED MIRAN MAHOMED SHAH (Hyderabad District): For the benefit of honourable members of this House I would like, if they have not followed the amendment of the honourable the mover (Khan Bahadur Ghulam Nabi Shah), to state his viewpoint. He means to say that rice lands which have been cultivated since 1911, that is, the last 20 years, should be excluded from the operation of this Bill; and the reasons he has advanced are that there are certain lands within the Barrage zone in which it is almost impracticable to construct water-courses.

Mr. C. S. C. HARRISON: In such cases we are not necessarily going to construct water-courses on rectangulated lines.

SYED MIRAN MAHOMED SHAH: So in order to empower Government to prevent water-courses being built in such places the amendment has been brought up. There are certain lands which are only rice lands in which they are not able to carry on scientifically their system of water-

[Syed Miran Mahomed Shah]

courses. So the honourable the mover of the amendment wishes that those areas should be specifically eliminated from the operation of the Bill so that the Public Works Department might easily exclude those portions which are incapable of producing these new water-courses. I think they are justified in asking for that lest any canal officer might take it into his head in view of the power given to him to construct new water-courses in the lands which are on the low line and where rice is cultivated and make the zamindars pay their share of expenses unnecessarily. If the canal officer had not been invested with the power, then such an amendment would have been unnecessary. But since the provision is there that the zamindars should pay the share of the construction, this amendment is very necessary in order to obviate the contingency which I have mentioned just now.

The other object of the honourable the mover of this amendment is that existing water-courses on which rice cultivation is carried on should not be checked because the effect will be the reduction of the water which may not be sufficient for the cultivation of rice crops, though according to the calculation of the canal officer that quantity of water may be enough for him for other crops. The contention of the Engineering Department from time to time has been that they are not bound to safeguard the interests of zamindars so far as the quality of the crop is concerned, but that is the greatest concern of the agriculturists. If the kind of his crop is going to be affected, he is put to heavy loss. For instance, if instead of giving water for rice, they give him water sufficient only for dry crops, he is compelled either to reduce his cultivation by 50 per cent., or he has to cultivate dry crop in order to make up the percentage of his cultivation. Therefore in order to meet this contingency the honourable member has brought in this amendment that Government should not change the existing water-courses on lands where rice is cultivated and the new moduling system should not be introduced on those lands. I think the honourable mover means that it is no use changing the existing courses which have got scientific sluices and which at present enable the cultivation of rice. Take for instance the Ghar Canal in the Larkana district. There are lands which have a large cultivation and the land is low-lying. They will either have to be raised by zamindar in order to maintain the level of the water-courses or he will have to pay heavy expenditure in order to bring them to the level of the other water-courses. With that view the honourable member has brought this amendment and I hope the honourable House will pass it.

Khan Bahadur ALLAHBAKSH (Sukkur District): Sir, I move an amendment to the amendment of the honourable member Khan Bahadur Ghulam Nabi Shah. It reads as follows:

"Instead of the words 'other than that in which rice is cultivated since 1911' substitute the words 'other than those coming under the Mithrao and Thar Canal system'."

It would not be possible, Sir, to accept the amendment of my honourable friend that this proviso should not be made applicable to the whole Barrage area. Taking the case of the Larkana district in which the

[Khan Bahadur Allahbaksh]

Thar Canal is situated, if this amendment is passed, that canal will practically be scrapped and there will be new water-courses so that the system will have to be changed there. But the object of my honourable friend Khan Bahadur Ghulam Nabi Shah is that of the Thar and Mithrao canals the same system should remain with slight modifications. Therefore he says that it is no use disturbing the supply there. I think he is perfectly right in claiming that since those canals are already moduled, the same system should work there. Therefore his point is that these canals should be excluded from the purview of this section. I hope the Honourable the Finance Member will accept this amendment.

Mr. C. S. C. HARRISON : Sir, I rise to oppose this amendment to the amendment most emphatically. I would like to take this opportunity to explain to this House, to make it perfectly clear that no zamindar in Sind has a right, a preferential right, or a legal right, to water for rice cultivation. That mistaken idea has been in the minds of many zamindars for the last 20 or 30 years and it has become more and more confirmed since the Barrage work has been started. I think that the claim cannot be defended in law. When we took up the question of designing water-courses, some formula had to be evolved to enable us to proceed with the design and construction of canals, water-courses and all other channels. That formula was based on what we called "established rice areas." Certain areas were defined as rice areas where rice was grown in individual survey numbers for the purpose of calculating the amount of water. But that does not give any prescriptive right and certainly no legal right to claim water for rice crops. That must be clearly understood by every member of this House and especially by every member from Sind because I am certain they are going to be disillusioned when it is realised by others that those who now grow rice have no legal right to claim water for that cultivation, at the expense of those who have not, in the past, grown rice. There are many such cases. If the honourable members of this House who are sitting opposite to me will kindly see me personally outside this Hall, I will gladly explain the matter more fully than I can do here. I think, Sir, that it should be clearly understood once and for all that Government cannot in any way commit themselves to acknowledge any established right whatsoever to a special water supply for rice. The honourable member who moved this amendment to the amendment and the honourable member who moved the amendment have tried to make that distinction. The amendment to the amendment is worse than the amendment itself from the point of view of equity, in that it proposes to exclude from liability very large areas on the Mithrao Canal, which has a command of something like 5 lakhs of acres, and also very large areas of the Thar Canal which has a command of some 1½ lakhs of acres. He proposes to exclude from the operation of the Bill some six to seven lakhs of acres from any liability which this House is considering to impose on the zamindars for the construction of water-courses. I submit, Sir, that that is aiming at the root of this Bill by means of a subterfuge which should not be countenanced by members of this honourable House.

[Mr. C. S. C. Harrison]

The honourable member from Hyderabad, who attempted to interpret the intentions of the honourable member from Mirpurkhas, began to ride his hobby horse again that no benefit will accrue to certain irrigated lands, by making new water-courses. Both he and the honourable member from Mirpurkhas have, I think, confused the issue. In C class lands, in which classification a great deal of rice land occurs, we admit that it is more or less impracticable to construct water-courses on the rectangulated system, but we do not admit in any single way that it is impossible to improve *karias* in those areas. I have personal knowledge which the honourable member from Mirpurkhas may not have, because I am an engineer and he is not. I have looked at this matter from the engineering point of view and I can assure him that he will be one of the first to come forward and say "For Heaven's sake, do improve my old *karias* because the water from the barrage canals is not flowing properly." Old *karias* have to be improved, and therefore it must be understood by every member of this House that we cannot exclude either the rice areas on the Mithrao Canal or the Thar Canal, and I trust honourable members will follow me in opposing this amendment to the amendment.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, although I am opposed to the amendment to the amendment moved by my honourable friend, I do support the amendment which was originally moved by my honourable friend Khan Bahadur Ghulam Nabi Shah. The intention of the mover of the original amendment is that those lands which are growing rice and are commanded by the Lloyd Barrage will not in most cases need the construction of new water-courses and therefore will have to be exempted. Although the amendment is not very happily worded and does not clearly set out the meaning of the honourable member's contentions, from the discussions which I have had with him, I think I can say that I have clearly followed what he wishes to urge. His meaning evidently is that mostly the lands which are commanded, for instance, in the Thar Parkar district by the Mithrao or Thar Canal and similarly those that are on the rice canal in the Larkana district will not necessitate the remodelling and improvement of many water-courses, because water will not be required throughout the year but it will be required only for the rice cultivation for four months in the abkalani season. Even at present, I know that in the Larkana district of which I have personal experience, many of the water-courses will not need to be changed and it will be enough to have some slight diversions or some slight modifications in certain water-courses. But, Sir, in that case, even if some slight modifications may be necessary in certain cases where the present water-courses and *karias* of zamindars are very bad and they are not straight but are zig-zag and they do not get proper flow of water according to the future scheme designs, some expenditure may be necessary, but in comparison to the other water-courses that will be designed on other canal systems it will be far less. That will be small expenditure in view of the fact that these lands have been growing rice with advantage and have been getting sufficient water

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supply for all these years. They have, as a matter of practice for very many years, as my honourable friend from Mirpurkhas says 60 to 70 years, been getting adequate water supply to grow rice. These lands have thus certainly established their right for getting that quantity of water. But the speech of my honourable friend the Chief Engineer of the Lloyd Barrage is most disappointing on this question. He says that the people have no legal claim to expect that quantity of water which they are getting at present and which they have been getting for nearly 75 years. Of course, I may say that there may not be a legal claim, but there are so many things for which there are no legal claims, and my honourable friend the Chief Engineer should not forget that these lands have got used to getting this amount of water for over half a century.....

Mr. C. S. C. HARRISON : May I explain, Sir ? In my speech I clearly pointed out that as far as we are concerned we are prepared to give them water which will be sufficient for their requirements. They have, however, established no right to say that because they have been receiving a particular quantity of water all these years, that therefore they should be given, for all time, the same quantity of water.

Khan Bahadur ALLAHBAKSH : What does the honourable member mean by "established right" ?

Mr. C. S. C. HARRISON : I have explained that clearly. If the honourable member waits till the debates are published, he will find out what I have said.

Khan Bahadur M. A. KHUHRO : That does not improve matters. The honourable member the Chief Engineer still maintains and believes that these people have no legal right to claim water. From what I understand from his remarks, it is in short his intention that apart from the rice canal which exists exclusively for rice cultivation, the zamindars who are growing rice to a larger extent on other canals will have no right to claim the water for rice cultivation. While designing new water-courses, he evidently proposes to cut off or to reduce their water supply to a great extent, by at least 50 per cent.—

Mr. C. S. C. HARRISON : That has never been said by me.

Khan Bahadur M. A. KHUHRO : That may not have been said in so many words, but that is clearly the meaning of his remarks. If his speech is properly analysed, we see that these people have got no legal right, according to him, to claim the quantity of water which they have been having so far. Supposing a zamindar by name A is getting five cusecs of water at present. According to him he has no legal claim to ask the Chief Engineer to provide him with the same quantity of five cusecs hereafter from 1932. He may say that according to the duty of 100 acres per cusec you are directed to grow the dry crop, you are not entitled to grow rice. If you want rice, you are entitled to grow only 50 acres per cusec and therefore he will say that he is going to cut off the zamindar's water supply to this extent or by 50 or 60 or 70 per cent. That is his point of view. I would only say that so far as the legal

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question goes, we may agree that these people have no legal right, but the honourable member should not forget at the same time that those lands which are growing rice at present are not fit for any other cultivation for the simple reason that those lands are saltish and those lands are low-lying and have been classified as third class lands unfit for any other cultivation with advantage.

(After recess)

RESOLUTION REGARDING ATTEMPT ON H. E. THE GOVERNOR'S LIFE

Rao Bahadur R. R. KALE (Bombay University): Sir, before we resume the regular proceedings, I wish to place the following resolution before the House :

" This Council, having heard of the dastardly attack on the life of His Excellency the Governor this morning at the Fergusson College, expresses its profound abhorrence at this occurrence and strongly condemns such cowardly action on the part of the assailant. It further warmly congratulates His Excellency the Governor on his providential escape and admires his courage, coolness and presence of mind on the occasion." [*Hear, hear, and applause.*]

In moving this resolution, I wish to be very brief. As I entered the portals of this House this morning, I was shocked to hear the tragic occurrence, the consequences of which, but for the intervention of Providence, would have been very serious. The fact that the dastardly outrage did not result in serious consequences, however, does not make it the less deplorable or condemnable. I am sure it is the unanimous wish of this House that we should place our emphatic condemnation of the outrage on the record. We have further to offer our warmest congratulations to His Excellency on his miraculous escape from this cowardly attempt. Further, we cannot but admire the courage and the presence of mind shown by His Excellency on this occasion. At a time when we are all particularly anxious and are endeavouring to create an atmosphere of peace and good-will, such an occurrence is the more strongly to be condemned, and I hope the Council will carry this resolution unanimously.

Question proposed.

Mr. B. S. KAMAT: Sir, on this occasion I beg to associate myself with the resolution which has been moved by my honourable friend Rao Bahadur Kale. In doing so, I wish to say that I happen to be connected with the governing body of the Fergusson College; after this regrettable occurrence an emergent meeting of that governing body was held in the afternoon, and I have been authorised by the governing body to say that the Principal, the professors and everybody concerned in the staff share in the views expressed in this resolution. They are deeply sorry for the incident, and they also desire to convey their feelings of joy at the miraculous escape of His Excellency the Governor.

Sir SHAH NAWAZ BHUTTO (Larkana District): Sir, while associating myself with the sentiments expressed by my honourable friend

[Sir Shah Nawaz Bhutto]

Rao Bahadur Kale on behalf of the Moslem members of this Council, I submit that apart from the gratification that we all feel at the safe emergence of His Excellency Sir Ernest Hotson from the cowardly attempt made on his life this morning, we have got nothing to feel proud about what has happened. The good and fair name of the Bombay Presidency has been spoiled by a revolutionary act of this kind. This is the first instance that, in such a far advanced Presidency like Bombay, an attempt has been made at the life of the direct representative of His Majesty the King-Emperor. Particularly just at this time when we are on the threshold of the new freedom, Sir, these misguided youths are doing the greatest harm to the cause of India as a whole, and it is high time that every one of us and every patriotic and right thinking Indian ought to realise it, and we must express emphatically that the revolutionary movement and acts of this kind should be put down with a strong hand, so that this dangerous movement should be crushed once for all and there should be no repetition of acts of this kind.

Mr. J. R. ABERCROMBIE (Bombay Chamber of Commerce): Sir, I desire, on behalf of the European group, to associate myself most heartily with the congratulations which this honourable House is offering to His Excellency on his miraculous escape and with the feelings of horror and condemnation at the dastardly outrage, which have been expressed in the resolution moved by the honourable member Rao Bahadur Kale.

Rao Bahadur S. K. BOLE: Sir, on behalf of Labour, I wholeheartedly support the resolution. Sir, I most emphatically abhor the dastardly attack made on His Excellency the Governor, and thank Providence for saving his life. The presence of mind and courage shown by His Excellency on the occasion were admirable, and I offer him my heartiest congratulations on his miraculous escape and wish him long life.

Mr. P. R. CHIKODI: Sir, on behalf of the Southern Division and the Karnatak, I desire to associate myself with the resolution moved by my honourable friend from Satara—

Dr. J. A. COLLACO (Bombay City, South): Sir, I beg to associate myself with the previous speakers in condemning in the strongest language that I can command the dastardly attempt made on the life of His Excellency the Governor. I am sure there is not a single individual in this vast Presidency or, for the matter of that, in the whole of India, whatever his political views may be, who will ever tolerate or countenance acts like this. Acts like this, instead of promoting the cause of Swaraj, retard its progress and do a great harm to it. No nation has ever profited by the cult of the bomb and the revolver, and the sooner these young men realise this the better for themselves and India. Lastly, I must thank Providence that His Excellency had a miraculous escape, and we were all very glad to see him in our midst to-day.

Dr. P. G. SOLANKI: Sir, I associate myself on behalf of the backward classes, with the resolution moved by the honourable member

[Dr. P. G. Solanki]

Rao Bahadur Kale, and with all the remarks made by the honourable members who have preceded me. Sir, the first duty that I owe is to thank Providence for saving the life of our dear Governor. Sir, I was shocked to hear the news, when I entered this hall this morning, and I was surprised that there should still exist such men in this country who could make an attempt at the life of the direct representative of His Majesty the King-Emperor. I have read of such incidents occurring in other Presidencies, but in this Presidency it is the first of its kind, and I do wish and expect that the authorities will take strong measures to suppress such movements which may be still under contemplation by some. These misguided young men may be actuated with the misguided idea of liberating their country, but these are not the ways and means of liberating their country from a foreign yoke. The measures adopted by these youths will surely go towards increasing hostility and at the same time for increasing the necessity of adopting the most stringent measures by the Government though very much against their wish. Sir, in these times of peace and truce such acts ought to be condemned, and condemned very strongly, by this honourable House and all the people of this country at large. I congratulate His Excellency on his miraculous escape from the murderous attack. May God spare him for a very, very long time amongst us and God grant him long life and best of health. With these words, I support the resolution moved by the honourable member.

Sardar BHASAHEB RAISINGHI, THAKOR OF KERWADA (Gujarat Sardars and Inamdars): Sir, I rise to associate myself with the previous speakers in the sentiments expressed by them in support of the resolution. First I congratulate His Excellency on his miraculous escape from the cowardly attack made on his life this morning. Sir, I am sure that the news of the dastardly outrage which was made this morning were received with feelings of horror and indignation throughout the whole of the Presidency. Particularly, Sir, this was done at a time when His Excellency was paying a visit to that institution evidently with the desire to encourage education in this Presidency. It is well known that he has taken a keen interest in the advancement of this Presidency. There are many movements he has introduced for the welfare of this country, such as child welfare and so on by means of legislation. Not only as a representative of His Majesty is he to be respected, but as an Englishman who has devoted the best part of his life in serving this country. I feel it my duty to associate myself with Dr. Solanki in the view he expressed that such misguided youths should be brought to book by the authorities. With these few words I heartily support the resolution.

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, as Minister of Education I associate myself with the contents of the resolution that has been moved by my honourable friend Rao Bahadur Kale. I was particularly glad to hear the speech of my honourable friend Mr. Kamat who is associated with the management of that institution.

[Moulvi Rafiuddin Ahmad]

It was not long ago that I had received a deputation of the Executive Body of that college including Mr. Kamat. It was in connection with an assault on a Mahomedan student by his fellow students at the College. On that occasion I remember to have warned the members of the deputation against the spirit of indiscipline that was prevailing among the students at that time and desired them to exercise a strict control over them. I am glad to learn from Mr. Kamat that the Principal and the Professors of that College have asked him to express their sincere regret at the incident. It does not seem to be inspired on the face of it and looks like an individual act of an insane mind. I hope the college will not suffer by this incident. Further details, however, must be awaited to know more of the incident. We are all particularly interested in the question of the maintenance of discipline among the college boys at the present time and I hope to have further assurance from the management of the college in this connection. With these words I cordially support the resolution. The Honourable the Leader of the House will no doubt speak later on behalf of official benches.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): Sir, though I do not regard myself as a person of sufficient importance to represent the Parsi community, I am sure my co-religionists will be very glad that I as a Zoroastrian associate myself most heartily with the sentiments outlined in the resolution moved by my honourable friend Rao Bahadur Kale and also with the excellent sentiments expressed so eloquently by other honourable members. Sir, it is an irony of fate that the most pacifically-minded leader of India, an apostle of peace and good-will, should have such misguided youths as the would-be assassin to consider him as their leader. People will be coming forward, I expect at a later stage, to palliate the act of this misguided youth. [*Honourable Members: No, no.*] Perhaps they will say that the youth was inspired by patriotic motives. If so, I can only repeat the words of Madame Roland "Oh! Patriotism, what things are done in thy name!" I take it, Sir, it is the cowardly act of an individual. He does not represent the youth of the country and he is not associated with any recognised institution in the country. Sir, I shudder to think of the consequences of his act, if the man had succeeded in his nefarious act. It would have been a great slur on the noble educational institution which adorns this capital of the Peshwas. It would moreover have brought humiliation and untold miseries on our motherland, and it would have retarded all the honourable efforts of the leaders of both the communities to bring about a notable change in the political order of things. But through the intervention of a beneficent Providence we are saved from such dire consequences. I offer my respectful congratulations to His Excellency Sir Ernest Hotson on his miraculous escape. His Excellency could not have done any harm, directly or indirectly, to the interests and prospects of this young man and yet it is difficult to understand the motive which actuated him in attempting this cowardly and dastardly act. Only very recently in March last this House placed on record its appreciation of the good work which His Excellency had done in the various capacities in which he had served in this Presidency and they gave a clear proof of the deep affection

[Mr. Pestanshah N. Vakil]

and respect in which he has been held, at any rate by those like us who have come in close contact with him. In my own behalf and on behalf of the community to which I have the honour to belong, I again associate myself very heartily with what has been expressed so eloquently by the previous speakers.

Mr. S. H. PRATER : Sir, on behalf of the Anglo-Indian community which I have the honour to represent, I wish to associate myself with the resolution moved by my honourable friend Rao Bahadur Kale and to express horror and condemnation of the dastardly attempt on the life of His Excellency, and join with the other members of this House in thanking Providence for His Excellency's miraculous escape.

Mr. N. E. NAVLE (Ahmednagar District) : Sir, I rise to fully associate myself with the sentiments expressed in the resolution moved by my honourable friend Rao Bahadur Kale and with the remarks that have been previously made. We all regret the incident and there is not a single political party or man holding any political views who will in any way try to sympathise with such acts, I am sure all will condemn it. It is really regrettable that a student of an institution which has been in existence for a number of years should have come forward to do such a dastardly act. When persons like Mahatma Gandhi are trying to achieve the country's goal by peaceful methods, it is regrettable that there is such a class of people who try to achieve the goal by means of force. I am sure that every man who is trying to do good to the country will come forward to condemn such a dastardly act. I congratulate His Excellency on his providential escape and I wish him long and happy life. I fully associate myself with the sentiments already expressed and support the resolution.

Mr. L. R. GOKHALE (Poona City) : Sir, as representing Poona City and Cantonment of Poona I associate myself with the resolution. I am sure that all citizens of Poona do view with the greatest abhorrence this dastardly attempt on the life of His Excellency who is the head of this Presidency.

The Honourable Sir GHULAM HUSSAIN : Sir, on behalf of the Government benches, I most heartily support the resolution. This dastardly and cowardly act has been condemned by every section of the House who represent the whole Presidency. I trust that the members of the public of this Presidency and the rest of India will also express their indignation and abhorrence at such acts of violence. We should not only condemn the perpetrator of the outrage, but all those who instil such ideas in the impressionable youths of this country. We are all grateful to kind Providence for His Excellency's miraculous escape.

Rev. R. S. MODAK : Sir, on behalf of the Indian Christian community of this province I rise most heartily to support this resolution. I am sure this news will be shocking to the whole Presidency. An act of this nature will be a humiliation to any people. It is a great pity we do still have some such people in our country. I hope that their existence will not be permanent. It is not enough simply to condemn such acts.

[Rev. R. S. Modak]

The time has come when responsible people in the country who really do mean business for the good of their own country have to get up and make efforts to put down such rash, irresponsible and cruel acts. I thank Providence for having saved His Excellency the Governor. I wish him long life.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I am very glad to associate myself with the resolution moved by the honourable member Rao Bahadur Kale. It is impossible to condemn this dastardly act in too strong a language. I do not understand why such a dastardly act was committed by a misguided youth. It is high time that the educated young men of the country realised that we do not stand to gain anything by such acts as an attempt on the life of His Excellency the Governor. Such an act as was committed this morning will surely rouse the indignation of the whole country. However, we are grateful to the kind Providence for the miraculous escape of His Excellency the Governor. We thought that these stupid anarchic and revolutionary ideas had not crossed the borders of Bengal and the Punjab. In this Presidency we had not had such incidents and we really thought that we were free from the stupid ideas of misguided young men. It is high time that responsible leaders should impress on young men that by such stupid acts they are not going to gain anything for the country. On the contrary, they will do positive harm to the cause they may have at heart. With these words I associate myself with the resolution.

Dr. J. ALBAN D'SOUZA (Bombay City, South): I rise, Sir, to associate myself most heartily with the resolution moved by the honourable member, Rao Bahadur Kale. It is really very regrettable that the shocking incident, the like of which has not occurred for so many years, should have occurred just at this time when India is doing her best to put her house in order for political purposes. Just now a move is made towards a settlement and the Round Table Conference has been arranged towards this end. That, at such a time this horrible incident should occur is really most deplorable. But, Sir, it is said that God sometimes writes straight by means of crooked lines. The dastardly attempt is an utterly crooked act, but the writing thereof is straight inasmuch as His Excellency after his miraculous escape will be enshrined in the hearts of loyal citizens all the more securely and dearly. Only during the last session we spoke in eulogistic terms of the personality and character of His Excellency the Governor. To have made a dastardly attempt on such a personality is as shocking as it is annoying. I heartily associate myself with the sentiments expressed by the previous speakers.

Rao Saheb B. G. DESAI (Kaira District): Sir, I associate myself heartily with the sentiments contained in the resolution moved by my honourable friend Rao Bahadur Kale expressing deep abhorrence and condemnation of the dastardly attempt made against the person of His Excellency the Governor of Bombay, Sir Ernest Hotson, the representative of His Majesty in this Presidency by a student at the Fergusson College and join the honourable members of this House in offering my respectful

[Rao Saheb B. G. Desai]

congratulations to His Excellency on his providential escape and wish him long life. This incident exposes the morbid mentality of the misguided youths in this country, and I trust that every responsible member of this House will fully realize his responsibility and the serious gravity of the situation and earnestly co-operate with Government in putting down and improving such deplorable state of affairs and thereby help to save the good name of this Presidency from being further tarnished by any more repetition of such harmful events in future.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, while associating heartily with the resolution, and I think I possess the support of my friends in the same, I wish to say a few words. It gives me great pain to know that this dastardly and cowardly act took place in an institution to which His Excellency was invited as a guest. That misguided youth by his attempt at the life of His Excellency at such a place has gone against the great traditions that our ancestors have built up. The hospitality of the Orientals is a bye-word in the pages of literature. By his attempt at His Excellency's life, this misguided youth has gone against the great traditions of Oriental hospitality. His crime will evoke the condemnation, not only of the moderates, but also of the extremists, because it is inconsistent with every creed of politics in this country. Even the extremists have not adopted this creed. Therefore, I wish to warn these misguided youths that nobody will countenance such acts. Even the educated youth who dream of liberty for their country will not countenance such dastardly acts. Therefore, I wish to convey the feelings of the intelligent and educated youth of this country that none of us will countenance or sympathise with such acts. With these words I heartily associate myself with the spirit of the resolution.

Mr. H. R. DESAI (Deccan Sardars and Inamdars): Sir, on behalf of the Sardars and Inamdars, I associate myself wholeheartedly with the resolution moved. I have no doubt that the whole of the country will with one voice condemn this dastardly attempt on the life of His Excellency. His Excellency richly deserves the congratulations of the country at large on his miraculous and providential escape. With these words I support heartily the resolution moved by my honourable friend from Satara.

Mr. B. P. WADKE (Bombay City, South): Sir, I associate myself with the previous speakers on behalf of the Bombay City which I am representing and heartily support the resolution moved by the honourable member from Satara. It is all the more regrettable that this dastardly act was committed in a City like Poona, which is the capital of ancient emperors and is the second important city in the Presidency. I consider it my bounden duty to join with the previous speakers in congratulating His Excellency the Governor and wishing him long life and good health.

Mr. J. S. KADRI (Northern Division): Sir, I join my humble voice in supporting the resolution and express my wholehearted condemnation of the dastardly outrage perpetrated on His Excellency this morning by a Brahmin student. On behalf of the Mussalmans of Gujarat,

[Mr. J. S. Kadri]

I heartily congratulate His Excellency on his providential escape and strongly protest against the diabolical activities of misguided youths in Colleges, who disgrace the institutions they attend and the teachers who train them. I hope this sad incident will serve as an eye-opener to the institution itself in which there have been some rowdy occurrences in the past. It has cast a blot not only on the institution but on the whole Presidency, because nowadays the spirit of anarchism has been spreading like wild fire throughout the country, and it is high time that such outrages are put down with a strong hand. I congratulate His Excellency on his providential escape and trust that he would be long spared to us.

Mr. A. N. SURVE (Bombay City, North) : Sir, when a life is attempted at and it is saved, it is a matter for congratulation from a humanitarian point of view, even if that life be of a very humble person. But when an attempt is made at the life of the head of a Presidency and that life is saved, it becomes a matter for great joy and glorification. Sir, India is full of martial races who have fought and dealt death ; but they have done so in open and honourable fight. But to aim at a person and try to take his life unawares, when he is unprepared and without giving him an opportunity to defend himself is a thing unknown to Indian tradition. Every right minded Indian considers such attacks as cowardly and denounces them. Sir, it is a matter for very great congratulation that the dastardly attempt failed and we have this opportunity to-day of offering our congratulations to His Excellency whose person is held in high esteem. We, Sir, are on the threshold of great political changes, and at such a moment such a crime is a very foolish act and is likely to affect adversely the political progress of the country. I am sure that no right thinking Indian will look on such a crime with sympathy or encourage it. Let us pray that in future we shall have no occasion to condemn such foolish attempts. I again offer my congratulations to His Excellency and associate myself with all the sentiments that have been expressed by the previous speakers.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts) : Sir, on behalf of my constituency, and particularly my district, I very heartily associate myself with the sentiments expressed by this resolution which has been brought forward by the honourable member Rao Bahadur Kale. He has done a distinct service to this Presidency in expressing our loyalty towards the representative of His Majesty in this Presidency, who is His Excellency the Governor of Bombay. This action is not only cowardly and dastardly, but I say it is the meanest action perhaps that will go on the records of this Presidency. And we should not stop after condemning this action. It is our clear duty as citizens and loyal subjects to condemn this action thoroughly from every platform in the cities and villages, so that the younger generation of India may not be misled into committing such a dastardly and cowardly act. That is the clear duty that lies before us. We must express our sentiments and take proper measures to see that such a

[Mr. M. M. Karbhari]

cowardly act never occurs again. I wish again to congratulate His Excellency on the miraculous escape that he has had. We feel very grateful to Providence for going to his help and sparing him for us, so that he may continue to favour us as he has been favouring us so long.

Rao Bahadur B. R. NAIK (Surat District): Sir, I associate myself with the sentiments expressed by the previous speakers, and I agree with every word of the resolution moved by my honourable friend from Satara. I wish to say that the country is not going to be benefited by such cowardly and dastardly attacks of misguided youths. It is the duty of every citizen who has the best interests of the country at heart to condemn such cowardly acts in the strongest terms. I congratulate His Excellency on his miraculous escape and again associate myself with the sentiments expressed by the previous speakers.

The Honourable the PRESIDENT: Before putting the resolution to the House, I think I should associate myself with the sentiments expressed by all honourable members who have spoken. It is gratifying to find that the whole House has come out so unanimously as the true representative of the Presidency and shown the proper spirit in condemning the action of the misguided youth this morning, and in congratulating His Excellency as our old and esteemed friend. It is said in Persian—"A calamity had appeared, but Providence alone intervened and saved the situation." I put the resolution, and I am sure the whole House will receive it with acclamation.

Question put and carried amidst acclamation.

DISCUSSION ON IRRIGATION ACT AMENDMENT BILL RESUMED.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, by this amendment it is proposed that those lands which are growing rice at present and are getting sufficient water supply should not be penalised twice over. In the first place, the water supply will be cut off to a great extent, or at least it is evident from the speech of the Honourable Member the Chief Engineer that the water supply will be reduced. On the other hand, if the water-courses are going to be remodelled, I maintain that the cost will be much less comparatively because the remodelling will not be for all the water-courses and will not cover the entire water-courses. The cost being comparatively much less, I think that in fairness the cost should not be recovered from the owners who hold their lands on the water-courses which will be covered by the canals and which will provide water for rice cultivation. As I have already said, the stability of rice cultivation for such a long period of 60 or 70 years is a sufficient evidence to show that these lands are only fit for rice cultivation and nothing else. Otherwise people are not necessarily enamoured of growing rice. If they could, they would grow some other crop. By this Bill you are reducing the water supply and compelling them to grow other crops which they cannot grow with advantage, and at the same time are trying to inflict upon them the cost of the water-courses—the cost which, as I explained, will be less than that of ordinary courses which

[Khan Bahadur M. A. Khuhro]

would be wholly scrapped. Therefore, in fairness they should not be made to pay that cost. That is what is intended by the mover of this amendment and for the reason which I have mentioned I hope this honourable House will feel convinced and support this amendment, which is a very reasonable and justifiable one. I therefore trust that it will even be acceptable to Government.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, after reading the amendment and trying to study the situation, I am inclined to support the amendment. My honourable friends on this side of the House had rather been by the clever manœuvre of the Government isolated when the first reading was carried. I hope they will take sufficient interest in this matter and try to study and understand the question from the Sindhi point of view. I have got some knowledge of rice cultivation and I believe I can infuse my knowledge in understanding and realising their difficulty. I understand that if the new water-courses were to be created, alignments and rectangulation and sub-rectangulation carried out, it will not only increase their expenses but there is another demand to which they will be thrown and that is of improving their fields to make them fit to receive the water that will be given to them after these courses are improved. By asking the members from Sind I find that the rice-cultivated lands are not plain fields but some fields are high and some are low and bunds have been constructed at very great cost. If these bunds are changed by rectangulation and sub-rectangulation, it will impose an expense which I do not think the Government have taken into consideration. It is for this reason that I heartily support the amendment and I hope an equal interest will be taken by the honourable House and the House will try without prejudice to view the question from the Sindhi point of view and support this amendment.

Mr. Haji Mir Mahomed Baloch having risen in his seat without his head-dress—

The Honourable the PRESIDENT: Order, order. I have long been thinking of drawing the attention of honourable members to one thing. It is this: I see honourable members who are used to wearing their customary head-gears, when they come in with them on, remove them in the House. I think they should keep those. Those who come in without any head-dress after the European fashion may be allowed to remain bare-headed. But I do not think the others should cultivate the habit of removing their head-dresses. I see that the honourable member who has just risen to speak, has removed his Gandhi cap.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Putting on his cap addressed the House in Urdu): Mr. President, I rise to support the amendment moved by the honourable member Khan Bahadur Ghulam Nabi Shah and to oppose the amendment to that amendment moved by the honourable member Khan Bahadur Allahbakhsh. The intention of this amendment has been explained already.

[Mr. Haji Mir Mahomed Baloch]

The zamindars have been cultivating rice on the lands for the last seventy years. They have spent a lot of money in constructing bunds and improving their lands in various other ways. If this Act is applied to these lands, then the owners will not get 8 annas for every rupee they have spent on those lands. Some of the karias situated in these rice-cultivated lands are high ; some are low. If this Act comes into operation those karias which are situated on a higher level will have to go without water. I understand several lakhs of rupees have been spent on the construction of these water-courses in spite of the protests of the zamindars affected. What do the engineers of the Public Works Department care for the grievances of the people ? Look at the Sukkur Barrage, look at the Back Bay Reclamation scheme ; how many crores have been sunk to the ruin of the Presidency ? Can we put any more faith in their expert knowledge ? The engineers go their own way without caring for public opinion. They construct canals in straight lines as roads to serve for motor cars to ply along and acquire land in spite of the protests of the people and they apply the same to the water-courses.

The honourable member the Chief Engineer said that the zamindars had no right of rice cultivation. I may tell him that we have been cultivating rice for the last 70 to 200 years in those lands and have acquired prescriptive right for such cultivation. I am surprised to find him talking about no right to cultivate rice on lands. I have not come across any rule or regulation in the voluminous laws of the Government prohibiting the cultivation of rice. Can the honourable member the Chief Engineer point out one to me ? The proposal that the Bill should be recommitted to the select committee and the committee should be asked to visit the site was not accepted by Government. If this proposal had been accepted, the select committee would have had an opportunity of examining the various conditions prevailing there and of hearing the grievances of the zamindars on the spot. That was not done. The people of the Thar Parkar District alone who will be affected by the irrigation schemes are already in debt to the extent of 60 lakhs of rupees which they have to pay to Government as takavi or to the co-operative societies and banks from which they have borrowed, let alone private debts incurred by the agriculturists. The agriculturists have been rendered so poor that they have no cloth to cover their bodies, they are half-starved and are eking out some kind of an existence. You now want to worsen their condition and the result will be what you have heard of in this very town this morning. The youth who was guilty of an attempt on the life of His Excellency the Governor this morning in this city is but an instance of the way things will go in time to come if you persist in your desire to get this measure through—convert a whole province into communists and anarchists by virtue of starving masses. The agriculturists will come to the breaking point and woe to the land where that breaking point is reached. The only way to prevent such a catastrophe is for Government to accept the amendment.

Khan Bahadur Allahbaksh rose.

The Honourable the PRESIDENT : At present the amendment to the amendment is before the House and the mover of an amendment to an amendment has no right of reply.

The Honourable Sir GOVINDRAO PRADHAN : Are not both before the House ?

The Honourable the PRESIDENT : Yes, both may be argued together.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I propose to point out to the House that at the first reading of the Bill the principle was accepted that the landlords are to bear the charges of any canals that may be constructed, and if amendments are now being brought seeking to exclude huge areas of land from the levy of charges, it appears to me that it will be going behind the principle originally propounded. I did not raise that objection because they went on saying "Don't remodel our karias at all." The arguments which my honourable friends have used are these : They say "We have been accustomed to take so much water that we are able to grow a particular crop and so Government have got no right to reduce that quantity of water." To that the honourable member the Chief Engineer replied that no one has got any legal right to say that he shall grow a particular crop and that he shall claim a particular quantity of water. The policy of Government in bringing forward this measure is the greatest good of the greatest number. Supposing that in certain areas some landlords have been taking a large quantity of water to the detriment of the zamindars at the tail, that they have been starving other lands and have been getting all the water for their own lands for growing particular crops, they cannot do that under the provisions of the present Bill and cannot be heard to say that that quantity of water shall not be reduced and given to the other persons who are at the tail. As far as possible, the object of the Bill is what is stated in section 91, namely, for the more equitable distribution of water. The words are "for the more equitable distribution of water." Whatever changes are going to be ordered by the canal officer are going to be ordered not arbitrarily and will not cause injustice, but they will be for the more equitable distribution of water. In one or two cases the canal officers may think that injustice has been done. I would rather put it this way, that an injustice which was there in not giving water to the poorer neighbours at the tail has been reduced, if not removed. If there is now a claim that so many lakhs of acres of land should be exempted from the payment of the cost of construction, the Bill need not have been brought at all.

I could not understand my honourable friend from Thana when he went on applying the conditions of the Deccan to the conditions of land in Sind. He went on applying conditions in Konkan or the Deccan to lands in Sind. What I have been contending is this that the basis of this Bill, the reason why this Bill has been brought is that power is sought to be given to a canal officer to order the construction of new karias or water-courses for the more efficient and equitable distribution of water,

[Sir Govindrao Pradhan]

and if so many lakhs of acres are going to be exempted from this, I submit that this Bill might as well not have been brought, and so I oppose the amendment as well as the amendment to the amendment.

The Honourable the PRESIDENT : I should like the Honourable the Finance Member to make clear one point, so that the non-official members on this side may be in a position to give their vote. A point was made out by the honourable member from Sind, Khan Bahadur Khuhro, that land which had been growing rice cannot possibly produce any other crop and that being so, the water for rice crop should be sufficient, as usual and as before. If that is not done, then the rice land would go out of cultivation and would lie fallow, giving less to the cultivators and to Government in revenue.

The Honourable Sir GOVINDRAO PRADHAN : In the first place, I do not accept this broad proposition that lands which are at present growing rice are not fit for any other crop, and wherever that is the case as regards some lands on the Mithrao Canal, provision has been made to give them enough water for rice crop. As a matter of fact, from previous records it seems that rice was very rarely grown in Sind ; the staple crop was wheat because there was not enough water for rice, but when the capacity of the canals was increased and widened, and when there was more water available, then alone rice could be grown. As we all know, rice requires a lot of water.

Khan Bahadur M. A. KHUHRO : Have you got the expert opinion of the Agricultural Department about growing anything else on rice lands ?

The Honourable Sir GOVINDRAO PRADHAN : Yes, we have. I say that the broad proposition that the lands where rice is grown will not be fit for any other crop I am not prepared to accept. Some land there might be which would not be able to grow anything but rice; and for such land provision is made to carry so much water as would be required for it. So I submit, Sir, that naturally the policy of Government is to see that no injustice is done. Otherwise, why should we, if that land is not able to grow anything else, not give it water for the crop which is grown ? We ourselves would be the sufferers, we shall not get any land assessment, we shall not get any rate for the water. So, why should we pursue that suicidal policy ? I have not been able to understand the objections that have been raised and so, I submit that I have got to oppose both the amendment and the amendment to the amendment.

Mr. M. M. KARBHARI : Am I correct in my apprehension that the landholders will have to incur further expense to the expenses that will have to be incurred by Government in carrying on rectangulation and sub-rectangulation for the improvement of their fields so that they may receive water after the new water courses have been created ?

The Honourable Sir GOVINDRAO PRADHAN : There will be no extra expenditure.

SYED MIRAN MAHOMED SHAH : Will the Honourable the Finance Member explain his assertion that a zamindar has got no legal right to cultivate rice ?

The Honourable Sir GOVINDRAO PRADHAN : A particular crop ? No one has a right to say that he has got a prescriptive right to grow a particular crop and which is enforceable under the law. I myself ask him that question, under what provision of law has a zamindar got such a prescriptive right enforceable at law ?

SYED MIRAN MAHOMED SHAH : It is a prescriptive law that is enforceable ; when I have grown rice for 12 years, I get the prescriptive right to grow that crop on that land unless under some law I am restricted from doing so.

The Honourable the PRESIDENT : Those legal problems may be solved by each honourable member privately. Does the honourable member who has moved the amendment wish to say anything ?

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) (Addressed the House in Urdu) : Sir, I have been pained to hear the objection raised by the Honourable the Finance Member and the honourable member the Chief Engineer of the Lloyd Barrage. I regret further that the right to grow rice in their lands which the zamindars have been enjoying for the last so many years is being sought to be taken away by means of this measure. I appeal to those two honourable members and to the whole House to think twice before tampering with the zamindars' ancient rights. It is my firm conviction that if, in the teeth of opposition from the Sind representatives, Government succeed by sheer weight of their power to carry this measure through and reject my amendment, the result will be disastrous. The poor agriculturists of my district are already indebted to the extent of lakhs and lakhs of rupees. Their distress will not be removed but will be increased. In conclusion, I once more appeal to the Honourable the Finance Member to accept my amendment.

Amendment to the amendment put and lost.

Question (original amendment) put. House divided. Ayes, 14 ; Noes, 44. Motion lost.

Division No. 2.

Ayes.

BALUCH, Mr. HAJI MIR MAHOMED
BHUTTO, Sir SHAH NAWAZ
BHUTTO, WADERO WAHIDBAKSH ILLAH-
BAKSH
DHALUMAL LILARAM, Mr.
GHULAM NABI SHAH, Khan Bahadur
JAM JAN MAHOMED KHAN, Khan Bahadur
JAN MAHOMED KHAN, Khan Bahadur

KARBHARI, Mr. M. M.
KHUERO, Khan Bahadur M. A.
PATEL, Mr. C. N.
SHAIKH ABDUL MAJID, Mr.
SURVE, Mr. V. A.
SYED MIRAN MAHOMED SHAH
TALPUR, Mir BANDER ALI KHAN

Tellers for the Ayes : Khan Bahadur ALLAHBAKSH and Mr. S. S. TOLANI.

Noes.

ABERCROMBIE, Mr. J. R.
 ANGADI, Rao Bahadur S. N.
 ASAFALE, Rao Bahadur R. S.
 BELL, Mr. R. D.
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 COOPER, Khan Bahadur D. B.
 DESAI, Rao Saheb B. G.
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JONES, Major W. ELLIS.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur,
 S. T.

MACCLIN, Mr. A. S. R.
 MODAK, Rev. R. S.
 MORE, Mr. J. G.
 NEWMAN, Mr. H. L.
 OWEN, Mr. A. C.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRATER, Mr. S. H.
 RAFI UDDIN AHMAD, the Honourable
 MOULVI
 SHAIKH YAKUB VAZIR MAHOMED, Khan
 Bahadur
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 THOMAS, the Honourable Mr. G. A.
 TURNER, Mr. C. W. A.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM
 JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADEE, Mr. B. P.
 WILES, Mr. G.

Tellers for the Noes: Mr. S. H. PRATER and Dr. J. A. COLLACO.

The Honourable the PRESIDENT: The next amendment, standing in the name of the honourable member Mr. Haji Mir Mahomed Baloch is as follows:

Insert the following words in clause (1) of section 91 of the Bill, after the words "any land" occurring in the clause for the first time:

"Other than and the third class lands within the Barrage area."

In the first place, I do not know the meaning of "other than and the third class." What does the honourable member mean by it?

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu): The amendment of my honourable friend Khan Bahadur Ghulam Nabi Shah related to all rice land under class C. My amendment relates only to third class of rice land in classification C which will not grow anything but rice crops. All rice land is not of one class.

The Honourable the PRESIDENT (speaking in Urdu): The amendment regarding rice lands has just been disposed of.

Mr. C. S. C. HARRISON: Sir, I should like to explain that, generally speaking, the third class lands referred to by the honourable member are rice lands. In substance this amendment is the same thing as the amendment which has just been disposed of. Further, as I explained in the course of my opposition to the last amendment, in regard to C class lands, unless the zamindars come forward and consent to rectangulation, we are not attempting to force it on them, and therefore it means improvement in the *karias* as they exist or new ones along the boundaries of the existing survey numbers. I have already said that A class lands are those lands which are eminently suited and are to be rectangulated. B class lands are those lands which it is desirable and possible to rectangulate, and C class lands are those lands where it would be difficult, if not impossible, to rectangulate.

The Honourable the PRESIDENT : That is to say, the Bill does not entirely exclude C class lands ?

Mr. C. S. C. HARRISON : No, it does not exclude C class lands.

The Honourable Mr. W. F. HUDSON : Sir, there is apparently a misprint in this amendment. It does not mean anything at present. I would suggest that the honourable member explains what it does mean.

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : If there is a mistake, the wording of the amendment can be put right. I want to refer to third class lands of class C.

The Honourable the PRESIDENT (speaking in Urdu) : The honourable member knows that the amendment of the honourable member Khan Bahadur Khuhro was to exclude all rice lands. That has not been passed by the House. The honourable member says that he wants third class lands to be excluded. When the House has once decided that rice lands should not be excluded, does he now expect the House to agree to his amendment ?

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : I have every confidence that the House will agree to it, because my honourable friend Khan Bahadur Ghulam Nabi Shah's amendment referred to even good rice lands.

The Honourable the PRESIDENT : But Government themselves wish to leave out C class lands, as the honourable member the Chief Engineer himself has said.

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : Sir, I move the amendment of which I have given notice, which is as follows :

In clause 4, insert the following words in clause (1) of section 91 after the words "any land" occurring in the clause for the first time :

"Other than the third class 'C' lands within the Barrage area."

The honourable member the Chief Engineer, Lloyd Barrage, has admitted that such land will be excluded by Government themselves. The only object of the amendment is that it should be incorporated as a provision in this Bill. C class land is generally full of pot-holes and ups and downs, and full of salts which make it unfit for any other crop than rice, and the provisions of section 91 ought not to be applied to it at all. I am sure the Honourable the Finance Member who himself expressed his inability to accept in broad terms that all rice lands were incapable of producing any other crop, will agree to my amendment which refers to only a small proportion of rice lands which are admittedly unfit for any other crops as determined by Government experts. Therefore, there should be no objection to exclude it.

Question proposed.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, I desire to say only this much on this amendment, that the amendment in itself is a simple and clear one. As the honourable mover has pointed out there are certain areas which are classed as inferior. The very fact that that land is classed as C class land clearly shows that the land is inferior, and therefore the produce of it naturally must be very inferior. Besides,

[Khan Bahadur M. A. Khuhro]

the land assessment which is paid by the people that hold such land is so very high in comparison with the quality of the soil and the quantity of water supplied, that it is not possible for them to bear any extra burden. It will not be possible for those people to pay the cost of construction or such other costs that will be inflicted upon them. Therefore, I hope Government will be generous enough to accept this small amendment, which is harmless and quite a reasonable one.

Mr. C. S. C. HARRISON: Sir, I rise to oppose the amendment. The last speaker endeavoured to make out that this area is a small one. I have not got the figures with me; but I may say that there are probably 66,000 small holdings in this area. At the rate of about 5 acres for each holding the area must be at least 3 lakhs of acres. At the rate of Rs. 2-8-0, the cost will come to nearly 8 lakhs of rupees. What the honourable mover of the amendment intends is that this amount should be paid by the general taxpayer.

Further the honourable member Khan Bahadur Khuhro said that these people are poor and they could not afford to pay this amount. In my explanation about the classification of lands as A, B, C, there is no confusion as has been stated by the honourable member. The classifications A, B, C, are soil classifications. The classification as 1, 2, 3, is for the purpose of rectangulation. As I said, class 1 is eminently suitable for rectangulation; class 2 is somewhat difficult; and class 3 is extremely difficult for rectangulation and may probably have to be excluded in certain areas. In class 3 lands small holders will have to pay no more than others. As I said in my explanation, the water-courses will not be wholly altered but it may be necessary to improve water-courses and make new ones. If we make new ones they will not necessarily be along rectangulation alignments; many will be along boundaries of survey numbers. It is not necessary to cut up these large survey numbers. I submit that this is merely another form of the previous amendment and amendment to the amendment. This strikes at the heart of the amending Bill.

Question put and lost.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I beg to move:

"In section 91, sub-clause (1), omit the words beginning with 'and' in line 6 ending with 'also' in line 8."

I want to omit the words:

"and if he proposes to transfer the source of water supply of the land to any existing water-course, or the owner or owners of such water-course also."

If my amendment is accepted, the clause will read as follows:

"Whenever it appears to any Canal-officer not inferior in rank to an Executive Engineer that it is expedient to change the source of water supply of any land for the more efficient distribution of water, he shall serve a notice on the holder or holders of the land calling upon them to state in writing their objections, if any, as to the alignment or construction of the proposed water-course."

My object in moving this amendment is that under the clause as it stands at present the canal officer can change the water-course of one man on to

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the water-course of another man. If the man is able to cultivate his lands with the existing water-course, it will be disturbing the arrangement to put him on to another water-course. The object of this Bill, it is stated, is to provide a more efficient distribution of water for the larger areas of land that will come for cultivation under the Barrage scheme. The new water-course will be required. In some cases the existing water-courses will not be scrapped but will be maintained as they are at present. These water-courses have just sufficient water-supply for the area commanded by them. When these water-courses are going to remain intact and are not going to be scrapped, it will not be right for the canal officer to bring on some more lands for these water-courses and thereby create further complications for those people. The Government are aware that there are a lot of disputes as a result of the change of water-courses. If more lands are settled on the water-courses which have just sufficient water for cultivating the lands commanded by them, it will unnecessarily create further complications and make matters worse. I think that the clause as it at present stands is ambiguous and gives wide and general powers to the canal officer.

If it becomes necessary to improve a particular water-course and increase the water-supply, more lands may be settled on that course. But if this clause is going to be passed as it is it will create complications and will give more powers to the canal officer than what is contemplated by this honourable House to invest him with. So, my amendment may be accepted. If the intention of the Government is to empower the canal officer only in cases where water-courses will have to be improved or where water-supply is to be increased in order to settle more lands on that water-course, the clause will have to be amended to suit that intention. As it stands it gives very wide powers to the canal officer. I want to bring my object in moving this amendment to the notice of the House. [Interruption.] There will be cases when 10 or 12 zamindars will be put on a single water-course. It will not be possible for them to cultivate the entire area by changing the water-course of one man to another man's water-course or by bringing more lands than necessary on that water-course for cultivation. In that case it will be very difficult. I think, therefore, my amendment as it stands should be accepted.

Question proposed.

Mr. C. S. C. HARRISON: Sir, I rise to oppose the amendment. The honourable mover of this amendment seems to think that the canal officer will be a double-dyed demon and that he will, for the sake of fun, abolish a water-course and put the zamindar on to another water-course. He is to have no conscience! The speaker further suggested that the canal officer may put on one water-course 10 or 12 zamindars. Assuming that the canal officer has done so for the sake of his own amusement, I cannot imagine that putting them together he would make no provision for additional water-supply. I have had a case in the Nawabshah district with regard to a new water-course. It was found absolutely

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necessary to abandon a water-course belonging to a small zamindar. According to the mover of this amendment that man should be left to shift for himself and perish. The canal officer would have no alternative than to put him on to a neighbour's water-course. In that particular case it was perfectly simple to convince the original holder that additional water for the additional area will be given in the water-course. Every water-course is designed for the area that is to be served by it. There is not one single instance where it is possible for the canal officer to add to the holdings on a water-course without making special provision for additional water. The point under discussion was considered in select committee. Every single point was considered by the select committee who endeavoured to settle it in such a way that it would cause least injustice to anybody. If the amendment is accepted, then we are likely to injure a large number of individuals.

Khan Bahadur ALLAHBAKSH (Sukkur District): Sir, I rise to support the amendment moved by my honourable friend Khan Bahadur Khuhro. There has been a tendency on the part of the canal officers to amalgamate or combine as many water-courses as possible. This morning the zamindars of Fuleli Canal came to see us and they informed us that in the re-modelling project of the Fuleli they have provided some regulators and distributaries running parallel to the Fuleli Canal. In thus changing the source of water-supply they could have merely shifted the point of off-take from the main canal to the distributaries. Instead of that they have combined several karias into one. My honourable friend the Chief Engineer says: "We do not do this for the sake of fun, or for the mere pleasure of doing it." I would like to point out to him that this thing has been done in the case of the Fuleli Canal, and therefore it is absolutely necessary that we should have some protection in the law itself.

Now, Sir, coming to the Bill itself, if we delete the words proposed by my honourable friend the mover of the amendment, we will not deprive the canal officer of the power of shifting the source of supply from one point to another. That power will be with the canal officer. The only effect of the amendment is that the canal officer will be deprived of his power of initiating the transfer of an area from one water-course to another. If he scraps or changes the source of a water-supply, then he has got full power under this provision to change the source of the supply. If there is any aggrieved party who finds that he is not getting sufficient water from any water-course, then he can apply to the canal officer, and the canal officer has got power under section 64 to transfer his area from one water-course to another. What we wish is that the canal officer should not have the power of initiating the transfer of an area from one water-course to an existing water-course. I think this is a fair amendment, to which I believe my honourable friend the Finance Member should have no objection. With these remarks I support the amendment.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Is my amendment accepted?

The Honourable the PRESIDENT: I do not know whether this is an amendment to the amendment. If it is accepted, the clause would read: "If he proposes to transfer the source of water-supply of the land except that within the non-Barrage area in Lower Sind, etc." This is a separate matter entirely. The honourable member is trying to improve the section as it stands. The amendment before the House is to delete all that. If the honourable member had an amendment to the amendment to the effect "Strike out only half a dozen words instead of a dozen words" that might have been taken as an amendment to the amendment. But this is an attempt to exempt Lower Sind or non-Barrage area from the operation of this section, which is a fresh amendment which I cannot accept.

SYED MIRAN MAHOMED SHAH (Hyderabad District): I will then support the amendment moved. The House knows, Sir, that the zamindars are very keen on this subject. The representatives who have come here—some of them are present in the galleries—have given us to understand that they have got practical experience of the caprices of the canal officer. If this Bill is going to invest the canal officer with arbitrary powers to change the source of water-supply from one water-course to another, it will create endless disputes resulting in murder and litigation. In order to save people from perpetual quarrels and disunion, I think it is better that everybody should be given his own source and his own water-course just as he possesses at present. I do not understand the practical difficulty that Government have to encounter. Everybody has at present his own water-course. Why should another man whose source of water-supply has been scrapped on account of the introduction of a new scheme, be transferred from his original source to another existing water-course?

Mr. C. S. C. HARRISON: May I ask the honourable member what is to happen to him if he is not to get a supply from any other source?

SYED MIRAN MAHOMED SHAH: Those will be very exceptional cases.

The Honourable the PRESIDENT: The point made by the honourable member the Chief Engineer is, supposing there is one out of a thousand, where is that man to go?

Khan Bahadur ALLAHBAKSH: He should be given a new water-course.

SYED MIRAN MAHOMED SHAH: I am going to explain. A source of water-supply is stopped on account of the crossing or cutting by a new canal. It cannot be stopped otherwise.

Mr. C. S. C. HARRISON: May I correct the honourable member? That is not the only case. The water may have to come from an entirely different direction. It is not merely a question of cutting his water-course. The water may have to come from an entirely different direction,

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and that is the trouble. Especially in the case of the Rohri Canal, the water will come from an entirely different direction. Therefore, the water-course will have to be scrapped: *A* may have to be put on *B*'s water-course, or *B* on *C*'s water-course and so on. It becomes purely fortuitous; it is not within our control. Wherever possible we endeavour to meet the wishes of the zamindar, but there are cases which are completely outside our control.

Khan Bahadur ALLAHBAKSH: That power is possessed by the canal officer under the existing Act.

The Honourable the PRESIDENT: Order, order. The honourable member Syed Miran Mahomed Shah is in possession of the House.

SYED MIRAN MAHOMED SHAH: My honourable friend (Khan Bahadur Allahbaksh) has pointed out the section which gives power to the canal officer. What is the fun of making another provision giving him further powers? What is the use of multiplying legislation? It is section 26.

Mr. C. S. C. HARRISON: That depends upon disputes: there may be cases of no disputes.

The Honourable the PRESIDENT: That is based on disputes. That refers to cases arising out of a dispute. Here there is no question of dispute.

SYED MIRAN MAHOMED SHAH: This section does not apply. I thought my honourable friend Khan Bahadur Allahbaksh had studied the subject, and I was relying on his statement and his knowledge. Hereafter, I shall accept his statement sparingly. My point is only this. Why make a legislative provision for one in a thousand, and give power to the canal officer to transfer the source of water-supply from one course to another. My honourable friend has given the instance of the Fuleli Canal, which area I represent. There, under the remodelling scheme they have constructed new branches. Instead of giving sources of water-supply directly from the canal they have given from the branches which run parallel to the canal. It is with a view to exclude that portion that I moved the amendment which you have not allowed. But my purpose will be served by the acceptance of this amendment.

I wish to impress on the Honourable the Finance Member that this amendment is absolutely necessary. In their various representations the zamindars' associations have pointed out that disputes will arise and disunion and discord will accrue between neighbouring zamindars if you do not provide separate sources of water-supply. Government may say, how can we possibly give a separate water-course to small areas of ten and thirty acres? In that connection I wish to point out that, if they cannot construct sluices with modules, let them give simple pipe lines. In the Fuleli Canal when an owner could not be given a sluice he was given a pipe and he was quite happy with it. They can scrap the modules and give him a supply by means of a pipe. Have they got any reply to that? The zamindars of the Fuleli Canal have complained

[Syed Miran Mahomed Shah]

about the amalgamation of the various *karias*. I think the Honourable the Finance Member will be well advised to accept this amendment and save the zamindars from perpetual disputes.

The Honourable the PRESIDENT: I should like to dispose of this amendment today.

[Honourable MEMBERS: No, no.]

Mr. SHAIKH ABDUL MAJID: I have to speak on this amendment, Sir.

The Honourable the PRESIDENT: I notice that the honourable member has a similar amendment tabled.

Khan Bahadur ALLAHBAKSH: I suggest, Sir, that it will be much better to take it up tomorrow.

The Honourable the PRESIDENT: The House is now adjourned to 2 p.m. tomorrow, Thursday, the 23rd July 1931.

Thursday, the 23rd July 1931.

The Council re-assembled at the Council Hall, Poona, on Thursday, the 23rd July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present:

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 ALLAHBAKSH, Khan Bahadur
 ANGADI, Rao Bahadur S. N.
 ASVALE, Rao Bahadur R. S.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, Sir SHAH NAWAZ
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 COOPER, Khan Bahadur, D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JOG, Mr. V. N.

JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUERO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 NEWMAN, Mr. H. L.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RESALDAR, Mr. A. K.
 SAHEBSINHJI JUVANSINHJI, Mr.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.

VAKIL, Mr. PESTANSHAH N.

VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR

VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Questions.

QUESTIONS AND ANSWERS.

POLICE : ADDITIONAL FORCE ON ACCOUNT OF CIVIL DISOBEDIENCE MOVEMENT.

Rao Bahadur S. N. ANGADI (Belgaum District) : (a) Will Government be pleased to state whether any additional police force has been employed to cope with the situation created by civil disobedience movement in the presidency ?

(b) If answer be in the affirmative, what is the total strength of this additional force ?

(c) How is it distributed over the various districts ?

(d) On what conditions is the additional force employed ?

(e) What is the total expenditure incurred by Government on account of the employment of this additional force up to the end of January 1931 ?

The Honourable Mr. G. A. THOMAS : (a) Yes.

(b) Six additional Superintendents, four Assistant Superintendents, nine Deputy Superintendents, nine Inspectors, three Police Prosecutors, 13 Sub-Inspectors and 2,418 armed Head Constables and Constables. These figures include additional police posted at the cost of the inhabitants in Sholapur, Ratnagiri and Kolaba districts.

(c) Statements A and B showing the distribution on 1st February 1931 are placed on the Council Table. They do not include all the officers mentioned in the reply to clause (b) as some of them were recruited for short periods only.

(d) All the members of the additional police force, except those of the Special Police Battalion which in the beginning numbered 1,006, draw the same pay and allowances as the members of the permanent force serving in the districts concerned. The pay of the Special Police Battalion was fixed at Rs. 28 per mensem for a head constable and Rs. 20 for a constable. While under training, they were given full rations on the military scale and provided with free quarters. On the completion of their training, they were posted for duty to various districts in the Presidency where they receive the same pay as at Poona, and the ordinary and special allowances admissible to the permanent Police force, except as regards travelling allowance which has been fixed at a consolidated rate of Rs. 7-8-0 per mensem for a head constable and Rs. 3-12-0 for a constable.

(e) Approximately Rs. 11 lakhs.

STATEMENT A.

Statement showing the districts in which Additional Superintendents, Assistant Superintendents, and Deputy Superintendents of Police, Police Inspectors, Police Prosecutors and Sub-Inspectors referred to in reply to clause (b) of the question were doing duty on 1st February 1931.

Number and designation of the Officer	District	Remarks
1 Assistant Superintendent of Police	} Broach	* These appointments were created in connection with the Special Police Battalion.
1 Inspector		
1 Assistant Superintendent of Police	} Ahmedabad.	
1 Deputy Superintendent of Police		
2 Inspectors		
1 Police Prosecutor		
*1 Sub-Inspector		
1 Deputy Superintendent of Police	} Kaira.	
1 Police Prosecutor		
*1 Sub-Inspector		
1 Inspector	Ahmednagar.	
1 Inspector	} Sholapur.	
1 Sub-Inspector		
3 Sub-Inspectors	Karachi (for Sind Criminal Investigation Department).	
2 Deputy Superintendents of Police	} Surat.	
1 Police Prosecutor		
*2 Sub-Inspectors		
1 Superintendent of Police	Criminal Investigation Department.	
1 Deputy Superintendent of Police	Bombay Suburban District.	
1 Deputy Superintendent of Police	} Kolaba.	
2 Sub-Inspectors		

STATEMENT B.

Statement showing the distribution of 2,118 armed policemen referred to in reply to clause (b) of the question.

Place	Number	Remarks
Bombay City	200	
Karachi District	54	
Hyderabad District	23	
Sukkur District	23	
East Khandesh	100	
West Khandesh	100	
Nasik	50	
Ahmednagar	50	
Satara	50	
Sholapur	50	

STATEMENT B—contd.

Place	Number	Remarks
Belgaum	250	
Bijapur	50	
Dharwar	50	
Kanara	50	
Kolaba	50	
Ratnagiri	50	
Ahmedabad	419	
Broach	63	
Kaira	250	
Surat	250	
Panvel (Kolaba District)	50	
Shiroda (Ratnagiri District)	24	
Sholapur City	162	
Total	2,418	

LAND RECORDS : DISTRICT INSPECTORS.

Rao Bahadur S. N. ANGADI (Belgaum District): (a) Will Government be pleased to state the duties of District Inspectors of Land Records Department?

(b) What is the total cost to Government on account of these District Inspectors?

(c) Do Government intend to abolish these posts?

The Honourable Mr. W. F. HUDSON: (a) A list of the main duties of a District Inspector of Land Records is appended.

(b) The total cost for the year 1930-31 was Rs. 74,547.

(c) No.

List of the main duties of a District Inspector of Land Records.

1. To supervise and be responsible for the measurement and classification work done in the district by taking regular field tests.
2. To control and arrange the work and check the diaries of all the surveyors working under him, such as field party, inam survey, upkeep hissa survey, cadastral, district and maintenance surveyors.
3. To maintain the standard outturn of work of the surveyors so as to make the staff self-supporting.
4. To supervise the measurement of hissas in upkeep hissa survey in the district and to distribute assessment over sub-divisions and to keep the work up to date.
5. To settle boundary disputes.
6. To submit proposals about the disposal of alluvial lands etc.
7. To inspect and supervise the work of the District Survey Office.
8. To check and sign Akarbands and Kamjasti Patrahs.
9. To keep the district and the taluka maps corrected up to date.
10. To see that the village maps are properly printed with up to date corrections and supplied to villages.
11. To assist the Assistant Settlement Officers and Superintendents of Land Records in all settlement work, preparation of Akarbands and to prepare certain statistics before settlement.
12. To supervise the correction work of existing agricultural surveys, maps and records.
13. To take test of ordinary Circle Inspector's work and inspect their daftars.
14. To inspect village records particularly with a view to seeing that all survey corrections are duly incorporated in the village accounts.

15. To test and maintain the Record of Rights according to a uniform system in the district.
16. To test the crop and waste inspection, birth and death registers, rayata' receipts etc. and other agricultural statistics.
17. To test the boundary marks inspection work done by the Circle Inspectors.
18. To compile the agricultural statistics of the district both annual and quinquennial and canal returns etc. for the Collector.
19. To train candidates in Circle Inspector's duties.
20. To teach and train Land Records subordinates in survey and classification and other Land Records matters.
21. To give instructions to junior Civilians and probationary District Deputy Collectors in survey classification and city survey matters if asked by the Superintendent of Land Records.
22. To give instructions and train the Circle Inspectors and talatis in the Record of Rights especially in any changes which are introduced.
23. To advise Revenue Officers in all technical matters concerned with the survey records and refer doubtful cases to Superintendent of Land Records.
24. To prepare all bills such as pay, travelling allowance and contingency etc. of the following establishments and keep accounts:—
 - (i) District Inspector.
 - (ii) District Inspector's office.
 - (iii) District Survey Office including the District Surveyor.
 - (iv) Cadastral Surveyors including peons.
 - (v) Upkeep surveyors.
 - (vi) Inam party-surveyors.
 - (vii) Maintenance staff and city surveys.
25. To supervise the original city survey work and the survey of inam villages going on in the district.
26. To see that city surveys are properly maintained both by outdoor review as well as in office.
27. To detect land used for non-agricultural purposes and see that non-agricultural plots are properly measured.
28. To keep watch on all land acquisition cases in the district and to see to their prompt disposal.
29. In some cases the special duty of collecting statistics of rent, e.g. of land under canals, has been added.

LLOYD BARRAGE: POWER PLANT AT SUKKUR.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, with reference to paragraph 46, page 25, of the report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction—

- (1) whether the B. H. P. of Engines is 3600 and the capacity of generators is 2350 K.W.,
- (2) whether the cost of the plant is Rs. 15 lakhs nearly;
- (3) whether they agree with the experts that all that power has been found too big for the necessities of the work;
- (4) whether the engines are of three types instead of one type only;
- (5) why engines of one type were not purchased;
- (6) the names of the officers who recommended all this plant;
- (7) what steps, if any, Government have taken in the matter?

The Honourable Sir GHULAM HUSSAIN: (1) Yes.

(2) No. The cost of the Power House including erection and housing was Rs. 10,32,000. The transmission system, every bit of which has been in constant use since it was purchased, cost about Rs. 4½ lakhs.

(3) Yes.

(4) Yes.

(5) Because it was not found economical to do so.

(6) Mr. C. S. C. Harrison, Chief Engineer, Lloyd Barrage and Canals Construction ;

Mr. A. A. Musto, Superintending Engineer, Lloyd Barrage Circle ; and

Mr. J. S. Pitkeathly, Chief Controller of Stores.

(7) No steps are called for. The plant is being disposed of on very satisfactory terms.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : In reply to my question (2) whether the cost of the plant is Rs. 15 lakhs the Honourable Member says that the cost of the power house is Rs. 10,32,000 and the transmission system cost about Rs. 4½ lakhs. Does the total not amount to about Rs. 15 lakhs ?

The Honourable the PRESIDENT : They are two different items. The amount was spent in two different ways.

Mr. HAJI MIR MAHOMED BALOCH : But the total is there.

The Honourable the PRESIDENT : But not under one head. That is hardly a supplementary question.

Mr. HAJI MIR MAHOMED BALOCH : What was the reason for purchasing such a big plant when the power produced was not necessary ?

The Honourable Sir GHULAM HUSSAIN : It was found out afterwards that the power produced was in excess of requirements.

Mr. HAJI MIR MAHOMED BALOCH : What amount do Government expect to realise from the disposal of the plant ?

The Honourable Sir GHULAM HUSSAIN : I will inform the honourable member as soon as the transaction is complete.

Rao Bahadur R. S. ASAVALE : And the other honourable members of this House ?

The Honourable Sir GHULAM HUSSAIN : Yes.

LLOYD BARRAGE : QUARRY PLANT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state with reference to paragraph 47, page 26, of the report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction—

(1) whether it is a fact that the cost of quarry plant and designing (dressing ?) plant, exclusive of sheds etc. is Rs. 5·25 lakhs and Rs. 3·6 lakhs respectively ;

(2) whether it is a fact that much of the dressing plant is lying idle ;

(3) whether it is a fact that most of the quarrying since September 1927 is being done by contractors' labour instead of by the quarry plant ;

(4) whether the reason for these (this ?) plant remaining idle is that engineers have changed proposed masonry arches into cement concrete reinforced arches ;

(5) when this idea of reinforced cement concrete arches occurred ;

(6) why the idea of reinforced cement concrete arches did not recommend itself to the engineers at first ;

(7) whether it is a fact that Messrs. Harrison and Musto were the officers who designed the project, recommended the purchase of quarrying and dressing plant and now again recommended the scrapping of it ;

(8) whether Government have taken any, and if so, what steps in the matter ?

The Honourable Sir GHULAM HUSSAIN : (1) Yes.

(2) No.

(3) All quarrying is being done by contractors but they use all the quarry plant, and pay for its use.

(4) Does not arise—*vide* reply to clause (3).

(5) In 1928.

(6) It was considered that the stone available around Sukkur would prove suitable.

(7) Mr. Musto designed the project which was approved by Government. There is no scrapping of the plant.

(8) No steps are called for.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu) : When most of the arches have been done in concrete, does it mean that there is no use for the dressing plant ?

The Honourable Sir GHULAM HUSSAIN : We differ in our opinions.

Mr. HAJI MIR MAHOMED BALOCH : Stone arches cost Rs. 2-1-0 and cement arches cost Re. 1. How is it that stone arches are not good ?

No reply.

Mr. HAJI MIR MAHOMED BALOCH : If stone was found to be not good, how is it that it was used for some of the arches before 1928 ?

The Honourable Sir GHULAM HUSSAIN : Which arches ?

Mr. HAJI MIR MAHOMED BALOCH : Head regulator.

The Honourable Sir GHULAM HUSSAIN : They were much smaller arches and less weighty.

BARRAGE SPANS : STANDING WAVE ACTION.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (1) Will Government be pleased to state, with reference to paragraph 29, page 16, of the report of Sir Visvesvaraya on the Lloyd Barrage and Canals Construction, how many spans of the Barrage proper were constructed before 1928 with floor level at R. L. 176 before the floor level was raised to R. L. 177 to limit the disruptive action to the solid pavement, under standing wave conditions ;

(2) How do Government propose to protect these spans already constructed with floor level at R. L. 176 from this standing wave action ?

(3) Have Government shown their disapproval of this portion of design ?

The Honourable Sir GHULAM HUSSAIN : (1) The honourable member presumably means the sill level and not the floor level. The sill level of 12 scouring sluice spans was constructed at R. L. 176.

(2) No protection is considered necessary as owing to the presence of raised sills in the river spans, they can be worked continuously. The scouring sluices will, of course, be worked only as required.

(3) Does not arise—*vide* reply to clause (2). Raising the sill level of the river spans was a desirable and economical feature and not a necessity.

DIVISIONAL FOREST OFFICERS, MUSLIMS.

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

(1) how many Rangers there are in Sind, and how many of them are Muslims and how many non-Muslims ;

(2) how many Divisional Forest Officers there are in Sind and how many of them are Muslims and how many non-Muslims ;

(3) how many Muslim and non-Muslim Rangers have been promoted to the grade of Divisional Forest Officers from amongst the Rangers in the last ten years ;

(4) how Government propose to make up the deficiency of Muslim Divisional Forest Officers ?

The Honourable Dewan Bahadur S. T. KAMBLI: (1) There are at present 24 Rangers' posts in Sind, of which seven are held by Muslims and the rest by non-Muslims.

(2) There are five Forest Divisions in the Sind Circle. Of these, two are held by European Officers (one of whom is at present on leave and his charge is temporarily held by a non-Muslim Sub-Divisional Forest Officer) and 3 are held by non-Muslims.

(3) If by "Divisional Forest Officers" is meant gazetted appointments, nine persons from the Rangers' grade (all non-Muslims) were promoted to the Bombay Forest Service in the whole Presidency during the last ten years (from the year 1921 to date).

(4) Unless qualified Muhammadans respond to the periodical calls for candidates for selection and training, there is no means of making up the deficiency of Muhammadan gazetted officers.

Mr. HAJI MIR MAHOMED BALOCH: Did Government not consider a single Muslim ranger fit to be promoted to the selection post during the last ten years ?

The Honourable Dewan Bahadur S. T. KAMBLI: The men whom Government selected during the last ten years were better qualified than those who were not promoted.

Mr. J. S. KADRI: Are these posts reserved for Sindhi Muhammadans only ?

The Honourable Dewan Bahadur S. T. KAMBLI: No, certainly not.

Khan Bahadur M. A. KHUHRO: Is it not a fact that men with superior qualifications possessing British degrees were available for these posts ?

The Honourable Dewan Bahadur S. T. KAMBLI: I must refer the honourable member to the Recruitment Rules which are published. Since 1929 recruitment to class II is made only by promoting rangers, who are considered best fitted to occupy posts in class II.

SYED MIRAN MAHOMED SHAH: Is it not a fact that a number of Muhammadans were rejected in favour of non-Muhammadans ? Have not qualified Mahomedans who were available been rejected ?

The Honourable Dewan Bahadur S. T. KAMBLI: For what posts?
 SYED MIRAN MAHOMED SHAH: For posts in class II.

The Honourable Dewan Bahadur S. T. KAMBLI: I cannot do better than refer the honourable member to the recruitment rules.

SYED MIRAN MAHOMED SHAH: I wish to know whether, when there was a sufficient number of Mahomedals, who complied with the rules, available, any of them were rejected.

The Honourable Dewan Bahadur S. T. KAMBLI: In what year and for what posts?

SYED MIRAN MAHOMED SHAH: In 1931 for rangers' posts.

The Honourable Dewan Bahadur S. T. KAMBLI: No selections were made in the current year for rangers' posts.

Mr. SYED MUNAWAR: Are these the revised rules of recruitment or are they the old rules?

The Honourable Dewan Bahadur S. T. KAMBLI: These rules were framed recently in 1929.

Mr. HOOSENALLY M. RAHIMTOOLA: How many were selected in 1930 for the rangers' posts?

The Honourable Dewan Bahadur S. T. KAMBLI: I require notice of the question.

Mr. HOOSENALLY M. RAHIMTOOLA: Will a copy of the rules be placed on the table?

The Honourable Dewan Bahadur S. T. KAMBLI: I require notice of the question.

GRAZING FEES, DECCAN.

Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to state—

(a) whether they are aware of the fact that the grazing fees charged by the Forest Department in the Satara District and certain other districts in the Deccan are double the grazing fees charged in the districts of Gujarat;

(b) whether they have received any representations from the ryots of the Deccan districts to remove this anomaly?

(c) If the answer to (a) and (b) is in the affirmative, what action have Government taken to remedy this grievance?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) The rates of grazing fees charged by the Forest Department for village cattle in the Satara and other districts of the Central Division are double of those prevailing in the Surat District. The rates of grazing fees in the districts of the Central Division and Gujarat in respect of the areas in charge of the Revenue and Forest Departments are shown in the appended statements.

(b) Yes.

(c) The rates of grazing fees were revised by Government in May 1928 after mature deliberation and Government do not propose to alter them.

Statement showing the rates of grazing fees charged by the Forest Department in the districts of the Central Division and Gujarat

	Fees for village cattle						Fees for non-village cattle and cattle from Indian States		
	of Forest Villages			of non-forest villages			Buffaloes, cows etc.	Sheep, if allowed	Goats, if allowed
	Buffaloes, cows etc.	Sheep, if allowed	Goats, if allowed	Buffaloes, cows etc.	Sheep, if allowed	Goats, if allowed			
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
The whole of the Central Division except Peint Taluka of Nasik District.	0 4 0	0 2 0	0 2 0	0 8 0	0 4 0	0 4 0	1 0 0	0 4 0	0 4 0
Surat District	0 2 0	0 1 0	0 1 0	0 4 0	0 2 0	0 2 0	1 0 0	0 4 0	0 4 0
Panch Mahals	Free within the unit defined in Rule VII.	Not allowed.		(1) Western Mahals—Re. 0-8-0. (2) Eastern Mahals—Buffaloes—Re. 0-4-0. Others—Re. 0-2-0	Not allowed.		1 0 0	Not allowed.	
Peint	Do. ..	Do. ..	Do. ..	Buffaloes—Re. 0-8-0. Others—Re. 0-5-0.	0 2 0	0 2 0	1 0 0	0 4 0	0 4 0

Statement showing the rates of grazing fees in the Revenue Waste lands in the districts of Gujarat.

Name of District	Animals for which fees charged	Rates	Remarks
1	2	3	4
Ahmedabad	Animals of "A" class villages.	Free	"A" villages are those in which the grazing area is insignificant.
	Cattle of "B" class villages—		"B" villages are those in which the grazing area is not insignificant.
	(a) Village cattle..	Re. 0-2-0 per acre.	
	(b) Outside village cattle.	Re. 0-4-0 (per head of horned cattle). Re. 0-2-0 (per head of sheep and goats).	
	(c) Non-village cattle.	Re. 2-0-0 (per head of horned cattle). Re. 1-0-0 (per head of sheep and goats).	
Kaira	Cattle of "A" villages.	Free	"A" villages are those in which the revenue waste area is less than 2 per cent. of the total cultivable area of the village.
		Rs. a. p.	
	Cattle of "B" villages.	0 2 0 per acre ..	"B" villages are those in which the revenue waste is more than 2 per cent. of the total cultivable area of the village. Pasture reserves are sold by auction.
Broach	(i) Cattle of villages where the grazing is sufficient.	0 2 0 per acre ..	Grazing is sold to villagers annually at the rate mentioned in column 3.
	(ii) Lot A (1347 acres), lot D (67 acres)—per head of cattle per month.	0 2 0	For Kuran lands in Kalak, Kana and Nadiad in Jambusar taluka (divided into 4 lots).
	Per 100 sheep and goats.	2 0 0	
	Lot B (188 acres) per acre.	0 2 0	
	Lot C (699 acres) ..	Free.	
	(iii) Per head of cattle (except elephants and camels)	2 4 0	For Narmada Bets (except Jadeshwar and Alia).
	Do. do. ..	1 0 0	Jadeshwar and Alia.
	Per head of sheep and goats.	0 2 0	For all Bets.

Name of District	Animals for which fees charged	Rates	Remarks
1	2	3	4
		Rs. a. p.	
	Removal of one cart load of grass.	0 8 0	For all Bets.
	Removal of one head load of grass.	0 1 0	For all Bets except Alia Bet.
	Do. per month ..	1 8 0	
	Do. for Alia per head load.	0 0 6	For Alia Bet.
	Cutting grass over one acre.	12 0 0	All Bets except Alia.
	Do. for Alia ..	10 0 0	For Alia Bet.
	Per head of elephant ..	10 0 0	For all Bets.
	Per head of camel ..	2 0 0	For all Bets.
	Yearly pass (on scythe) in Alia Bet only.	6 0 0	For Alia Bet only.
Surat ..	....	0 2 0 per acre.	....

RETRENCHMENT : ABOLITION OF HIGHLY PAID POSTS.

Dr. M. K. DIXIT (Surat District): Will Government be pleased to state—

(a) whether any posts in any department carrying salaries above Rs. 750 are abolished or proposed to be abolished in order to meet the huge deficit in the revenue;

(b) if so, which posts, and the saving effected or to be effected;

(c) whether any reduction is proposed to be made in the pay of officers drawing Rs. 750 and above; if so, to what extent; if not, the reasons therefor;

(d) whether any reduction is proposed to be made in the pay or the number of officers drawing less than Rs. 250 and Rs. 750 respectively; if so, to what extent, and why are Government not reducing the pay and number of officers drawing high salaries;

(e) the reasons for continuing the special posts of Deputy Superintendents and such other officers in the Police Department created during the last campaign of non-payment of taxes after it has ceased;

(f) the monthly expenditure on such posts and the pay of each;

(g) why they were not abolished from the beginning of the current financial year as an immediate step towards retrenchment;

(h) the date from which they are proposed to be abolished;

(i) what work the officers appointed to these posts are doing at present after the Gandhi-Irwin Pact?

The Honourable Sir G. B. PRADHAN: (a) to (d) The question is at present under the consideration of the Retrenchment Committee and Government.

(e) to (i) The honourable member is referred to the Honourable the Home Member and is requested to address a separate question to him.

SUB-REGISTRARS: VACANT POSTS.

Dr. M. K. DIXIT (Surat District): Will Government be pleased to state—

(1) whether it is a fact that certain sub-registrars' posts in the Registration Department in the Presidency are kept vacant since long and are not permanently filled;

(2) if so, the names of such posts with the reasons for keeping them vacant and the dates from which they are vacant;

(3) whether they are kept vacant for want of suitable candidates, or with a view to abolish them and effect a saving in expenditure;

(4) whether the offices are at present managed by clerks; if so, why the clerks are not appointed permanent sub-registrars in such offices;

(5) whether the public are being put to inconvenience, and how long the posts are to be kept vacant;

(6) the actual saving effected by keeping them vacant till now?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) Yes.

(2) and (3) The following are vacant from the dates shown against each and for the reasons stated in column 3:—

Name of Sub-Registry office	Date from which vacant	Reasons
1	2	3
(1) Ahmedabad III ..	20th August 1920 ..	Has never been filled up since creation for reasons of economy.
(2) Amod ..	28th August 1928 ..	Probationers are officiating as Sub-Registrars, as abolition of some posts of Sub-Registrars is under consideration.
Matar ..	24th December 1929 ..	
Palghar ..	6th November 1930 ..	
Vengurla ..	18th June 1931 ..	
Sirsi ..	11th November 1930 ..	
Halval ..	18th November 1930 ..	
Yellapur ..	15th November 1930 ..	
(3) Guhagar ..	24th November 1930 ..	Karkuns are officiating as Sub-Registrars for the reason stated above.
Tando-Bago ..	8th January 1930 ..	
Pardi ..	4th January 1931 ..	
Mahuda ..	9th June 1931 ..	
Dohad ..	1st March 1931 ..	
Hirekerur ..	1st November 1930 ..	

(4) Some offices are in charge of clerks officiating as Sub-Registrars. They are not appointed permanent Sub-Registrars as retrenchment in this department is under consideration and because there are no vacancies in grade V (the last grade in the service).

(5) No complaints have been received from the public. Permanent arrangements will be made when the question of retrenchment is decided. No office has been kept vacant except Ahmedabad III, the creation of which has been only administratively approved so far.

(6) Nil.

GOVERNMENT SERVANTS : RETIREMENTS.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(1) how many public servants are due for retirement by the end of 31st March 1931 and 31st March 1932, including the ministerial branches in the following services:—

- (a) All-India Services,
- (b) Provincial Services, and
- (c) Subordinate Services (excluding menials);

(2) what is the total of the salaries of these persons who are due to retire?

(3) In view of the financial stringency do Government contemplate—

- (a) to fill up the vacancies by creating new cadres with lower scale of salaries,
- (b) to grant extensions,
- (c) to fill up the vacancies wherever possible?

The Honourable Sir GOVINDRAO PRADHAN: (1) and (2) It is the policy of Government not to give extensions of service, except when this is definitely for the benefit of the administration. In view of this, Government see no object in collecting the information asked for.

(3) New scales of pay for new entrants have been drawn up and orders will shortly be issued. Meanwhile all scales are being reduced by $12\frac{1}{2}$ per cent.

Mr. V. N. JOG: With regard to answers to (1) and (2), is it not that the Accountant General asks every year, six months before the year is ending, how many persons are retiring and whether extensions are being given? I think it is very easy to collect that information?

The Honourable Sir GOVINDRAO PRADHAN: The Accountant General enquires in some departments. I do not know whether he enquires in every department. The honourable member will see that the question relates to all the subordinate services excluding menials. So the enquiry would have to be extended all over the Presidency including Sind where there are hundreds and thousands of persons. As regards the All-India Services and the Provincial Services, sometimes we do not know whether officers are going to retire or not. Some may retire on proportionate pensions. If the honourable member can explain to me even privately for what purpose he wants this information, I will see if I can satisfy him in so far as it relates to the All-India and Provincial Services. It is impossible to give the information in so far as it relates to the subordinate services.

Dr. M. K. DIXIT: Is it not a fact that information on this subject will be very useful in calculating the extent of retrenchment?

The Honourable Sir GOVINDRAO PRADHAN: No, because often-times ministerial servants are given extensions and sometimes even the service men are given extensions. The whole question, as I have said, is before the Retrenchment Committee and they are considering it, but it is impossible to collect all this information which the honourable member wants.

BUDGET : CONTINGENCIES.

Mr. V. N. JOG (Dharwar District): (1) Will Government be pleased to state what are the items included in the item "Contract Contingent Grants"?

(2) Are the Contract and non-Contract Contingencies two distinct heads?

(3) What items go into contract grant and what in the non-contract grant heads?

(4) What is the necessity of the two heads being shown separately in the Budget?

The Honourable Sir GOVINDRAO PRADHAN: (1) and (3) The honourable member is referred to Chapter VII of Financial Publication No. 1. Contingencies are of two kinds:—

(1) Supplies and services and (2) contingencies proper, i.e. incidental expenses. The former comprise charges which are incurred for the technical working of the Department concerned, charges, which are not merely incidental, but represent the main and proper activities of Departments, e.g., purchase and upkeep of live stock, purchase of apparatus, value of, and freight on, Europe Stores, books for a public library, exhibits for a Museum, destruction of insect pests and wild animals, etc. Such charges are for the most part peculiar to the Department in which they are incurred.

The other class of contingencies which is of the nature of incidental expenses, is divided into two parts, contract and non-contract contingencies.

As a general rule, the contract grant consists of charges, the annual incidence of which can be averaged with reasonable accuracy, e.g. charges for the carriage of office tents and records or for book-binding. It is fixed by Government for each officer for a term of five years, and within that contract period, the officer is allowed to appropriate any savings, which may accrue in one year, in the succeeding years, by anticipating such savings and proposing budget provision therefor. The savings at the end of the last year of the contract period lapse to Government. This element of contract does not exist in other contingencies, which are therefore termed non-contract contingencies, e.g., service postage and telegrams, rents, rates and taxes, purchase of periodicals, etc.

(2) Contract and non-contract contingencies form two separate sub-heads under the same primary unit "Contingencies".

(4) The necessity for showing these two classes of contingencies separately in the budget is explained by the presence of the element of contract in one and its absence in the other. On account of that element of contract, no officer is allowed to exercise his powers of reappropriation to supplement his contract contingencies. Any unauthorised excess under this head is recoverable from the personal emoluments of the officer concerned.

WAKFS : REPORT OF COMMITTEE.

Mr. J. S. KADRI (Northern Division): Will Government be pleased to place on the Council table the report of the Committee appointed by Government in April 1930, to enquire into and report on the administration of Mussalman Wakfs in the City of Bombay, together with the orders passed thereon?

The Honourable MOULVI RAFIUDDIN AHMAD: Copies of the report have already been distributed to the Honourable Members of the House. The report is under consideration.

Mr. J. S. KADRI: When will Government orders be passed on that report?

The Honourable MOULVI RAFIUDDIN AHMAD: [*Inaudible*].

The Honourable the PRESIDENT: I must draw the attention of the Honourable Ministers that I am frequently asked by the reporters to request the Honourable Ministers to speak louder because the replies cannot otherwise be taken down.

Mr. HOOSENALLY M. RAHIMTOOLA: When did Government receive the report of this committee?

The Honourable MOULVI RAFIUDDIN AHMAD: Last year.

Mr. HOOSENALLY M. RAHIMTOOLA: When was it published?

The Honourable MOULVI RAFIUDDIN AHMAD: Last month.

Mr. HOOSENALLY M. RAHIMTOOLA: Why did Government take such a long time to publish the report?

The Honourable MOULVI RAFIUDDIN AHMAD: There were many considerations for which we had to delay the publication.

Mr. HOOSENALLY M. RAHIMTOOLA: What were the reasons why Government delayed the publication?

The Honourable MOULVI RAFIUDDIN AHMAD: Considerations of public policy and other matters, such as the evidence of witnesses and their objections to publication, etc.

Mr. HOOSENALLY M. RAHIMTOOLA: Was that report a confidential document?

(No reply.)

Mr. HOOSENALLY M. RAHIMTOOLA: Were the considerations confidential?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes.

ANGLO-URDU HIGH SCHOOL BUILDING, POONA: PROGRESS.

Mr. J. S. KADRI (Northern Division): Will Government be pleased to state how far the building scheme for housing the Anglo-Urdu High School and other educational institutions for Muslim boys and girls at Poona has progressed, and whether some donations promised

for that purpose by certain Muhammadan gentlemen have been or are likely to be realised ?

The Honourable MOULVI RAFIUDDIN AHMAD : One of the donations promised has not been realised. Owing to financial stringency the scheme has not made much progress.

Mr. J. S. KADRI : May I know how much of the donations has been realised ?

The Honourable MOULVI RAFIUDDIN AHMAD : [*Inaudible*].

Mr. J. S. KADRI : How much is in the hands of Government ?

The Honourable MOULVI RAFIUDDIN AHMAD : There is nothing in the hands of Government at the present time.

Mr. J. S. KADRI : Can any steps be taken to realise the promised donations ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes. Steps can be taken and are being taken.

Sardar BHASAHEB RAISINHJI (THAKOR or KERWADA) : What proportion of the promised amount has been realised ?

The Honourable MOULVI RAFIUDDIN AHMAD : We are hoping that Rs. 1,80,000 will be realised, but nothing more.

Mr. J. S. KADRI : Will this amount be realised very soon ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say but much would depend upon the fact whether we are in a position to begin the work.

EXCISE OFFICERS : TRANSFERS.

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

(a) the ordinary time limit in vogue for the transfer of officers of the Excise Department from one place to another ;

(b) the names of Excise Inspectors, Assistant Inspectors and Sub-Inspectors in the Bombay Presidency, who have been in the same charge or in the same district continuously for five years or more ;

(c) the special reasons why particular officers have been allowed to continue in the same charge for more than five years ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Ordinarily two years in the Presidency proper.

(b) Statements A and B showing the names of Inspectors, Assistant Inspectors and Sub-Inspectors serving in the same charge or in the same district continuously for five years or more are placed on the Council table.

(c) The officers mentioned in statements A and B were allowed to continue in the same charge or in the same district for more than five years because of their special experience of local affairs or their knowledge of technical matters. The attention of the Commissioner of Excise has,

however, been drawn to the subject-matter of the Honourable Member's question and he has been requested to see if these exceptions can be reduced.

A

Statement showing the names of officers serving in the same charge continuously for five years or more.

Name of officer	Designation	Charge
1. Mr. H. C. Cama ..	Inspector	Bandra.
2. Mr. H. S. Mistry ..	Inspector	Bombay.
3. Mr. P. J. Hudson ..	Inspector	Bombay.
4. Khan Saheb Chand Kadar ..	Inspector	Sholapur.
5. Mr. F. C. Pestonjamas ..	Inspector	Bombay.
6. Mr. B. A. Patil ..	Inspector	Bombay.
7. Mr. E. H. Udwadia ..	Inspector	Bombay.
8. Mr. Sayad Umar Sayad Ismail ..	Sub-Inspector	Liquor Warehouse, Dhulia.
9. Mr. J. M. Pathak ..	Sub-Inspector	Liquor Warehouse, Bulsar.
10. Mr. J. D. Vesuna ..	Sub-Inspector	Bombay.
11. Mr. B. M. Satarawalla ..	Sub-Inspector	Bulsar.
12. Mr. B. N. Cama ..		Bombay.
13. Mr. M. E. Tojer ..		Bombay.
14. Mr. C. W. Foster ..	Assistant Inspector	Karachi Town.

B

Statement showing the names of officers serving in the same district continuously for five years or more.

Name of officer	Designation	District
1. Mr. W. T. B. Dubois ..	Inspector	Nasik.
2. Mr. C. B. Bhagwagar ..	Inspector	Thana.
3. Mr. V. D. Samant ..	Inspector	East Khandesh.
4. Mr. U. K. Hindlekar ..	Assistant Inspector	Ratnagiri.
5. Mr. S. D. K. Vazifdar ..	Assistant Inspector	West Khandesh.
6. Mr. K. R. Sortur ..	Assistant Inspector	Kanara.
7. Mr. B. P. Patil ..	Assistant Inspector	Satara.
8. Mr. S. A. Nabar ..	Sub-Inspector	Ratnagiri.
9. Mr. A. N. Bagewadi ..	Sub-Inspector	Dharwar.
10. Mr. D. K. Atnavle ..	Sub-Inspector	Belgaum.
11. Mr. B. D. Kumta ..	Sub-Inspector	Bijapur.
12. Mr. G. P. Pradhan ..	Sub-Inspector	West Khandesh.
13. Mr. B. M. Pradhan ..	Sub-Inspector	Thana.
14. Mr. K. G. Padawe ..	Sub-Inspector	Ratnagiri.
15. Mr. V. G. Karne ..	Sub-Inspector	Dharwar.

Mr. J. S. KADRI : Will the experience and knowledge obtained by these senior officers who have been too long at several places be utilised for other districts now ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes ; but I have to inform the honourable member that those officers possess local knowledge which would not be much use elsewhere.

LAND REVENUE CODE : AMENDING BILL.

Rao Bahadur R. R. KALE (Bombay University): (a) Will Government be pleased to state why the revised Land Revenue Code Amendment Bill has not yet been introduced in the Legislative Council though more than a year has elapsed since it was stated that the matter was in correspondence with the Government of India?

The Honourable Mr. W. F. HUDSON: The attention of the Honourable Member is invited to my speech in the Legislative Council on 5th March last. For reasons connected chiefly with the present slump in prices and their finances Government have decided not to proceed with the bill at present.

Rao Bahadur B. R. NAIK: Are we to assume that the amending Bill will not come up in the life-time of this Council?

The Honourable Mr. W. F. HUDSON: I should not make any such assumption. If prices attain their normal level and the finances of the Presidency are on a sounder footing than they are at present, I should have very great pleasure in introducing the Bill.

MEDICAL COLLEGE, BOMBAY : INCREASE OF HOSTEL RENT.

Rao Bahadur R. R. KALE (Bombay University): Will Government be pleased to state—

(a) whether the rents charged for the Hostel attached to the Medical College, Bombay, have been recently raised;

(b) the additional income that is expected to be realized by such enhancement;

(c) whether the students have left the hostel with the result that at present there is a loss to Government of the original rent;

(d) the amount of such loss;

(e) whether the rent charged for hostels attached to other Government Institutions in the Presidency was similarly enhanced;

(f) if not, the reason for making a distinction in the case of the Medical students?

The Honourable Sirdar Sir RUSTOM J. VAKIL: (a) Attention is invited to Government Press Note No. P. 150, dated the 2nd June 1931, which explains fully the incidence of the Grant Medical College Hostel rents. A copy of this Press Note is placed on the Council table.

(b) Rs. 2,439 net per annum.

(c) and (d) The students left the hostel in the beginning of October 1930 and consequent on that, there was a loss to Government of Rs. 612 per mensem approximately, on the basis of the old rent of Rs. 3 per mensem per student charged till the year 1930. Since the beginning of the College term in June 1931, new students unless exempted have taken up residence in the hostel.

(e) and (f) Full economic rent is being recovered from the resident students at the three Government Medical Schools at Poona, Ahmedabad and Hyderabad. As regards the hostels attached to institutions under the control of other Departments of Government, the information may

be obtained from the Honourable Members or Ministers in charge of those Departments.

*With the compliments of the
Director of Information, Bombay.*

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Till the year 1930, the rent charged per student in the hostel attached to the Grant Medical College was Rs. 24 per term of four months or Rs. 72 per annum. Of this rent, half was payable on account of rent proper and half was on account of general hostel charges (servants, lighting, etc.) In January 1930, Government decided to charge the full economic rent for hostel quarters but postponed the application of their orders until the term which commenced on September 24th, in order to give the students sufficient notice of the change. Government undertook themselves to bear certain charges that were previously met from the hostel fund, and fixed the economic rent recoverable from students at Rs. 90 per annum, a figure which covered the standard rent *plus* the cost of electric lighting. Subsequently in consequence of a reduction in municipal taxation, the standard rent has been reduced to Rs. 29 per term or Rs. 87 a year, inclusive of electric light charges.

The students protested against the increase in rent last September, and vacated the hostel, which has subsequently stood empty. Under instructions from Government, the Surgeon General with the Government of Bombay investigated the grievances of the students, and on his recommendation Government have now decided to reduce the rent with effect from the term commencing from June 1931 as follows :—

Rs. 24 per student for each working term.

Rs. 3-12 per student per month (of four weeks) during vacation.

This decision means that the vast majority of the students will pay the same rent per term as formerly, while only those who occupy quarters in the hostel continuously throughout the year will pay the full standard rent. The amount realised by Government on this basis will actually be somewhat less than would be yielded by the adoption of a uniform rate of Rs. 25 per student per term including the vacation. Although it is understood that the students would be agreeable to the latter proposal, the former has been adopted in order to conserve the principle of the standard rent.

Rent during vacation will only be charged to those students numbering an average of 40 out of a total of about 220 who occupy their rooms during that period. But exemption from vacation rent will be granted to those students who reside in the hostel on account of hospital duties which are not an integral part of their hospital course. Government consider it necessary that as many students as possible should reside in the hostel, and have made residence in the hostel compulsory in the case of all students admitted after June 1st, 1931, unless they are living with their parents or guardians in Bombay or unless exempted by the Dean on the ground of their poverty.

Rao Bahadur R. R. KALE: May I know whether the public works, the buildings, that is to say the hostels attached to the various colleges are under the charge of the Public Works Department?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Of course, so far as the buildings are concerned, they are in charge of the Public Works Department, but the management of the building will always be in charge of the different Departments concerned.

Rao Bahadur R. R. KALE: In answer to (e) and (f) it is stated:

“ Full economic rent is being recovered from the resident students at the three Government Medical Schools at Poona, Ahmedabad and Hyderabad. As regards the hostels attached to institutions under the control of other Departments of Government, the information may be obtained from the Honourable Members or Ministers in charge of those Departments.”

My question was whether the enhancement of rent has been made only with regard to the Bombay Medical College hostel or with regard to hostels attached to other high schools and colleges. There are several Government buildings, and whether a building is attached to a medical

school or to an arts college, are they not in charge of the same Public Works Department ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I stated that the buildings are in charge of the Public Works Department so far as their care and repairs are concerned.

Rao Bahadur R. R. KALE : What about the question, so far as the charging of rent is concerned ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : The enhancement of rent—the economic rent—is calculated by the Public Works Department and communicated to the Departments concerned, who have to charge accordingly.

Rao Bahadur R. R. KALE : Therefore my question is whether there had been a rise or enhancement in respect of other hostels, hostels attached to other colleges, or whether it is only with regard to medical college and school hostels that the Public Works Department is going to enhance the rent.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : The rents had been fixed decades ago, and no alterations had been made. In 1927 the Public Works Department raised the question of re-examining the rents charged in respect of Government quarters of officers as well as staff which were occupied at reduced rents. As a result of this enquiry rents were raised as soon as full information in each case was collected, and on the basis of this information, in the year 1928 the rents of the hostels of medical schools of Poona and Ahmedabad were raised, and of the Hyderabad medical school hostel in 1930. This increase in respect of these three school hostels nearly came to about 20 per cent.

Rao Bahadur R. R. KALE : My question is not yet answered.

The Honourable Sir GHULAM HUSSAIN : The Honourable Minister in charge of Local Self-government is in charge of medical administration, and therefore, he can only reply about the hostels which are attached to medical schools and hospitals. If the honourable member wants information as regards hostels attached to other educational institutions, he has to address the question to the Honourable the Minister in charge of Education.

Rao Bahadur R. R. KALE : My point is, whether it is the Medical Department or the Educational Department or any other Department, the hostels attached to these various institutions are in charge of one Department ?

The Honourable Sir GHULAM HUSSAIN : The Public Works Department are merely the agents of the various Departments.

Rao Bahadur R. R. KALE : Is it not one uniform principle which governs the question of raising of rents of all hostels ? Is the enhancement of rent to be confined to the hostels attached to the medical institutions only ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I have made it very clear in my reply that the rents of all the buildings are under revision now.

Rao Bahadur R. R. KALE : I am not confining my question to the medical schools only. Where the Public Works Department charges rent, the buildings are in charge of the Public Works Department. I take it the several Departments are the agents—the Medical Department, the Educational Department, etc., are the agents of the Public Works Department ?

The Honourable Sir GHULAM HUSSAIN : No. On the contrary, the Public Works Department are the agents of the various other Departments. Honourable members must have seen that when grants are asked for buildings for the Revenue Department, they appear under the head "Revenue Department"; for the Educational Department, they appear under the head "Education". So, the various Departments are responsible for the grants, and the Public Works Department are merely their agents.

The Honourable the PRESIDENT : Order, order. I think the Honourable Minister is not in a position to answer that question, unless he has enquired from the Public Works Department, whether the rents of other buildings of the same kind were increased when the question of the increase of rent under his Department came up. If he has not enquired about it and has agreed to the increase of rent for the medical schools and colleges, then his reply is correct. But if he has enquired about it, then he might let the honourable member know as to the relative position of rents in other similar institutions.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I am not aware of the rents appertaining to buildings not belonging to my Department.

Rao Bahadur R. R. KALE : I take it that no enquiry has been made as to the comparative rents in other Departments ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I did not make enquiries, because I did not think it necessary.

Rao Bahadur R. R. KALE : That gives rise to a further question. Is it not his business to enquire whether the rents in other hostels are being similarly enhanced ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I have already given a reply to that, that I was informed that rents in regard to all the Government buildings were being revised. I have said that.

Rao Bahadur R. R. KALE : I think the Honourable Minister stated that he has not enquired whether the rents of hostels attached to other institutions have been raised.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I did not enquire to what extent they were raised, but I did come to know that the question of rents generally was being considered by the Public Works Department.

Rao Bahadur R. R. KALE : My point is, is it not necessary that the Honourable Minister should see to all this in the interest of his own Department ?

The Honourable the PRESIDENT: The honourable member knows now how far the Honourable Minister has gone into the matter.

Rao Bahadur R. R. KALE: In reply to (c) and (d), it is stated as follows:

"The students left the hostel in the beginning of October 1930 and consequent on that there was a loss to Government of Rs. 612 per mensem approximately."

The annual income that is supposed to be obtained is about Rs. 2,400. So for 9 months from October to June the loss is Rs. 5,508. Is that correct? The figure of additional income expected to be derived for the year is Rs. 2,439; the figure of rent is given as per month. It is also stated that since the beginning of the college term in June 1931, new students unless exempted have taken up residence in the hostel. That is to say, for 9 months from October to June the total loss suffered by Government on this account is Rs. 5,508, that is, Rs. 612 multiplied by 9. Am I correct?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I would not say that the loss is exactly so many thousand rupees, but the honourable member can easily calculate that it is Rs. 612 per month from October to June *plus* what we might have recovered by way of increase in rent.

Rao Bahadur R. R. KALE: Government anticipated an increase of Rs. 2,000 odd by raising the rent but actually it has ended in a loss of Rs. 5,508. My question is whether Government do still intend to make some modification in the rent?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: No.

Dr. M. D. GILDER: The economic rent was at first fixed at Rs. 90 and then it was reduced to Rs. 87. May I know whether Rs. 24 for each working term *plus* Rs. 3-12 per month during vacation is the economic rent?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It has been uniformly maintained. It comes to Rs. 87.

Mr. M. M. KARBHARI: Is it made a condition for students that come from outside that unless and until they take up rooms they will not get admission to the college?

The Honourable the PRESIDENT: The reply is there:

"The students left the hostel in the beginning of October 1930 and consequent on that, there was a loss to Government."

Mr. M. M. KARBHARI: Are new students exempted from taking up rooms in the hostel?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It is made compulsory in the case of new entrants.

Mr. M. M. KARBHARI: Why is it so?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It is in the interest of the students that they should live in the hostel. It contributes to discipline and the students are able to concentrate more

on their studies. Certain exemptions are made. Students who live with their parents are exempted and students who live in approved quarters are also exempted.

Mr. M. M. KARBHARI : May I know what is done in the case of students who are too poor to pay the rent ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : If they are too poor to pay the rent, it is left to the discretion of the Dean to make an exception in such a case and to charge either a reduced rent or no rent at all.

Dr. M. D. GILDER : As students are promoted from first year to second year and from second year to third year, are Government prepared to increase the accommodation in the hostel to fulfil the noble ideal the Honourable Minister has put forward about the advantages of living in a hostel ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : Recognising the advantages of living within the premises of the College, Government are prepared to do so, if funds permit.

Dr. M. D. GILDER : Is the Honourable Minister aware that his two replies are contradictory ? He makes residence in the hostel compulsory and yet he says he will increase the accommodation—so that all students can be accommodated—only if funds permit ?

(No answer.)

Dr. M. D. GILDER : Is it not a fact that the principle of compulsion is applied in order to break the strike of the students ?

(No answer.)

The Honourable the PRESIDENT : There were two questions put and both have not been replied. The honourable member asks how he can reconcile these things—the increase of rent, compulsion of residence there and no ability to increase accommodation ? That is a very important question from the public point of view.

The Honourable Sirdar Sir RUSTOM J. VAKIL : Every educational institution has got certain accommodation provided and so long as there is accommodation the principle of compulsion ought to be applied and is applied. When the accommodation is filled, it all depends upon the financial ability of Government. That is my reply.

Dr. M. D. GILDER : May I know of any other educational institution where the principle of compulsion is applied ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : I suppose the honourable member knows the regulations prevailing in Oxford and Cambridge.

Dr. M. D. GILDER : But we are talking of the Bombay Presidency.

Dr. M. K. DIXIT : Is the principle of compulsion applied to students in any other medical school in the Presidency ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : Up till very recently, almost all the hostels attached to medical institutions were full. Therefore, there was no need to apply compulsion.

Dr. M. K. DIXIT : So, compulsion is applied only to fill up vacant rooms.

Mr. M. M. KARBHARI : Is the principle of compulsion applied to medical schools outside the Bombay city ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : There is no necessity, as I said, because of the fact that the hostels are full.

The Honourable the PRESIDENT : Next question.

DEPUTY SUPERINTENDENTS OF POLICE : MOTOR CAR ALLOWANCE.

Mr. N. E. NAVLE (Ahmednagar) : Will Government be pleased to state—

(a) whether it is a fact that Deputy Superintendents of Police have got to keep a car for the efficient discharge of their duties ;

(b) whether it is a fact that Deputies are allowed As. 3 as mileage while Assistant Superintendents are allowed As. 6 ;

(c) what are the reasons for this difference ;

(d) whether it is a fact that both kinds of Officers have the same duties to perform ;

(e) whether it is a fact that this different treatment given to Deputy Superintendents has caused an amount of discontent amongst the persons in that grade ;

(f) whether it is a fact that Deputy Superintendents of Police using a hired motor conveyance are given As. 4 per mile, while if they use their own car they are given As. 3 ;

(g) if so, why this difference is made ?

The Honourable Mr. G. A. THOMAS : (a) It is not obligatory on a Deputy Superintendent of Police to maintain a car.

(b) Yes, except the Deputy Superintendents of Police in the Selection Grade on Rs. 800 per mensem who are allowed six annas a mile.

(c) A reference is requested to Rule 377 as amended and to the footnote to Rule 414-I in the Bombay Civil Services Rules Manual, a copy of which is in the Council Library.

(d) Yes.

(e) Government are not aware of any discontent among Deputy Superintendents of Police caused by the working of the present Rules which are applicable to all members of other similar branches of the public service.

(f) and (g) A reference is invited to Rule 414 referred to in the answer to clause (c) from which it will be seen that Deputy Superintendents, except those in the Selection Grade appointment on Rs. 800, are allowed the actual cost of hiring such a conveyance subject to a limit of four annas a mile. This limit was based on the average actual rates for hiring such accommodation.

Mr. N. E. NAVLE : It is stated in part (a) of the reply that it is not obligatory on a Deputy Superintendent of Police to maintain a car. Is it possible for a responsible officer of the position of a Deputy Superintendent of Police to discharge his duties satisfactorily in these days without keeping a private car ?

The Honourable Mr. G. A. THOMAS : The answer to the question is :

"It is not obligatory on a Deputy Superintendent of Police to maintain a car."

It is certainly desirable to do so. But he cannot always afford to keep his own car. Government do not insist upon it.

Mr. N. E. NAVLE : Do Government maintain that it is possible for the Deputy Superintendent of Police to discharge his duties satisfactorily without keeping a private car ?

The Honourable Mr. G. A. THOMAS : I have discharged my duties without a motor car.

Mr. N. E. NAVLE : But it is different in the case of a Deputy Superintendent of Police. Without a moment's notice he may be required to attend the scene of offence. Is it possible for him to do so without a private car ?

The Honourable Mr. G. A. THOMAS : Motor cars came to India a few years ago. Now-a-days motor cars are plying for hire and there is also a widespread motor bus service. He can utilise these, if he is not able to maintain a car of his own.

LOCAL AUTHORITIES : ATTENDANCE ALLOWANCE.

Mr. SHAIKH ABDUL AZIZ for Khan Bahadur A. E. PATEL (Northern Division) : (a) Are Government aware that certain local authority municipalities have not paid attendance allowance to their teachers ?

(b) If so, which are those defaulting local authorities ?

(c) What steps do Government propose to take in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) The accompanying statement gives the requisite information.

(c) Government have already asked the Commissioner in Sind and the Commissioners of Divisions to take action under the appropriate sections of the Bombay Municipal Boroughs Act, 1925, and the Bombay District Municipal Act, 1901, to compel those local authorities which have defaulted to pay the attendance allowances to which the teachers are legally entitled. Some have already paid up the arrears and those which have not yet paid them are being dealt with.

Serial No.	Name of the local authority municipality.	Serial No.	Name of the local authority municipality.
	<i>Northern Division.</i>		<i>Central Division—contd.</i>
(1)	Viramgam.	(9)	Poona Suburban.
(2)	Nadiad.	(10)	Pandharpur.
(3)	Godhra.		<i>Southern Division.</i>
(4)	Dohad.	(11)	Nipani.
(5)	Broach.	(12)	Hubli.
(6)	Surat.	(13)	Gadag Betgeri.
	<i>Central Division.</i>	(14)	Dharwar.
(7)	Sangamner.	(15)	Vengurla.
(8)	Poona City.		

Mr. J. S. KADRI: Cannot these allowances be abolished when so many local authorities are against it?

The Honourable MOULVI RAFIUDDIN AHMAD: I may say that the local authorities may do so if they like.

DRAMAS : LICENCES.

Mr. C. N. PATEL (Kaira District): Will Government be pleased to state—

(i) whether a Dramatic Company by name "The Laxmikant Natak Samaj" had recently gone to Nadiad on the occasion of the Santaram fair;

(ii) whether the Company applied for and obtained licences to perform several dramas from the Mamlatdar, Nadiad;

(iii) whether before some of these authorised dramas were even performed they were banned;

(iv) whether any application was made by the Company to the District Magistrate, Kaira, for permission to perform their dramas;

(v) whether the District Magistrate issued a licence for performing several dramas;

(vi) whether the District Magistrate revoked the licence granted by himself, and, if so, for what reasons;

(vii) whether the District Magistrate or any officer authorised by him went through the plots of the different dramas, and, if so, what portions thereof were found objectionable by them;

(viii) whether it is a fact that the drama "Ajat Shatru" is purely a historical drama dealing with the Buddhist times, and, if so, why this drama was banned;

(ix) whether licences were granted to this Company by the District Magistrate, Ahmedabad, in respect of the very dramas which have been banned by the District Magistrate, Kaira, and whether all or any of the dramas that have been banned by the District Magistrate, Kaira, were ever banned before by any authorities in the whole of the Bombay Presidency;

(x) whether it is a fact that all the dramas banned by the District Magistrate, Kaira, have all along been staged by the Company at Bombay, Ahmedabad and other places without any objection by the authorities of those places?

The Honourable Mr. G. A. THOMAS: (i) Yes.

(ii), (iii), (iv) and (v) A licence was obtained from the Mamlatdar and 2nd Class Magistrate, Nadiad, on the 23rd December 1930 to perform 11 plays. After some of the plays had been performed on one or two occasions, the District Magistrate issued a notice to the Manager of the Company on the 4th January 1931 withdrawing the licence pending further examination of the plays. Subsequently temporary permission was given by him to perform nine of the plays pending detailed scrutiny of the texts. As the scrutiny proceeded, orders were passed from time to time between the 28th January and the 2nd April which had the

effect of cancelling the licences in respect of some of the plays and afterwards permitting their performance subject to the omission of certain passages.

(vi) The District Magistrate considered that some of the plays contained passages which, under a thin mythological or historical disguise, referred to events connected with the civil disobedience movement, and would, in the unsettled state of the district, inflame popular excitement.

(vii) Yes. The plays were scrutinised by the Personal Assistant to the District Magistrate and the objectionable passages were marked in them. The Company possessed only one copy of each play which was returned to them.

(viii) In the opinion of the District Magistrate, the character of Buddha of this play appeared to be a well-known Indian political leader in disguise. This was one of the four plays which were eventually allowed to be staged subject to certain excisions.

(ix) Yes. The licences were granted by the City Magistrate, Ahmedabad.

One of the dramas, the "Virna Ver", was banned in the Surat district in 1929.

(x) The four dramas temporarily banned by the District Magistrate, Kaira, were licensed for performance in Ahmedabad and Broach, and three of them were licensed for performance in Bombay City and Surat during the year 1930.

CART-TRACKS, CAMPOLI: CAMPOLI TAIL WATER.

Mr. N. N. PATIL (Kolaba District): (a) Are Government aware that on account of the Campoli tail water being allowed to flow into the Patalganga River the ways and cart-tracks of several villages have been cut off?

(b) If so, what steps have been taken by the Government in the matter?

(c) What is the length of track through which this water passes?

(d) How many applications complaining about the village tracks being cut off have been received by Government?

(e) Have bridges or causeways been provided, and, if so, where?

(f) Is there any agreement between the Company and Government and, if so, will Government be pleased to place it on the table?

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

(b) Government had called upon the Tata Hydro-Electric Company Limited, to construct the crossings which have been rendered useless or dangerous owing to their operations but the Company have refused to accept the liability. The question of fixing the liability to construct these crossings by reference to a law court is under consideration.

(c) The entire length of the Patalganga River from near Khopoli in the east to Kasarbhāt in the west.

- (d) Four applications were received by the Collector of Kolaba.
 (e) The Tata Hydro-Electric Power Supply Company have so far built two causeways one near Khopoli and the other near Khalapur.
 (f) Yes. The agreement was published at pages 478 to 481 of the Supplement to the *Bombay Government Gazette* dated 13th July 1911.

Mr. N. N. PATIL: With regard to (e), are these two causeways sufficient to meet the needs of the villagers who have lost their cart-tracks?

The Honourable Mr. W. F. HUDSON: That is a matter of opinion.

Mr. N. N. PATIL: Will Government be pleased to call upon the company to construct more causeways?

The Honourable Mr. W. F. HUDSON: If the honourable member will read the answer to (b), he will see that Government did call upon the company to construct the causeways. The question is now in this position, that the taluka local board has filed a suit against the company and Government are awaiting the result of that suit before deciding whether it is desirable for them to proceed further in the matter.

EDUCATIONAL GRANT, AHMEDABAD MUNICIPALITY.

Mr. A. K. RESALDAR (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether they have received any representation from the President, Ahmedabad Municipality, requesting them to reconsider their orders regarding the withholding of Government grant on account of education to the Ahmedabad Municipality in view of the Gandhi-Irwin pact;

(b) if so, whether they have sent any reply to that representation;

(c) whether they will put the whole correspondence on that subject on the Council table?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) No.

(b) and (c) Do not arise.

Mr. A. K. RESALDAR: Have not Government received any representation up to this time?

The Honourable MOULVI RAFIUDDIN AHMAD: No, Sir.

Mr. A. K. RESALDAR: Will Government reconsider their decision in view of the pact?

The Honourable MOULVI RAFIUDDIN AHMAD: May I ask what clause of the pact has a bearing upon this subject?

Sardar BHASAHEB RAISINGHI (THAKOR OF KERWADA): They have to revert to the *status quo*.

LANDS SUBMERGED BY INDUS.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) the total area of land submerged by the Indus in the Karachi District during the last ten years;

(b) how much of this land belonged to Muslim zamindars and what portion of it was owned by non-Muslim zamindars ?

The Honourable Mr. W. F. HUDSON : (a) 15,580 acres.

(b) The information is not available.

AGRICULTURAL LAND, JOHI : TENURE.

Mr. SHAIKH ABDUL MAJID (Karachi District) : (1) Has the attention of Government been drawn to an article published in *Daily Alwahid*, Karachi, dated 12th July 1930 by Mr. Khair Mahomed, B.A., LL.B., Pleader, Larkana, to the effect that the agricultural land in the Taluka Johi of Larkana District called "Kache Jizamin" belongs to the khatedars and that it would be sheer injustice to deprive them of its possession simply because it was not surveyed by the Survey Officers ?

(2) Is it a fact that the khatedars have been in possession of the above land from generation to generation ?

The Honourable Mr. W. F. HUDSON : (1) Yes.

(2) No. The khatedars were in possession of only a portion of the land which was broken up into survey numbers in the year 1901 ; and after an enquiry into the existing rights of the people had been made by a special Mukhtiarkar in 1913-14 all the lands over which valid claims were established were entered in the Record of Rights as the property of the occupants.

Mr. SHAIKH ABDUL MAJID : How much area was broken up into survey numbers in the year 1901 and what was the area entered as the property of the occupants in 1913-14 by the special mukhtiarkar, and what was the area over which private claims could not be established ?

The Honourable Mr. W. F. HUDSON : I am afraid I must ask for notice of that question.

Mr. SHAIKH ABDUL MAJID : Is the Honourable the Revenue Member aware that there is very much discontent among the people of that part over this question on the ground that their claims were not considered ?

The Honourable Mr. W. F. HUDSON : I am aware that there is a certain amount of discontent, but it is not true that their claims were not considered. Their claims were fully considered in 1913-14. It is impossible to go into that settlement now, but I should like to assure the honourable member that the so-called claims of these people will be taken into consideration now that water is coming to the land and it is quite possible that certain concessions will be made to them in regard to the purchase price in view of the fact that they had enjoyed those lands without any proprietary rights for a good many years.

Khan Bahadur M. A. KHUHRO : Did they not hold them ?

The Honourable Mr. W. F. HUDSON : Yes, in the sense they cultivated the lands. They had no right to these lands—it was decided in 1913, that they belonged to Government. It is quite true that these people

cultivated those lands, but, as the honourable member is well aware, that is a very different thing in Sind.

Khan Bahadur M. A. KHUHHRO : Was it *eksali* or *panchasali* ?

The Honourable Mr. W. F. HUDSON : Certainly only *eksali*—I am speaking now without the book, but I am quite sure it was only *eksali*.

Khan Bahadur M. A. KHUHHRO : Does not *eksali* for a long period establish claims ?

The Honourable Mr. W. F. HUDSON : No ; the honourable member knows that as well as I do.

JAIL CLASSIFICATION OF PIR PAGARO.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether it is a fact that the Pir Saheb of Pagaro has been placed in Jail in B class ;

(b) the reasons why he has not been placed in A class ;

(c) whether it is a fact that the Pir Saheb has been reduced in weight ?

The Honourable Mr. G. A. THOMAS : (a) Yes.

(b) The offences of which he was convicted disqualified him for A class.

(c) Yes, his weight has been reduced to 207 lbs.

Mr. SHAIKH ABDUL MAJID : What was his weight when he was first admitted to jail ?

The Honourable Mr. G. A. THOMAS : 242 lbs.

Mr. J. S. KADRI : Was the reduction in the Pir's weight due to his being placed in class B ?

The Honourable Mr. G. A. THOMAS : No.

Rao Bahadur S. K. BOLE : Was he given the same quantity of food ?

The Honourable Mr. G. A. THOMAS : I hope not.

POLICE SERVICE : ADMISSION OF DEPRESSED CLASSES.

Dr. P. G. SOLANKI : (a) Will Government be pleased to state how many candidates from the "Depressed Classes" applied for services in the police service in Bombay City in its various departments during the last year ?

(b) Were there applications to the Bombay Police Commissioner from fully qualified candidates from these classes ?

(c) If so, what posts were given to these candidates or candidate ?

(d) How many young men from the Depressed classes have been actually admitted in the constabulary department in the "District Police" and in the City Police of Bombay ?

(e) If depressed classes men have been taken on in the constabulary services in the "Districts", what difficulties come in the way of their being appointed in the Bombay City Police Constabulary ?

The Honourable Mr. G. A. THOMAS: (a), (b) and (c) So far as the lower ranks of the police are concerned no written application was received. Applicants for such posts usually appear in person and do not submit written applications in which case no record is kept. No appointment was made during the past year. Two fully qualified candidates from these classes applied for the post of Sub-Inspector, and one of them was appointed early in 1931.

(d) The phrase "Depressed Classes" includes besides the untouchable classes, the Aboriginal Tribes and the Criminal Tribes and some other wandering and backward castes. The following table shows the total number from the Depressed Classes who have been enrolled in the constabulary up to 1st February 1931:—

In Bombay City	In Bombay Presidency excluding Bombay City and Sind.	In Sind.
7	622	4

(e) Attention is invited to the Press Note dated the 21st May 1931, issued on the subject by Government.

Dr. P. G. SOLANKI: With regard to (d), I want to know whether this information is given according to the old schedule under the Primary Education Act or according to the new schedule as recommended by the Starte Committee?

The Honourable Mr. G. A. THOMAS: The revised schedule has not been brought into force.

Dr. P. G. SOLANKI: The report of the Starte Committee has been out for months past and yet that schedule has not been adopted. Is it not high time that Government adopted that schedule?

(No reply).

GOVERNMENT SERVICE: EMPLOYMENT OF DEPRESSED CLASSES.

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

(a) how many Depressed Class men were employed in Government service in the following Departments in the three Divisions of the Presidency during the last two years:—

(i) Revenue Department—as Talatis, Patels and Karkuns and Mamlatdars;

(ii) Excise Departments—as Sub-Inspectors and Inspectors;

(iii) Forest Department—as Rangers;

(iv) Educational Department—as Supervisors and Inspectors;

(v) As clerks in the Secretariat Office in various departments?

The Honourable Sir GOVINDRAO PRADHAN : A statement showing the information required is placed on the Council table—

Statement showing the number of Depressed Class men employed in Government service in the Departments mentioned in the three Divisions of the Presidency during the two years 1929-30 and 1930-31

Name of the Department	Designation of posts				Remarks
	Patels	Talatis	Karkuns	Mamlat-dars	
Revenue Department.	16	36	9	Nil	
Excise Department ¹ ..	Sub-Inspectors.		Inspectors.		
	Nil		Nil		
Forest Department ..	Rangers				
	Nil				
Educational Department.	*Assistant Deputy Educational Inspectors.		Educational Inspectors.		* Supervisors of School Boards are servants of local authorities and not of Government and their appointments are made by the local authorities concerned.
	Nil		Nil		
Secretariat Offices ..	Clerks				
	Nil				

MUNICIPAL GIRLS' SCHOOL, BULSAR : ADMISSION OF LAXMIBAI.

Dr. P. G. SOLANKI : (a) Are Government aware of the fact that a girl named Laxmibai, daughter of one Bholla Ranchod of Abrama village about half a mile from Bulsar, was refused admission last year, in a Municipal Girls' School at Bulsar itself ?

(b) Was the refusal due to the fact that the girl belongs to the Depressed class ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) Yes. But it may be added that the girl was a resident of the village of Abrama where there is a school maintained by the District School Board, Surat.

Sardar BHASAHEB RAISINHJI (Thakor of Kerwada): Under what rule has such a girl to be admitted?

The Honourable MOULVI RAFIUDDIN AHMAD : There is no rule.

Dr. P. G. SOLANKI : Was the reason for refusing admission to her that there was a school maintained by the District School Board, Surat?

The Honourable MOULVI RAFIUDDIN AHMAD : I have said "Yes" to part (b) of the honourable member's question, but I have added: "But it may be added....." etc.

Dr. P. G. SOLANKI : Does it mean that the municipal authority was justified in refusing admission to this girl?

The Honourable MOULVI RAFIUDDIN AHMAD : I have made full enquiries on the subject but it is difficult to say that caste was not the reason. We have now appointed a depressed class officer and the whole question will be again considered.

Dr. P. G. SOLANKI : Am I to understand that the correspondence which was going on between the father of the girl and the authorities for months is not in possession of the Honourable Minister?

The Honourable MOULVI RAFIUDDIN AHMAD : The whole correspondence was not sent but a few questions were referred. As I have already informed the honourable member, fresh enquiries will be made in this matter.

Dr. P. G. SOLANKI : Does it mean that the officer appointed will make enquiries and Government will not pass orders till his report is received?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not understand the question.

Dr. P. G. SOLANKI : Does it mean that the Minister has referred the question to the officer of the backward classes?

The Honourable MOULVI RAFIUDDIN AHMAD : No, not as yet.

Sardar BHASAHEB RAISINHJI : What enquiries is the officer going to make? It is clear that the girl has been refused admission. Is it not for Government without waiting for the report of the officer to issue orders directly?

The Honourable MOULVI RAFIUDDIN AHMAD : I have already said that we have made enquiries. Now as the Depressed Classes Committee report is out, we have given further powers to the officer that has been appointed and possibly the whole question of the depressed classes and the municipality will be taken up by him.

Sardar BHASAHEB RAISINGHI : Government have already passed orders asking the local bodies not to discriminate between depressed and other classes. Why have those orders not been given effect to ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have nothing more to add.

Mr. SYED MUNAWAR : I find in the reply an apparent contradiction. The Honourable Minister says "Yes" in answer to the question "Was the refusal due to the fact that the girl belonged to the depressed classes." That means that the refusal was due to the fact that the girl belonged to the depressed classes.

The Honourable MOULVI RAFIUDDIN AHMAD : I said that I made enquiries. It is very difficult to get straightforward replies from these municipalities. The only information that I could get I have placed before the House. But I will make further enquiries and place the result before the House on a future occasion.

Dr. P. G. SOLANKI : Do Government realise the difficulty of the father of the girl who had to stop her education for a whole year and was forced to bring his girl to Bombay for education and had to spend a lot of money ? Who is responsible for all that ?

The Honourable the PRESIDENT : Next question.

PRISONER H. D. RAJAH : TREATMENT IN JAIL.

Mr. A. N. SURVE (Bombay City, North) : (1) Will Government be pleased to state whether it is a fact that Mr. H. D. Rajah the organiser of the People's Battalion who was convicted for sedition and sentenced to three years' rigorous imprisonment by Mr. H. P. H. Dastoor, the Chief Presidency Magistrate of Bombay, has been placed in C class now in Yeravda Jail whereas some six months ago he was given A class in Thana Jail on a former conviction ;

(2) Is it a fact that in the Yeravda Jail he was put in fetters in a solitary cell in a dark room and was occasionally assaulted and frequently abused both by officers and by convict warders ;

(3) Is it a fact that when one Mr. E. V. S. Maniam from Bombay visited Yeravda and wanted to see him he was not only not allowed to do so but was also assaulted and abused, his eatables and fruits snatched away, books and magazines seized from him and he was chased away by ordinary policemen and is it a fact that when he represented the matter to the deputy jailor he refused to hear the complaint and asked him to clear away ;

(4) Is it a fact that when his brother Mr. Ramah, and his mother and other relatives requested for an interview they were not allowed to have it on the ground that Mr. H. D. Rajah had broken some jail rules and had thereby forfeited his privilege of having interviews ;

(5) What was Mr. Rajah's weight at the time of admission and what is it now ?

(6) Will Government be pleased to state the condition of Mr. Rajah's health and to place a copy of his jail ticket (History Card) on the Council table ;

(7) Is it a fact that private agencies including the Young Patriots League, Bombay, are taking steps to hold an unofficial enquiry about the treatment meted out to prisoners in the Yeravda Jail;

(8) If so, is it the intention of Government to give them any facilities in the matter?

The Honourable Mr. G. A. THOMAS: (1) The attention of the honourable member is invited to the reply given in the last Session of this Council to clauses (a) and (b) of Mr. M. H. Mehta's question on the subject printed at pages 687-688 of the Bombay Legislative Council Debates, Volume XXX, Part XIV.

(2) The attention of the honourable member is invited to the replies given in the last Session of this Council to clauses (a) of Mr. M. H. Mehta's questions on the subjects printed at pages 803 and 688 of the Bombay Legislative Council Debates, Volume XXX, Parts XVI and XIV, respectively.

(3) Nothing is known about the complaint.

(4) Yes.

(5) His weight on admission was 118 lbs. When he was weighed last month, it had increased by 6 lbs.

(6) He is in perfectly good health. A copy of his jail ticket cannot be placed on the Council table.

(7) Government have no information in the matter.

(8) Does not arise.

Mr. A. N. SURVE: May I know why Government do not want to place the copy of the history card on the Council table?

The Honourable Mr. G. A. THOMAS: Jail history cards are kept for the information of the officials and are not available to the public.

POT HISSA SURVEY: MAHAD TALUKA.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(1) the number of villages in the Mahad Taluka of the Kolaba District from which the cost of Pot Hissa Survey is to be recovered;

(2) the amount of such cost to be recovered;

(3) whether it is a fact that in the case of many villages the cost of such survey has been many times more than the annual land revenue of these villages;

(4) whether it is a fact that pieces of varkas land, which are either unassessed or are assessed at very low and insignificant rates have been charged with cost of this survey which is even more than a hundred times the annual assessment of such pieces of land;

(5) whether it is a fact that some of the khatedars are required to pay an amount on account of such cost which is many times more than the land revenue which he pays annually;

(6) the maximum and minimum number of multiples the pot hissa survey charge represents of the actual Land Revenue the land pays, are regards—

- (i) any one village,
- (ii) any one piece of land,
- (iii) any one individual khatedar ;

(7) whether Government have received a copy of the Resolution on this subject passed by the Kolaba District Agriculturists' Conference held at Pen during last Christmas and, if so, what action if any Government have taken in the matter ?

The Honourable Mr. W. F. HUDSON : (1) 139 villages.

(2) Rs. 1,56,742.

(3) It is a fact that in some villages the cost of the Pot Hissa measurement exceeds the annual land revenue of the village, the maximum being ten times the latter.

(4) and (5) Yes, there are instances of the kind.

(6) The information is given below :—

Unit	Land Revenue	Pot Hissa expenses	Maximum number of multiple	Minimum number of multiple
	Rs. a. p.	Rs. a. p.		
(i) Village	81 2 3 775 0 0	880 8 0 107 4 0	10·86 ....	.... ·14
(ii) Piece of land ..	0 0 3 33 14 0	1 15 0 1 8 0	124 ....	.... ·04
(iii) Individual khatedar ..	0 0 3 63 1 6	1 15 0 3 7 6	124 ....	.... ·06

(7) Yes, the matter is under the consideration of Government.

Mr. A. N. SURVE : May I know whether the costs are being recovered this year ?

The Honourable Mr. W. F. HUDSON : I am not quite sure about it. I will get the information if the honourable member gives me notice.

Mr. A. N. SURVE : I remember a statement made by the honourable member that he will be satisfied with the revenue collections this year and the other collections will not be made this year.

The Honourable Mr. W. F. HUDSON : I never said that. The honourable member's recollection is incorrect.

RECORDS OF RIGHTS : KARANJANI : CHANGES.

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) the number of Dharekari villages in the Dapoli Taluka of Ratnagiri District ;

(b) whether Karanjani village of the Dapoli Taluka is a Dharekari village ;

(c) when the verification of the Record of Rights of such Dharekari villages takes place ;

(d) the particular years from 1900 to 1930 when the Record of Rights of Karanjani village was verified ;

(e) whether a particular Dharekari in whose Record of Rights the verifying officer finds a change is duly notified of such a change giving reasons for the same ;

(f) whether such a change made in the Record of Rights is taken as legal by the Government without duly notifying to the Dharekari concerned and without having his consent ;

(g) whether the verifying officer who verified the Record of Rights of Karanjani village in the years 1910 and 1914 made any changes without any notice and without the consent of one Mr. Ramchandrarao Ganpatrao Kalekar of that village, in his holdings ;

(h) the reasons and grounds for making such a change in the holdings of the said Ramchandrarao Ganpatrao Kalekar ;

(i) whether the change has resulted in reducing his holdings from "46 acres and 20 gunthas" to "44 acres and 13 gunthas" and reducing his land revenue from Rs. 19-10-6 to Rs. 18-1-7 ;

(j) who is responsible for the changes made in the Record of Rights of any Dharekari without his knowledge and consent ;

(k) what is the legal remedy against such changes made by the verifying officer in the Record of Rights of any Dharekari without his knowledge and consent ;

(l) whether Government have made any provision for any Upri Tenant acquiring landed property in any Dharekari village without going through the deeds of mortgage or sale, or other necessary documents ;

(m) on what legal ground or usage one Mr. Khenji Bhagwan and his heirs have acquired landed property in the village of Karanjani under survey Nos. 21-22 ;

(n) whether any verifying officer, without any cause, reason or ground, has been empowered to reduce the holdings and land revenue of one Dharekari and transfer it to the account of any other holder in the same village on his own authority ;

(o) whether it is a fact that the verifying officer on his own authority, without notification and consent of the Dharekari Mr. Ramchandrarao Ganpatrao Kalekar of Karanjani village has reduced his holdings and land revenue and transferred it to the name of other holders ?

The Honourable Mr. W. F. HUDSON : (a) The number of Dharekari (Government) villages in the Dapoli Taluka is 38.

(b) Yes.

(c) The verification of the Record of Rights in Government villages is made (1) after the Record of Rights is *first* written in a village, (2) after the Record is rewritten, and (3) when the inspecting officer tests it.

(d) The Record of Rights in the Karanjani village was verified in 1907, 1916, 1923 and 1928 at the time of promulgation. It was also verified in part by the Inspecting Officers every year since 1907.

(e) Yes.

(f) A change made in the Record of Rights cannot be considered as legal and cannot be certified unless it is duly notified as required by section 135-D (2) of the Land Revenue Code; but the consent of the khatedar is not necessary when due notice of the mutation is given as above.

(g) No papers pertaining to the years 1910 and 1914 are forthcoming as such papers are destroyed after five years.

(h) About the year 1914, the pot hissa survey of the village was carried out and lands which were actually found in the vahiwat of khatedars, at the time of the pot hissa survey were entered in the names of the persons in possession. At that time Mr. Kalekar was found to be in possession of 44 acres 17 gunthas only and therefore so much area only was entered in his name in the Record of Rights.

(i) After the pot hissa survey the recorded area of Mr. Kalekar's holding was reduced from 46 acres 20 gunthas to 44 acres 17 gunthas with a corresponding reduction in assessment from Rs. 19-10-6 to Rs. 18-3-1.

(j) See answer to clause (g). In this case it does not appear that the khatedar made any complaint when the Record of Rights was promulgated after its preparation, at the time of the pot hissa survey, or at any time thereafter.

(k) If the entries are incorrect the khatedar may apply to the Revenue authorities to get the Record of Rights corrected.

(l) No.

(m) Government are not concerned with this question.

(n) No.

(o) No.

Mr. V. A. SURVE (in Marathi) : In reply to my question (a) it is stated that there are 38 Dharekari villages in the Dapoli Taluka. Are they Government villages ?

The Honourable Mr. W. F. HUDSON : Yes ; it is stated in the reply that they are Government villages.

Mr. V. A. SURVE : Under what law are they Government villages ?

The Honourable Mr. W. F. HUDSON : I must ask for notice.

Dr. M. K. DIXIT : Are there any non-Government Dharekari villages also ?

The Honourable Mr. W. F. HUDSON : I do not know.

Rao Bahadur R. S. ASVALE : Are not khoti villages non-Government villages ?

The Honourable Mr. W. F. HUDSON : I expect so.

WAKF COMMITTEE REPORT : BOMBAY CITY.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the reasons why the unanimous report submitted by the Mussalman Wakf Enquiry committee in July 1930 has not yet been published ;

(b) the action, if any, taken by the Government on the Report ;

(c) when the Report will be published and what action is contemplated to be taken thereon ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (b) and (c) The Honourable Member is referred to the reply given to a similar question asked by Mr. J. S. Kadri, M.L.C., in the present session.

TURKISH BATHS : BOMBAY CITY.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether their attention has been drawn to the very serious allegations made in the Press regarding immoral practices being carried on in institutions under the names of Turkish Baths, Universal Bath and Massage etc. in the Bombay City ;

(b) whether these baths are classed as brothels ;

(c) if not, whether they are licensed by the Municipality as public places ;

(d) the action, if any, taken by Government after the disclosures made about these Baths in the discussion on the amendment of the Prostitution Act in the last Bombay Session of the Council ;

(e) whether Government are aware that the number of these Baths is steadily increasing and that they constitute a serious menace to public morality ;

(f) whether the Special Branch of the City Police to deal with Prostitution and Children's Acts attends to the work of abating the nuisance caused by those Baths ;

(g) if not, what measures Government propose to take in order to check the growing evil ?

The Honourable Mr. G. A. THOMAS : (a) Yes.

(b) No.

(c) No.

(d), (f) and (g) A Turkish Bath was raided by the Police and the managers were prosecuted, but the case ended in acquittal. This case shows that effective action cannot be taken under the existing laws, and fresh legislation is being considered.

(e) Yes.

Mr. SYED MUNAWAR : When is this fresh legislation likely to be introduced ?

The Honourable Mr. G. A. THOMAS : I cannot say definitely.

Mr. A. GREVILLE BULLOCKE : May I enquire whether Government considers that the enormous increase in the number of Turkish and other kind of Baths, is due to the passing of the Prostitution Act, 1930 ?

The Honourable Mr. G. A. THOMAS : The honourable member can answer that question better than I can.

LEE COMMISSION'S RECOMMENDATIONS.

Mr. SYED MUNAWAR: Will Government be pleased to state which of the recommendations of the Lee Commission have been so far given effect to in this Presidency?

The Honourable Sir GOVINDRAO PRADHAN: Orders on the recommendations of the Lee Commission were issued by the Secretary of State and were given effect to in all Provinces alike.

Mr. SYED MUNAWAR: Will Government place the orders passed by the Secretary of State on the Council table?

The Honourable Sir GOVINDRAO PRADHAN: They were issued many years ago. If they are required they can be placed on the Council table. There is nothing secret about it.

Rao Bahadur R. R. KALE: The question was, which of the recommendations have so far been given effect to in this Presidency?

The Honourable Sir GOVINDRAO PRADHAN: The orders issued by the Secretary of State upon the Lee Commission report were all alike for all provinces. There are no specific orders referring to every province.

Rao Bahadur R. R. KALE: Are we to understand that all the recommendations have been given effect to? The question was which of the orders of the Secretary of State on the Lee Commission's recommendations have been given effect to?

The Honourable Sir GOVINDRAO PRADHAN: Whatever recommendations were ordered to be accepted by the Secretary of State have been accepted. There was no difference between Bombay and Madras and any other Presidency. The question was restricted to this Presidency, so the reply says that the orders are alike for all provinces. If the orders are available I will put them on the Council table.

Mr. SYED MUNAWAR: Does the Honourable Member remember any of the recommendations that were given effect to?

The Honourable Sir GOVINDRAO PRADHAN: Overseas pay, passages, etc. These recommendations have been given effect to.

Rao Bahadur R. R. KALE: There were several recommendations. The question is whether all of them or only some of them were given effect to in this Presidency. We are not concerned whether they are given effect to in other provinces. There is no attempt to seek comparison between this Presidency and other presidencies.

The Honourable Sir GOVINDRAO PRADHAN: So I said that if the orders are available I will put them on the Council table. They are not confidential: they have already been published.

Rao Bahadur R. R. KALE: Are there any recommendations which have not been given effect to?

The Honourable Sir GOVINDRAO PRADHAN: I must ask for notice.

Rao Bahadur R. R. KALE: The question was, which of the recommendations had been given effect to.

The Honourable the PRESIDENT: Next question.

TALUKDARI ESTATES: SUSPENSION AND REMISSION OF JAMA.

Sardar BHASAHEB RAISINHJI (Gujarat Sardars and Inamdars): Will Government be pleased to state whether suspension or remission of jama in respect of the talukdari villages in the districts of Ahmedabad, Kaira, Broach and Panch Mahals was ordered in proportion to the decrease in rents in the talukdari estates from 1928 to 1931 due to flood, frost and other causes?

The Honourable Mr. W. F. HUDSON: The suspension or remission of jama in talukdari villages depends not on the decrease of rents of superior holders, but on the annewari of crops. Accordingly during the years 1928-31 suspensions and remissions of jama were granted in the talukdari villages of the Ahmedabad, Kaira and Broach Districts. In the Panch Mahals District there was no occasion to grant suspensions or remissions during the years 1928-31.

Sardar BHASAHEB RAISINHJI: In the last sentence of the reply Government say that in the Panch Mahals District there was no occasion to grant suspensions or remissions during the years 1928-31. May I ask, why? Do we take it that the crops were not affected by frost?

The Honourable Mr. W. F. HUDSON: Not to the extent which would require remission.

Sardar BHASAHEB RAISINHJI: Or suspension?

The Honourable Mr. W. F. HUDSON: Or suspension either.

INCOME AND EXPENDITURE, SIND.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to place on the Council table the figures of income and expenditure on Sind (i) as supplied to the Simon Commission, (ii) for the years subsequent to 1927-28 in the same form as that in which they were supplied to the Simon Commission?

The Honourable Sir GOVINDRAO PRADHAN: As revised figures of income and expenditure of Sind are being collected, Government regret they cannot at present furnish the figures required.

Mr. S. S. TOLANI: Supplementary question. Is it a fact.....

The Honourable the PRESIDENT: If honourable members go on putting supplementary questions, I think we must stop there today. As there are some more questions and supplementary questions are likely to be asked, we shall therefore postpone the remaining questions till tomorrow.

The Honourable the PRESIDENT: Order, order. The Honourable Minister for Local Self-Government wishes to make a statement.

STATEMENT re : MUNICIPAL BOROUGH OF SURAT.

The Honourable Sirdar Sir RUSTOM JEHangir VAKIL : Sir, with your permission I wish to make a statement regarding a matter in which this House has shown considerable interest. The House will recollect that Government was compelled to supersede the Municipal Borough of Surat for a period of one year from the end of February last because the councillors had refused to transact any business for five months and a breakdown in the municipal administration was threatened. This measure formed the subject of a debate in this Council and I then gave an assurance that, if there were no legal difficulties, I hoped to reduce the period of the supersession up to the period when the budget had been completed and passed, and the voters' lists for the next election prepared and published. The committee of management which was appointed by Government elected Dewan Bahadur Thakorram Kapilram as their chairman and have discharged their duties with marked energy and public spirit, and have now restored matters to a more satisfactory footing. They prepared and published on May 16th of this year an election roll on the basis of the voters' list issued by the old Municipality on December 1st 1930, but Government are advised that owing to the long delay that occurred between the publication of the two lists and owing to the fact that the election roll of May 16th did not contain the names of all persons qualified to vote on April 1st 1931, that election list is invalid. Thanks, however, to the efforts made by the Committee of Management, it is expected that the new voters' list for 1931 arranged according to the new wards recently sanctioned by Government will be published on August 15th. If this is accomplished, the election roll will be published on October 1st and the election will take place before the end of the month of October. The rule prescribing that a period of four months must elapse between the publication of the voters' list and the date on which the term of office of the municipal council will expire does not, as has been assumed in certain quarters, apply to this case. Government are advised that the members of the Committee are not municipal councillors within the meaning of the rule. The actual date of the election cannot be fixed under the rules until the election roll itself is published. It follows from this that we hope to be in a position to restore the Municipality with effect from some date in the course of November next.

The House will, I think, recognise that, with the cordial co-operation of the committee of management, I have done everything possible to expedite the process of the restoration of the Municipality and that the programme which I have sketched out is a generous fulfilment of the assurance which I gave to this honourable House last March. [Applause.]

**DISCUSSION ON THE IRRIGATION ACT AMENDMENT
BILL RESUMED.**

The Honourable the PRESIDENT: The Bill No. III was before the House and the amendment moved by the honourable member Khan Bahadur Khuhro was under discussion.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I had got up to speak and so I shall proceed. I hope that the amendment of the honourable member Khan Bahadur Khuhro has not been forgotten by the honourable House. That amendment seeks to omit the words "and, if he proposes to transfer the source of water-supply of the land to any existing water-course, on the owner or owners of such water-course also" from the sub-clause (1) of new section 91 proposed in the Bill. Before I go on with my remarks, I wish to draw the attention of the Honourable the Finance Member to section 21 (b) and (c) of the present Irrigation Act, 1879, which reads as follows:—

"(b) to maintain such water-course in a fit state of repair for the conveyance of water;

(c) to allow the use of it to others or to admit other persons as joint owners thereof on such terms as may be prescribed under the provisions of section 23."

Section 23, read along with section 22, authorises the canal officer to call upon the owner of a water-course to allow any other man to get a water-supply from his water-course, and the object of the words which are proposed to be deleted under section 91 is more or less the same. It also authorises the canal officer to transfer the source of the water-supply of a land to any existing water-course. I think, Sir, that in view of the existence of the necessary clauses in the present Act, there is no necessity of these words in clause 91 as they have been put in the amending bill. The fact is that the Bill, as it is worded, is going to place power in the hands of a canal officer to transfer the source of water-supply of a land to any existing water-course, whether the zamindar or khatedar is willing or not; even against his will, he may be compelled to get his water-supply from a water-course which does not belong to him and to which he has no claim. But if the object of clause 91 is that a canal officer has to transfer the source of water-supply with the consent of the parties concerned, then I think, Sir, there is no necessity of retaining these words in clause 91 which the honourable member Khan Bahadur Khuhro wants to delete. I shall feel much obliged to the Honourable the Finance Member if he will be pleased to state his own views about what I have stated just now and then I will be in a position to express my views on the amendment—

The Honourable the PRESIDENT: How is that possible? That is a new procedure!

Mr. SHAIKH ABDUL MAJID: I think, Sir, that I have got very strong reasons why he should agree to the deletion of the words in the clause as they exist in the Irrigation Act of 1879 and accept the amendment moved by my honourable friend Khan Bahadur Khuhro, because the existing Act clearly provides that any person desiring to have a supply of water through a water-course of which he is not an owner may

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make a private arrangement with the owner for permitting the conveyance of water thereby, or may apply to a canal officer duly empowered to receive such applications for authority to use such water-course or to be declared a joint owner thereof (*vide* section 22 of the present Act), and, further, it is stated in section 23, that on receipt of any such application, the canal officer shall serve notice on the owner to show cause why such authority should not be granted, or such declaration should not be made, and, if no objection be raised, or if any objection be raised and be found insufficient or invalid, shall, subject to the approval of the Collector, either authorise the applicant to use the water-course, or declare him to be a joint owner thereof on such conditions as to the payment of compensation or rent or otherwise as may appear to him equitable—

The Honourable the PRESIDENT: There is a vast difference there, as the honourable member can see. The time of the House is really valuable. The one is on an application, that is to say, the desire should originate from the owners, while the present clause refers to the right given to the canal officer to impose that condition if he thinks that it is necessary, in the interests of the distribution of water, as was explained by the honourable member the Chief Engineer yesterday. I suppose that is the difference.

The Honourable Sir GOVINDRAO PRADHAN: There is a great difference between the two.

Mr. SHAIKH ABDUL MAJID: Section 21 begins with the words "Every owner of a water-course shall be bound." So, according to the existing Act, the owner of a water-course is bound to allow the use of it (that is to say, the water-course) to others or to admit other persons as joint owners thereof on such terms as may be prescribed under the provisions of section 23 [*vide* section 21, sub-section (c)]. Since the owner of a water-course is bound to admit others as joint owners in an existing water-course, it clearly means that the canal officer has got a right in accordance with sections of the existing Act to compel the transfer of a water-course of any zamindar to an existing water-course.

If this amendment is not accepted, it will create much confusion and discontent amongst the zamindars and friction between the zamindars and the officials, because water is a question of life and death to the zamindars. Why should any zamindar be compelled to give water from his own water-course to other khatedars who have no right to receive any water from him? The honourable members from Sind have stated in their speeches during the last two days that sometimes even murders have taken place over this question of water. If canal officers are going to be vested with unrestricted powers on this question without consulting the wishes of the people, there is bound to be a clash between the Government and the people. Section 21 of the Act does provide all the necessary safeguards for the owner of a water-course who is compelled to allow any other zamindar to have water from his own kariya, while in the new section 91 there is no such

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safeguard provided. We would be quite prepared to agree to the scrapping of the old kariyas in places where there may be a necessity for them and even constructing one single water-course to supply the needs of the lands settled on that kariya. But there is no reason why, when a kariya is not going to be scrapped, the zamindars should be compelled to supply water from their own kariyas to others. In my humble opinion, Sir, this is a most important amendment, and if these words are not going to be deleted, we would be quite helpless and powerless to convince our people about the justification of necessary modifications that are being embodied in the Bill. I hope, Sir, in view of what I have said, the Honourable the Finance Member will consider my humble views for what they are worth, and accept the deletion of the lines proposed by the honourable member Khan Bahadur Khuhro.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I rise to support the amendment of my honourable friend Khan Bahadur Khuhro. When this Bill came up in this House for consideration, we were all aware that even murders were being committed in Sind on account of the change in the source of supply, and we were all in high hopes that when new canals and karias were constructed there would be no room left for any kind of strife among zamindars on this question and that provision would be made in the Bill that one zamindar should not take his supply of water from the water-course of another zamindar. It is a fact that under the existing Act the canal officers exercise enormous powers, and notwithstanding the existing troubles of the zamindars, this new legislation is going to add to those troubles. I entirely agree with my honourable friend Mr. Shaikh Abdul Majid that there is no necessity for the retention of these words. Government have not so far chosen to reply to the various points made on this question. I hope that the Honourable Member in charge will give a reply and satisfy the zamindars.

The next point is that the Honourable the Finance Member should attach no importance to the fact that this question was not raised in the select committee by the honourable members from Sind who were on the select committee. It is evident that they overlooked this matter in the select committee, but that is no reason why they should not open it now. The fact is that all the smaller zamindars affected by it have appealed to all the honourable members from Sind to save them from this calamity. For this reason, I hope that all the honourable members of the select committee representing Sind will vote for this amendment. They have not come to the Council for their own benefit, but to represent the views of those who have sent them here on their behalf. All the honourable members from Sind who were on the select committee have stated that Government have already got enough powers. If that is so, why should Government invest themselves with this additional power. I think Government are fully aware—and if they are not, they ought to know—that in the whole of the Presidency there is no such coercion as exists in Sind. Half of the income that Government derive in the shape of revenue from Sind is extracted by coercion. If changes of sources of

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water are allowed in this way, there will be more room opened up for harassing the zamindars. The smaller and poorer zamindars in the districts of Sind are already indebted to the extent of lakhs of rupees in trying to meet the demands of Government. It is therefore the duty of Government to see that no additional room is given for coercion. The practice of distributing water from one water-course to several zamindars should be stopped. Each should get his supply of water separately. Let the distribution be according to some specified rules or orders, but let there not be joint ownership of peeches. It is well known that Sind is a very backward province. Out of 15 of her representatives in this House only about 5 have a knowledge of English; the rest know only Sindhi. Let not these poor zamindars be further harassed by the engineers. I hope the Honourable the Finance Member is sympathetic towards the needs of the smaller zamindars. Of course the big and rich zamindars attain their object in some way or other, but that is not possible for the small zamindars. I hope Government will agree to drop this provision regarding change of source of water-supply, and accept the amendment.

Khan Bahadur M. A. KHUHHO (Larkana District): Sir, I have only a few words to say in reply. Yesterday, the honourable member Mr. Harrison stated that in the case of the Rohri canal water will be coming from different directions, and therefore it will be necessary to change the water-courses of the zamindars. In such a case, I submit that the power already exists under the present Act. In that case the water-courses will have to be entirely scrapped. But this amendment of mine only relates to the change of the source of water from the present water-courses to other existing water-courses. As pointed out by my honourable friend Mr. Shaikh Abdul Majid, under sections 22 and 23 of the Act power is given to the canal officer to change the source of water if the owner is willing to have a change, but when the owner is himself not willing to have a change, and he thinks that his present water-course is giving him an adequate supply of water, I think there is obviously no reason why the canal officer should unnecessarily insist on changing the water-course that exists at present. The same number of water-courses should as far as possible be maintained. That is the object to be achieved, and it should be seen that all those people who have at present got separate water-courses should be given the same number of water-courses, even though in a remodelled form, under the new system, and only new sluices and only a little diversion that may be necessary should be made in the water-courses. But the great change of taking away land that is on one water-course at present and putting it on to another water-course will upset the arrangement. That would not be at all difficult for Government, because under the law now in existence they can acquire the land of another person if it is required for a portion of the water-course, where found necessary and the new sluice shall be formed for that water-course. They can get him the water-course remodelled, and therefore this amendment of mine for the deletion of these words is necessary. The retention of these words becomes in no

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way necessary, and I think this power is not required under the circumstances. When the person himself wants a change, he can get it according to the present law. If he does not want it, but in the interests of better distribution of water it is necessary to make the change, Government have the power to acquire the land of the man through whose land the water course is to run, and they can construct that water-course for him or allow him to construct it. What I am anxious to provide is that he must have the right of maintaining separate water-courses as he has at present. Whatever the supply of water may be according to the duty that is assigned by Government, that quantity of water will be regulated by the modules that will be put up. Having taken into consideration all these circumstances even after the new irrigational system introduced by Barrage-Scheme, the present number of water-courses can easily be maintained. If any water-courses are scrapped, even then those people can be provided with different and new, yet separate water-courses. By reducing the number of water courses there will be very great complication. If my amendment is accepted, there will be actually in practice no difficulty for canal officers. I hope the Honourable the Finance Member will give proper consideration to what I have suggested.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I thought and thought over the amendment. I am surprised to find that such an amendment should have been brought. The honourable member says that Government do possess power. Then, this is redundant. If it is redundant, why is it required ? I will explain the difference.

I have stated *ad nauseam* why this Bill has been brought. I have stated that in the original Act there was no power given to a canal officer to order the construction of water courses of his own accord. If anybody comes forward and says, "Give me a water course," then only the canal officer can do so. That is the main reason why this Bill becomes necessary. I will refer to the same sections 20, 21, 22, 23 and show how they are consistent with the present section. Those sections, 20, 21, 22, 23 deal with the powers that are given to the canal officer. Section 22 says :

"Any person desiring to have a supply of water through a water-course of which he is not an owner may make a private arrangement with the owner for permitting the conveyance of water thereby, or may apply to a canal officer duly empowered to receive such applications for authority to use such water course or to be declared a joint owner thereof."

What does section 23 say ? It says :

"On receipt of any such application, the canal-officer shall serve notice on the owner to show cause why such authority should not be granted, or such declaration should not be made, and, if no objection be raised, or if any objection be raised and be found insufficient or invalid....."

Here the canal officer is given the power to override the objection.

".....shall, subject to the approval of the Collector, either authorise the applicant to use the water-course, or declare him to be joint owner thereof on such conditions as to the payment of compensation or rent or otherwise as may appear to him equitable."

The canal officer is given power. He issues notice, he hears objections and he decides whether the objections are valid or invalid. If he thinks

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fit, he overrides the objections subject to the order of the Collector and says, "Let this applicant be a joint owner and we shall pay him as compensation such and such amount." Section 23 says that the original owner shall maintain the water course and shall allow the use of the water to the other man. There is an obligation laid on the original owner to maintain the water course.

What is section 91? Section 91 says the same thing. If the canal officer comes to the conclusion that it is expedient to change the source of water-supply of any land, "he shall serve a notice on the holder or holders of the land and, if he proposes to transfer the source of water supply of the land to any existing water-course, on the owner or owners of such water-course also, calling upon them to state in writing their objections, if any," and so on. The same power as under sections 22 and 23 is repeated exactly in section 91. Under sections 22 and 23 the owner of the land comes forward and states his reasons. The owner of the water-course is called upon to show cause. Here the same thing happens, but the only difference is that the canal officer of his own accord decides whether X should be given water from Y's water course. He issues the notice, hears objections and comes to the conclusion, if he thinks the objections of Y are invalid, that X should get water from Y's water-course, but he will compensate him in a particular manner. What is the difference between sections 22 and 23, and this section 91? I fail to appreciate the objections which have been raised here repeatedly. This relates to small landholders.

Khan Bahaqur M. A. KHUARO: Why not give them separate water-courses?

The Honourable Sir GOVINDRAO PRADHAN: It is impossible, as has been pointed out by the honourable member Mr. Harrison, who pointed out that it is intended to protect the rights of small landholders. The big landholders can have their own water-courses. The small holders may have to depend upon big zamindars. This is in the interest of small holders.

Mr. HAJI MIR MAHOMED BALOCH: I am not following the big zamindars.

The Honourable Sir GOVINDRAO PRADHAN: Do not listen to them. I am sorry to oppose the amendment.

Question put and lost.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I beg to move:

Insert the words "source or" after the words "as to the" occurring in the last but one line of clause (1) of section 91.

The Clause will then read as follows:—

".....calling upon them to state in writing their objections, if any, as to the source or alignment or construction of the proposed water-course."

The Honourable Sir GOVINDRAO PRADHAN: I accept the amendment.

Question put and carried.

Khan Bahadur M. A. KHUHHO (Larkana District): Sir, I beg to move :

"That sub-clause (3) of proposed new section 91 be omitted."

My object in moving this amendment is that the right of appeal to a civil court has been taken away by the insertion of this sub-clause. Originally when the Bill was brought in the last Council session no such provision was made. People must have their legitimate right to go to a civil court in the matter of disagreements. The select committee has taken away this right by the insertion of this clause. If in the original Bill this clause had found place there would have been no opposition as public opinion was invited. After having invited the opinion of the public on the Bill this material change has been made by the select committee which is a great departure from the principle originally involved in the Bill. I think it is fundamentally wrong that the select committee should have introduced absolutely a new principle by taking away from the people this important right. Even after the insertion of this sub-clause by the select committee no effort has been made to elicit public opinion as regards this clause and other modifications and new provisions that have been made which thoroughly change the character of the Bill. Besides, as I have already complained, the report of the select committee was not published in time for the people to study and express their opinion on it. I do maintain so now. The difficulty is that this new clause is inserted without hearing the people on the subject as to what they have to say. I submit that this is a very reasonable amendment and I hope Government will agree to the deletion of this sub-clause. At least in this respect let the Bill be in the form in which it was introduced at the last March session. With these words I move the amendment.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to support the amendment for the deletion of sub-clause (3). My reasons for supporting the deletion of this sub-clause are that by taking away the power of the civil courts, questions hereafter may arise regarding damages arising out of water-logging, alkaline formations and in other ways as a result of the canal construction. The persons who will suffer from these causes will have no remedy if the clause will remain. They will be losing their remedy in a court of law. For that reason I have mentioned in minute of dissent that it was not advisable to take away the jurisdiction of the civil courts. Now, I shall show from a reference to the White Book how things have been neglected in this connection. I am reading from the White Book on Lloyd Barrage at page 30 :

"(E) *Water-logging and Alkaline Formation.*

The Royal Commission has emphasized the desirability that the water requirements of the crops which will be grown when perennial irrigation is assured should be determined as soon as possible."

I think, the reference is to the Royal Commission on Agriculture—

"and that from the outset investigations should be carried out with a view to ensuring that the problems which have arisen in other irrigated tracts from water-logging and alkaline formations do not appear in this tract. It attaches great importance to obtaining timely and authoritative information in regard to these and kindred matters which affect the welfare of the cultivator."

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Further down the opinion of the Agricultural Department is given :

"In the opinion of the Agricultural Department it is not possible to forecast water-logging and alkaline formation with any degree of certainty, unless a comprehensive and scientific survey of the soil and sub-soil is undertaken."

Now, Sir, this is the state of affairs. The Department of Agriculture says that a comprehensive and scientific survey is necessary, but so far as my information goes, this comprehensive and scientific survey has not yet been taken properly in hand, or only a small beginning has been made, if beginning it can be called at all. I refer to pamphlet No. 172 issued by the Director of Information on the 7th July 1931. "Lloyd Barrage Works: Survey of Progress"—that is the title of the pamphlet.

"The Research Division which was opened on 1st October 1930, and which is under the direct control of the Chief Engineer, was engaged on making sub-soil investigations on both the banks of the river Indus with a view to ascertain how far the opening of the Barrage canals would lead to water-logging."

This Division was also engaged on some other works, but what conclusions they came to we do not know. My point is that as Government themselves do not know what the effect of the opening of the new water-courses will be one cannot say beforehand how many cases of water-logging and alkaline formations there will be. I know of some irrigated areas where on account of irrigation large tracts of land have gone out of use owing to waterlogging or alkaline formation.

The Honourable the PRESIDENT: How is that relevant?

Mr. A. N. SURVE: I am coming to that, Sir. If the jurisdiction of the civil court is ousted, when the agriculturist suffers from any of these results he will have no remedy. Therefore, I submit that the jurisdiction of the courts should not be ousted.

The Honourable the PRESIDENT: I think the honourable member does not understand the position. The jurisdiction of the civil court is ousted in the matter of alignment and construction of the water courses only, and in the matter of compensation, as has been explained over and over again by the Honourable the Finance Member, that jurisdiction still exists under the old Act. Here there is only a question of reconstructing the water-course as it exists; it has nothing to do with the canal.

Mr. A. N. SURVE: Sir, the position taken up by the Honourable the Finance Member as regards that is not admitted by me. The clause is open to a different construction. My point is that when you allow a certain act to be done and some consequences ensue from that, no compensation or damages can be claimed even if you suffer damages therefrom, because that particular act is made legal by a statute. That is my interpretation, and that is why I have been urging all along that the jurisdiction of the civil court should not be ousted.

So, Sir, I have just brought to your notice how losses are likely to occur. Government have protected themselves against any damages that may occur. My interpretation may be right or wrong, but only a court can decide which interpretation is correct. My interpretation of this clause is that if any person suffers from waterlogging or alkaline

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formation and his field goes out of use, he will have no remedy, because Government will say: "We were permitted by the Act to align all these water-courses and construct them".

The Honourable the PRESIDENT: Will the honourable member refer to section 31 of the old Act? Does he think that the operation of the present clause would bar the operation of section 31?

Mr. A. N. SURVE: Yes; that is the opinion I have formed.

The Honourable the PRESIDENT: That section 31 will not operate?

Mr. A. N. SURVE: Yes.

The Honourable the PRESIDENT: Does he think that the clause introduced amends section 31? -

Mr. A. N. SURVE: That is not being amended.

The Honourable the PRESIDENT: If it is not amended, it stands, and it operates if it is not amended.

Mr. A. N. SURVE: That is so in respect of matters which are specifically provided for under that section, but my submission is that the points which I am mentioning are not covered by that section. The effect of all these things will be known only when the water is turned on to the channels. The Visvesvaraya Committee's Report says at page 31:

"The effect on the sub-soil water levels will not be felt until after the new canal system has been in operation for some time."

Then in the next paragraph water-logging is discussed:

"It is said that in parts of Punjab, some of the drainage cuts excavated before the canals came into operation were afterwards found to be misplaced. The Chief Engineer is anxious that this lesson should not be lost on Sind. He proposes to take drainage works in hand after irrigation from the new canal system has been practised for some time and its effects on the sub-soil water levels are clearly known. The problem of sub-soil water and drainage is vitally connected with the success of the Barrage Scheme and it should receive the closest attention of the engineers who will have charge of the scheme in future."

My point is this. You are proposing to take the work of draining the land after getting actual experience of water-logging, but what provision have you made for the private owners of those fields whose fields may get waterlogged or suffer damage by alkaline formation? It is for that reason that I have been urging all along that the jurisdiction of the civil courts in regard to damages actually suffered should not be ousted.

Now, as to alignment, I wish to draw the attention of the House to 91 (2) (iii):

"If no settlement in respect of the said objections be arrived at between the Canal officer and the holder or holders of land concerned, the Canal officer shall forthwith refer the matter to the Collector whose decision, subject to any orders that may be passed in revision by the Commissioner, shall be final and conclusive."

The object of Government is to make the order of the Commissioner final and conclusive. Having done that in this sub-clause, why do they insert another clause ousting the jurisdiction of the civil court, which jeopardizes the right of a private owner in respect of damage on account of water-logging or alkaline formation? When any matter is declared by a statute as final and conclusive, no court of law can reopen it or sit in judgment on it. That is why I have been all along urging that this aspect of the case has not been properly considered. It deserves the very serious consideration of the opposite benches. Otherwise, the poor landholders will have no remedy, and the Honourable the

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Finance Member, when he lays down the reins of office, will have the misfortune of seeing those poor peasants wringing their hands. He sponsors this measure because he is now in office, but I appeal to him in the name of the poor cultivators not to deprive them of their civil remedy.

The Honourable the PRESIDENT: I was just going to ask if the honourable member the Legal Remembrancer would explain the situation more explicitly, so that we might save the time of the House. A certain amount of confusion has arisen. There are three points on which I would like him to address the House. The first is, whether the bar to the jurisdiction of civil courts is something new in the amended Bill or whether it existed in the original Bill. Secondly, if it existed in the original Bill, was it only implied or specifically mentioned? Thirdly, if the order of the Commissioner is final, and there is protection for Government in clause (2), why should there be a separate provision in clause (3)?

The Honourable Sir GOVINDRAO PRADHAN: Sir, I have no objection to dropping the separate clause if the words "and not liable to be questioned in a civil court" are added to sub-clause (iii) of section 91 (2). A separate clause (3) was added because some persons thought that the words "shall be final and conclusive" were not enough. If those words are added at the end of section 91 (2) (iii), I am prepared to delete sub-clause (3).

The Honourable the PRESIDENT: If the sub-clause (3) is not there, there is not sufficient protection for Government from the point of the view of the select committee? Is that not so?

The Honourable Sir GOVINDRAO PRADHAN: No; the wording is clear enough in 91 (2) (iii). But the members of the select committee thought that it should be made absolutely clear. The words "the Collector whose decision, subject to any orders that may be passed in revision by the Commissioner, shall be final and conclusive" are there. But it was thought more expedient to say that the decision is not liable to be questioned by a civil court. Even now if these words are added, I am prepared to delete sub-clause (3). As regards section 92 (6), however, I am not going to allow the decision of the Collector as regards the alignment and the source of water supply to be questioned by the civil court.

Khan Bahadur M. A. KHUHHRO: Is it the intention that it should take away even the rights conferred by section 31?

The Honourable Sir GOVINDRAO PRADHAN: No; it is not the intention, as the honourable member, who was a member of the select committee, well knows. The intention is that, as far as alignment or change of source of water is concerned, the decision of the Collector should not be liable to be questioned by the civil court. So I was prepared to delete sub-clause (3) and add the words that the decision shall not be liable to be questioned in a civil court.

SYED MIRAN MAHOMED SHAH: That will be rather worse. Now the clause is specific with regard to alignment and construction of

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water-courses ; in these cases the jurisdiction of the civil court is eliminated. If the words proposed by my honourable friend are added, the other matters also come within this limitation.

The Honourable Sir GOVINDRAO PRADHAN : The order is subject to revision by the Commissioner as regards alignment or construction of water-courses but not liable to be questioned in a civil court. I will make that clear.

Mr. B. S. KAMAT : Sir, the point is raised whether under the Irrigation Act certain matters should or should not be outside the jurisdiction of the civil court. If honourable members refer to section 67 of the original Act, they will find that the right of appealing against the order of the Canal officer is confined only to certain sections of the Act, thereby by implication showing in my opinion that other sections of the Act are not all appealable to civil courts. Take for instance section 28 which is with reference to the power to stop water supply. Now the power to supply water under section 28 has been given to the canal officer and by implication I contend there is no appeal to a civil court. It will be seen that even under the old Act every section is not appealable to the civil court. Only certain sections are. There are certain powers given to the canal officer which are absolute without any appeal to a civil court. I maintain, Sir, on the analogy of that, there are similar matters in the new amending Bill which in the opinion of the select committee should not be appealable, in the interests of the general cultivators ; such matters as decided by the select committee were the question of alignment and the question of construction of water-courses. Just as in the main Act certain provisions are kept outside the jurisdiction of civil courts, we liked these two matters also to be outside the jurisdiction of the civil courts. So we are not following a new principle at all.

With reference to what fell from my honourable friend Mr. Surve, the question of water-logging has not the remotest earthly connection with the question of the jurisdiction of the civil court. Prevention of water-logging may be an ideal scheme and it has been no doubt recommended by the Royal Commission. But that has absolutely no connection with the power of the Privy Council or of the appellate courts or the High Court, any more perhaps than there is any connection between the steps to be taken in connection with the prevention of malaria and the Privy Council. I think that my friend, who belongs to the legal fraternity, will realise that there is no connection between water-logging and the jurisdiction of the civil court. I have shown that certain provisions, no doubt, eliminate the jurisdiction of the civil courts but there is precedent for it.

The Honourable Sir GOVINDRAO PRADHAN : The restriction applies to the alignment and the construction of water-courses only. As regards other matters, we have not taken away the power of the civil court. I do not, therefore, see any difficulty. My honourable friends seemed to agree that as regards alignment and construction of water-courses the civil court jurisdiction should be barred but it should not be barred as regards compensation etc. So it is specifically stated

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in sub-clause (3) that the power of the civil court is barred in regard to these two matters only.

Sir SHAH NAWAZ BHUTTO : Sir, what I wish to say is that I do not find any difficulty in the two sections at all. So far as alignment and construction of karias are concerned, we have arrived at a compromise on that point. The difficulty of the Government with regard to these two matters was this : suppose an injunction of the civil court is brought. Then the work will have to stop. So they thought that in order to prevent bringing in of injunctions and stopping of all improvements, this provision should be brought in. We have agreed to that. But when section 93 (6) was being discussed some apprehension was created in the minds of members. What they are asking of the Honourable the Finance Member is that he should make it clear that if by reason of his alignment any landholder is put to loss or suffers damages, he can claim damages and should not be restricted from going to a civil court for claiming damages; otherwise there is no provision to provide a remedy to a sufferer. He has no right to go to a civil court to dispute the alignment. He cannot get any injunction, but if he is put to loss due to this alignment, the question is whether he is entitled to go to a civil court. If that is going to be made clear, there is no objection at all.

The Honourable Sir GOVINDRAO PRADHAN : The loss is *inter partis*. In the original Bill under clause 35-A the power of alignment was given to the canal officer. Government then thought that by the alignment or change of water-course there may be damage, and gave power to the Collector to settle the amount of damages between two parties. The question of damages is between two parties. Then the power of alignment was given to the Collector himself instead of the canal officer under the amended bill. Section 26 of the original Act provides for the settlement of disputes concerning water-courses. If my honourable friends will please refer to section 26, they will find that the provision for settlement of damages is more than enough. Section 26 reads :

“ Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course, as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share, any person interested in the matter of such dispute may apply, in writing, to any Canal officer duly empowered to receive such applications, stating the matter in dispute.”

If the parties do not agree with the decision of the Canal officer, then he refers the case to the Collector. Then there is the right of appeal to the Commissioner. The last paragraph of section 26 says :

“ Any order passed by the Collector under this section shall remain in force until set aside by a decree of a Civil Court.”

So the jurisdiction of the civil court is there. As regards section 35-A, as I said, the power as regards alignment was originally given to the canal officer, but, as the Collector is now empowered to order alignment, section 35-A was found unnecessary and has been deleted. As regards section 93 (6) of the Bill as amended, I am prepared to add the words “ till set

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aside by a civil court" after the words "final and conclusive." But so far as the Collector's decision with regard to alignment and construction of water courses is concerned, that decision must be final subject to revision by the Commissioner.

So you will find that as regards settlement of disputes the jurisdiction of the civil court is there in section 26. As regards compensation also, provision has been made in section 31 of the existing Act. I have said that already and I have got to repeat it over and over again. Section 31 reads:—

"Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation."

Then there are certain provisoes. You will therefore find that section 26 makes provision as regards *inter partis* disputes and section 31 makes provision even as regards compensation against Government if substantial damage is caused in the exercise of the power conferred upon the canal officer. As I have already said, I am prepared to add the words "till set aside by a civil court" in section 93 (6). But I am certainly not prepared to give the right to any private person to go to a civil court as regards the decision of the Collector and the Commissioner so far as alignment and construction of water courses are concerned. I hope I have made it clear.

Sir SHAH NAWAZ BHUTTO : Sir, perhaps I was not able to make my object very clear to the Honourable the Finance Member. The difficulty is this : Perhaps the Honourable the Finance Member intends to let Government escape from the liability—

The Honourable Sir GOVINDRAO PRADHAN : Section 31 does not allow Government to escape.

Sir SHAH NAWAZ BHUTTO : There is no dispute so far as the power of alignment and construction of water courses is concerned. But if the canal officer makes any mistakes in the exercise of the powers given to him, why should Government escape the liability ? We have nothing to question about the power of alignment and construction of water courses. Just as there is recourse to a civil court in case of dispute between two parties, so also there should be recourse to a civil court where by reason of any mistake or otherwise on the part of the canal officer a person is put to loss. Government must bear the consequences arising out of the additional powers they insist to invest these canal officers with. In that case Government should not escape liability as it is between the two private parties. It should be open to the aggrieved party to seek protection from a civil court even when the aggressor happens to be the Government.

The Honourable Sir GOVINDRAO PRADHAN : Mr. President, I have already explained to the House that there are different sections under the original Act, such as section 26 which gives rights to parties *inter se* and section 31 which is generally worded. If my honourable friend will consult his own honourable friend from Sind (Syed Miran

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Mahomed Shah), who is a lawyer, he will probably tell him that this section 31 is specially intended for compensation for acts which are done by a canal officer under this Act. It reads: "Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act." Who exercises the powers? The canal officer or the executive engineer or the Collector. Whatever powers are exercised under this Act by any officer, if the result of those acts is that there is a substantial damage, then damages can be claimed, but under certain provisos to that section no damages can be claimed. This is going to be a part and parcel of this Act. The exercise of the power under section 91 will be the exercise of the power under the present Act because it is going to form part of the Act. Section 31 equally applies to that Act. So, if a canal officer so exercises his power under the Act as to cause substantial damage, and if that Act is not covered by the provisos which are given to section 31, then Government are bound to pay damages.

Then there is a further safeguard provided. You will notice, Sir, that if after ordering one alignment Government themselves think that that is wrong and they change the alignment or construction, they do so at their own expense and they do not ask the owner to pay. If, therefore, the honourable member from Hyderabad, who is a lawyer, can explain this phase of the matter, I hope the honourable member from Larkana will be satisfied and raise no objection.

Khan Bahadur ALLAHBAKSH: If the Honourable the Finance Member will read section 31 further, he will find that it says that the person who suffers loss from any stoppage or diminution of his water supply due to any of the causes named in clause (d) of the section shall be entitled to such remission of the water rate payable by him as may be authorised by the Governor in Council. In that case the man is entitled only to remission of the water cess, whereas the point at issue is damages. These are two different matters altogether.

SYED MIRAN MAHOMED SHAH: Sir, I think the Honourable the Finance Member has been alluding to my legal knowledge, and so far as I have understood the arguments of my honourable colleague, I will explain the position as it appears to me only to this extent that the provisos take away the protection which my honourable friend has been pointing out. I will read only two lines of the proviso (d) of section 31.

"(d) failure or stoppage of the water in a canal, when such failure or stoppage is due to—

- (1) any cause beyond the control of Government,
- (2) the execution of any repairs, alterations or additions to the canal, or
- (3) any measures considered necessary by any canal officer duly empowered in this behalf for regulating the proper flow of water in the canal, or for maintaining the established course of irrigation."

The canal officer can take protection under this section (3) and say, "I have changed your source of the water supply because I consider it necessary for regulating the proper flow of water in the canal or for maintaining the established course of irrigation and therefore you

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cannot claim damages," so that the section does not give that protection which we desire.

The Honourable the PRESIDENT : That is in the canal, not in the water course.

SYED MIRAN MAHOMED SHAH : If the quantity of water is reduced in a canal, then our source of the water supply which is from the canal is also automatically reduced. Suppose that in one canal the quantity of water is 100 cusecs and that quantity is reduced to 50 cusecs. In that case they will regulate the distribution of that water and give me water accordingly.

The Honourable Sir GOVINDRAO PRADHAN : According to the rules.

SYED MIRAN MAHOMED SHAH : There you are. We wish simply to provide against that and we want to ensure that if by such a change the water supply is damaged, then we should be protected. Section 31 does not give us that protection.

The Honourable Sir GOVINDRAO PRADHAN : Those provisos can never be deleted. They are there. Yesterday I stated that the policy of Government is the greatest good of the greatest number, and that we do not like that one man should get all the water supply that is available and that other persons should suffer.

Mr. B. S. KAMAT : Under the Act of 1879 I may point out, Sir, that on the Deccan canals there has been this provision for 50 years and an application form in use which the cultivator in an irrigation tract has to sign contains the specific provision that if the water supply is curtailed by the canal officer due to any contingency beyond the control of Government, there is no right to damages in respect of that curtailment. That proviso is, therefore, there in actual practice on the Deccan canals and the cultivators accept that position.

Rao Bahadur R. R. KALE (Bombay University) : Sir, I understand the legal position to be this. I believe what my honourable friends from Sind want is to maintain the protection of the civil courts. My point is that under section 9 of the Civil Procedure Code, unless there is a specific provision barring the jurisdiction of the civil courts, it is open to any party to go to a civil court for relief. Therefore, my submission is that the provisions contained in sub-clause (3) of section 91 will be strictly applied to the question of alignment and construction. My honourable friend from Hyderabad is a lawyer and knows that under section 9 of the Civil Procedure Code the jurisdiction of the civil court is always open unless it is especially barred. The bar is only contained in sub-clause (3) of section 91. If by that bar you are not deprived of anything which is not intended to be justified, it is always open to you to go to the civil court. The jurisdiction of the civil court is taken away in so far as the question of alignment and construction is concerned. With regard to other matters, that jurisdiction is there. Even under section 26 of the original Act, there is only one reference to a civil court.

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Even there it is stated that any order passed by the Collector under this section shall remain in force until set aside by a decree of a civil court. That means that even if it were not so stated, my submission is that it is open to parties at all times to go to a civil court and question the order provided there is nothing in the Act to bar it. I mean that the civil court is open according to the other provisions of the Act. If in the Act itself the jurisdiction is barred in respect of a particular matter, then I think that all other matters can be questioned in the civil court. Supposing this Act goes before a civil court in a question affecting alignment and construction, then it is perfectly open to argue that the court cannot entertain the suit, but with respect to all other matters, the civil court's jurisdiction is not barred. That is obvious. It is not necessary to make any changes in order to give jurisdiction and so on. The jurisdiction is there, it is sought to be taken away in regard to a particular matter only. Therefore I think the House will be well advised in not opposing really this sub-clause (3) of section 91 which reads, "No civil court shall entertain any suit or application as regards the proposed alignment or construction of a water course." In respect of other matters, I do not think that the jurisdiction can be said to be barred.

(After recess.)

The Honourable the PRESIDENT: I should like to cut the discussion short now. I have allowed so much latitude already in the hope of a compromise.

The Honourable Sir GOVINDRAO PRADHAN: Sir, Government have arrived at an understanding with the honourable members from Sind, as a result of which I hope further discussion will not be necessary. I therefore move the following amendment:

In clause 4, section 91 (2) (iii) add the following words at the end:

"as regards alignment and construction and shall not be questioned in a civil court."

Khan Bahadur M. A. KHUHQ: The words "shall not be questioned in a civil court" are redundant.

The Honourable Sir GOVINDRAO PRADHAN: Supposing I add redundant words, the honourable member loses nothing. It may be bad phraseology, but he loses nothing thereby. Really speaking the words "and change of source" ought also to have been added.

Khan Bahadur M. A. KHUHQ: But that was not settled in the compromise.

The Honourable the PRESIDENT: Order, order. I should like to remind the honourable member from Larkana as the leader of the Sind party that one of his honourable colleagues from Sind has put in the words "source or" in a clause above this, which the House has passed. Was the compromise not to add the words "change of source"?

The Honourable Sir GOVINDRAO PRADHAN: The compromise was not to add the words "change of source" because they said that we have omitted those words in sub-section (3) of section 91.

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I said that was an inadvertent omission. I pointed that out to them. They said, "You are adding it now; you had omitted it already."

Sir SHAH NAWAZ BHUTTO: The Honourable the Finance Member agreed to it, and we trusted him.

The Honourable the PRESIDENT: Then sub-section (3) goes out.

The Honourable Sir GOVINDRAO PRADHAN: Yes, and sub-section (4) will be renumbered as sub-section (3). I have told my honourable friends and the honourable member Rao Bahadur Kale has told them that under section 9 of the Civil Procedure Code a civil court has jurisdiction over all matters unless they are specially excluded by law. The following amendment will have to be made to the amendment I have already proposed, and I formally move it:

Omit sub-section (3) and renumber sub-section (4) as sub-section (3).

The Honourable the PRESIDENT: Before I can put the amendment, the honourable member Khan Bahadur Khuhro will have to withdraw his amendment.

Khan Bahadur M. A. KHUHRO: Sir, I ask for leave of the House to withdraw my amendment.

Amendment, by leave, withdrawn.

Question (amendment moved by the Honourable Sir Govindrao Pradhan) put and carried.

Mr. C. S. C. HARRISON: Sir, I desire to explain that I do not want to move the next amendment of which I have given notice, in view of the fact that section 17 of the main Act covers the point in question. I do not propose to move it.

The Honourable the PRESIDENT: I think the next amendment, of which notice is given by the honourable member Mr. Shaikh Abdul Majid, becomes redundant.

The Honourable Sir GOVINDRAO PRADHAN: I think it is redundant, but if the honourable member wants it, I will agree to it.

The Honourable the PRESIDENT: The Honourable Member in charge is ready to accept it, but he thinks it is redundant in view of the change made.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I beg to move the following amendment:

Add clause (5) to proposed section 91:

"Any person aggrieved by an order of a canal officer under clause (1) may present a petition for compensation to the Collector for any loss arising from such order and the Collector may award to the petitioner reasonable compensation for such loss; and the order of the Collector shall be final unless modified by the Commissioner in revision or by a Civil Court of competent jurisdiction."

Question proposed.

The Honourable Sir GOVINDRAO PRADHAN: The order under clause (1) is by the Collector and not by the canal officer.

The Honourable the PRESIDENT: The initial order is by the canal officer.

The Honourable Sir GOVINDRAO PRADHAN: The moment there is a dispute between two parties the Collector comes in. The canal officer has power when there is no dispute between two parties.

The Honourable the PRESIDENT: Has the honourable member understood the position?

The Honourable Sir GOVINDRAO PRADHAN: Let me explain it to him.

The Collector, while passing order under sub-clause (3) of clause 2 may award such compensation as he deems reasonable, because one party takes water from another man's source. That was the original section 35-A. I have no objection if the honourable members want to restore the original section 35-A. But the Collector will be passing the order for compensation.

SYED MIRAN MAHOMED SHAH: We have deliberately omitted that clause of compensation from one party to another. We suggest in this clause compensation from Government for any damage caused by the canal officer.

The Honourable Sir GOVINDRAO PRADHAN: I am afraid that section 31 is not before the House and it cannot be amended. Section 31 contains provision as regards compensation from Government. That section is not before the House and it cannot be touched. We thought 35-A was redundant. Even if it is redundant, and if honourable members desire to have it, I have no objection to put it in a modified form.

Mr. B. S. KAMAT: Section 35-A deals with compensation from one party to another but not against Government. That was never contemplated under section 35-A.

The Honourable the PRESIDENT: We are losing time. A great deal of sympathy is shown by the Honourable Member and advantage should be taken of it by honourable members from Sind. He is prepared to reinstate 35-A in this Bill in consonance with what has gone on before in an altered form. If honourable members are agreeable to accept that in place of the amendment of the honourable member Mr. Shaikh Abdul Majid, then he will put it in proper form. Otherwise it is waste of time.

Khan Bahadur ALLAHBAKSH: We do not agree to that. The order is passed by the Collector and the order has been executed. For any damage arising out of the Collector's order, Government must pay. Why should another zamindar pay? That is our objection.

SYED MIRAN MAHOMED SHAH: It is impracticable because nobody is benefited.

The Honourable Sir GOVINDRAO PRADHAN: In that case let the honourable member move it and I am going to oppose it.

The Honourable the PRESIDENT: The honourable member has moved it. I shall put it to the vote.

SYED MIRAN MAHOMED SHAH: The House must understand.

The Honourable the PRESIDENT: The House understands the whole case. There is no part of the Bill which the House does not understand. The honourable member wants to discuss it. I will not allow any honourable member to repeat what has already been stated. Let me see what new matter can be brought before the House.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, the real purpose of the amendment that has been moved by my honourable friend Mr. Shaikh Abdul Majid is to safeguard against the consequences of the action of the canal officer. Under the section referred to by the Honourable the Finance Member it is only the question of compensation from one party to another that is dealt with. If one source of water supply is changed to another water-course that will result in benefit to one party and loss to another party and the question of compensation will arise from one party to another. If by the action of the canal officer when changing the source from one water-course to another any loss is incurred by the owner of the water-course who is to pay the compensation? The protection that was given under proviso to section 35-A has been taken away. Under section 31 of the Irrigation Act the canal officer will claim that for regulating the water supply he has taken that step with the result that the owner of the water-course will not get any compensation. Under the new provisions the Collector will be the person who will pass final orders for the change in the source of a water-course. If that order of the Collector proves detrimental to the owner of the water-course who is to pay compensation? We have accepted that his order with regard to the change of the water-course and the construction will be final. We have also been shut out from seeking protection under a civil court. My honourable friend Mr. Shaikh Majid has therefore moved that "any party aggrieved by the action of the canal officer may present a petition to the Collector and the Collector may award to the petitioner reasonable compensation for the loss unless modified in revision by the Commissioner or by court of competent jurisdiction".

Mr. B. S. KAMAT: If protection is to be given to the Barrage people under section 91, why should not the same be extended to the Presidency people?

The Honourable the PRESIDENT: That is out of order. Section 31 is not before the House. Has the honourable member finished?

SYED MIRAN MAHOMED SHAH: We wish to be protected against the order of the canal officer as well as of the Collector. Otherwise

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extraordinary powers will be vested in the canal officer and Collector against which we will be precluded from having any safeguard.

The Honourable the PRESIDENT : I do not know whether the point of view that the honourable member has placed before the House is correct in view of the amendment the House has just now passed adding at the end of clause (iii) the words "as regards alignment and construction and shall not be questioned in a civil court" and deleting sub-section (3). The construction placed by the honourable member is not correct.

Mr. SHAIKH ABDUL MAJID : I do not want to add anything to what has already been said. I expressed my willingness to accept the modification which the Honourable the Finance Member suggested, but I do not know what has happened to that modification.

The Honourable Sir GOVINDRAO PRADHAN : They did not accept it. I myself think that it is redundant.

Mr. SHAIKH ABDUL MAJID : I will be in a position to withdraw my amendment if that modification is accepted.

The Honourable Sir GOVINDRAO PRADHAN : I offered to accept it, but they did not accept it.

Khan Bahadur M. A. KHUHRO : We did not have that amendment before us : it was never put before us. We want something similar to section 35-A.

The Honourable the PRESIDENT : The Honourable the Finance Member has said that he is agreeable to its being re-introduced, except that it will now be "the Collector" instead of "the Canal Officer."

Khan Bahadur M. A. KHUHRO : Section 35-A.

Rao Bahadur R. R. KALE : Sir, I rise to a point of order. You have called on the mover to reply.

Question put and lost.

The Honourable the PRESIDENT : Now, clause relating to section 92. The amendment standing in the name of Khan Bahadur Ghulam Nabi Shah is out of order, as the amendment to which it is a consequential amendment was rejected yesterday. The next amendment is in the name of Khan Bahadur Khuhro.

Khan Bahadur KHUHRO : Sir, I do not move it.

The Honourable the PRESIDENT : The next amendment stands in the name of Syed Miran Mahomed Shah, and runs :

For clause 4 (a) of section 92 substitute the following clause :

"4 (a) The cost of constructing all water-courses required for the irrigation of land which is occupied and which is being cultivated since 1911 shall be borne by Government.

[The President]

The cost of constructing water-courses which are required for the irrigation of land which is occupied but which has not been cultivated since 1911 and unoccupied Government waste land shall be borne in equal shares."

The Honourable Sir GOVINDRAO PRADHAN: Sir, that amendment requires sanction and therefore cannot be moved.

The Honourable the PRESIDENT: I hold it out of order on another ground also. The first part affects the principle of the Bill which has been accepted. An additional point also has been raised now that it affects the revenues of the province and therefore requires the sanction of the Governor.

SYED MIRAN MAHOMED SHAH: I will try to explain my position. This is not an amendment of principle. I do not say that the entire cost of construction of water-courses should be borne by Government. I only say that the cost of a particular portion should be borne by Government.

The Honourable Sir GOVINDRAO PRADHAN: The amendment in its first part says:

"The cost of constructing all water-courses required for the irrigation of land which is occupied and which is being cultivated since 1911 shall be borne by Government."

The principle of the Bill is that the cost of all the water-courses should be paid by the landholders. How does he say then that it does not affect the principle of the Bill?

SYED MIRAN MAHOMED SHAH: In spite of that my amendment is in order as the entire cost will be borne by the holders of those lands which were cultivated before 1911 and of occupied waste lands and by Government lands. It is only a particular class of landowners that I seek to exempt.

The Honourable the PRESIDENT: The first part of the amendment is out of order. Is the honourable member going to move the second part?

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, as you have held the first part to be out of order, I will move the second part:

For clause 4 (a) of proposed new section 92, substitute the following clause:

"The cost of constructing water-courses which are required for the irrigation of land which is occupied but which has not been cultivated since 1911 and unoccupied Government waste land shall be borne in equal shares."

I only seek to change the proportion. According to the report of the select committee, the proportion falling on private waste lands is three times as against two on Government waste lands. I see no justification for making a distinction between zamindars' waste lands and Government waste lands. The argument accepted by the select committee was that Government waste lands would fetch a lower price on the market if they were charged as much as the private waste lands. Why should you put artificial impediments in the way of the zamindar having a water-course and cultivating his waste land by burdening his land more than the Government waste land? This is nothing short of strangling individual enterprise. The charge to the general taxpayer

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will not be anything if private waste lands are put on the same footing as Government waste lands as the cost is to be borne by the purchaser of the Government waste land and is not to be paid out of general revenues. I hope, therefore, that the honourable members will have no objection to support my amendment.

Question proposed.

The Honourable Sir GOVINDRAO PRADHAN: May I suggest, Sir, that all amendments similar to this be discussed together? Mr. Surve, Khan Bahadur Khuhro and Mr. Shaikh Abdul Majid have all amendments to the same effect. They may all be discussed together.

The Honourable the PRESIDENT: I find some difficulty so far as the time of the House is concerned. I find that there are some amendments which are more or less repetitions. There is an amendment by the honourable member Mr. Shaikh Abdul Majid on the same lines with a slight variation in the proportion in which the cost should be distributed. His amendment says it should be 3 : 3 : 1. Then there is another amendment by the honourable member Mr. Surve which proposes the proportion of 1 : 3 : 2. The third one by the honourable member Khan Bahadur Khuhro puts it down as 1 : 3 : 3. Can honourable members come to some agreement amongst themselves and save the time of the House? If they come to an agreement, we could take up only one amendment.

Khan Bahadur ALLAHBAKSH: I have an amendment to the amendment of the honourable member Syed Miran Mahomed Shah.

The Honourable the PRESIDENT: What is the proportion that the honourable member proposes?

Khan Bahadur ALLAHBAKSH: Half and half.

The Honourable the PRESIDENT: Where is the third party?

Khan Bahadur ALLAHBAKSH: The third party is exempted.

The Honourable the PRESIDENT: I will have to go through it. It concerns the time of the House. We shall discuss the amendment before the House.

SYED MIRAN MAHOMED SHAH: It will facilitate the debate if the Honourable the Finance Member can enlighten us as to his views and tell us if he can agree to any compromise. If he does not agree, we might carry on the debate.

The Honourable Sir GOVINDRAO PRADHAN: I am afraid I cannot agree. I will explain the reason. When we adopted this proposed ratio that Government waste lands should be charged twice and private waste lands should be charged three times, what was passing in my mind was this; that Government as a body receive money on behalf of the ratepayers. The price of the land which they will realise will go to the benefit of the ratepayers. But in the case of private waste lands, the enhanced prices will go to the pockets of individual landholders.

[Sir Govindrao Pradhan]

That is why the distinction is made. My honourable colleague the Revenue Member explained it in his speech. If you put private waste lands and Government waste lands on the same footing, Government lands will fetch less, thereby causing a loss to the general taxpayer. If they get more price, it goes for the benefit of their subjects. But the enhanced price which private lands will fetch will go into the pockets of individual landholders. That is why the ratio has been fixed at 1 : 2 and 1 : 3. I cannot, therefore, accept the amendment.

Khan Bahadur ALLAHBAKSH: I have an amendment to the amendment which is before the House.

Add at the end "and that the lands cultivated between the years 1911 and 1932 shall be exempted."

Mr. C. S. C. HARRISON: That means that some 80 per cent. of the lands are to be exempted.

The Honourable Sir GOVINDRAO PRADHAN: That is exactly what you have ruled out of order just now, Sir.

Khan Bahadur ALLAHBAKSH: But I do not say that it is to be borne by Government. The other lands will bear it.

My object in moving this amendment is that the lands which are now cultivated and have got water supply should not be penalised. They have got enough water at their command now. When the other waste lands are irrigated these people will be deprived of their regular flow of water. They will get less water under Barrage conditions. The day before yesterday my honourable friend Mr. Kamat said that under post-Barrage conditions people will be much happier than they are now. I hope honourable members remember what the honourable member the Chief Engineer said yesterday. He said that people have got no legal right to rice cultivation. When the Barrage comes into operation there will not be sufficient water in the Barrage canals to irrigate the whole area which has been provided for in the project. I discussed this matter with the honourable member the Chief Engineer—

Mr. C. S. C. HARRISON: But I was not satisfied.

Khan Bahadur ALLAHBAKSH: He says he was not satisfied. But we know that the Barrage is going to be a failure. There can be no doubt about that. The honourable member the Chief Engineer is laughing and ridiculing the idea but the time is not far off when you will see the results of the Barrage. I think by that time he will retire and his successor will have to face the criticism. It is always so. Our experts undertake such gigantic schemes and as soon as they are completed they retire and then their successors have to face the blame.

The Honourable the PRESIDENT: The honourable member is digressing.

Khan Bahadur ALLAHBAKSH: At least this much has been ascertained by the Barrage Advisory Committee—I hope the honourable

[Khan Bahadur Allahbakhsh]

House will shortly receive the report of that Committee—that they have satisfied themselves that we will cultivate 51 lakhs of acres with the supply in the Barrage canals, but I personally assure you that the supply will hardly be sufficient to cultivate about 25 lakhs of acres.

The Honourable Sir GOVINDRAO PRADHAN : Are we discussing the merits of the Barrage ?

Khan Bahadur ALLAHBAKSH : I am coming to that.

The Honourable Sir GOVINDRAO PRADHAN : Coming to what ?

Khan Bahadur ALLAHBAKSH : The Honourable Member should have some patience.

The Honourable Sir GOVINDRAO PRADHAN : I have got enough patience, but all this is irrelevant.

The Honourable the PRESIDENT : Time is valuable and the honourable member must come to the point.

Khan Bahadur ALLAHBAKSH : I say that these people who are now cultivating 18 lakhs of acres will not get sufficient water when the Barrage canals open. There is hardly sufficient water to cultivate 25 lakhs of acres whereas the honourable member the Chief Engineer proposes to cultivate 51 lakhs of acres.

Mr. C. S. C. HARRISON : 53 lakhs.

Khan Bahadur ALLAHBAKSH : He says 53 lakhs. I say there is hardly enough water for 25 lakhs. Therefore these people who now get sufficient water will suffer because we will be bringing a larger area under cultivation and because of the modules and restricted supply of water these people will suffer. My honourable friend Mr. Kamat is under the impression that they will be benefited by the Barrage. I say that they will suffer seriously when the Barrage comes into operation. Why should they be made to pay now prior to the opening of the Barrage, and before the results are available. It would be much better if they are asked to pay after say five or ten years, when the Barrage is put into operation and they get an opportunity to see the results.

Mr. B. S. KAMAT : They will all get the advantage of the perennial system.

Khan Bahadur ALLAHBAKSH : Now we get the advantage of it. Now we get two crops. Therefore I say that we are prejudging everything. We are going to ask these people to pay as soon as the water-courses are complete. Government should at least give them this concession that those who cannot afford to pay should be asked to pay instalments. Even that would not be fair as Government is going to lessen the supply of water by taking more lands under cultivation. It would be much better if they recover that amount after 15 years when they see from the actual results of the Barrage, whether they are benefited or not. Therefore, the object of my amendment is that at least those people should be exempted. We feel that the people who have been getting water now will get a much smaller supply. Therefore I request that these

[Khan Bahadur Allahbaksh]

18 lakhs of acres which are at present cultivated should be exempted. If the Honourable the Finance Member agrees to the principle that no cost shall be borne by Government, then I say that that cost should be distributed among the purchasers of Government waste lands and private individuals. The land which is not cultivated may bear that cost. If we find afterwards that there is sufficient water and people are able to cultivate that land, then alone would it be right to recover that amount from them. Therefore, I hope that the Honourable the Finance Member will accept this amendment of mine.

The Honourable the PRESIDENT: The amendment to the amendment moved is :

Add at the end of the amendment moved the words "those lands which have been cultivated between the years 1911 and 1932 should be exempted."

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I rise to support the amendment to the amendment. I am very glad and it has given me the greatest pleasure to hear the most outspoken and frank speech of my honourable friend from Sukkur whose words are at present being ridiculed by certain Government members because the final consequences of the barrage are undisclosed at present and cannot be imagined rightly or correctly at this stage. Every one knows that plain truth in certain cases is very bitter and it appears more so to-day—

Rao Bahadur G. K. CHITALE: What about the money of the Presidency sunk in the barrage?

Khan Bahadur M. A. KHUHRO: I am being questioned, "What about the money of the Presidency?" I will answer, "What about the money that has been sunk in the sea at Bombay and what about the money—nearly 15 crores spent in Deccan Irrigation Works—which was stated yesterday as having been sunk in the Deccan?" This is sinking another amount of money in Sind, which also is mostly on the vote of the Presidency members. Sind forms one-fourth part of the Presidency and the results of the divisions that we claimed yesterday clearly show what strength Sind commands in this House. It is hardly one-fourth, and the results and legislations that are being passed are being passed primarily and fundamentally on the vote of the Presidency members, whose responsibility for the consequences is therefore greater than ours. So, Sir, if at any stage any honourable member from the Presidency can say against the Sind members that they are solely responsible for bringing this barrage on themselves, I think he is not justified in saying that. Sind members might be responsible to a certain extent, but the Presidency members are far more responsible for what they call "mis-expenditure." This "mis-expenditure" is not only in Sind, but, as I explained, it has been more so in the Presidency proper. I say this only in reply to certain criticism, ironical or sarcastic, which was made previously and I have been compelled to answer it in that strain.

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Coming to the question before the House, and the sum and substance of the speech of my honourable friend, it is true that the water which is going to be provided by the barrage is not going to be more than what we get at present to any appreciable extent, and if those honourable members who are trying to ridicule his speech at present were to take the trouble of studying the figures as to what is the quantity of the water which the barrage is going to provide, if they were only to study the quantity and volume of the water to be provided by the barrage as compared to what we are getting at present, they would easily find out for themselves that the quantity of water supplied by the barrage is not more than what we get now.

Rao Saheb R. V. VANDEKAR : What proof have you got ?

Khan Bahadur M. A. KHUHRO : Proof ? There are volumes on the barrage, there are reports which you can read for yourself. I am not exaggerating anything in the least what the natural consequences will be. As has been rightly pointed out by my honourable friend, the quantity of water that we will be getting in the post-barrage conditions will be half as much as we are getting to-day and yet more than double the land will be required to be cultivated. That clearly indicates that these people will get their water supply reduced proportionately. Supposing, for instance, a person A gets at present 15 cusecs of water. Then, according to that proportion, because of the larger area to be commanded by the barrage and the larger area which will have to be necessarily cultivated and because of that absurd and meaningless phrase "proper and equitable distribution of water," the canal officers will in order to justify that phrase simply cut down that water supply to about one-third from 15 cusecs to 5 cusecs. Then, the question is of duty. They will say that this is the duty according to which they are going to distribute water. That duty has not been experimented with by the Agricultural Department and found to be correct. I certainly challenge and dispute that duty which has not so far been reported upon as being a duty which is absolutely correct. No one can consider the Honourable the Chief Engineer as an expert on the question of quality of the soil and the quantity of water required for its proper fertility. It is the function of the Agricultural Department which is so far evidently sleeping. They should be made to examine each tract closely and opine frankly as to all these questions of duty and the exact quantity per area required. They also should be asked to convince the people of those tracts how far these experiments are real and genuine and can be made practical.

The Honourable Sir GOVINDRAO PRADHAN : Are all these remarks relevant, Sir ?

The Honourable the PRESIDENT : He means to say that he would be getting less water than now. That is the only point he is trying to make.

Khan Bahadur M. A. KHUHRO : I am just trying to prove that we shall be getting less water and at the same time we shall be asked to

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pay more land assessment and other absurd demands. This is the point at issue. So, I submit that that it is the crux of the question, that the duties are not justifiable duties and that it is practically impossible, according to our vast experience as being cultivators ourselves who have cultivated lands for years together, to cultivate our lands with advantage with the reduced supply of water, and get advantageous crops which we are growing at present. The consequence will be that the whole country will be devastated, the crops will be very inferior, the cultivators will be giving up cultivating under compulsion because the profits of produce will not be in proportion to the expenditure and will not be enough to pay the heavy demands of the State such as land revenue and other demands like these of water-courses, survey, etc. So, when we think of the post-barrage conditions, we simply shudder at the idea of what is going to happen at that time. So, I maintain and do strongly maintain that the conditions of Fuleli or the conditions of any part of Sind lower than the barrage are in no way worse than what is going to be the condition of the barrage area itself. If they are going to get less water, I maintain that we are going to get less water also. Similarly, on the same analogy, if those people are going to be exempted from the liability, there is every justification that we should also be exempted from the liability of the cost of the water-courses. I am prepared to prove this matter to anybody who wants to discuss it with me and to satisfy him that our conditions are in no way better than what they are pictured here to-day. So, I submit that we are going to be losers in both ways. On the one hand, we are going to lose appreciably the water supply and on the other hand by this unjustifiable and unreasonable measure we are going to be saddled with this unjustifiable cost of the water-course. In that case, the suggestion made by my honourable friend from Sukkur may be taken into consideration. I request the Honourable the Finance Member that time is not lost. It is a question of waiting for a year or two more. If as is hoped that in this period of one or two years all this land will begin to be cultivated, very well and if it is found that they are getting an adequate water supply and that all their imaginations and all their dreams are realised, there is no harm in charging the zamindars later on. If necessary you may make such specific provision in the legislation that these people are being exempted temporarily and that at any time they are liable to be charged for the cost of the water-courses it will meet your requirements. The Honourable the Finance Member can always come forward before this House with an amending Bill. He will strengthen his hands and he will even strengthen the hands of the future Government which will be a more responsible Government. He may charge whatever proportion is then considered to be equitable or reasonable. If he can cite a case and come before this House that these zamindars must be charged because they have benefited and because they have an adequate supply of water and that because of that they have gained an advantage and therefore they must stand the cost of the water-courses, he will carry his measure through without much trouble.

[Khan Bahadur M. A. Khuhro]

Taking all this into consideration, I submit, Sir, that the amendment moved by my honourable friend is a very reasonable amendment and I hope the House will consider it on its own merits and dispassionately. If any honourable member in this House is not convinced of what I have stated to-day, he can accept the amendment and if at any later stage he is not convinced of its desirability, he can support the Honourable the Finance Member or Government when they bring any other amendment of this Act on more justifiable grounds than I have mentioned. I hope therefore that this amendment will be accepted.

The Honourable the PRESIDENT: I cannot understand why honourable members should take up so much time on matters which have been repeated and repeated for the last three days when no new light is being thrown. The purport of the amendment is understood. The object with which the amendment is put forth is understood in a speech or two, and yet all possible members from Sind would like to speak. I think it is in the interests of their time that I am appealing to them. I cannot understand why every one of them should speak: [*At this stage Mr. Haji Mir Mahomed Baloch rose*]. What is it that the honourable member is going to say? If I pull up every member for a single repetition, the House would probably be tired of it.

The honourable member the Chief Engineer, Lloyd Barrage.

Mr. C. S. C. HARRISON: Sir, I will be brief. I oppose this amendment to the amendment as being most iniquitous. Assuming that there are 53 lakhs of acres to be irrigated and that there are roughly 72 lakhs of acres under command, out of this total of 72 lakhs Government own approximately 18 lakhs of acres. So, out of 72 lakhs, we have to take away 18 lakhs as owned by Government. Under the fallow-forfeit rules, we have not been able to get accurate figures during the short time I had at Karachi before this session, but the Revenue Officer informed me that it might possibly be 3 lakhs of kabuli undeveloped zamindari land. 18 plus 3 makes 21 lakhs. The proposal now before the House is that the 21 lakhs should take up the whole of the burden of the cost of the water-courses and the balance from 73, that is to say, 52 lakhs should be let off. I think that my honourable friend was so certain that the House would find his proposition iniquitous that he attempted to draw a red herring across the track and discussed the question whether the duties were correct or not correct, although the House must be utterly sick of that question of duties. This question of duties has been brought up every single year for the last nine years. With all due deference to the honourable members from Sukkur and Larkana, I submit that the question of duties is in very much better hands than theirs. The whole matter is being gone into very thoroughly by the Chief Agricultural Officer. This question of duties has been touched on in the Report of the Sir Visveswaraya Committee, and they have stated that they see no reason whatever to suppose that the duties assumed by the framers of the project will not be reached. That is perfectly clear. The honourable member said that it has not been

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touched in the Sir Visveswaraya Committee's report; I contradict him. Is it fair that this House should make Government, which is after all the taxpayer itself,—who together with small holders own 21 lakhs of acres—should bear the total burden which should rightly be spread over 73 lakhs of acres? I hope, Sir, that in his heart of hearts the honourable member must feel that the body which he represents is not very serious in putting forward the view which he has done. And with that I hope that he will not further draw red herrings across the path. I trust the House will not countenance either the amendment or the amendment to the amendment, because the question has been gone into very carefully by the select committee. The honourable member Mr. Kamat has already explained the matter and so has the Honourable the Finance Member. The issues are perfectly clear, and I trust the House will properly decide them.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I support the amendment to the amendment. For the last three days this Bill is being discussed. A great many amendments have been moved so far, but Government did not agree to accept most of them, and even in the case of the very few amendments which have been passed, I do not think they protect the zamindars sufficiently. I admit, Sir, that some improvements in the Bill have been effected by the efforts and speeches of the members of the select committee, and I am thankful to them for it. But on the present question, the great fear of honourable members from the Presidency proper appears to be that the Presidency will be saddled with these costs if they are not borne by the zamindars. But I say that the public treasury will not be burdened even to the extent of a single pie if this motion is accepted.

Sir, the select committee decided that there should be a division of the costs into six equal parts, occupied waste land paying three parts, unoccupied or Government waste land paying two parts and the land under cultivation bearing one part of the cost. There are 18 lakhs of acres of land which are now cultivated. Honourable members seem to be under the impression that these lands are owned by rich zamindars. But the fact is that out of the people owning these 18 lakhs of acres, not even a thousand are really big zamindars. Even assuming that there is that number of big zamindars, we must not lose sight of the fact that there are about 25,000 zamindars in that area who are owners of 10 acres to 100 acres. They are all poor. My object in supporting the motion is to save these poor people from having to pay their share of the cost. The object of the amendment to the amendment is to save these poor people from having to pay their costs and to shift the burden on to the shoulders of the big zamindars. On a rough estimate, I think that 35 lakhs of acres are in charge of big zamindars. Let the cost be borne entirely by these big zamindars and by Government. I submit that this is a very reasonable proposition. By this arrangement, the public treasury will have to bear no burden at all. I have therefore every hope that the amendment to the amendment will be accepted.

[Mr. Haji Mir Mahomed Baloch]

In this connection, Sir, I want to make an appeal to honourable members from the Presidency proper. For the last three days I have been seeing that they have remained absolutely silent. They are not giving the Sind members any assistance. Speaking for myself, I can say that I have always sided and voted with them on questions of public importance. I am making this appeal on behalf of the poor zamindars, and I have every hope that they will come to the assistance of these people.

Another point is that it has been argued that the money spent by the zamindars on improvements should be added on to the cost of the Lloyd Barrage. I submit that is not a reasonable proposition. I know that the Barrage will cost Rs. 20 crores, but it should be remembered that it is not a project like the Back Bay reclamation scheme or the Development Department. It is a productive work. In this connection, I wish to bring to the notice of the House that there are 12 lakhs of acres of land lying with Government which will be sold. Government themselves expect that they will realise about Rs. 200 per acre, but even assuming that owing to the fall in the prices of food-stuffs their full expectations will not be realised, we can safely assume that a price of Rs. 100 per acre can be realised. On this basis, the 12 lakhs of acres will fetch Rs. 12 crores. I am sure it is no good making an appeal to Government, because they will not look to our interests, in spite of the fact that for the past so many years honourable members from Sind have tried to please Government in every way in their power. I hope the present attitude of Government will make them learn their lesson, and I promise that on any future occasion, when honourable members from the Presidency proper require the assistance of honourable members from Sind I shall drag the Sind members to their assistance.

Mr. C. W. A. TURNER: Sir, I move the closure.

The DEPUTY PRESIDENT: Closure has been moved. The amendment as well as the amendment to the amendment have been sufficiently discussed, and in the interest of the time of the House which is very precious, I think I should accept the closure. I call upon the honourable mover to reply.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, there is not only an uncompromising attitude that we are confronted with from Government benches, but it is even more regrettable to see the indifference on this question on the part of the non-official side of the House. This is really the point on which we expect sympathy from our non-official brothers. We only wish to appeal to them to understand the question. If they think there is no case at all, certainly they may go according to the dictates of their own conscience; but if they think that a real case has been made out, then they should give us a patient hearing, and I assure them that we deserve it amply.

In order to be brief I would only touch the facts that have been mentioned by the honourable member the Chief Engineer for Lloyd Barrage, who is the expert and who is the master of the show within the Barrage zone. Sir, in the last session, the Secretary of the

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Finance Department cautioned us against statistics. The honourable member the Chief Engineer has given us some figures now, irrespective of the statement which he himself has prepared, that is the White Book on Lloyd Barrage issued in 1929. He asks how is it possible to throw the burden on 22 lakhs of acres which should be borne by 32 lakhs of acres as well. Twenty-two lakhs of acres comprise Government waste land and also zamindari waste land.

Mr. C. S. C. HARRISON : That was not the figure I gave.

SYED MIRAN MAHOMED SHAH : May I know the correct figure ? That is what I have noted down. Sir, it is argued on behalf of Government that this is an attempt to throw the burden on the general taxpayer, when it should really be borne by the zamindars. This position tickles the non-official members, and therefore I wish to explain that not a single pie of the burden is to be thrown on the general taxpayer, for whom such an extraordinary amount of solicitude is being shown here. On page 4 of the White Book Government have stated that the entire land to be commanded by the Barrage canals is 75 lakhs of acres. Out of that 59 will be cultivated. The modified figures are 53 lakhs will be commanded by the Barrage at one time.

Mr. C. S. C. HARRISON : 73 lakhs is the approximate figure of the area commanded.

SYED MIRAN MAHOMED SHAH : And 53 lakhs will be cultivated in one year. Out of that 18 lakhs belong to Government and 3 lakhs he said zamindari fallow forfeited lands.

Mr. C. S. C. HARRISON : I did not say zamindari fallow forfeited land. If the lands are fallow forfeited they cannot be zamindari lands. I said that though I have not got the actual figures probably not more than 3 lakhs will be undeveloped zamindari lands.

SYED MIRAN MAHOMED SHAH : At present 20 lakhs are being irrigated and 15 lakhs belong to Government. The total comes to 35 lakhs and the remaining 34 lakhs will be either occupied waste land—I do not know under what classification the honourable member the Chief Engineer has put them—or Government waste land or kabuli irrigated land. Now, the land which is occupied and is irrigated at present is 20 lakhs of acres which my honourable friend wishes to exempt. Only 20 lakhs out of 73 lakhs.

Mr. C. S. C. HARRISON : I think it will prevent confusion, if I explain. The honourable mover of the amendment to the amendment says that the period between 1911 and 1932 should be taken. There will possibly not be a bit of zamindari land which has not been cultivated at least once between 1921 and 1932. Therefore, the honourable member has gone entirely wrong. He takes 20 lakhs under cultivation. During the last 5 years the average area under cultivation is 18 lakhs of acres. The average of 18 lakhs is different from the individual acres cultivated since 1911. Therefore, all his figures are entirely wrong.

SYED MIRAN MAHOMED SHAH : If the honourable member the Chief Engineer's words are taken as gospel truth I have no reply. But that is not the position. We are practical zamindars. We know that the statements made by experts are not exactly true. He says that every acre, at least once, should have been cultivated since 1911. If figures are obtained from the revenue officers they may be acceptable to the House. Otherwise there is a great danger to accept such sweeping statements as made by the Chief Engineer now. But I assure honourable members on this side of the House that it is not so. There is a lot of land which has not been cultivated since 1911. About 7 lakhs have been forfeited to Government under the Fallow Rules. Apart from Government waste lands—

Mr. C. S. C. HARRISON : It must be included in the 18 lakhs.

SYED MIRAN MAHOMED SHAH : Still there is a lot of margin. The cost of construction of water-courses can be distributed on to the zamindari waste land and Government waste land, so that it will not be an additional burden on the general taxpayer. The honourable member Mr. Baloch has pointed out that the entire cost of the barrage shall be paid out of sales of the land itself. Only the interest is being paid out of the revenue. When we Sind people do not grudge to pay interest on the crores of rupees that have been sunk on unproductive works in the Presidency, why should the Presidency people grudge to pay the interest on this amount? We are brothers and we should not grudge to pay a few lakhs to each other. Even according to the admission of Government, at the end of 13 years we shall be able to earn 6 per cent. return. After 20 years we shall be earning 10 per cent. interest. Somehow we are going to pay the whole amount. Nobody's purse will be affected if a few lakhs are to be paid by you for the construction of water-courses. According to the mover of the amendment to amend the burden should be shifted from those of the occupied lands on to the shoulders of those who are to occupy the lands hereafter. My honourable friend Khan Bahadur Khuhro has proved, that after this scheme comes into operation, the quantity of water will be curtailed and consequently the cultivation will be curtailed. He pointed out that in Larkana instead of 23,000 cusecs of water which they are getting at present, they will be getting 17,000 cusecs of water after the scheme comes into operation. Apart from that the cultivation will be increased on the same quantity of water.

The DEPUTY PRESIDENT : May I request the honourable member to confine his remarks to the points pertinent to the amendment and not to repeat arguments that have been already advanced?

SYED MIRAN MAHOMED SHAH : Sir, it becomes necessary to refer to facts and figures in order to show who is going to be benefited by the scheme. The present occupiers are not going to be benefited; their water supply will be curtailed; and their cultivation is going to be restricted. Times without number Government have stated that the water supply at present given should be curtailed in order to ensure a more equitable distribution of water to all the zamindars. The water

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supply to the present occupied land owners will be curtailed ; their land assessment will be increased ; and also they are going to be made to pay for the reduced water in the shape of cost of water-courses. It is an undeniable position and extremely unjust too. I do not know how to instil this fact into the brains of non-official members.

As regards the fact that there should be discrimination between Government waste land and occupied waste land, I have sufficiently explained it in my first speech ; and the last speaker also has supplemented it. This is the state of things, for which we want the sympathy of our non-official members. Several times many experienced people have stated and proved that this scheme is going to prove a huge failure though my opinion is contrary to that. On the other hand the official members who are responsible for this huge project want to show, on paper, that the cost of construction of the barrage will not exceed the estimates and that it is going to be a success. Many questions have been asked in the Council as regards the revised estimates of the scheme and replied to. In order to keep the estimates within bounds Government want to throw additional burden on the zamindars. By accepting their proposal the non-official members will be saddling their brother agriculturists in Sind with this additional burden when they are already deeply in debt. The present generation will, of course, be unable to discharge the liability ; while their posterity shall have to move the Government of India to write off this debt. So, under these circumstances, I appeal to the House to vote for this amendment.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I want to read to the House a relevant extract from the speech of my honourable friends—

The Honourable the PRESIDENT : The contagion may be allowed.

The Honourable Sir GOVINDRAO PRADHAN : In the year 1923, the honourable member Sir Shah Nawaz, then Khan Bahadur, said :

“ The other point, that Sind is inferior and cannot be cultivated year by year, is equally incorrect. I would like to submit that I am a zamindar and my personal experience has shown me that even where we have got well water the return is always good. I have got lands which have been cultivated on well water continuously during the last 15 years with wheat crop.”

Lastly he says :

“ Sukkur Barrage or no Sind.”

Now, I find member after member from Sind getting up and saying that the scheme is going to be a failure ; and that the whole money is thrown away. But this is what their leader said : “ Sukkur Barrage or no Sind.”

The question before the House is whether the cost should be thrown on those whose lands are being irrigated at present or whether they should be exempted and that the cost should be thrown on those who are to occupy lands hereafter. In my opinion the cost should be equitably distributed. It was thought unfair that the lands which are at present irrigated should be charged to the same extent as the lands that

[Sir Govindrao Pradhan]

are to be irrigated hereafter. We thought it was equitable—and they also urged—that the lands which are irrigated at present should bear one share, the lands which are Government waste lands should bear two shares and the lands which are private waste lands should bear three shares. I have pointed out this afternoon why this discrimination is made between Government waste lands and private waste lands. In the case of private waste lands the unearned increment will go to an individual's pocket. In the case of Government waste lands the unearned increment will go into public exchequer and it will be for the benefit of all. That is why a discrimination is made. That is what the original Bill intended to do. I oppose the amendment.

The Honourable the PRESIDENT: I shall put the amendment to the amendment first.

Question put and lost.

The Honourable the PRESIDENT: I shall now put the amendment.

Khan Bahadur M. A. KHUHRO: We have to discuss the amendment.

The Honourable the PRESIDENT: It has been discussed.

Khan Bahadur M. A. KHUHRO: The discussion was entirely based on the amendment to the amendment.

The Honourable the PRESIDENT: The honourable member is an old member of the House and knows the procedure. When there is an amendment and an amendment to that amendment, both are discussed together.

Question put. House divided. Ayes, 14; Noes, 44.

Motion lost.

Division No. 3.

Ayes

BALUCH, Mr. HAJI MIR MAHOMED.
BHUTTO, WADEBO WAHIDBAKSH ILLAHI-
BAKSH.
DHALUMAL LILARAM, Mr.
DIXIT, Dr. M. K.
GHULAM NABI SHAH, Khan Bahadur.
GOVER RORA, Mr.
JAN MAHOMED KHAN, Khan Bahadur.

KHUHRO, Khan Bahadur M. A.
PATEL, Mr. C. N.
REBOLDAR, Mr. A. K.
SHAIKH ABDUL MAJID LILARAM, Mr.
SYED MIRAN MAHOMED SHAH.
TALPUR, MIR BANDER ALI KHAN.
TOLANI, Mr. S. S.

Tellers for the Ayes: Mr. S. S. TOLANI and Mr. SYED MUNAWAR.

Noes

ABERCROMBIE, Mr. J. R.
ANGADI, Rao Bahadur S. N.
ASAVALE, Rao Bahadur R. S.
BELL, Mr. R. D.
BOLK, Rao Bahadur S. K.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
BULLOCKE, Mr. A. GREVILLE
CHITALE, Rao Bahadur G. K.

CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DESAI, Rao Sahab B. G.
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
HARRISON, Mr. C. S. C.

Noes—contd.

HUDSON, the Honourable Mr. W. F.
 JONES, Major W. ELLIS
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBELI, the Honourable Dewan Bahadur
 S. T.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 NEWMAN, Mr. H. L.
 OWEN, Mr. A. C.
 PATIL, Mr. N. N.
 PRADHAN, the Honourable Sir GOVINDRAO

SHAIKH YAKUB VAZIR MAHOMED, Khan
 Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO,
 Mr.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SYED MUNAWAR, Mr.
 THOMAS, the Honourable Mr. G. A.
 TURNER, Mr. C. W. A.
 VAKIL, the Honourable Sirdar Sir
 RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

Tellers for the Noes : Rao Bahadur R. S. ASAVALI and Rao Saheb R. V. VANDEKAR.

ASHADHI EKADASHI : GRANT OF HOLIDAY ON.

The Honourable the PRESIDENT: I have a request in my hand signed by a large number of honourable members, about fifty-four, asking for a holiday on Saturday next. It is *Ashadhi Ekadashi*, a holiday of the Hindus. I looked up the record to see whether a holiday was given in the previous years. It seems from 1928 to 1930 that holiday never fell during the session period; it occurred just a few days before the session. There is the extra month this year, and I suppose the holiday has come during the session this year on that account. I understand that the Honourable the Leader of the House is agreeable to it on some condition. I would like to hear the condition.

The Honourable Sir GHULAM HUSSAIN: Mr. President, Government have no objection if that is the desire of a large section of the House, provided that the other side of the House will agree that out of their six days one will be taken up to-morrow and the remaining five days will be allotted to them after Government work is over.

Rao Bahadur R. R. KALE: That will be all right: we agree to that.

The Honourable the PRESIDENT: That is settled then. The House is now adjourned to 2 p.m., to-morrow, Friday, the 24th July 1931.

Friday, the 24th July 1931.

The Council re-assembled at the Council Hall, Poona, on Friday, the 24th July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ACHREKAR, Mr. A. B.
 ALLAHBAKSH, Khan Bahadur
 ANGADI, Rao Bahadur S. N.
 ASVALE, Rao Bahadur R. S.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, Sir SHAH NAWAZ
 BOLE, Rao Bahadur S. K.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JOG, Mr. V. N.
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHQRO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 NEWMAN, Mr. H. L.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOUSENALLY M.
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.

VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Questions.

QUESTIONS AND ANSWERS.

INCOME AND EXPENDITURE OF SIND.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to place on the Council table the figures of income and expenditure on Sind (i) as supplied to the Simon Commission, (ii) for the years subsequent to 1927-28 in the same form as that in which they were supplied to the Simon Commission ?

The Honourable Sir GOVINDRAO PRADHAN : As revised figures of income and expenditure of Sind are being collected, Government regret they cannot at present furnish the figures required.

Mr. S. S. TOLANI : Is it a fact that certain figures of income and expenditure of Sind were supplied to the Simon Commission up to the year 1927-28 ?

The Honourable Sir GOVINDRAO PRADHAN : Yes.

Mr. S. S. TOLANI : Why were they not placed on the Council table ?

The Honourable Sir GOVINDRAO PRADHAN : They have already been published in the Simon Commission's report.

Khan Bahadur ALLAHBAKSH : Do the revised figures show that the figures supplied to the Simon Commission were wrong ?

The Honourable Sir GOVINDRAO PRADHAN : The revised figures are being collected. They cannot be compared unless they are fully collected.

Mr. S. S. TOLANI : When will Government finish collecting them ?

The Honourable Sir GOVINDRAO PRADHAN : I cannot say. They are being collected by the special committee that has been appointed by the Government of India.

Mr. S. S. TOLANI : Is it a fact that Mr. L. H. Chablani, Secretary of the Secondary School Board University, Delhi, wrote to the Finance Secretary asking to be supplied with these figures and the Secretary wrote that the figures were ready but that he could not communicate them to him unless Government ordered him to do so ?

The Honourable Sir GOVINDRAO PRADHAN : That is not correct.

Mr. SHAIKH ABDUL MAJID : Were the figures supplied to the Simon Commission authentic ?

The Honourable Sir GOVINDRAO PRADHAN : I do not understand what the honourable member means by "authentic." The figures

APPENDIX 1.

BILL No. III OF 1931.

(A Bill further to amend the Bombay Irrigation Act, 1879.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879) have the honour to report as follows :—

We have carefully considered the Bill and have made considerable alterations therein. The reasons for the principal alterations are noted against the clauses as re-drafted. We have amended the original plan of the Bill to suit the convenience from a drafting point of view. The consequential changes which have been necessitated by the insertion of new provisions have been suggested to be made in the Act itself, and the new provisions themselves, which are only applicable to lands irrigable by the Lloyd Barrage Canals, have been suggested to be incorporated in a special part (Part XI) at the end of the Act as it stands at present.

Clause 2.—This corresponds to clause 3 of the original Bill, and the only alteration made therein is due to the re-numbering of the proposed new sections in a separate part by themselves at the end of the Act.

Clause 3.—This corresponds to clause 5 of the original Bill.

Clause 4.—This clause provides for the introduction of a new part (Part XI) in the original Act.

Proposed new section 90.—This section incorporates the principle which was accepted in the Council that these provisions should apply in the first instance to lands irrigable by the Lloyd Barrage Canals only. We have omitted the words “in Sind” after “the Lloyd Barrage Canals,” because we understand that some of the lands irrigated by the Lloyd Barrage Canals do not fall strictly within the territorial limits of the province of Sind. We have also provided that before this part is extended by a notification to lands irrigable by other canals in Sind, such notification should, in the first instance, be laid on the table of the Council and should be approved by it on a motion made by Government to that effect.

Proposed new section 91.—Sub-section (1) corresponds to section 20A which was proposed to be inserted by clause 2 of the original Bill. In re-drafting this clause we have provided that the Canal-officer who exercises powers under this section should not be inferior in rank to an executive engineer. We have omitted the words “for the settlement of any dispute concerning a water-course,” because we think that the provision “for the more efficient distribution of water” is sufficiently comprehensive for all purposes.

*Note.—The signatures of Mr. V. N. Patil, Khan Bahadur M. A. Khuhro, Syed Miran Mahomed Shah, Khan Bahadur Allahbakhsh Umar and Sir Shah Nawaz Khan Bhutto, Kt., will be notified when received.

(e) if the reply be in the affirmative, when the police station will be established; if the reply be in the negative, the reasons for not doing so?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) Yes.

(c) Yes.

(d) and (e) A police outpost has now been re-established.

EDUCATIONAL DEPARTMENT, SIND: SELECTION GRADE.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) whether the Inspecting line and the Teaching line in the Educational Department in Sind are considered to be joint or separate for the purpose of apportioning Selection Grade posts allotted to the Subordinate Educational Service;

(b) if they are regarded as separate,

(i) How many selection grade posts should be allotted to the Inspection line and how many are actually enjoyed by it at present?

(ii) How many such posts should be allotted to the Teaching line and how many are actually enjoyed by it?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The Teaching and the Inspecting lines are treated as separate for the purpose of awarding selection grades. The number of selection grade posts is calculated at 15 per cent. of the total number of graduates in the Teaching and Inspecting branches taken together and is distributed between the two branches in proportion to the number of men in each branch with more than ten years' service in Sind.

(b) (i) and (ii) The subjoined table gives the requisite information:—

		Number of places admiss- ible in the selection grade on the basis mentioned in reply to clause (a)	Number of places actually held by men in the cadre
The Inspecting Branch	.. ..	2	4
The Teaching Branch	.. ..	11	8

EDUCATIONAL SERVICE, SIND: SELECTION POSTS.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state what the total strength of the cadre of the subordinate Educational Service in Sind is in the Inspecting line and in the Teaching line respectively?

(b) What is the percentage of Selection Grade posts allotted to them?

(c) How many Selection Grade posts are actually being enjoyed by the two lines respectively ?

(d) How many are lying vacant and why ?

(e) When will they be filled up ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The total strength of this cadre in the Inspecting and Teaching lines is 11 and 79 respectively.

(b) and (c) Attention of the Honourable Member is invited to the reply given during the current session of the Legislative Council to clause (b) of the previous question put by him.

(d) Out of the three additional places which pertain to the Teaching branch, two are held by men in the Inspecting branch and one is lying vacant from 4th June 1931. It will be awarded to the Teaching branch.

(e) As early as practicable.

Mr. S. S. TOLANI : Why have 4 posts been awarded to the inspecting branch instead of 2 ? Government admits in their reply to my previous question that "the Teaching and the Inspecting lines are treated as separate."

The Honourable MOULVI RAFIUDDIN AHMAD : The appointments are made on merits.

Mr. S. S. TOLANI : The Honourable Minister has stated that for the purpose of awarding selection grades they are separate.

The Honourable MOULVI RAFIUDDIN AHMAD : Yes. They are separate.

Mr. S. S. TOLANI : The reply to (a) of my previous question is not correct then ?

The Honourable MOULVI RAFIUDDIN AHMAD : I may say that they are awarded by the Director of Public Instruction himself.

Mr. S. S. TOLANI : Is the Government going to adopt every suggestion of the Director of Public Instruction ?

The Honourable MOULVI RAFIUDDIN AHMAD : Certainly not ; but some powers are delegated to him.

ASSISTANT MASTERS, SIND : DEPUTATION TO SECONDARY TRAINING COLLEGE, BOMBAY.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) the names of the assistant masters deputed to the Secondary Training College, Bombay, this year from the Government High Schools of Sind ;

(b) the respective length of their service in the Educational Department ;

(c) whether there are any untrained assistant masters, senior to them, who have not been deputed ;

(d) if the answer to (c) be in the affirmative, the names of such masters with their respective length of service ;

(e) why the juniors have been preferred to the seniors;

(f) whether it is a fact that the Sind Subordinate Educational Service Association has protested against this policy of the authorities to the Director of Public Instruction;

(g) if so, what Government intend to do in the matter?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) and (b) The names and the length of continuous service of the assistant masters from the Government High Schools in Sind who have been deputed this year to the Secondary Training College, Bombay, are given below:—

Name.	Length of continuous service in the Educational Department on 1st June 1931.
	Y. m. d.
Mr. R. N. Thadani, Assistant Master, High School, Hyderabad.	3 6 24
Mr. A. A. Jaswani, Assistant Master, Mirpurkhas Madressah and High School.	2 11 7
Mr. B. C. Gorhe, Assistant Master, N. J. High School, Karachi.	2 10 29
Mr. G. M. Kureshi, Assistant Master, N. J. High School, Karachi.	2 1 28

(c) Yes.

(d) The names and the length of continuous service of the untrained assistant masters senior to those mentioned in the reply to clauses (a) and (b), who have not been deputed, are given below:—

Name.	Length of continuous service in the Educational Department on 1st June 1931.
	Y. m. d.
Mr. G. H. Shringy, Officiating Assistant Master, High School, Hyderabad.	3 8 27
Mr. H. N. Juriasingani, Officiating Assistant Master, High School, Larkana.	3 8 12
Mr. G. A. Chugani, Officiating Assistant Master, High School, Larkana.	3 8 5

(e) The assistant masters in question were selected for training at the Secondary Training College in preference to their seniors, as the work of the latter was not reported to be very satisfactory.

(f) Yes.

(g) The cases of the senior assistant masters in question will again be considered on merits next year.

PUBLIC WORKS DEPARTMENT, SIND : B. S. E. OFFICERS AS EXECUTIVE ENGINEERS.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state whether they are aware that some officers of the B. S. E. have been continuously officiating as Executive Engineers since 1923 when the Barrage works started and have proved efficient?

(b) What will be the position of such officers after the amalgamation of the Barrage divisions with the running divisions?

(c) Do Government propose to set apart three or four divisional charges for such officers with a view to give encouragement to B. S. E. officers?

The Honourable Sir GHULAM HUSSAIN: (a) Yes.

(b) If there are sufficient officers of the rank of Executive Engineer or senior Assistant Executive Engineer in the Indian Service of Engineers then available for Divisional charges, the officers of the Bombay Service of Engineers who are now in charge of divisions will ordinarily revert to their substantive rank of Assistant Engineers.

(c) No.

Mr. S. S. TOLANI: May I know whether Government have considered the question of reserving some posts of Executive Engineers?

The Honourable Sir GHULAM HUSSAIN: The reply is very clear. They have no right to the Executive Engineers' posts.

Mr. S. S. TOLANI: Have they examined the question?

The Honourable Sir GHULAM HUSSAIN: It does not require any examination.

Mr. S. S. TOLANI: The reply to my question (c) is in the negative. May I know the reason why?

The Honourable Sir GHULAM HUSSAIN: Because they belong to an inferior service—provincial service.

Mr. S. S. TOLANI: Do not Government consider that they are fit to hold charges of divisions?

The Honourable Sir GHULAM HUSSAIN: Till they are taken in the cadre of All-India Service of Engineers they cannot be considered for these posts.

PUBLIC WORKS DEPARTMENT, SIND : ASSISTANT ENGINEERS.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state whether they propose to increase the number of Assistant Engineers because of the increased number of sub-divisions in Sind after the amalgamation of the Barrage divisions with the running divisions?

(b) If the reply to the above be in the affirmative, is it the intention of Government to promote deserving Upper and Lower subordinates in preference to temporary Assistant Engineers who have short service and experience of running canals? If not, in what proportion between these classes are the appointments likely to be filled up?

(c) Do Government propose to appoint a Selection Board for making selections for these appointments and also for selecting officers to be retained after the amalgamation? If not, what are the reasons therefor?

The Honourable Sir GHULAM HUSSAIN: (a), (b) and (c) The question regarding the post-barrage organization of the Sind Public Works Department is still under the consideration of Government.

Mr. S. S. TOLANI: When is Government likely to decide this matter finally?

The Honourable Sir GHULAM HUSSAIN: I cannot give the exact date; but it will be decided shortly.

TODDY LICENSES: DHARWAR AND BELGAUM DISTRICTS.

Mr. B. P. WADKE (Bombay City, South): Will Government be pleased to state—

(a) the dates on which the period for toddy licenses in the Dharwar District begins and ends;

(b) whether it is a fact that all tapping licenses are strictly terminable on the last date of the period of license;

(c) the name of the man who holds the toddy license at Hubli for the current year;

(d) whether it is a fact that the said licensee is permitted to tap the trees during the current year for which he has not paid the tree tax;

(e) if so, the rate of tree tax that will be charged to him for the current year;

(f) the number of trees he is permitted to tap during the current year;

(g) the amount of loss to Government by this concession to the said licensee;

(h) whether there is a rule that prescribes that the tree tax shall be payable for the whole year, even if the license is given for a part of a year;

(i) if so, whether there is any provision for the rule being changed by excise officers without the sanction of Government;

(j) whether the sanction of Government was obtained in the case of the Hubli licensee;

(k) whether there is any special rule or provision under which an excise officer can grant a concession of the nature mentioned in clause (d) above;

(l) whether they propose to recover their loss from the Hubli licensee;

(m) whether a similar concession was allowed to licensees in the Belgaum District?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The toddy year commences from 1st August and ends on 31st July.

(b) Yes; but exceptions may be made in special cases.

(c) Messrs. N. F. Boyce and Company for both the Hubli toddy shops.

(d) No; the licensees were, as a special case, permitted to continue to tap for 13 days of the current year, on payment of proportionate tree tax, 345 trees of the previous year.

(e) For the 345 trees of the previous year tapped for 13 days of the current year, the licensees were charged proportionate tree tax at the rate of 8 annas per tree. For the other trees tapped by them, they have been charged the usual tree tax at the rate of Rs. 3 per date tree.

(f) 2,200 date trees for the Hubli Gardenpeth shop and 2,500 date trees for the Hubli Ganeshpeth shop.

(g) No loss has been caused to Government as the licensees have been charged tree tax for the maximum yield of the trees for the 13 days during which they were tapped.

(h) Yes.

(i) and (k) No; but the Commissioner of Excise has been recently authorised by Government to grant concessions of the nature mentioned in the reply to clause (d) of the question.

(j) Yes.

(l) Does not arise.

(m) No.

Mr. B. P. WADKE: It is mentioned in reply to (b) "Yes; but exceptions may be made in special cases." Will the Honourable Minister kindly explain what were the special reasons?

The Honourable MOULVI RAFIUDDIN AHMAD: They are all explained in the reply, if the honourable member would read it carefully. There were special reasons for which this was done.

Mr. B. P. WADKE: What were those special reasons?

The Honourable MOULVI RAFIUDDIN AHMAD: If the honourable member will kindly refer to the answer, he will find out. The special reasons are given there.

G. T. HOSPITAL: R. M. O.'s POST.

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister in charge of the Medical Portfolio be pleased to state—

(1) whether his attention has been drawn to the answer to my question about I.M.D. Officers (Council Debates, Vol. XXV, p. 1446) where it is stated, "Orders have been issued in 1926 to reduce the cadre from 27 officers to 12 officers only as vacancies occur;"

(2) whether the post of House Surgeon (or Resident Medical Officer) to the Goculdas Tejpal Hospital, Bombay, was one of the posts to be removed from the cadre "as vacancies occur;"

(3) whether this post has fallen vacant since 1926 by the retirement of the permanent incumbent, and if so, when;

(4) whether it is a fact that the post has not been withdrawn from the cadre of the I.M.D.;

(5) the name of the incumbent who retired and of the present incumbent;

(6) the reasons why the Department has failed to carry out the Government orders issued in 1926 ;

(7) whether the orders of 1926 have been changed ;

(8) if the reply to (7) be in the affirmative, the extent of the change and the reasons for the change ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : (1) and

(2) Yes.

(3) The post fell vacant on 26th February 1930.

(4) The post is held by an Indian Medical Department Officer, because the officers of the Indian Medical Department at present serving in this Department, who were transferred to this Presidency before the year 1926 have existing and accruing rights on the relinquished posts till the number of officers is reduced, by retirement or otherwise, to the number of posts reserved for them. There are at present 18 Indian Medical Department officers who were transferred to this Presidency before 1926, whereas the number of posts reserved for them is 12.

(5) The name of the incumbent who retired is Major A. B. DeSouza, I.M.D. The name of the present incumbent is Major J. H. A. Donnelland, M.B.E., I.M.D.

(6) Attention is invited to the reply to clause (4) of this question.

(7) No.

(8) Does not arise.

Dr. M. D. GILDER : What are " accruing rights " and how do they accrue ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I suppose these rights refer to officers who were in the Department before 1926.

Dr. M. D. GILDER : Then what are these accruing rights ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Rights to promotion.

Dr. M. K. DIXIT : [*Inaudible.*]

Dr. M. D. GILDER : What happened to the post previously held by the officer ? Was it reduced from the cadre of the I.M.D. ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : The number was to be reduced from 18 to 12 and this Department has not failed to carry out the orders issued in 1926. If there was any vacancy it was not filled. Consequently the number was reduced.

Dr. M. D. GILDER : I want to know what happened to the post vacated by Major Donnelland ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : A B.M.S. officer was appointed, I suppose. But I cannot tell you definitely.

Dr. M. D. GILDER : That is exactly what I want to know.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : If the honourable member gives me notice, I will find out.

Dr. M. K. DIXIT : Have any officers been taken up since 1926 ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : You mean new men ?

Dr. M. K. DIXIT : Yes.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : No. We have not had any men from the Director General since 1926.

Dr. M. K. DIXIT : One man was taken up in 1928. How does this reconcile with the reply just given ? One appointment was made in 1928 on November 6, if the Honourable Minister will refer to the Civil List and turn up the pages relating to Military Assistant Surgeons. I refer to Mr. Patrick Frank Fanaken.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Perhaps there is an explanation for it, but I could not tell you now. If however notice is given, I shall find out the information.

Dr. M. D. GILDER : Is the Honourable Minister convinced that the Civil List shows that one new man was taken up on the civil side after 1926 ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Well, apparently, it does, but there would be some satisfactory explanation coming forward. If notice is given, I can find that out.

Dr. M. K. TDIXI : May I take it that the policy of Government is not changed since 1926 ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Yes.

GOVERNMENT SERVANTS RECEIVING OVER RS. 100 PER MENSEM.

Mr. L. R. GOKHALE (Poona City) : Will Government be pleased to lay on the Council table a statement showing the number of servants, both on the temporary and the permanent establishment, in all departments of the Government of Bombay receiving Rs. 100 and more per month and the total amount of pay and allowances, etc., received by them in the years of 1910, 1920, 1925 and 1930 ?

The Honourable Sir GOVINDRAO PRADHAN : Government consider that the compilation of the information as required by the Honourable Member would involve expenditure of time and labour disproportionate to its utility.

I wish to add to the printed reply. On page 9 of the Retrenchment Committee's report, paragraph 36, you will find that we have got information as regards the different grades from below Rs. 40, from Rs. 40 to 59, Rs. 60 to 199 and so on. This question specifically refers to Rs. 100 and above. So the datum line which we have taken is Rs. 40 to 59 and so it goes to Rs. 199.

Mr. L. R. GOKHALE : Would Government be pleased to give figures for the years 1910 to 1920 ?

The Honourable Sir GOVINDRAO PRADHAN : They are not available. These figures of the Retrenchment Committee are for the year 1928-29 and there the datum line, as the honourable member

will find, is different. The question specifically mentions Rs. 100 and more. The information is not available.

Mr. L. R. GOKHALE: I accept that statement. But would Government be able to give figures for the years previous to that, i.e. for 1910 and 1920?

The Honourable Sir GOVINDRAO PRADHAN: We have got figures for 1925 but not for other years. If the honourable member wants, I shall give him figures for 1925.

Mr. L. R. GOKHALE: Do, please.

Rao Bahadur R. S. ASVALE: Are the records of 1910 and 1920 destroyed?

The Honourable Sir GOVINDRAO PRADHAN: The 1910 information it will be difficult to get, but as regards 1920 information we may be able to get it, but, as I said, the time and energy involved would be not at all commensurate with the results.

Mr. V. N. JOG: Will it not be possible to give figures for Rs. 60 to Rs. 100? We have already got the figures on page 9 of the Retrenchment Committee's report up to Rs. 60. I think it will not be difficult to give figures between Rs. 60 and 100.

The Honourable Sir GOVINDRAO PRADHAN: According to the demands of the Retrenchment Committee the datum line was taken at Rs. 40 to 59, Rs. 60 to 199 and so on. All the figures were collected upon that basis. Again every department throughout the Presidency and Sind must be asked to supply information as regards servants drawing Rs. 60 to Rs. 100.

Mr. V. N. - JOG: Are not the figures available in the Accountant General's Office?

The Honourable Sir GOVINDRAO PRADHAN: No.

Mr. L. R. GOKHALE: Are not figures for years between 1914 and 1920 available?

The Honourable Sir GOVINDRAO PRADHAN: Every officer must be asked whether he has preserved the records between 1914 and 1920, because oftentimes some of the records have got no permanent value and are destroyed. To find out whether the figures are available, we must enquire from each and every office throughout the Presidency before I can reply to the honourable member's question.

Rao Bahadur R. R. KALE (Bombay University): Is it not a fact that the whole question of the retrenchment of salaries is now engaging the attention of Government and will not the trouble involved in the collection of the information asked for be commensurate with the results?

The Honourable Sir GOVINDRAO PRADHAN: The question is about the datum line. The datum line was fixed by the Retrenchment Committee and we supplied them with information for 1923-29. If you again say "Sift it and find out what posts are between Rs. 60 and 100", again reference must be made to each and every department in order to collect the information. The honourable member will see that

there are 5 or 6 divisions made "Below Rs. 40, Rs. 40 to 59, 60 to 199, 200 to 499" and according to that, the actual costs are given.

Mr. L. R. GOKHALE : Did not the Retrenchment Committee require the figures for the years previous to 1914 ?

The Honourable Sir GOVINDRAO PRADHAN : Whatever they demanded was given. Three members of this House were on that Committee. I was not myself a member of that Committee. The honourable member can refer to the honourable member Mr. Kamat and others.

PRIMARY SCHOOLS, NORTHERN DIVISION : RAJKOT TRAINING COLLEGE.

Mr. M. H. MEHTA (Panch Mahals District) : Will Government be pleased to state—

(1) how many students trained at the Hunter Training College for Men at Rajkot have been employed as teachers in the Local Board and Municipal Primary Schools in the Northern Division between 1920 and 1926 ;

(2) whether any local authorities or Government employed such teachers after 1926 ;

(3) whether the standard of efficiency maintained at the said college has been recognised by Government as being equal to that of the P. R. Training College for Men at Ahmedabad ;

(4) whether Government approve of the appointment of persons, trained at the Rajkot College, made by the Local Authorities, for the admissibility of grants for their salaries, according to their Certificates of Merits ;

(5) whether Government have issued any resolution in this connection, and if yes, when ;

(6) whether it has been given a retrospective effect ?

The Honourable MOULVI RAFIUDDIN AHMAD :

No. of teachers
trained at the
Hunter Training
College employed
between 1920-26.

(1) District Local Board schools	..	..	3
Municipal schools	..	..	13

(2) Government have not employed any such teacher. The number of teachers employed by Local Authorities, etc., after 1926 is as under :—

District Local Board, Panch Mahals	..	1
Local Authority Municipality, Ahmedabad	..	1
Non-Local Authority Municipality, Dholka	..	1
Non-Local Authority Municipality, Mehmedabad	..	1*

(3) As the Hunter Training College is not subject to inspection by the officers of the Educational Department of the Government of Bombay, Government are not in a position to say whether the standard of efficiency maintained in that College is equivalent to that of the P. R. Training College for Men, Ahmedabad.

(4) No.

(5) No. The certificates issued by the Hunter Training College at Rajkot have not been recognised by Government as required by rule 2 (e) of the Bombay Primary Education Rules, 1924.

(6) Does not arise.

Mr. M. H. MEHTA : May I ask whether Government grant is paid on the salaries of teachers trained at Hunter Training College, and employed before 1926 ?

The Honourable MOULVI RAFIUDDIN AHMAD : [*Inaudible*].

Mr. M. H. MEHTA : May I know whether students studying in the Rajkot Hunter College were being admitted to the third year class of Premchand Roychand Training College at Ahmedabad ?

The Honourable MOULVI RAFIUDDIN AHMAD : I must ask for notice.

REWAS-MAHABLESHWAR ROAD SCHEME.

Mr. N. N. PATIL (Kolaba District) : (a) When will the proposed scheme for the contemplated Rewas-Mahableshwar Road be taken in hand ?

(b) Has the survey for the same been completed ?

The Honourable Dewan Bahadur S. T. KAMBLI : (a) The plans and estimate for the scheme are under the consideration of Government.

(b) Yes.

GOVERNMENT ADVERTISEMENTS : KOLABA DISTRICT.

Mr. N. N. PATIL (Kolaba District) : (a) Is it a fact that Government advertisements in the Kolaba District are generally given in "Kolaba Sadvritta", which has got the smallest circulation in the Kolaba District and which is not published regularly ?

(b) Are there two other newspapers in the district with a larger circulation ?

The Honourable Mr. G. A. THOMAS : (a) and (b) Yes. It has the second largest circulation of the three newspapers in the district.

HONORARY MAGISTRATES : APPOINTMENT OF DEPRESSED CLASSES.

Dr. P. G. SOLANKI : Will Government be pleased to state how many men from among Depressed Classes have been appointed Honorary Magistrates in Bombay City and in the districts in the Presidency ?

The Honourable Mr. G. A. THOMAS : None in Bombay City and two in the districts.

Dr. P. G. SOLANKI : Why none in Bombay city ?

The Honourable Mr. G. A. THOMAS : Because, hitherto, none has been found to be suitable ; we shall endeavour to take an opportunity of appointing some from these classes if suitable men are available.

Dr. P. G. SOLANKI : Was none suitable in Bombay city itself ? Are there not well educated men in that city ?

The Honourable Mr. G. A. THOMAS : The answer is that none were considered suitable in Bombay city.

Dr. P. G. SOLANKI : To that I ask the supplementary question whether among the highly educated men from the depressed classes none was found suitable ?

The Honourable Mr. G. A. THOMAS : My reply is the same ; none were considered suitable.

Mr. B. P. WADKE : What are the special qualifications required for appointing honorary magistrates from the depressed classes other than those required from the other communities ?

The Honourable Mr. G. A. THOMAS : They are the same in both cases.

GOVERNMENT HIGH SCHOOLS, SIND : ACTING ASSISTANT MASTERS.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) how many acting assistant masters there are in the Government High Schools in Sind ;

(b) how many of them are working in clear vacancies ;

(c) how many of those working in clear vacancies have put in more than one year's service ;

(d) why they have not been made probationary yet ;

(e) when they will be made probationary ?

The Honourable MOULVI RAFTUDDIN AHMAD : (a) Seventeen.

(b) Four.

(c) Three.

(d) and (e) The acting officers are both graduates and undergraduates. Graduate teachers are made probationary when they are selected for deputation to the Secondary Training College which depends on the number of vacancies in the Department and the needs of the various divisions in respect of trained staff. It is not, therefore, possible to say when the graduate officiating assistant masters in Government High Schools in Sind will be made probationary. As regards the undergraduates, the question of making them probationary will be considered after they pass the Secondary Training College examination. The teachers in question have been informed that they should pass the examination before the question of making them probationary can be considered.

CHOWPATTY SEA SHORE : NUISANCES.

Mr. B. P. WADKE (Bombay City, South) : (a) Are Government aware of the fact that the Chowpatty Sea Shore is one of the most important civic centres for recreation purposes to all classes of people of Bombay ;

(b) Are Government aware that hawkers, *zawali* huts, country boats, the ugly corrugated iron-sheets of the Royal Bombay Yacht Club, the irregular stone pitching and the noxious smell since January last have contributed to make the place a nuisance ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : (a) Yes, (b) The Bombay Municipal Corporation, to whom the foreshore was let on strict tenancy-at-will in 1926 subject to a clause under which the existing fishermen's huts and boats were to be allowed to remain, report that most of these huts are now being used for residential purposes. The question of their removal elsewhere is therefore now under consideration. Hawkers are allowed to squat inside the area reserved for them and the Municipality is taking necessary steps to see that the area allotted to squatters is not exceeded. The presence of a large number of hawkers does cause a certain amount of nuisance, but the Municipal Commissioner does not think it is possible to deal with it adequately so long as the public patronise them. There are no "ugly corrugated iron sheets of the Royal Bombay Yacht Club" on the sea shore. The noxious smell is due to the washing up of algae at the foreshore and a special staff has been engaged by the Municipality for its collection and removal.

Mr. B. P. WADKE : As regards (a) it is stated, yes. If yes, why was not action taken by Government up till now as per the requirements of (b) ? I understand that the Royal Bombay Yacht Club have a corrugated iron shed, which does not give a view of the Charni Road Gardens and the lamp post which was erected by our late eminent architect Mr. Wittett, which has been hidden on account of the shed, and that was the reason why I asked this question in the Council in order to get that shed removed.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I think that the reply is self-contained. The Bombay Municipal Corporation is in charge of the foreshore, and that is my answer. What more information does the honourable member want ?

Mr. B. P. WADKE : When it is once given in charge of the Corporation, is it not right for Government to ask the Bombay Municipality to see that the property is maintained according to the agreement ? It is stated in the answer that the Bombay Municipal Corporation, to whom the foreshore was let on strict tenancy-at-will in 1926 subject to a clause under which the existing fishermen's huts and boats were to be allowed to remain —

The Honourable the PRESIDENT : What is the question ?

Mr. B. P. WADKE : The Honourable Minister says it is the work of the Bombay Municipality. When the municipality is not keeping the terms of the tenancy-at-will, is it not the duty of Government to ask the Bombay Municipality to follow strictly all the terms of the tenancy-at-will ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : An agreement has been entered into between the Government and the Municipality, and so long as the conditions mentioned in the agreement are complied with, Government do not see any reason to interfere. I understand that the honourable member himself is a member of the

Bombay Municipal Corporation, and if he finds that the foreshore is not kept in a proper condition so far as sanitation and other matters are concerned, it is open to him to bring that question before the Municipal Corporation.

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : Whether the honourable member is a municipal councillor or not, if there is a nuisance, is not Government bound to remove it ?

Mr. B. P. WADKE : Why is there no answer to my question about irregular stone pitching ? There is no regular stone pitching, the sea-shore is irregular, and thereby it becomes insanitary for the public to go there for recreation.

The Honourable Sirdar Sir RUSTOM JEhangir VAKIL : I cannot see, Sir, why they should go as far as the water.

Dr. M. K. DIXIT : Is stone pitching required for the purpose of protecting the shore which is being washed out by the waves ?

The Honourable Sirdar Sir RUSTOM JEhangir VAKIL : I will enquire into the matter. So far as the obnoxious smell is concerned, I suppose it is due to that stuff which is in the nature of sea weeds, and the Municipality is taking precautions to clear it as often as possible.

Mr. B. P. WADKE : Will the Honourable Minister say when the ugly corrugated iron sheet shed which is objectionable for the general view from the sea sand towards the Charni Road Garden and the architectural lamp erected at the corner of sea wall will be removed ?

The Honourable the PRESIDENT : It is not admitted that it is ugly.

Mr. B. P. WADKE : I had asked my question about the ugly corrugated iron sheet shed, but in the reply it is mentioned as corrugated iron sheets.

The Honourable Sirdar Sir RUSTOM JEhangir VAKIL : My information is that there are no ugly corrugated iron sheets belonging to the Yacht Club on the sea-shore, and whether they are ugly or handsome is a matter of opinion.

PRIVATE BILLS.

Owing to the absence of the honourable member Rao Bahadur D. R. Patil, the following motions standing in his name were not taken up :—

(1) Bill No. XII of 1931 (A Bill further to amend the Bombay Municipal Boroughs Act, 1925)—Motion for first reading.

(2) Bill No. XIII of 1931 (A Bill further to amend the Bombay District Police Act, 1890)—Motion for first reading.

(3) Bill No. XIV of 1931 (A Bill further to amend the Bombay Pleaders' Act, 1920)—Motion for first reading.

(4) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill.

A BILL FURTHER TO AMEND (SECTION 5 OF) THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

Rao Bahadur S. K. BOLE : Sir, I beg leave of the House to introduce a Bill further to amend (section 5 of) the City of Bombay Municipal Act, 1888. This Bill seeks to do away with the system of co-option. The object of introducing the co-option system was to co-opt experts and others whose services would be valuable to the Corporation. But the way in which co-option takes place shows that the object is not served in any way.

Question put and leave granted.

Rao Bahadur S. K. BOLE : Sir, I introduce the Bill.

The Honourable the PRESIDENT : The Bill is introduced.

A BILL FURTHER TO AMEND [SECTION 11 (2) OF] THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

Rao Bahadur S. K. BOLE : Sir, I beg leave of the House to introduce a Bill further to amend [section 11 (2) of] the City of Bombay Municipal Act, 1888. This Bill seeks to democratise the constitution of the municipality of the City of Bombay by lowering the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 1,137,782, population numbering 1,018,165 is deprived of the vote. In these days it is undesirable to allow 1,137,782 people to be governed by 119,619.

Question put and leave granted.

Rao Bahadur S. K. BOLE : Sir, I introduce the Bill.

The Honourable the PRESIDENT : The Bill is introduced.

A BILL FURTHER TO AMEND [SECTION 39 (1) OF] THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

Rao Bahadur S. K. BOLE : Sir, I beg leave of the House to introduce a Bill further to amend [section 39 (1) of] the City of Bombay Municipal Act, 1888. This Bill seeks to give reserved seats to members belonging to the Mahomedan, backward and depressed classes in the schools, committee of the Bombay Municipal Corporation, as is done in the school boards in the districts.

Question put and leave granted.

Rao Bahadur S. K. BOLE : Sir, I introduce the Bill.

The Honourable the PRESIDENT : The Bill is introduced.

A BILL FURTHER TO AMEND (SCHEDULE B OF) THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

Rao Bahadur S. K. BOLE : Sir, I beg leave of the House to introduce a Bill further to amend (Schedule B of) the City of Bombay Municipal Act, 1888. This Bill seeks to correct the distribution of elected seats to be filled up by each municipal ward by introducing a more democratic

[Rao Bahadur S. K. Bole]

principle of representation according to population. The present number of seats allotted to some of the wards is very unfair, and though the population of some of the wards is reduced, the number of seats allotted to them remains the same.

Question put and leave granted.

Rao Bahadur S. K. BOLE : I introduce the Bill.

The Honourable the PRESIDENT : The Bill is introduced.

**A BILL FURTHER TO AMEND THE BOMBAY DISTRICT
MUNICIPAL ACT, 1901.**

Mr. L. R. GOKHALE (Poona City) : Sir, I beg to move for leave to introduce a Bill to amend section 12 of the Bombay District Municipal Act, 1901. The object of the amendment is to exclude from the operation of the said section certain persons who have been convicted of certain offences. That is the object of the Bill.

Question put and leave granted.

Mr. L. R. GOKHALE : I introduce the Bill.

The Honourable the PRESIDENT : The Bill is introduced.

**A BILL FURTHER TO AMEND THE BOMBAY MUNICIPAL
BOROUGH ACT, 1925.**

Mr. L. R. GOKHALE (Poona City) : Sir, I beg leave of the House to introduce a Bill further to amend the Bombay Municipal Boroughs Act, 1925. The purpose of the Bill is the same as the previous one to remove the disability of certain candidates for election who have been convicted of certain offences.

Question put and leave granted.

Mr. L. R. GOKHALE : I introduce the Bill.

The Honourable the PRESIDENT : The Bill is introduced. As regards the Bill in item No. 10, it would be ripe for motion for leave to introduce on 1st August 1931. It cannot be introduced now.

Mr. L. R. GOKHALE : If the Council sits till 2nd of August, will you permit me to move for leave to introduce the Bill ?

The Honourable the PRESIDENT : I see that there is a difficulty in the way of the honourable member. His Bill will be ripe for moving for leave to introduce on the 1st of August. If on the 1st of August the business of legislation is not taken up, then he cannot move it. I can re-adjust the priority of particular classes of business. To-day's item of business is legislation. That finishes to-day. No one particular Bill out of that item can be taken and introduced when that class of business is finished with and a new class of business is taken up. Suppose that on the 1st of August the business is resolution or Government business, then I have no power. It seems to me that, under the circumstances, the honourable member cannot move it in this session.

Mr. L. R. GOKHALE : Can you waive the objection, Sir?

The Honourable the PRESIDENT : I do not think I have the power to do so. On page 218, you will find that Rule 19 (4) says :

“ The period of notice of a motion for leave to introduce a Bill under this rule shall be as follows, namely :—

(a) if the Bill relates to a transferred subject—fifteen days.

(b) if the Bill relates to a reserved subject—one month or, if the Governor so directs, a further period not exceeding in all two months.”

The President has no power under that to waive the provisions. The same would apply to the next Bill standing in the name of Khan Bahadur Khuhro (A Bill further to amend the Sind Incumbered Estates Act, 1896).

A BILL FURTHER TO AMEND THE BOMBAY MUNICIPAL BOROUGHS ACT, 1925.

Mr. J. G. MORE (Sholapur District) : Sir, I beg leave to introduce a Bill further to amend the Bombay City Municipalities Act, 1925. The amendment proposed is to clause (7) of section 3. Thereby I wish to amend the definition of the word “ Judge ”. Under section 12 of the present Act, clause (1) (c), judges are disqualified from becoming councillors of municipalities. The principle underlying is obvious. It is to create and maintain confidence in the administration of justice. Now, this amendment seeks to include honorary magistrates, bench magistrates and village munsiffs in the definition of the word “ Judge ”. These persons also discharge judicial functions and as such they are also judges. If this amendment is carried, the disqualification will attach to these persons as well. I hope this honourable House will give me the necessary leave.

Question put and leave granted.

Mr. J. G. MORE : Sir, I beg to introduce the Bill.

The Honourable the PRESIDENT : The Bill is introduced.

MOTION TO AMEND STANDING ORDERS.

[Motion to amend Standing Orders (Motion No. I of 1931) in the name of Mr. R. R. Bakhale, which was put down for second reading, was not proceeded with, Mr. Bakhale being absent.]

MOTION TO PRESENT AN ADDRESS TO H. E. THE GOVERNOR RE : ADDITIONAL REPRESENTATIVES ON R. T. CONFERENCE.

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to move the motion which is placed on the table in my name and which reads as follows :

“ That the following humble address be presented to His Excellency the Governor of Bombay :—

May it please Your Excellency,

We, the members of the Bombay Legislative Council, respectfully pray that, in view of the omission to nominate representatives of Labour and agriculturists to the Round Table Conference in numbers commensurate with their importance and numerical strength, and with the amount of protection they need and the stake they have in the

[Mr. A. N. Surve]

country, Your Excellency will be pleased to bring to the notice of His Excellency the Viceroy, the Secretary of State for India and the Prime Minister of England the great dissatisfaction now prevailing in these classes on that account, and to urge the necessity of nominating additional representatives of these classes for participating in the deliberations of the Round Table Conference for the purpose of safeguarding their interests."

Sir, the Round Table Conference had its personnel selected by the last Viceroy. It is stated that the original selection of the delegates to the Round Table Conference from British India was professedly made without any local or communal colouring. I do not know on what principles the selection of representatives was made, but I am quite confident of what the results have been. The results have been that certain provinces and interests are over-represented and others are practically left out. In such a state of affairs it was but natural that loud complaints should have been raised, and as a matter of fact they were raised. The first to complain, as far as my information goes, were the women of India. Sir, our world is made of men and women nearly in equal proportions. Naturally, when half of the Indian population consisting of women was inadequately represented, it was but natural that the cry should have been raised at the earliest opportunity. Then, the next were the minority communities. Various other complaints also were raised against the selection from several quarters. And, as we find now from the announcements that are made from time to time, Government have realised their mistakes and have come forward now to correct them by nominating additional members. Only at the beginning of this week we had a list of additional members nominated to the Federal Structure Committee, and an additional list to the Minorities Sub-Committee is promised shortly. And some more additional delegates are to be appointed to the Round Table Conference itself. From this, you will see that the selection, as it was made, was defective and not happy. The result has been that some who were lucky enough were given representation. And the irony of the situation is that those persons got selected who would be in a position to lord over those interests which were unrepresented. Sir, constitutions are framed not on visionary ideals, which may be very high-sounding, very attractive in outward show, but utterly worthless and incapable of being put into actual practice. It is necessary, when you are framing a constitution, that all interests should be brought together, whether those interests are big or small. Every interest must have its voice, because if even a small interest is excluded and if its interests are sacrificed in the future constitution, that interest will rise in complaint and it will create difficulties in the smooth working of the future constitution. For that reason I urge that every interest should have its representative on the Round Table Conference. Sir, after all, a healthy constitution depends upon the interplay of innumerable checks and balances. If you invest power in the hands of a few, there is every reason to fear that that power may not be used discreetly and it may create trouble in the administration of the country.

[Mr. A. N. Surve]

Now, Sir, coming to these two classes on whose behalf I am moving this motion, namely, labour and agriculture, they are very inadequately represented. I even make bold to say that looking to the vast interests they have and the stake they have in the welfare of the country, they have not obtained any representation whatsoever. On the other hand, those whose interests conflict with these people are to be on the Round Table Conference in large numbers. Sir, is it possible that the landlords or sowcars (money-lenders) will protect the interests of the agriculturists who are their tenants or debtors? Or will a capitalist protect the interests of the labourer on whose sweat he grows fat? Self-interest and experience point the other way. He may, instead of protecting the labourer and the agriculturist, do everything in his power to thwart their interests and to keep the labourer and the agriculturist always under his control. Consider the agrarian situation in the United Provinces. But leaving aside the state of affairs in another presidency, to come to our own presidency; are there not grievances in the Thana, Kolaba and the Ratnagiri districts regarding the Khoti tenure? You know, Sir, that the Khots allow barely a living income to their tenants. The rest is all grabbed away from the tenants in one form or another. It was only the other day that the honourable member for Kolaba put a pointed question to show in how many ways these Khots have been preying upon the tenants who cultivate the soil. Take for instance the standardisation of measures. The sowcar, at about the beginning of the rains, gives rice or seed with a small measure, but when the agriculturist returns it, he takes it with interest and with a bigger measure. In this way the agriculturists are exploited.

Then I come to the next point. Is it advisable to give vicarious representation? That is a very important point. If representation is to be given, it must be given to those persons who actually belong to that class. You cannot ignore the interests of the labourer and the agriculturist because you must remember that, after all, it is the labourer and the agriculturist who is the producer of national wealth and on whose produce of labour even Government is kept functioning. Do away with the labourer and agriculturist and I do not know wherefrom money will be forthcoming to run the Government. Take for instance our present predicament. Prices have fallen and our Honourable the Finance Member finds great difficulty as to how to make both ends meet. Therefore, I say that, after all, the labourer and the agriculturist are the producers of wealth; they are the main supporters of Government. Therefore, Government must be very solicitous to take extra care to safeguard their interests. The classes, on the other hand, subsist on what the labourers and the agriculturists produce. They do not add an iota to the national wealth by their own labour. Everything is produced by the labourer either in the factory or in the farms outside. Therefore, when I appeal to you, Sir, in their name and on their behalf, I hope that that appeal will not fall flat.

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I have stated something about the agriculturist. I now point out a small instance from the history of labour in Bombay city. It was not quite long ago, it was only about 30 or 35 years ago that in Bombay the mills were working anything from 14 to 16 hours a day. Nobody ever cared to enquire as to what was the length of life of the mill operative. The moment he came from his country and got himself employed in the mills, within three or four years he was a total wreck and had to go to his native place either completely disabled for the whole of his life or he found that he was led to the cremation ground. At that time it was not Government or the present day agitators that came to the rescue of the mill-hands. It was people who belonged to their own class and those who kept in close touch with their conditions. I am very happy to say that one of those persons who took a leading part in getting this abuse remedied is present in this very Hall. I mention the name of Rao Bahadur Bole. Sir, it was about 30 years ago that he and his other friends created an agitation in Bombay and got the limit of mill hours reduced from 16 to 12 hours per day. Until then the millionaire millowners never cared for the welfare of their own operatives on whose exertions they enjoyed every sweet thing in this world. After that there was an awakening and when people found that Government did not come to their rescue, they fell a prey to agitators and its result was direct action which resulted in mill strikes. I remind this House of the mill strikes in the year 1921-22. At that time Government appointed a committee only because the grievance was brought home to Government and that too as a result of the direct action taken by the mill-hands and not on Government's own initiative. Realising that there was an awakening in the labour ranks, Government appointed the Royal Commission on Labour, which has made the recommendation that the working hours be reduced to 54 per week. Compare 16 hours a day then and 9 hours a day now. It took nearly 30 to 35 years to accomplish this progress. Why? Simply because labour is not protected. If you want to protect labour in the future constitution, you must give them adequate representation and if you fail to do that, the consequence will be that the lot of these labourers will be more pitiable than it ever has been.

I have told you that these people have been raising complaints because they have not obtained sufficient representation. And on behalf of some of the labourers and agriculturists who belong to the non-Brahmin community, the All-India non-Brahmin Congress Committee held its meeting in Poona on the 30th April last and passed a resolution on this subject. It is as follows :—

"This Conference expresses its disappointment at the inadequate representation of non-Brahmins of the Bombay Presidency and the total absence of representation of non-Brahmins from the Central Provinces and Berar at the Round Table Conference and suggests to His Excellency the Viceroy to nominate four more representatives for these provinces."

This being an all-India body, it had to take care of all the provinces. Then, almost in the succeeding week, the Bombay

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Presidency Non-Brahmin Conference held its session at Shahbaj in the Kolaba district and on the 3rd May passed a resolution :

" This Conference suggests the following names of persons representing the Bombay Presidency in connection with the suggestion made by the All-India Non-Brahmin Congress Committee for nomination of additional representatives of Non-Brahmins in the future work of the Round Table Conference."

So, on behalf of the Non-Brahmins, two of their well constituted bodies—one of them of an All-India nature and one of a Provincial nature—have complained that their claims have not obtained recognition. This is as far as the Non-Brahmins are concerned. As regards Labour, several unions have complained to Government that Labour requires more representation. The composition of the Conference at present is this, that there are more capitalists and more landlords on the Round Table Conference and just a negligible sprinkling of representatives of labour and agriculturists. So far as I am concerned, I do not know who represents agriculturists in the Round Table Conference.

Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN : Mr. Jadhav.

Mr. A. N. SURVE : Was he included in the original selection ? Of course, Mr. Jadhav was not in the original selection and only when the Maratha people held meetings and complained that the Maratha community was a martial race, that it had connection with the army and that their military interests must not be allowed to be swamped, on that account, I am told, Mr. Jadhav was appointed.

Granting that what my honourable friend to my left says that the ex-Minister of this Presidency Mr. Jadhav represents agriculture, what is the numerical strength of the agriculturists in the Presidency as compared with the total population ? The total population is somewhere in the neighbourhood of two crores and about 80 to 90 per cent. of that constitutes the agriculturists. Does my honourable friend want us to believe that one representative can safeguard the interests of these nearly two crores of the people ? Why are the other people there ? So far as I can see, there are about 11 or 12 persons from the Bombay Presidency. If Mr. Jadhav represents nearly two crores of people, then the rest, namely, eleven represent whom ? My honourable friend to my left (Rao Bahadur Kale) will perhaps give me a satisfactory answer to that question when he makes his speech.

Rao Bahadur R. R. KALE : I did not make the statement with which the honourable member charges me, but I merely passed on to the honourable member who asked me about it just what was remarked by an honourable member behind.

Mr. L. R. GOKHALE : It was the honourable member Khan Bahadur Abdul Latif Haji Hajrat Khan from Sholapur.

Mr. A. N. SURVE : I am sorry, if I mistook him for the interruptor. I was speaking, Sir, about complaints that were made by Labour. I have also told you that several Labour Unions have actually complained in

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this matter. I am referring specially to the Indian Seamen's Union which consists of over 25,000 men, and I am very glad that the Secretary of that Union is in this House (Mr. Syed Munawar) and when he rises to speak, I do request him to throw more light on this subject and tell the house what actually he has done for getting representation for Labour.

Having shown that the Round Table Conference does not contain representatives of Labour and agriculturists who could protect the interests of these classes, I wish to point out that those who have been selected and are supposed to be the representatives of Labour and agriculturists are outnumbered by representatives belonging to quite the opposite classes, and on account of that there is a growing volume of dissatisfaction and representative bodies of Labour and of agriculturists from the Non-Brahmin side have actually taken steps to ventilate their grievances and to draw attention to the wisdom of having representatives of these classes included in the Round Table Conference. I request every member of this House to consider this point in a sympathetic light and to accept the resolution in a sympathetic and kind-hearted manner. I commend my motion for the acceptance of the House.

Question proposed.

The Honourable the PRESIDENT: To the motion moved by the honourable member Mr. Surve there are two amendments—one by the honourable member Rao Bahadur Kale and the other by the honourable member Syed Miran Mahomed Shah. The honourable member Rao Bahadur Kale may proceed.

Rao Bahadur R. R. KALE (Bombay University): Sir, to this motion I wish to move the following amendment:

Substitute the words "rural areas" for the words "Labour and Agriculturists," and the word "areas" for the word "classes" wherever it occurs.

The honourable mover of the resolution mentions two classes, Labour and Agriculturists. I submit that my phrase "rural areas" covers the agriculturists and the labour classes, because the rural areas are made up to a considerable extent of these two classes. We in this Council are sent up from various districts as representing rural areas. If we look at the list of nominations so far made, it will be seen that they all belong to Bombay City, and perhaps it may be interesting to know the names of the present nominations which have been made. We have—

Mr. M. R. Jayakar, Mr. H. P. Mody, Sir Chimanlal Setalvad, Sir Phiroze Sethna, Sir Cowasji Jehangir (Jr.).

These are men from Bombay City. I do not know whom they exactly represent. Then we have Dr. Ambedkar and Mr. N. M. Joshi representing, as is well known, labour and depressed and backward classes. They are all almost identical interests at present. Then we have Sir Shah Nawaz Bhutto, who belongs to Sind and not to the Presidency proper. [Interruptions.]

[Rao Bahadur R. R. Kale]

I am not yielding. Honourable members will please listen to me to the end of my remarks and should not be impatient. I have qualified my remark by saying that the honourable member Sir Shah Nawaz belongs to Sind and not to the Presidency proper. Why did the honourable member ask that question when I had made that statement that Sir Shah Nawaz represents a place outside the province of Bombay proper? The division between Sind and the Presidency proper is well known—in fact too well known to require further elucidation. Lately, on the Federal Structure Committee we have two more names, namely, Sir Purshotamdas Thakurdas and one Mahomedan—

Dr. P. G. SOLANKI : What about Mr. Jadhav? Whom does he represent?

Rao Bahadur R. R. KALE : I am coming to that. I have not finished. Just have patience. There was a proposal to nominate one of our honourable members who is now a Minister—Dewan Bahadur Kamblī—but owing to certain circumstances, he had to give up the nomination and it was only then that Mr. Jadhav came to be nominated as the sole representative of the mofussil in the Presidency proper. A time was when I know the Bombay City was all in all and people from the mofussil were neglected. It was considered that the people in the mofussil were not sufficiently qualified and were not allowed an opportunity to come to the front, and the tendency was to leave everything to the Presidency town. But at least during the last decade and since the reforms, and since the inauguration of the enlarged Councils, various members coming from various districts have come here and have shown that they are able men and can properly represent rural areas. That being the case, if there is any complaint to make on the ground that the representation on the Round Table Conference is not adequate, it must be, Sir, on behalf of the rural areas, and I do think that no question of any communal considerations should be brought in in this matter at all.

Now with regard to the remark that fell from the honourable mover about Labour, let us consider a man like Dr. Ambedkar, or a man like Mr. N. M. Joshi or a man like the honourable member Rao Bahadur Bole. They do not belong actually to the Labour classes—

Rao Bahadur S. K. BOLE : I do belong to the Labour classes.

Rao Bahadur R. R. KALE : Very well, I confine my remarks to the other two men.

Dr. P. G. SOLANKI : Mr. Joshi does not belong to the Labour classes.

Rao Bahadur R. R. KALE : But no one can say that he does not identify himself with that particular class, and that is the real criterion in making a choice to represent the different areas or interests. I have nothing further to complain on the ground of the minorities also, because too much attention is being paid in these days to the minorities concerned and that question is being sufficiently discussed and debated and brought

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to the attention of Government. I do not, therefore, wish to go into that question at all. The present resolution is, no doubt, I think, somewhat late. However, it may not be too late, because the second sitting of the Round Table Conference is yet to take place and it may be a month or two before it actually takes place, and we have in the past instances where the Governor General or the Prime Minister has as a matter of fact made nominations up to the very end. Therefore, if there is an expression of opinion from any body like this Council, then there is no reason to think that it will be of no avail. Therefore, I think that if we place our demands on this consideration, namely, as I have stated in my amendment, then the Government will have no sound reason to object.

As regards Mr. Jadhav, I must say that in the speech which he made before the Round Table Conference, at the very beginning, he said :

" I represent here the southern portion of the Bombay Presidency Non-Brahmins. They number about ten millions. I am also an accredited representative of the great Maratha community. "

It will be seen, therefore, that even Mr. Jadhav's representation cannot be said to be a representation on behalf of the mofussil or rural areas of the Presidency, and he himself has stated that he represents the Non-Brahmins or the Maratha community. Practically then, so far as the Presidency proper is concerned, I ask Government to point out to any single individual who can be said to represent the rural areas of this Presidency, it does not matter to what community he may belong. I think it is a mistake which is often made, to say that a Brahmin is not an agriculturist. I can give my own instance. When I was a boy of 10 years I used to go to the field and assist in the sowing operations. My father used to send me there. I was born in a village, I attended the village primary school, and I was actually working in the field. I know much more about agriculture than many persons seem to imagine,—I have land,—and I do not know why I should not be called an agriculturist.

An Honourable MEMBER : You were only watching the agricultural operations.

Rao Bahadur R. R. KALE : No ; I used to assist in the sowing operation, actually putting the seed into the ground. I was doing the sowing operation when I was 10 years of age. I was asked to do that, because I suppose groundnut seed is a valuable seed, and it required a man from the house to go and watch and do the thing himself, and it could not be entrusted to others. However, this is all merely by the way. My point is that there are people and people who have been doing agriculture and who are interested in agriculture. There are very important agricultural problems, I know, and there must be people who are acquainted with the rural conditions. The greater part of the agricultural population may belong to a particular class. That may be so. But I am not taking

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my stand upon any communal consideration whatever, but my stand is upon the rural or the mofussil area not being adequately represented.

Rao Bahadur S. N. ANGADI : If the honourable member does not mind, may I know if any one has told him that a Brahmin is not an agriculturist, because he is a Brahmin ?

Rao Bahadur R. R. KALE : No ; but it may be said it is not among his six occupations. I can quote the Hindu Shastras if he wants. The Smritis lay down six occupations for a Brahmin, but Parashara Smriti laid down a seventh occupation for the Brahmin to follow, namely, agriculture. [Interruption.] The question was asked, and I have answered it. The time has come when the Brahmins will have to fall back upon agriculture, as they are not doing agricultural work on the scale on which they used to do it before. Anyhow, my submission is that there is a difficulty in the way of accepting the original motion which says that Labour and Agriculture should be represented ; that will be difficult. I hope honourable members will not be carried away by mere sentiment or any other considerations. Even according to my friend, he said that agriculturists will be both landlords and tenants. There are landlords whose interests are bound up with agriculture, and tenants whose grievances are different ; the landlords' grievances are different. Therefore, why should there not be representation for the agricultural landlord also ? Therefore, the wording of the motion, as it is, is unsatisfactory. All that I wish to point out is that when you want representatives of agriculturists, there must be a representative of the landlord agriculturist also. I do not find in the list any landlord agriculturist. There are no representatives of tenant agriculturists, neither are there any representatives of landlord agriculturists. Mr. Jadhav represents the Non-Brahmins and the Marathas. My point is that, if we are to make a request to Government, that request must be supported by something which is really sound. Therefore I submit that, if you want to proceed to claim further representation, then you might proceed to do so on the ground that the mofussil areas, the rural areas, are not represented. There are members of this Council who are, I must say, the representatives of agriculturists ; because who are the voters on whose votes they are returned ? They are mostly agriculturists, and therefore almost all the members coming from the district constituencies are representatives of agriculturists, and, if any one of them were to say that he is their proper representative, then I would certainly support the claim.

Rao Bahadur S. N. ANGADI : Anybody ?

Rao Bahadur R. R. KALE : Why not yourself ? I say, excepting the urban areas, Bombay City and other urban areas, the mercantile community or any other special interest, most of the members of this Council are really representatives of the agriculturists, and any one from them, whoever may be proper, may be a representative of the

[Rao Bahadur R. R. Kale]

agriculturists. That should be the interpretation that must be placed upon that expression. But that cannot be done unless you accept the amendment, and hence it is that I have proposed it, and I hope, if at all the House is so inclined, it will support the amendment.

The Honourable the PRESIDENT: The amendment moved is as follows :

Omit the words "Labour and agriculturists" in lines 2 and 3 and substitute in lieu thereof the words "mofussil or rural areas;" and in lines 8 and 10 omit the word "classes" and substitute in lieu thereof the words "mofussil or rural areas."

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I move the following amendment to the motion :

Insert the words "and Moslem community of Bombay Presidency including Sind" after the word "agriculturists" occurring in the third line and the words "and community" after the word "classes" occurring in lines 8 and 10 of the motion.

Sir, in moving this amendment I may not be misunderstood to be speaking from a communal point of view. I think the speeches of the honourable mover of the motion and the honourable mover of the amendment have justified my moving this amendment, because the sum and substance of their speeches is that not only particular classes or a profession should be given enhanced representation on the Round Table Conference, but under the cover of those words and that phraseology, particular communities be given increased representation. I do not understand the purpose of the amendment of the honourable member Rao Bahadur Kale when he wants to substitute the words "rural areas" for the words "Labour and agriculturists", excepting that he means that Brahmins should not be excluded. He had that apprehension and he wanted that the term should be wider, so that his community be included in the term of rural.

Rao Bahadur R. R. KALE: A Brahmin is included among agriculturists.

SYED MIRAN MAHOMED SHAH: That has been denied by those who have questioned the status of the honourable member as an agriculturist. The honourable member has put forward the plea that he represents the rural areas, the agriculturists, and therefore he can call himself an agriculturist, but that is denied by the other communities who do not belong to his fold.

Rao Bahadur R. R. KALE: Who denies it?

SYED MIRAN MAHOMED SHAH: The Non-Brahmins deny it. It is from that point of view that I look at his amendment. We should not lose sight of the fact that the conditions in this country are such that we cannot at present remove from our eyes the binoculars of communalism. The representation at present on the Round Table Conference has also been settled from that point of view. Every community is struggling for its existence, and especially the Moslem community which unfortunately happens to be a minority community.

[Syed Miran Mahomed Shah]

One can see how the honourable mover of the amendment by a few sporadic remarks ridiculed the idea of discussing the minority community problem here with the present motion as it has been in his opinion discussed every now and then and sufficiently long. He was bored by the idea that the communal point of view should be represented anywhere, any longer.

Rao Bahadur R. R. KALE : My point was that representation for the minorities has been sufficiently provided.

SYED MIRAN MAHOMED SHAH : Sufficiently discussed—he said that.

Rao Bahadur R. R. KALE : Discussed and provided also.

SYED MIRAN MAHOMED SHAH : However, so far as I have understood him, the object of the honourable mover of this motion appears to be that the non-Brahmin class should be given an enhanced representation as they have not been given sufficient representation on the Round Table Conference, which is a very important body, where the destinies of every community are on the anvil. Therefore, it is very necessary that the Moslem community which is struggling for its rights now, and especially in view of the non-settlement of the communal problem in this country in spite of various efforts from various quarters, should also be sufficiently represented.

Dr. J. ALBAN D'SOUZA : What about the Indian Christians and the Anglo-Indians ?

SYED MIRAN MAHOMED SHAH : My honourable friend can move an amendment if he feels so much for those communities. I feel for the Moslem community, and therefore I have moved my amendment. That makes the difference between him and me.

Now, Sir, in order to make my point of view clear in order to be appreciated by the honourable members of this House, I would like to give them an illustration as to how even under the denomination of "Labour" and "agriculturists" there is a likelihood of Mussalmans being lost sight of.

Mr. L. R. GOKHALE : What about the Sind Hindus ?

SYED MIRAN MAHOMED SHAH : The Sind Hindus have been pressing for their representation. It has been alleged that Mussalmans have got sufficient representation, especially the Sind Mussalmans. It is true that the Honourable Sir Ghulam Hussain will attend the Round Table Conference, but we look upon him as an alien, being part and parcel of Government of Bombay. As a matter of fact, in our opinion, if he represents anything, he represents the Presidency as a whole. He does not represent Sind or Sind Mussalmans only. With all due deference to the eminent position that he occupies in the Government of Bombay, I cannot call him a Moslem representative.

The Honourable Sir GHULAM HUSSAIN : I do not claim it.

SYED MIRAN MAHOMED SHAH : I only wish to convey the feelings of the Mussalmans of Sind, how they feel, and how they look upon him. They look upon him as a representative of the Government of Bombay. In that sense, he cannot represent our true feelings.

The Honourable Sir GHULAM HUSSAIN : I assure the honourable member I do not claim it.

SYED MIRAN MAHOMED SHAH : So that, Sir, Sir Ghulam Hussain is not our representative. We have got only Sir Shah Nawaz Bhutto to represent the views of the Moslems of the Presidency. My honourable friend the mover of the amendment has given us a long list of nine members from the Presidency, all of whom are non-Moslems. I wish to convey, by moving this amendment to the authorities responsible for nominating these representatives, that while they should give increased representation to labour and agriculturists, they should not lose sight of the fact that under this denomination the Muslims should be given their proper share, because they can be covered by the phrase "labourers and agriculturists". If the words suggested by me are not included in the motion my apprehension is that only non-Muslim community will be represented and the Muslims will remain as they are at present. To be true to ourselves we ought to appreciate facts. I can give an illustration in this honourable House itself. The Irrigation Bill is an instance. Because this Bill is going to affect mostly the Muslim Zamindars of Sind who are in a majority there and who are agriculturists, those who have eyes to see and ears to hear can see the amount of sympathy we have received at the hands of the representatives from the Presidency. This is an example. We are looking at every question from a communal point of view. I shall give an example of labour. In Bombay you have got Muslim and non-Muslim labourers. During the strike last year, the Pathan labourers who could not go on strike suffered great hardship at the hands of their brother labourers. On each point, whether in agriculture or in labour we are not well advanced to shake off the binocular of communalism, and look upon public questions in the same way as the other nations of the world. From that point of view I have moved this amendment. I wish to appeal to this side of the House to appreciate my point and not to misunderstand me. By all means let the agriculturists and labourers be given enhanced representation ; but under those denominations the Muslims must be given a fair share, so that this point of view should not be lost sight of by the authorities who nominate members for the Round Table Conference. With these few remarks I resume my seat and commend the amendment to the House for acceptance.

The DEPUTY PRESIDENT : There is a third amendment which has been placed in my hands to be moved by the honourable member Dr. Solanki. Is he going to move it ?

Dr. P. G. SOLANKI : Yes, Sir. My amendment is :

That in the Address after the words "labour and agriculturists" the words "depressed classes, Muslims and Christians" be added.

[Dr. P. G. Solanki]

My reason for moving this amendment is that while the powerful bodies are voicing their sentiments, I would be failing in my duty if I do not voice the sentiments and feelings of the depressed classes. I do not presume to be the leader nor an influential man from among the people whom I represent here. As their spokesman it is my duty, my foremost duty, to express their sentiments and grievances. This honourable House knows that there is one representative from this Presidency on the Round Table Conference and that is Dr. Ambedkar. The honourable member Rao Bahadur Kale said that Dr. Ambedkar can represent many constituencies—he may represent the depressed classes, he may represent the advanced classes—and he is a Barrister. So, that minimises the importance of Dr. Ambedkar representing the depressed classes. So, I want that there should be more and adequate representation of the depressed classes at the Round Table Conference. I am surprised to see that this Government which has been calling itself the trustee of the depressed classes and which has been declaring in season and out of season that they are here for safeguarding the interests of the depressed, down-trodden and neglected classes, should not have thought of giving adequate representation to these classes in the Round Table Conference. It was distinctly stated on the floor of the Parliament when the Statutory Commission was appointed and when Sir John Simon was sent out here, that that Commission was going to India for safeguarding the interests of seven crores of the depressed classes of India. With all these kind expressions, what is the sympathy shown to these classes nowadays? Only one person from this Presidency and another from the Madras Presidency have been nominated to represent the depressed classes. My honourable friend Syed Miran Mahomed Shah says that his community is not properly represented. How much more so should we feel that our community should be represented in larger numbers and more adequately, because our voice has not been heard so far and ought to be heard at the Round Table Conference at this juncture, when the country is passing through the transitional stage and is to have a new and changed political constitution very soon! If the rights and privileges of the backward and depressed classes are not asserted and ascertained now, a golden opportunity will be lost. I appeal to this honourable House to show their sympathy towards these classes. I have very little confidence in those who laugh it out and treat this question in a slighting mood. Some of my advanced class brethren may laugh it out and ridicule it, but it is already high time for them to consider seriously the question of these down-trodden countrymen. The advanced classes particularly the orthodox Hindoos have done injustice all these past centuries. I wish they rise to the occasion and show that they are prepared even so very late to give the dues to these classes which they are in every way justified in claiming as their birthright.

I have put in Muslims in my amendment. Their condition is as bad as that of the depressed classes as far as education is concerned. I have also included the Christians. My honourable friend Mr. Chikodi laughs.

[Dr. P. G. Solanki]

I may just invite him to come with me to remote villages, to see the conditions of these poor Muslims who do hard labour in fields and who are hated and despised by well stationed Hindu advanced classes. Their condition is not a bit better than that of the depressed classes. [Honourable Members : Do Muslims admit it ?] They have got one great advantage over the depressed and it is that they have a democratic religion which helps them. But the Hindu religion puts down the Hindu depressed classes. The religion of the Mahomedans raises them up while the orthodox Hindu religion puts down the poor depressed classes. None, in this world, dare point his finger at the Mahomedans ; but everybody puts down, hates and despises the depressed classes because they are Hindus. It is their misfortune. They have suffered and they will suffer, because they have got patience to suffer. I now invite and ask the Hindus as a body to come to their rescue and be generous enough to help them and vote for my amendment, and request the India Government to send more representatives from any place in the Presidency to represent those classes provided they are capable and deserving.

About Christians, somebody—I think the honourable member Mr. Kalbhor—asked me whether I have included the Christians in my amendment. Yes, I have included them because they are minor community and none of them is sent from this Presidency. [Interruption.]

The DEPUTY PRESIDENT : The honourable member can go on.

Dr. P. G. SOLANKI : I seek the protection of the Chair, because I do not want interruption. As regards Mussalmans they are working hard in the fields—agriculturists and labourers in villages. There are thousands and thousands of Mussalmans who are labouring like other labouring classes. Only a few hundreds from among them are educated as they are among the Christians. My honourable friend Rao Bahadur Kale said that Mr. Bole does not belong to the labouring class. In the same way, he said that Dr. Ambedkar does not belong to the depressed classes alone.

Rao Bahadur R. R. KALE : Because the honourable member Rao Bahadur Bole said that he did represent the labour classes, I said that though he represented the labouring classes, he did not belong to it.

Dr. P. G. SOLANKI : You want to drag him into your fold of the advanced classes. It is stated that those people from among the depressed classes and Mahomedans who are educated and advanced belong to the advanced classes. Those people who come to the cities, get education and move in advanced circles, they have nothing in common with their respective communities who live in rural areas. Even though it may be so yet blood is thicker than water. This has been proved by the honourable member Rao Bahadur Kale by bringing in his amendment. What has he got to tell us, Sir ? He wants by his amendment to include the Brahmins, the sowcars, the Banias and pleaders from the mofussil and rural areas where they are powerful and wield

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very great influence among the poor villagers and cultivators. There already in the address is included the representation of labour and agriculturists ; but he wants by his amendment to include the Banias, the Marwaris and Brahmins and advanced class people ; people who come as strangers with a *lota*, a metal bowl to contain water, and a rope to draw water from wells who after some years stay in villages acquire lands by lending out money on exorbitant interest and become sowcars and sometimes big sardars (*An Honourable Member : Then Members of Council*) and also Members of Council. Such men will be going to the Round Table Conference if this amendment of Rao Bahadur Kale is carried. I strongly protest against the amendment of Rao Bahadur Kale because he ought to have mentioned the Mahomedans and Christians and depressed classes who are in the rural area. I would like to request the honourable member Rao Bahadur Kale to add mofussil and rural areas after the words Labour and agriculturists. He must meet me half way. I will whole-heartedly support him. But he has not got that soft corner in his heart to take up that attitude. Though he is my personal friend, I differ from him on this point. He belongs to the same religion as myself. We are theists and belong to Brahmo Samaj Church. I do not attribute any motives to him. It is natural. I would do so if I were in the same position. Already there are more than three or four representatives of the Mahomedan community from the Presidency along with Sind. Compared to that, what is the representation of the Depressed classes who number 7 crores ? There are only two. From this Presidency there is only one, and he is to be claimed by so many constituencies such as Labour, nationalists, etc. Now, what chance is there for the Depressed classes in the Round Table Conference and in the Federal Structure Committee in an assembly of hundreds of people ? I put my faith in the British Government, in the British statesmanship and in the British Justice. I hope that even though my advanced Hindu brethren may be in dozens there and my Moslem brethren may be in dozens there, yet justice will be done to the righteous cause, to the cause which deserves support, sympathy and justice. If my pleadings will have any effect on my brethren in this honourable House, they will give sympathy not only to the labourites, agriculturists and Moslems, but also to the Depressed classes and send a unanimous request to the Government of India to give them more representation on the Round Table Conference, which is to be held in September in London.

Question proposed.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, frankly speaking, I am personally against both the substantive proposition and the amendments. It does not befit the dignity of this House : the debate has got altogether debasing. [*Interruption.*] Please do not interrupt.

The DEPUTY PRESIDENT : Order, order. Let him go on.

Rao Bahadur G. K. CHITALE : Certain communal matters which ought not to be brought in are being brought in, and that in a manner which ought to be condemned. Is this Round Table Conference so trivial, so simple, that the several communities can be given representation according to their numerical strength ? The House must remember that the Round Table Conference is shaping the destiny of the whole of British India which is divided into nine provinces. [An Honourable Member : Also of Indian States.] You will also find that the various interests represented there are not chosen from the narrow point of view of communalism but from the higher national point of view. Looked at from that point of view, the task of nominating the personnel that falls to the Government of India, or the task of sending down the names that falls to the provincial Government, is so immense that it is impossible to conceive that they can do justice to this or that community.

I stand here, Sir, for dignity of debate. Let our discussions be carried on with dignity. Then only we can hope that some attention will be paid to our representations even at this late stage. The Secretary of State and Parliament decided on a very small number. It is common knowledge that the number at first decided on was about forty, but in deference to the wish of the whole of India and the representations then made that number was increased and almost doubled. It is no joke to carry on grave deliberations in an assembly consisting of many members. That is the experience of all deliberative bodies. And that is why only a few people representative of the several interests have been selected. We should not look at it from the narrow point of view of communalism—that one is a Brahmin, another is a Moslem, Christian or anybody else. That view is so narrow that it deserves to be treated with contempt. To say that Mr. Jadhav did not represent the interests of my non-Brahmin friends is not correct. He has fought for them. To say that they were not adequately represented by Sir A. P. Patro will not do. Those representatives have looked at that problem from the real point of view, the point of view of nationalism. Read their speeches and then you will be convinced that these small ideas of gaining the loaves and fishes do not count when the object is to gain self-government.

What does the substantive proposition and the amendments show ? They show a very, very small mind. The outside public will go under the impression that there are individual interests seeking advancement under the guise of this motion. This House should not give rise to such impressions. If it were put down in general terms that this Presidency was not adequately represented, that would have been another matter.

Then, again, it is quite clear to me that the Minorities Committee has yet to be nominated ; perhaps the names will be announced in the next week. What right have we to assume that the local Government have not done their duty in bringing to the notice of the Government of India or the Secretary of State for India, the omissions which they

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know ? You will also remember that the greater portion of India, the *Daridranarayan* interest is represented by Mahatma Gandhi. Mahatma Gandhi is a host in himself. He represents not only the depressed classes, the agriculturists, but everybody—

Dr. P. G. SOLANKI : Question.

Rao Bahadur G. K. CHITALE : Go outside and question, and you will see the result. [Interruption.]

The DEPUTY PRESIDENT : Pease do not interrupt the speaker.

Rao Bahadur G. K. CHITALE : Do not interrupt me. Then, the premier body of India, the Indian National Congress, does not require any more representative than Mahatma Gandhi. By so doing it has set an example which ought to be copied by others. It is not the numbers that go there that count. They are not expected to make long speeches or vote. You have to appeal to the practical-minded English people and convince them of the justness of your cause. If they fight there like this then the case will be absolutely lost. I should think from the practical point of view the lesser the number the better. It is from that point of view, I think, that a small number has been selected by the Government of India and the Secretary of State.

Another point is this. Let me not be understood to be oblivious of the various interests behind the delegation ; let me not be understood to say that the depressed classes have no problems of their own, that the Mussalmans have no problems of their own as against the Hindus, or that the agriculturists have no problems of their own as against the landlords. I am very hopeful that a solution to the Hindu-Moslem difference is not far off ; I am of robust hope that ultimately they will agree to a common formula ; I have not the least doubt about that. Apart from that little hitch, there has been plain sailing all through as regards the constitution of the local Governments. There is no difference of opinion as regards that in the Round Table Conference among the various minorities. There is only one hitch and that is between Hindus and Moslems. In these circumstances, it is not befitting the dignity of this House that we should vote this kind of address to His Excellency. I dare say His Excellency will be perfectly right in ignoring the address as it goes too late. I think this House will be very well advised to reject the amendments as well as the substantive proposition. I hope wisdom and not narrow communalism will prevail.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, We have had a very lively and interesting discussion on this question as was expected. Various amendments have been moved by the representatives of various classes and communities who have grievances—in some cases genuine—that they have not been adequately represented. The original proposition of the honourable member Mr. Surve, that the agriculturists have not adequate representation, has

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of course in my opinion a considerable force. The names that have been pointed out during the debate as representatives of the agriculturists are only two. One is the late Honourable the Minister Mr. Jadhav and the other Sir Shah Nawaz Bhutto. As to Mr. Jadhav, without meaning anything ill or derogatory to his position, I must say that although he may be holding certain lands in the Satara district, yet he is not dependent on agriculture, and he is not an agriculturist in the real sense that he could at all be taking personal interest in his land. His biography clearly shows that as soon as he qualified himself in law he took to practice and subsequently entered service in different States and ultimately in this Government. The agricultural population which forms a large proportion of the population of the Indian Peninsula, ought to have been given adequate representation. The amendment of my honourable friend Rao Bahadur Kale seeking to give adequate representation to the mofussil areas makes very little difference, because the agriculturists all belong to the mofussil. The landlords living in presidency towns and other towns, who are not taking any direct interest in agriculture, cannot really be called representatives of agriculturists. The personal instance of the honourable member Rao Bahadur Kale, who calls himself an agriculturist, as exemplified in his attitude towards the Irrigation Bill, has made abundantly clear to us what personal interest he takes in agricultural matters. So, Sir, to claim to be the representative of the agriculturists and to be one in real sense of the word are two materially different factors. I am told, Sir, that at the Round Table Conference on behalf of women Begum Shah Nawaz complained that women had not got adequate representation because they had been given only two representatives. But what about the mofussil male population? It is about 80 per cent. and they had only two representatives. That means that the injustice done to them is much greater in comparison to that of women even.

As regards labour, I do not agree fully with my honourable friends who have spoken for enhanced representation. We know that Congress which is having adequate representation in this Conference is going to advocate the cause of labour and has very great sympathy with the labour cause. Apart from that, labour has been given representation and many of the politicians to-day have got considerable sympathy with the labour class for various reasons. But, Sir, the Round Table Conference as it is represented to-day is greatly monopolised and dominated by the representatives from the cities, lawyers and a few representatives of the business classes and such others who have no first hand knowledge of the agricultural conditions of the mofussil villages and have no right to claim to be the representatives of the agriculturists. I therefore submit that the representation given to the cities is far in excess as compared to that given to the mofussil. This is a question which is very important and should receive sufficient consideration. I admit, of course, that various people and various classes are claiming representation though they may

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not have sufficient justification for doing so. But it is for His Excellency the Viceroy to see that such an important population is not ignored and is given proper representation and that the wrong is righted. It is not too late now to do that.

But there is another side of the question. This morning's report in the *Times of India* shows that the Hindu Delegation has seen His Excellency the Viceroy and is claiming representation for Sind. I was surprised to hear that. The question for which they want representation is Sind separation which question, as every one of us knows, is practically settled so far as the Round Table Conference is concerned. They have made some insinuations and attacks against Sir Shah Nawaz Bhutto, that they believed he would oppose separation whereas he altogether changed at London and advocated the cause of separation. There were two representatives from Sind, Sir Ghulam Hussain and Sir Shah Nawaz Bhutto. But the previous gentleman is an active Member of the Government of Bombay and therefore has his own limitations and I make bold to say that he cannot with open heart and open mind go and fight for the cause of separation which is classed by certain people as the cause of the Muslims, whereas it is not the cause of the Muslims but the cause of the province as a whole. [Interruption.] I have said that the former gentleman has his own limitations and realises his responsibility as to how far he can go. With regard to the latter gentleman it has been reported and it has been said in the address presented to His Excellency the Viceroy that he definitely opined against the separation of Sind in India, where he had the privilege of being the Chairman of the Provincial Committee to co-operate with the Simon Commission and gave quite an opposite opinion before the Round Table Conference. Has no body a right, when he is convinced by arguments, to change his opinion? He may have given his opinion in a different capacity and for different reasons altogether. Now he has been convinced and having gone to the Round Table Conference rightly advocated the cause of separation. On the contrary it proves that he had an open mind on the subject. Although at the time of his nomination to Round Table Conference it was apparently presumed by many and probably Hindus might have thought too, that he would oppose separation, but that is no reason why Hindus should not make it an excuse for demanding their separate representation. If they trusted Sir Shah Nawaz Bhutto for supporting their viewpoint, which he however could not do, for the reasons best known to him, it is no reason at all to now turn round and say that one representative has failed us and therefore we must have another. The British Delegation has already admitted that Sind has a very good case for separation. At this stage some Hindus asking for additional representation because they are dissatisfied with this representation and are determined to see that Sind should not be separated and they even want to nullify the decision of the Round Table Conference. If any representation is given to these Hindus of Sind, there is strong justification for Muslims of Sind to claim representation at the Round Table

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Conference not having got adequate and independent representation from the very commencement. I do not consider the amendment of Syed Miran Shah to be communal because it has not been brought with that consideration at all. There would be strong justification for increasing Muslim representation in case such an absurd request as is made by Hindus to His Excellency the Viceroy, is granted. Although I have very little hope whether this address will carry much weight when so many varied demands have been put forward and so many amendments to amendments have been tabled, yet I think it is all the same necessary that we should express our views about those classes that have not got sufficient representation and that this question should be properly looked into. It is never too late and therefore this wrong ought to be righted. With these words, I support the motion.

Dr. J. ALBAN D'SOUZA (Bombay City, South): Mr. President, I rise to support the amendment moved by my honourable friend Dr. Solanki. I hope the honourable House will not think that I am seeking to support this amendment because of the fact that the word "Christian" has been introduced into it. I may inform the House that I have always stood for equity, fairness and justice. It is true, no doubt, that every speaker, when he does rise to support a motion, always is for equity, fairness and justice. But I hope to prove to the House that on this occasion in standing for equity, fairness and justice I feel I am on sure ground.

I have listened with attention, Sir, to the rather philosophical and cynical speech of my honourable friend Rao Bahadur Chitale. He implies that the discussion has been carried on in a manner that does not become the dignity of the House. I do not know how or in what manner the statements made by my honourable friend, the mover of the amendment, with which I am concerned or for the matter of that the remarks of any other honourable member, are not dignified. Sir, the Round Table Conference is being held with a view to arriving at practical results in the interests of the moral and material progress of India. My honourable friend Rao Bahadur Chitale says that representation on this Conference should not be by communities. Granted this he must concede that the various interests such as those of Labour and Agriculture, and of Muslims and Christians, must be adequately served. Now, Sir, if for example, at the Round Table Conference the Hindus have got 5 members, the depressed classes one member, the Muslims 2 members, Labour one member and the Indian Christians no member (I am referring to the Bombay Presidency), how will the decisions be arrived at? Practically by some form of voting.

The DEPUTY PRESIDENT: Order, order. I am informed there is no voting at the Round Table Conference.

Dr. J. ALBAN D'SOUZA: Granting even this, Sir, the expression of opinion by five members, all corroborating one another, certainly carries more weight than that by one or two members or in the case

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of Indian Christians by no member. I may be told that the Indian Christians have a representative from Madras in the person, if I am not mistaken, of Sir A. P. Patro. [*Interruption.*] But I wish to ask whether the conditions of the Indian Christians obtaining in the Madras Presidency are not far different in several ways from the conditions obtaining in this Presidency.

Issues in connection with the various communities are so complicated and difficult to explain that I personally think that it is wrong to maintain that all interests concerned may be served by one representative. If, therefore, there is more adequate representation, the interests will be better served and the results more satisfactory.

Regarding the statement made by the honourable member Rao Bahadur Chitale to the effect that Mahatma Gandhi could solely and by himself represent India at the Conference, I am afraid the honourable member is taking too much for granted. I am not at all inclined to introduce the name of the great Mahatma, for whom I have the highest respect, into this discussion, but practically speaking, I would ask my honourable friend, whether all the sections in India follow the Congress Creed. There is a large section in India that does not believe in that creed and is not a follower of the cult it recommends.

I therefore heartily support the amendment of my honourable friend Dr. Solanki and I am grateful to him for putting the case of the minority communities before the honourable House so ably and boldly.

Khan Bahadur ALLAHBAKSH (Sukkur District): Sir, I rise to oppose the resolution as well as all the amendments. The arguments so far advanced by the various speakers are not convincing at all. The honourable members who spoke just now advanced only two arguments namely, (1) that the mofussil is not properly represented and (2) that the agriculturists are not properly represented. I do not know what definition they make of a man living in the mofussil and what definition they make of an agriculturist. Even my honourable friends from Sind say that even Sir Shah Nawaz is not a proper representative of the Sind agriculturists or of Sind as a whole. I ask them whom does he represent? I ask my honourable friends whether the Honourable Sir Ghulam Hussain is not a proper representative of Sind. He has been in political life for about 23 years. He has practised in Sind as a lawyer, he has been the President of a District Local Board and has served on various committees. He has mixed with the zamindars and knows their grievances. He has remained in the Cabinet of the Bombay Government first as a Minister and recently as an Executive Councillor. Still, my honourable friends say that he does not represent Sind and that they want some agriculturists to be nominated as delegates to the Round Table Conference. Sir Shah Nawaz says that he represents Sind as a whole. He was not for separation at first but now he wants separation of Sind from the Presidency proper. My honourable friends however say that he does not represent Sind

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in a proper way. I for one say that Sir Shah Nawaz is the representative of the whole of the Presidency and not of Sind alone—

SYED MIRAN MAHOMED SHAH : He is not the representative of the Sind agriculturists.

Khan Bahadur ALLAHBAKSH : What representative of agriculturists does the honourable member want ? Does the honourable member want an agriculturist who has been tilling the soil for 50 years ? Does he want such a representative to be nominated to proceed to the Round Table Conference ? I cannot understand what he means by saying " We want an agriculturist." You will find, Sir, that there are about nine people from this Presidency—

An Honourable MEMBER : They do not represent the agriculturists.

Khan Bahadur ALLAHBAKSH : What does the honourable member mean ? Does he want a man who has been a tiller for 50 years ? I admit of course that neither Sir Shah Nawaz nor Sir Ghulam Hussain has been a tiller for 50 years.

Another complaint is that many people from the cities have been selected. It does not necessarily mean that they hold the views of the pleaders or other professional men exclusively. They are all politicians, they know the grievances of India as a whole, they know the grievances of their particular province well. Whom does Mahatma Gandhi represent ? Will they say that Mahatma Gandhi does not represent the mofussil ? Do they say that he does not represent the cities ? If representation is given to a member of one community, another community will ask for representation and everybody will say " Give us proper representation." Instead of two, you may have four. You will only spend more money. What is the use of sending so many people ? [Interruptions.] Therefore I say that there is absolutely no need. Moreover, it has been made amply clear that there is no voting. After all, each community is represented, every class is represented, there is no class unrepresented, nothing is going to be decided arbitrarily, it is not a question of recording votes on the views of different communities and different classes. There is nothing like that. [Interruptions.] I am sure that there can be no better men to represent Sind Agriculturists or Sind people's interests than the two honourable members Sir Shah Nawaz Bhutto and Sir Ghulam Hussain. Why do you want to add to the number and thereby burden still further the taxpayer who will have to bear the cost of the delegates ? If your purpose is only to add to the taxpayer's burden, do send more representatives, otherwise there is absolutely no reason to ask for more representation. I oppose the resolution as well as all the amendments.

(After recess.)

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Mr. President, I have listened to some excellent

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speeches on this motion, and I am inclined to think that the general opinion among honourable members is that they should all be sent to the Round Table Conference. That is the only way in which every one of them will be satisfied. They will thus have an opportunity of making a trip to Europe at the expense of Government. Sir, we are all aware that the time for the re-assembling of the Round Table Conference is fast approaching, and in my opinion the motion has been brought forward somewhat too late. The honourable member ought to have brought it up for discussion in the February-March session.

Sir, my honourable friend Rao Bahadur Chitale stated that representatives should not be sent to the Round Table Conference on a communal basis, but so far the nominations have been made on that basis. Sir, it has been said that only such men should be sent as representatives who will take a broad national outlook. But these representatives must first of all become nationalists by action, and not by mere words. What is the state of the country to-day? Go where you like, you find these communal differences. On the railways you find there are arrangements for tea for Hindus, tea for Mahomedans, water for Hindus, water for Mahomedans, Hindu hotels, Mahomedan hotels, and so on. That is not nationalism. I have seen in Bombay separate hotels for Brahmins, for Hindus, for Non-Brahmins, for depressed classes, and so on. We talk a lot about having a broad national outlook. But let those who want us to take a broad national outlook convert us by their deeds, not by mere words. For centuries together the depressed classes in India are being treated worse than animals. First of all let these differences be settled. Till then a true national outlook is out of the question. I think it is wrong to say that anybody is a nationalist unless he has proved himself to be so by his deeds. I would request my honourable friend Rao Bahadur Chitale to show by his deeds that he is a true nationalist. In the case of some of these people, if a depressed class person touches water, it is pollution. Why should there be this attitude towards the depressed classes? They are human beings, they have a heart, they have sentiments, they have intellect. Why should they be considered worse than animals? It is only that man who will say "I am a depressed class man, I am an untouchable" who is the true nationalist. Where is the harm in touching them, in eating with them, in drinking with them? I do not say that there should be inter-marriages between the depressed and the other classes, but why not at least get rid of this curse of untouchability? In the Madras Presidency, I understand that if a depressed class man goes by a road, the road becomes defiled. All animals can go by that road, but not a depressed class person! We have as an honourable member of this House a gentleman like Dr. Ambedkar a person belonging to a depressed class. I should like to ask in what respect he is inferior to the rest of us. Who made the depressed classes? Surely, not God; it is the higher classes who are responsible for creating them and keeping them at a distance. The British Government may say, "We will give more rights to the Indians,"

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But we do not want it, as in the Round Table Conference, on a communal basis. We do not want such a Swaraj. In such a Swaraj, the *kisan*, the agriculturist will be against the sowcar and the zamindar and vice versa. In my opinion, it is the representatives of Labour and agriculturists who must be sent to the Round Table Conference. My honourable friend Rao Bahadur Kale said that five representatives were sent from cities, but there was none from the rural areas. Sir, for the last 200 to 300 years the landlords, the sowcars, the zamindars were in power, but now Labour is coming into its own. In my opinion, if proper representation is not given to Labour and the agriculturists, there will be civil war in India. With these words, I support the motion moved by my honourable friend Mr. Surve. As regards the amendment of my honourable friend Dr. Solanki to give more representation to the depressed classes, the Indian Christians and the Mussalmans also, I have already said that true nationalism will remove this communalism. So long as justice is not done to all the communities, these differences will continue to exist.

Rao Bahadur S. N. ANGADI (Belgaum District) : Mr. President, after feeling the temperature of the House, I am really feeling doubtful whether to support this motion or not. However, I think it is necessary that I should put before this House my own views about the matter. You will remember, Sir, that the motion by itself is a very innocent one, but all the same it has been the misfortune of this House that even resolutions which are very innocent in the beginning get very controversial in the course of discussion. It is really true that there is no complaint whatsoever against the present personnel of the Round Table Conference. They have all been selected on one important principle, namely, that they are all persons of very eminent abilities, persons who have rendered service to the public as well as to the country. For these important considerations the present personnel is put there on the Round Table Conference, and, as was pointed out by my honourable friend Rao Bahadur Kale, it is true unfortunately and it so happens that all these persons belong to the city of Bombay and there is very meagre representation of the rural areas. However, as I pointed out, the principle adopted was the principle that those persons were to go there, to an important body like the Round Table Conference, not for carrying on an ordinary debate but for framing a constitution which is to decide the destiny of this country. For this reason of course it is true that very able men are wanted, and that is the criterion by which the Government of India and also His Majesty's Government have been guided in the matter. However, the particular fact still remains that all these persons unfortunately come from the city of Bombay alone and that there is no representation of rural areas. Not that I suggest that it is very much necessary that there ought to be representation of the rural areas, but on one broad principle I think it stands to reason to suggest, that though

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all these men are men of very high abilities, are men who have rendered very meritorious services to the country, yet what the honourable member Rao Bahadur Kale said seems to be wisdom. We have repeatedly heard it said that good government is no substitute for self-government. On that principle it may be said that though it is true that the persons selected are men of very high abilities and they would certainly look to the interests of the country as a whole and they would try their level best to see that all conflicting interests are properly reconciled, yet, on that broad principle, there is no reason why some support should not be accorded to the amendment of the honourable member Rao Bahadur Kale. For instance, you will see, Sir, that if we take the example of Dr. Annie Besant, whose services to the country we are well aware of, we find that she has not been included in the personnel. I think nobody would deny that she is one of those very few who have rendered great service to this country and her views on constitution making are well known, and yet we find that she has not been selected. I think the obvious reason must be that she is not an Indian. She is an English woman, and for that reason she must not have been taken up on the Round Table Conference. Similarly, though these persons who are our own brethren have been selected, there was absolutely no reason why some one representing the rural areas should not have been put on the Round Table Conference. Again, Sir, it was said by my honourable friend Rao Bahadur Chitale that Mahatma Gandhi is the one man who can be said to represent the whole of India, and since Mahatma Gandhi is there, there is no necessity for any others to go and attend the Round Table Conference. I would very much like to agree with the view of Rao Bahadur Chitale, but the fact remains that, notwithstanding the fact that Mahatma Gandhi is being invited, the Government of India have also along with him invited several others. If the Government of India or His Majesty's Government thought it fit that whatever Mahatma Gandhi put before them would be accepted, then they would have asked these gentlemen who have been selected to attend the Round Table Conference to sit at home and invite Mahatma Gandhi alone. They want to know the various shades of opinion in this country. For that reason they have not only invited Mahatma Gandhi, but several others holding views about several important problems connected with this country. That is not the general principle. I do not think there is much objection in the amendment put forward by my honourable friend Rao Bahadur Kale. But several other grounds were advanced that it is too late and it is not possible for the Government of India to take the chance of selecting other persons and so this resolution should not be pressed. Whatever that may be, as I have said, I am not personally very keen whether Government send more representatives to the Round Table Conference or not. But one thing is clear that the destiny of the country is going to be solved, apart from constitution making.

[Rao Bahadur S. N. Angadi]

The most important question is the question of franchise. There is a quarrel between rural and urban areas as regards franchise. There we have to be on our guard. In the past the rural area was neglected and certain portions of the presidency are being given a small number of seats, as compared with other parts of the presidency. Therefore, whether Government would agree to give additional representation on the Round Table Conference or not, we should in all seriousness put forward this suggestion that, when it comes to a question of settling the question of franchise it is very much necessary that there ought to be a very adequate representation of the rural areas. Particularly you remember, Sir, that I have always cried hoarse that Karnatak has been neglected very much and under the late reforms it was absolutely neglected. Up till 1896 it had been given 8 seats. It may be that those big men who belong to the city and who have got their own interests in addition to the interests of the nation, and who are themselves millowners or connected with millowners, when it comes to a question of self interest, will not hesitate to take a big slice themselves and leave the rural area to itself. It is a very natural fear. Therefore, I would suggest to Government, if this resolution is not to be accepted, they should give an assurance that, so far as the franchise committee is concerned, they will see that there is adequate representation of all parts of the Presidency so that the conflicting interests are well balanced and reconciled. With these words I resume my seat.

Mr. J. S. KADRI (Northern Division) : Sir, I fully sympathise with and support the principle underlying the motion of the honourable member Mr. Surve, and appreciate the spirit of the several amendments. I myself was going to move an amendment on behalf of Muslims rather in a modified form, but, as my honourable friend Syed Miran Mahomed Shah had moved in the matter, I did not think it necessary to move my amendment. Sir, I must say that if any people of the country has really any grievance in the matter of representation on the Round Table Conference, it is the Mussalmans of the Presidency proper excluding Sind. I can easily prove that we are almost voiceless in the Round Table Conference, because our Mahomedan representatives, particularly Sir Shah Nawaz Bhutto who is a stalwart champion of Sind, do not fully and adequately represent us. Since Sir Shah Nawaz Bhutto has advocated the separation of Sind from the Bombay Presidency, his interests are almost divorced from the interests of the Presidency proper. Then my honourable friend Sir Ghulam Hussain is more a Government representative than a representative of Mussalmans. If at all he represents the Mussalmans, he represents the Mussalmans of Sind, with whom he is primarily concerned. As regards Mr. Jinnah, Mahomedans think that he is not now quite in touch with the present political outlook and conditions of the Muslims of this Presidency. The times are moving fast and conditions

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are so changing that unless one is in the midst of the people, he cannot claim to be in possession of first-hand knowledge of the views, needs and requirements of the Mussalmans of this Presidency.

An Honourable MEMBER : What about his fourteen points ?

The Honourable the PRESIDENT : The scope of the present motion is to consider the question of getting the nomination of some additional members on the Round Table Conference. The present members who are on that conference are not before the House for criticism, and cannot be disowned.

Mr. J. S. KADRI : My point is that we want additional representation of the Mussalmans of the Presidency proper. Representation by Mr. Jinnah is out of the question, because he now lives far away from the Presidency and represents more the Bombay city.

What I mean to urge is that the interests represented are more or less dominated by the urban areas and the rural areas are not adequately represented. Mussalmans also form a large part of the rural areas. Eighty per cent. of the population of India consists of agriculturists and labourers. If in the original motion, the words "Rural population" were substituted for the words "Labour and agriculturists" it will serve the purpose well. The honourable member Rao Bahadur Kale will also be satisfied. In the words "Rural population," all agriculturists and labourers, whether Hindus or Mussalmans, are included. My pleading is that the Mahomedan representation on the Round Table Conference for the Presidency proper is very meagre. I therefore strongly urge the necessity of additional Mahomedan representation on the Round Table Conference from the presidency excluding Sind, which I believe is well represented by its stalwart champion Sir Shah Nawaz. Thus, it is very necessary to embody in the address the claims of Mahomedans of the Presidency. If the motion is so worded as to satisfy the needs of the various minorities, which want adequate representation, minorities including the depressed classes, Indian Christians, etc., it will satisfy all sections of the House. I think, though it is rather late, it is necessary to press the claims of the minorities on the attention of the Government of India, and I am sure, Bombay Government will sympathetically consider the *pros* and *cons* of the question and press the matter on the attention of not only the Government of India but also the Home Government. With these words, I support the motion of the honourable member Mr. Surve, who will, I hope, embody the amendments in his motion before he finally puts it for the acceptance of the House.

The new constitution for India should provide adequate safeguards for all communities and particularly the minority communities. The latter should, therefore, be afforded every facility to be represented adequately on the Round Table Conference, so that they may be able to present their case fully before the conference. India consists of

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many nationalities and creeds, and it would not be easy to weld them together into one nationality for the whole of India. Dr. Moonje says "Hindustan for Hindus", I say "India for Indians." If justice is to be done to all the communities inhabiting this country, Government should, in fairness, consider the just and equitable claims of the minorities to be adequately and satisfactorily represented on the coming Round Table Conference. With these words, I support the motion.

Rev. R. S. MODAK : Sir, I rise to support particularly the amendment moved by my honourable friend Dr. Solanki, not because it includes the Indian Christians, but because it is in the interests of the minority sections of the population. If the Round Table Conference is likely to be expensive, I think we can cut it short by not sending any representative at all. If anybody can adequately represent anybody else in the country, I think the system of Government will be quite different from what it has been in India. It is a matter of close relationship with certain classes of people and it is a matter of first hand knowledge about certain classes of people. Communal representation is absolutely necessary at a unique time like this when the Round Table Conference is going to decide the destiny of India for a long time to come. Under these circumstances, I should say, while it is necessary to safeguard the interests of the rural areas, it is quite necessary to safeguard the interests of labour and equally and perhaps more necessary to safeguard the interests of minority sections in our country. Unfortunately we have got in our midst a communal system of viewing things. As long as it exists we have got to go by it and therefore in order to speak with personal knowledge and relationship of the different communities of India, I think, Sir, the honourable member Dr. Solanki's amendment must be wholeheartedly supported by this honourable House.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I do not see any difference between the original motion of the honourable member Mr. Surve and the amendment moved by my honourable friend Rao Bahadur Kale. The original motion says that agriculturists and the labourers of the presidency are not adequately represented on the Round Table Conference. Rao Bahadur Kale's amendment says that the rural area has not been sufficiently and adequately represented. Well, Sir, it is common knowledge to every member of this honourable House that mostly agriculturists and labourers reside in the rural areas. Ninety per cent. of the population reside in villages and India is a country of villages. It has been known to everybody. Therefore I do not see any difference between the original motion and the amendments.

As has been stated by some previous speaker, this is an innocent resolution and non-controversial. If that is so, I do not understand, why so many amendments have been attached to it. I have my full sympathy for the Mahomedan community and other minorities and I would be very glad if more representation were given to them. But if any one will read the original motion and the amendment moved by the honourable member Rao Bahadur Kale it does not debar any

[Rao Bahadur B. R. Naik]

community from getting representation. The resolution says "Agriculturists and labourers." Are there not Mahomedans who are agriculturists and labourers in the rural area? Are there not the depressed classes in the rural areas agriculturists and labourers? Sir, agriculturists and labourers include all classes and communities. The motion does not say that high class Hindus excepting Mahomedans, depressed classes or other communities should be nominated. Therefore, I feel that there was no necessity for the amendments. The motion gives ample scope for the representation of any of the communities. I think the original motion, as it is worded, will have the hearty support of every one in the House. [*An Honourable Member : Question.*] But if any amendments are pressed, I am afraid that the result will not be as desired by the mover of the motion. In that case, he will be well advised to withdraw his motion and I request him to do so.

Sir, there is no denying the fact that the agriculturists have not been fully represented in the Round Table Conference. If you see the past history of this Government you will find that they have always ignored the agriculturists and labourers who form the backbone of the country. Even if this motion is unanimously passed by this House, I doubt whether Government will accept it. Government knew very well that the country has 90 per cent. of her population in the villages, and yet they ignored the interests of the agriculturists and labourers. Therefore, it is very doubtful, even if the House passes the motion unanimously, whether Government will accept it. This motion has got the moral support of every one of this honourable House. The motion is quite just and every honourable member of this House has got a right to say that Government have not taken into consideration the claims of the vast population of the rural areas in a matter of this vital importance. With these words I support the original motion of the honourable member Mr. Surve.

Sardar Davar T. K. MODI (Surat City): Sir, I rise to oppose both the motion and the amendments. At the next session of the Round Table Conference, the business that will be transacted will be the work taken up from the stage where it has been left. And, Sir, provincial autonomy is now a settled fact. It is also settled that there will be separate electorates for the Mahomedan community unless Hindus and Moslems agree to do away with the separate electorates. Sufficient safeguards have been granted to the minorities. For these reasons I do not see why labour or agriculture should be given more representation than they have already been given. The Mahomedans of the presidency proper do not require any further representation, because, as I have already said, they are going to have separate electorates unless the two major communities agree to abolish them. [*Interruption.*] If I am wrong, I shall be glad to be corrected by speakers who will follow me, but, as far as I have been able to understand, I take it as a fact that the separate electorates will continue unless the two major communities come to an agreement by which they may be abolished. Therefore, if

[Sardar Davar T. K. Modi]

more Mahomedans are nominated from this presidency, what are those members going to do at the Round Table Conference ? What are they going to do ? What are the additional representatives from other parts of the presidency going to do at the Round Table Conference ? Would their deliberations be more useful to the members of the Round Table Conference than the deliberations which have already taken place and which will be continued by the members who are already at the Round Table Conference ? Therefore, on these grounds, I oppose them.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I have followed with interest the discussion that has taken place on the motion of the honourable member Mr. Surve and the amendments proposed by other honourable members. I am not going to support any particular amendment or the motion. I only want to place a few views of my own on this burning question of the day. I agree with my honourable friend from Karachi (Mr. Haji Mir Mahomed Baloch) that we have awakened too late to demand representation at the Round Table Conference. But the speeches that have been made here demonstrate a keen desire on the part of the vast majority of the people of this presidency for adequate representation at the Round Table Conference. The honourable member Rao Bahadur Chitale made a suggestion that Mahatma Gandhi's representation at the Round Table Conference was a sufficient guarantee that the interests of all the communities would be safeguarded. I wish it were so. So far as I am concerned, I will be only too glad to see that India as a whole is represented at the Round Table Conference by one man only. But we should not ignore facts as they are. It will be a sad mistake on our part if we do not face things as they are. Who is responsible, I ask, if Mahatma Gandhi is not in a position to be the sole delegate of India at the Round Table Conference ? A community consisting of 24 crores is not in a position to convince the minorities in India that their interests will be safe and is not in a position to conclude an amicable settlement with them, and hence the necessity of representation at the Round Table Conference of the various interests and various communities. If the major community had come to any settlement with the minorities in India, the question of the representation of the different interests and classes and communities would not have arisen at all, and in that case, surely, Mahatma Gandhi would have been the sole delegate of the people of India at the Round Table Conference. There prevails now a state of affairs, which we should confess to our humiliation is not at all satisfactory. Take, for instance, the case of the depressed classes in India. I think if there is any community in the whole of India which deserves the greatest sympathy from each and every quarter, it is the community of the depressed classes, as they are nicknamed. And so far as the Mussalmans of India are concerned, the settlement arrived at by the Indian National Congress session at Madras was upset by the Nehru constitution, and up to this time there has been no attempt on the part of the members of

[Mr. Shaikh Abdul Majid]

the majority community—not even by the Indian National Congress—to come to a settlement with the Mussalmans on the basis of the resolution passed in 1927 in the Madras session.

Sir, my honourable friend Mr. Kadri, while insisting on the representation of Mussalmans at the Round Table Conference, stated that the Sind Mussalmans did not stand in need of being represented further, as they already possessed in Sir Ghulam Hussain and Sir Shah Nawaz Bhutto able champions of their cause. I have great respect for both these honourable gentlemen, but I do not think that the Honourable Sir Ghulam Hussain can claim to represent any communal or political organisation of the Mussalmans whether in the province of Sind or in the Presidency proper. He has been looked upon by the people as more or less the nominee of the Bombay Government. Even though he has advocated the separation of Sind on the merits of the question at the Round Table Conference, so long as he continues to be part and parcel of the Bombay Government, the people of Sind can never claim him to be their representative at the Round Table Conference. As for my honourable friend, Sir Shah Nawaz Bhutto, at the time of his nomination, public opinion in Sind was that he was nominated simply because of his signal services to the Bombay Government in the various capacities and in the Bombay Legislative Council for supporting the official measures that were brought before the House from time to time. It is indeed fortunate that he has represented the Sind Mussalmans in a very able manner. But the prejudice does still exist and the Sind Mussalmans do feel that they have not been adequately represented at the Round Table Conference. Both these honourable members, Sir Ghulam Hussain and Sir Shah Nawaz Bhutto, were nominated to the Round Table Conference more because of their close association with the Bombay Government than on the ground of their representing public opinion in Sind. There are so many differences between the various communities in India which justify the demand on the part of each community for adequate representation. There is the question of electorates, there is the question of weightage, there is the question of maintaining the Muslim majority in Bengal and Punjab, there is the question of Sind separation and granting of full reforms to British Baluchistan and North-West Frontier Province. There is also the question of adequate Muslim representation in the Federal Assembly. So many problems have connection with one community—the Muslim community only. Similarly there are depressed classes, non-Brahmins, Lingayats, Christians and the very powerful European minority. All of them have got to see that their interests are safeguarded. I think that this motion has been brought up very late before the Legislative Council. With all that I think if the Bombay Government want to respect the wishes of the people of the Presidency, it is not too late for them to see that the desire of this House is given effect to as far as possible and justice is done to all the communities.

The Honourable the PRESIDENT: The honourable member has got only three minutes more.

Mr. SHAIKH ABDUL MAJID : Two minutes will do, Sir. Only one word regarding the system of electorates. If it were guaranteed to the people of India that simultaneously with the inauguration of the future constitution the disabilities imposed by the caste system would be penalised and that the debts of the agricultural community would be wiped out, I think there will be no demand for separate electorates on behalf of my community at least and also Dr. Solanki confirms it with regard to depressed classes. With these words I do feel that adequate representation should be granted to the people of this Presidency in whatever shape the motion or the amendments to it may be accepted by this honourable House.

The Honourable MOULVI RAFIUDDIN AHMAD : Mr. President, I had no desire to intervene at this stage in the debate, but I felt considerably amused at some of the speeches. I could not restrain myself from speaking, if only to correct wrong impressions. What the House desires is to turn the Round Table Conference into a miniature Bombay Council. That certainly would be an exhibition in England.

The honourable the mover of the address wanted agriculturists and labourers to be represented. His is a very good abstract motion. But behind it was the representation of non-Brahmins in the mind of the honourable mover of the address and Brahmins in the mind of the mover of the amendment.

Rao Bahadur G. K. CHITALE : No.

The Honourable MOULVI RAFIUDDIN AHMAD : Then in the eyes of the Muhammadans the same idea prevails. "Here is a church; let us get married." So think some of them. [Laughter.] With regard to the question "why were rural districts unrepresented at the Round Table Conference" was it the fault of the Government? Was it the fault of the minorities that they remained unrepresented? They remained unrepresented because the Congress did not co-operate with Government. Does anyone believe that a man like Mr. Belvi or Mr. Kelkar or Mr. Patel would not have had a chance did he care to go? They would have nothing to do with the Round Table Conference. Hence some rural members of the Assembly and this Council are absent from the Round Table Conference.

Rao Bahadur R. R. KALE : Are not those who sit in the Assembly and the Council the representatives of the people? Is the Congress alone representative of the agricultural classes?

The Honourable MOULVI RAFIUDDIN AHMAD : People like Messrs. Belvi and Kelkar had very good chances if they had not completely identified themselves with the Congress. [Interruption.] What was Government to do but to take men from what is known as the Liberal party or the party of co-operation? They naturally represented the whole of the Presidency—people like Sir Chimanlal Setalwad are claimed by rural as well as urban population. [Interruption.]

Sardar BHASAHEB RAISINGHI : Who represented agricultural India ?

The Honourable MOULVI RAFIUDDIN AHMAD : With regard to Bombay it may be mentioned that it had a very large representation because of its commerce and industry. Sir Purshotamdas Thakurdas was invited because of commerce, Sir Cowasji Jehangir because of the mill industry and other members because of various other interests which are to be found in Bombay. Therefore we must not think that the rural population was neglected and Bombay was particularly favoured. Take the case of the Muhammadans. Can we find any better representatives of the Bombay Presidency as a whole than Sir Ibrahim Rahimtoola and Mr. Jinnah ? If Mr. Jinnah was not the representative of the Muhammadans, why has he been sent over and over again to the Assembly ? Sir Ibrahim was selected, we all know, on behalf of the Muhammadans, but at the last moment, I do not know what happened but he did not go. He was asked to go also because he represented the Southern Division of this Presidency. Then at the last moment Sir Ibrahim for various reasons best known to himself did not go. If more Muhammadan representation was needed, it would have been better if you, Mr. President, had been invited as their representative. Again, Sir, nobody would deny the abilities of Sir Ghulam Hussain. He would be an ignorant and prejudiced man who said that he was not able and that he did not represent the Muhammadans of the Presidency. Why should honourable members be so parochial in their view ? If he represents the Government of Bombay and also the Muhammadans, and also other populations, where is the harm ? I am very sorry to see some Muhammadans coming forward and disowning him as their representative. That is the fate of the Members of the Government. However, Sir, the matter has become too personal.

I say that the interests of India as a whole had been very ably represented at the Round Table Conference. My honourable friend Rao Bahadur Chitale spoke of Mahatma Gandhi. Suppose for a moment that the Congress had not agreed to go at all. There were Indians who had represented the whole of India and they would have brought a new constitution for India all the same. We are all very glad that the Congress consented to do so, but I must say that the Government of India had selected the ablest men from the whole of India who had perfect title to represent India.

Lastly, about agriculturists. Who can better represent agriculture than my honourable friend opposite (Mr. Kamat) who had been a member of the Agricultural Commission, and who is one of the greatest authorities on agriculture ? With these words, I think it would be better, on the whole, if the mover of this motion withdraws it.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts) : Sir, I am very reluctant to say that I see no wisdom in this resolution. When we are discussing the resolution, we are narrowing the issue at the Round Table Conference. We as Indians seem to believe that in this

[Mr. M. M. Karbhari]

world we are going to live by ourselves and we have not taken into account the progress civilisation is making outside. If India is to live and if she is to progress politically, socially, morally and economically, she has got to make her move and her progress side by side with other nations on a democratic basis. That is the issue at the Round Table Conference. The issue at the Round Table Conference at present is how best in the interests of India and in the interests of England and for the benefit of humanity the administration is going to be adjusted, what the relations are going to be between these two countries. I am very sorry to find that we as members of this august legislative body are narrowing the issue and discussing things which I do not think would do us credit. But there is one suggestion which would have been very wise for this body to make to His Majesty's Government and to the British Parliament and it is this : Mahatma Gandhi, though he may be called the all-India man, still according to his own declarations and according to the limitations put upon him by the Working Committee of the Congress, cannot go beyond the Congress point of view. If Mahatma Gandhi is going to represent any point of view, it will be the Congress point of view. If therefore there is any necessity for any other interests to be represented by anybody, I think the only person who is capable of doing it is our ex-Viceroy Lord Irwin who has done an immense service to this country and who by his statesmanship and ability brought about the present truce. He knows the minorities more than Dr. Solanki seems to know. He knows about the Christians more than what my honourable friend Rev. Modak seems to know about Christians. So, I say that in the wider interests of India as a whole this House will be very well advised in suggesting the nomination of Lord Irwin to represent the other side. It was Lord Irwin with whom Mahatma Gandhi after having a heart to heart talk concluded the truce and came to an understanding. If Mahatma Gandhi is going there to represent the Congress view, Lord Irwin should be there to represent the other side. I wish I could move an amendment to that effect, but if I were to do so, I am sure that the Honourable the President would hold it out of order and it would no doubt be a right move on his part. If this House is going to do anything, it should be to suggest that Lord Irwin will be the best man to represent the other side of the Indian case.

Dr. M. D. GILDER (Bombay City, North) : Sir, I see that the name of a great public man has been mentioned—I mean Sir Ibrahim Rahimtoola. As regards the reason why he did not go to the Round Table Conference, I may inform the House that I as his medical attendant, in company with other medical advisers, advised him not to go to Europe during the winter. Otherwise he would certainly have gone.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : Sir, the second Round Table Conference is meeting because the first did not have the Indian National Congress representatives.

[Mr. V. A. Surve]

Now Mahatma Gandhi is going to represent the whole of India on the Conference, and we may say that the Congress does represent the whole of India. The Mahatma is impartial and to him the Hindu, the Muslim, the Christian, the Parsi, the Backward and the Depressed all mean the same and all are equally dear to him. We may certainly depend upon him to care for the interests of all with equal solicitude. And yet, I see honourable members here seriously advancing the view that some of them should be sent to make the pilgrimage to Europe. But at whose cost ? At the cost of the poor ratepayers, as if the existing burden on the ratepayers is not enough. The Government is going to pay the cost of the delegates, and these representatives of the agriculturists wish to add to the cost of the delegations, which cost they know very well will ultimately fall on the poor ratepayers. If the Government were to say to these prospective delegates "Well, you may go to the Round Table Conference but you will have to pay your own charges," how many would be ready to go ? The money that the ryots pay to the Government treasury and which they earn by the sweat of their brow and at the cost of their blood will be wasted.

Some honourable members ask for more representation of the backward classes ; others ask for more representation for the depressed classes ; and still others ask for more representation for the agriculturists. Some say they want to represent minorities. I find that the minorities of the Parsis and the Indian Christians are educationally very forward and even if they do not get special representation, they are sure to make headway wherever they may be. The chief question is about the untouchables, the down-trodden and poverty-stricken untouchables. It is the duty of all to support their cause and to protect their interests. It is the duty of the British Government to give protection to the rights and interests of these untouchable classes. The late Viceroy told the Parliament that the interests of the minorities and backward classes should be protected when introducing new legislation. When the British Government themselves are so solicitous about protecting the interests of the untouchables, why should my honourable friends say that the interests of the untouchables are not adequately or properly represented and that there should be more representatives from these classes ? The depressed classes have no education, have no clothing on their bodies, have no roof to shelter them, and are being oppressed on all sides, and therefore I would request most earnestly, that my honourable friends such as Dr. Solanki and Dr. Ambedkar should first set about improving the educational and social condition of their unfortunate brethren. What would the untouchable classes gain, except an additional burden for the public treasury, if my honourable friend Dr. Solanki, for instance, is nominated to the Round Table Conference ? If any of my honourable friends wishes to go, let him go at his own expense. I shall not object, in fact I shall give my wholehearted support to his going without putting the State exchequer to any expense.

Rao Bahadur S. K. BOLE : Sir, I support the motion moved by my honourable friend Mr. Surve. I need not speak much as he has made out a strong case in support of his resolution. It must be admitted that the labouring and agricultural classes have not got adequate representation on the Round Table Conference. When I say this, I do not mean to say that those who have been already selected by Government to represent the different interests of India do not represent them properly, but what I mean to say is that all sorts of interests are required to be adequately represented at the Round Table Conference. From the selection that has been made, it will be seen that Labour and Agriculture have received very meagre representation. So also, the depressed classes have got very meagre representation. I therefore submit that it is very reasonable that adequate representation should be provided for them and the honourable mover has done good service to those classes by ventilating their grievances on the floor of this House. Sir, the grievances of these classes are so many, but who represents them uptil now on the Local Boards and Municipalities ? The priestly class, the sowcars and the pleaders. These were their representatives. It is said that the British Government and the British merchants have been exploiting India, but I say that the labouring and the backward and the agricultural classes and the depressed classes are being exploited by the priests, the pleaders and the sowcars or the Banias. It is only after the Reforms that some members belonging to the labouring, agricultural and depressed classes are seen in the Councils, Local Boards and Municipalities where they are able to ventilate their grievances. So it is necessary to give adequate representation to these classes through their own members on the next Round Table Conference, failing which their grievances will not be properly represented there. Take for instance the franchise question. My honourable friend Rao Bahadur Angadi referred to that question. These classes want adult franchise, but their demand is being strenuously opposed by the capitalists and interested classes. They do not want adult franchise, but we want that franchise and so on the Franchise Committee our representatives should be there in adequate numbers. Unless they are there in adequate numbers, their cry will be a cry in the wilderness.

When on the floor of this honourable House, some of the members of the advanced classes see members belonging to the depressed and the backward classes and the labouring classes are asking for more representation at the Round Table Conference, it is but natural that they should feel that their dignity is wounded. That is because uptil now they had the monopoly of representing the backward and the depressed classes whom they exploited to their heart's content, but they must remember that those days are gone. Now these backward and depressed classes have realised their own difficulties and they are beginning to stand on their own legs. So, the resolution moved by my honourable friend Mr. Surve should I think be supported along with the amendment of my honourable friend Dr. Solanki. Dr. Solanki's amendment contains everything that the Mahomedans want. So, I support the honourable

[Rao Bahadur S. K. Bole]

member Mr. Surve's resolution with the honourable member Dr. Solanki's amendment. With these words, I resume my seat.

Mr. V. N. JOG (Dharwar District): Sir, I rise to oppose all the amendments and the original motion. I think that the movers of the resolution and of the amendments have not fully realised the issue before the Round Table Conference. The main issue before the Round Table Conference is the constitution of India, and in that what is tried to be done is whether India is to get independence or not. That is the main question before the Round Table Conference; the other questions are subsidiary. The main question is whether India is to get substantial independence, viz., dominion status, and in that, I think, Sir, that the representation of these various interests separately is not involved. The whole question is whether the power which is vested in Parliament and the British nation is to be taken away from them and given to India. In this matter, all the interests, whether of labour, or of landlords, or of agriculturists, or of the various communities of India are one. The main question, as I say, is how much power India is to get, and I think the representatives who have been already selected can very well do justice to that question. There is, I think, none who can say that India should not get independence which it has been demanding for the last so many years.

With respect to the question whether this class or that class is represented, I submit that even if this motion is passed and some person is selected as representing labour, or the agriculturists, or the rural interests, or the minorities including the depressed classes, there will not be satisfaction, because the motion in one part says, "There is great dissatisfaction now prevailing in those classes." I do not know where the classes have for themselves expressed this dissatisfaction. But even if one or two more representatives are added, I do not think the dissatisfaction will disappear, because the persons who have not been selected will think that they are better able to represent those interests, and the dissatisfaction will continue to exist. So, I submit that the best thing would be to leave the selection as it is, and this House should not be inclined to add any more members to the present nominations which have already been made. To my mind, Sir, it is not a question whether a particular class or a particular Presidency is represented there or not. The conditions of labour throughout the whole of India are more or less the same. The conditions of labour in the Madras Presidency do not differ very much from those in the Bombay Presidency or in the United Provinces. Wherever there are labourers in India, their condition is more or less the same. I believe there are already certain persons who represent Labour on the Round Table Conference, and therefore any addition is unnecessary for them. Similar is the case with regard to agriculturists. The conditions of agriculturists in the whole of India are more or less the same. If there are such persons already there, I do

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not think it is necessary to add to their number. If a representative of agriculturists comes from Bengal, I think he will be able to represent the interests of the Bombay agriculturists as well as those of the United Provinces. With these few words, I hope the House would be inclined to reject the original motion as well as the amendments.

An Honourable MEMBER : Sir, I move the closure.

The Honourable the PRESIDENT : I accept it.

Mr. A. N. SURVE (Bombay City, North) : Sir, of all the interests self-interest is the hardest to be killed, and from the various speeches that I have heard I feel quite convinced of that fact. However, I have to reply to certain points raised by the various honourable members.

My honourable friend to my left has moved an amendment proposing to omit the words "Labour and agriculturists" and to substitute for them the words "rural areas". Here, Sir, let me make it quite clear that when I drafted my motion, I had made my mind quite clear of all these mutual conflicts; I had risen above them. I was not trying to bring into conflict the rural areas with the cities or one community against another. I challenge all those honourable members who have moved their amendments incorporating the names of their communities to show a single word in my motion which shows that their community is excluded. Sir, is there any community which has not in its fold labourers? Is there a single community in which there are not agriculturists? What a narrow view to take, when I purposely weighed all these facts, so that there may be no conflict in this House, and a unanimous recommendation may go from this House to His Excellency the Viceroy? I rose above these narrow views and drafted my motion in a very broad spirit. I appeal to all those honourable members who have proposed their amendments on a communal basis kindly to withdraw them. Sir, when Mr. Joshi, who is avowedly a Labour representative, came down to India from the Round Table Conference, in the first interview which he gave to the Press he made a confession of his disappointment. He said that labour grievances were not at all properly attended to in the Round Table Conference. That is the purport of the interview he gave to the Press, and any of the honourable members who are curious will kindly refer to it in the issue of the "Indian Daily Mail" of the 6th of February and in the issues of other morning dailies of the 7th of February. I had before my mind what Mr. Joshi himself had openly stated and which still stands uncontradicted. He had said that unfortunately in the outline of the constitution which has resulted out of the reports of the various committees there is no provision made for giving to the working classes their due share in the political power that may be transferred and that he was afraid that the constitution was so framed that the interest of the working classes will not only be not safeguarded but their position will even become worse to some extent; and further that the constitution as framed does neither give any political power to the working classes nor safeguard effectively their interests. Sir, take,

[Mr. A. N. Surve]

for instance, a case of half a dozen men against one man. What is that one man to do when all those six men pounce down upon him? That is how the agriculturists and that is how the labourers are today kept down. Labourers and agriculturists are numerically not a minority, but from the point of view of their weakness of position and the curious environment in which they are placed, they require the protection of Government, and therefore we must call them minorities. Numerically they are not minorities. When they are fully awakened, they will teach each representative of the classes sitting in this House that they can assert themselves, and all the opposition and all the tactics that are employed in this House today will one day have their repercussion when the times are changed. If the House is not pleased to allow this motion to go to the Viceroy and the other authorities as a united demand, well, it may do what it pleases; I have nothing to say. I have done my duty by my people, and I shall at least have the consolation that what was in my power I have done.

Now, Sir, certain quotations have been read only to suggest wrong inferences, and I am referring briefly to one or two of them. I am referring to page 164 of the Indian Round Table Conference proceedings. My honourable friend on my left (Rao Bahadur Kale) has suggested that Mr. Jadhav represented the Non-Brahmins. In that connection he has read only one sentence, and whatever follows he has altogether omitted. I will quote the words which he has omitted. Mr. Jadhav said :

"I represent here the Southern portion of the Bombay Presidency non-Brahmins. They number about ten millions."

Here the Honourable Member Rao Bahadur Kale stopped. He has not read the succeeding portion. Mr. Jadhav further said :

"I am also an accredited representative of the great Mahratta community. The Mahratta community is well known for its past history, and its military prowess as lately as in the last war. I need not take up much of the time of the Conference in detailing the facts concerning or describing the achievements of my race."

i.e. his caste. I have said in my speech that Mr. Jadhav went there with the mandate of the Mahratta caste as regards its military interests.

Rao Bahadur R. R. KALE : Only that ?

MR. A. N. SURVE : I say that, and here the honourable member says that he represents the non-Brahmins. Let me explain it to him that the non-Brahmins are made up of three sections—the Mahrattas, the allied castes and the other communities which are numerically very small. As regards Mahrattas, it is a very large group of a single caste. The allied castes is an equally large group consisting of several castes. I might read the definition from the Bombay Electoral rules in order to enlighten some honourable members who want enlightenment on that point. What is stated in the definition is as follows :

" 'Mahratta' means a Hindu belonging to any of the following castes, namely, the Mahratta, Kunbi, Mali, Koli, Bhandari, Shimpi, Lohar, Kumbhar, Dhangar, Bhoi, Bari Lonari, Bhavin and Deoli, or Shinde castes."

[Mr. A. N. Surve]

And to this list the Bombay Government has added a few more castes, so that the whole group consists of about 33 or 34 castes, of which Mahratta is a constituent comprising a single caste. That was the point. After this explanation I need not take up any further time of the House on this point.

I shall now refer to the honourable member for Ahmednagar (Rao Bahadur Chitale). He has raised the point that Mahatma Gandhi represents practically every interest. Well, Sir, I could concede that, if Mahatma Gandhi was taken to England as a plenipotentiary of the whole of India and all its peoples and the Round Table Conference was done away with altogether, I even say I would accept the proposition that half a dozen persons invested with powers of a plenipotentiary nature should form a small group and draw up a constitution. But, when you say that the Round Table Conference is to be held with Mahatmaji as one of its members, the position bears a different aspect. If other members are there then Mahatmaji loses his plenipotentiary character; therefore other interests must needs be represented. That is the point. On the top of that there is no certainty that Mahatmaji will be going to England. He said that his going to England will become certain when he embarks on the ship. I think those members who have raised this point have no right to mislead the House into the impression that Mahatmaji is going to England and that he will safeguard the interests of all parties. My friend at my back the honourable member Mr. Karbhari referred to Mahatmaji as a representative of Congress who is bound by the Congress mandate. Whatever is outside the Congress mandate will perhaps be not the concern of Mahatmaji. If he exceeds his mandate his action will be outside his mandate. Therefore all his arguments which are of the type of a red herring sort are brought in only to cloud the main issue, and therefore they should be discarded altogether. Let the mind of the House be clear on the point which I mention. The person who has returned from England and who is looked upon as a representative of Labour has cried out that he could not make himself heard. If the House wants that the labourers shall have adequate representation at the Round Table Conference then it is the plain duty of this House that they should carry this motion and that too with a unanimous voice. I have made myself quite clear that a labourite may be a non-Brahmin, he may be a Mahomedan, he may be a Christian or of any other minority. It is not the privilege of non-Brahmins alone that the labour's representative should be there. Every community has its labourers. Then, why do you unnecessarily read this unwarranted meaning into the motion I have placed before you for your acceptance? I appeal to the House and in the name of the agriculturists and labourers I request you all to accept my motion.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I understand that the resolution and the various amendments that have been

[Sir Ghulam Hussain]

moved pertain to this Presidency. The grievance in the original motion of my honourable friend Mr. Surve is that agricultural labour and industrial labour are not properly represented at the Round Table Conference. There are amendments, one of which suggests that the cities are fully represented and that the rural areas ought to be given more representation. Then representation is sought for the various other communities which are known as minorities—the Mahomedans, the depressed classes, Indian Christians and so on.

Now, Sir, the object of sending delegates to the Round Table Conference is to frame a new constitution for India. What is wanted is people with brains, and I always have had faith in brains rather than in numbers. If there is one good representative with brains, he is better than ten representatives without brains. Let us therefore see whether Labour in this Presidency is properly represented on the Round Table Conference. I am sure the honourable members of this House will agree with me when I say that Labour in this Presidency is amply represented on the Round Table Conference. Now, Sir, what is industrial labour? As honourable members of this House are aware, industrial labour is recruited from agriculturists. In fact, agricultural labour and industrial labour are one and the same. Now, I put it to my honourable friend: Has agricultural labour any organisation from which a representative could be sent? But industrial labour has an organisation. Who is the man most prominent as their representative? All honourable members will agree with me that Mr. Joshi is the most proper representative of labour. Has he not toiled for labour? He has tried his utmost to improve their condition; he is their recognised leader. I do not agree with my honourable friend opposite who said that he did not do anything for labour. I know personally that he did his utmost for them to the best of his ability and placed the case of labour before the conference. Read the proceedings and you will know it.

Mr. A. N. SURVE : I said he came back a disappointed man.

The Honourable Sir GHULAM HUSSAIN : He did get a hearing there and he placed the case of labour before the conference. If there is an additional representative, he will go on repeating what Mr. Joshi stated. I have disposed of the representation of labour from this Presidency. If there is any grievance in regard to labour, it is in the other presidencies. The Madras Presidency is not represented. [*An Honourable Member* : Mr. Shiva Rao is there.] One only.

Coming to the rural population, what is the situation? Honourable members know very well that it is cities that supply the brains, and they have done it up to this time. [*An Honourable Member* : But the time has come now.] I am coming to that. Now, a number of people have been selected from Bombay city. Bombay city has great commercial interests. Some of these delegates represent those interests. Again, how many parties are there in India? We have the Congress, and then we have the Liberals with splendid brains but unfortunately always

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sitting on the fence. My honourable friend Rao Bahadur Kale belongs to that party. From the Liberal Party there are Sir Chimanlal Setalvad and Sir Phiroze Sethna as delegates to the conference. Sir Phiroze Sethna is the President of the Liberal Party. They have made a study of constitutions, and they represent the Liberal Party in the Conference. What is to be done at the Conference ? A constitution is to be made. It has nothing to do with the rural areas and the cities. My friend Rao Bahadur Angadi struck the right note. The vital question is franchise. If you see carefully, you will find that even the rural areas of this Presidency are fully represented on the Round Table Conference. We have the stalwart Dr. Ambedkar and Mr. Jadhav, the champion of the non-Brahmin cause, who are fighting for the franchise of the rural areas in this Presidency, and my humble self who has always been for widening and extending the franchise. [*An Honourable Member* : It is not universal.] As I pointed out, from this Presidency we have four or five members who represent the rural areas. It is not that the case of the rural areas will go by default.

Then as regards the representation of the depressed classes. Honourable members might have read what Dr. Ambedkar has done there. Coming to my own community, they have as their representative one of the greatest stalwarts among the Mahomedans, Mr. Jinnah, whose name is associated with the 14 points. Every one of them has confidence in him. They call these 14 demands after his name. They cannot say that they have not got adequate representation.

Coming to myself personally, I would say one word. I being in office, do not claim their leadership, or the position of their representative. But I assure them that I have never sold their interests. I hope they will admit that fact. I assure them that I never take somersaults. I wish the honourable members of this House would realise the position of Government in this matter. There is one resolution and a large number of amendments to it. Now, which of these are we to send to the proper quarters ? It is not in the hands of the Government of Bombay to nominate any one. But if we send the report of these proceedings, it will not reflect credit on us. I must admit to my humiliation that everybody will ridicule us, when they see that we are so sharply divided. So, it would be better if we did not wash our dirty linen in public. I would, therefore, ask the honourable member to withdraw the resolution and the other honourable members who have moved them to withdraw their amendments.

The Honourable the PRESIDENT : I suppose the honourable member has made up his mind by now. There was a good piece of advice given to him by the Leader of the House. Has he made up his mind ?

Mr. A. N. SURVE : I just make an appeal to other honourable members who have moved their amendments. Perhaps they may be asked whether they have made up their minds to withdraw their amendments. Then, my turn will come.

The Honourable the PRESIDENT : The honourable member himself started with a philosophic observation that "self-interest is the great interest." I do not know how others would withdraw. The question can drop if he does not wish to push his motion.

Mr. A. N. SURVE : Perhaps we can meet the difficulty in this way. All the amendments may be combined into one. If that suggestion is acceptable to honourable members. [*Honourable Members : No.*] My suggestion is the wording may be, "representatives of labour and agriculturists of all minorities." [*Honourable Members : No, no.*]

The Honourable the PRESIDENT : I shall now put the amendments one after another. I think the amendment proposed by Dr. Solanki should be put first, as, if that is accepted, the other amendments need not be put to the House. The amendment is—

That the words "depressed classes, Mussalmans and Christians" be added after "labour and agriculturists" in the address.

Here, I must ask what the attitude of Government is.

The Honourable Sir GHULAM HUSSAIN : We leave it to them.

Question put and carried.

The Honourable the PRESIDENT : Does the honourable member Rao Bahadur Kale insist on his amendment ?

Rao Bahadur R. R. KALE : No.

The Honourable the PRESIDENT : The third amendment also falls. The motion as amended, with the few consequential verbal amendments, will read as follows :—

That the following humble address be presented to His Excellency the Governor of Bombay :—

"May it please Your Excellency,

We, the members of the Bombay Legislative Council, respectfully pray that, in view of the omission to nominate representatives of Labour, agriculturists, depressed classes, Mussalmans and Christians to the Round Table Conference in numbers commensurate with their importance and numerical strength, and with the amount of protection they need and the stake they have in the country, Your Excellency will be pleased to bring to the notice of His Excellency the Viceroy, the Secretary of State for India and the Prime Minister of England the great dissatisfaction now prevailing in these classes and communities on that account, and to urge the necessity of nominating additional representatives of these classes and communities for participating in the deliberations of the Round Table Conference for the purpose of safeguarding their interests."

Question put. House divided. Ayes, 31 ; Noes, 20 : Motion carried.

Division No. 4.

Ayes.

ACHREKAR, Mr. A. B.
ANGADI, Rao Bahadur S. N.
BALOCH, Mr. HAJI MIR MAHOMED
BHUTTO, Sir SHAH NAWAZ
BOLE, Rao Bahadur S. K.
D'SOUZA, Dr. J. ALBAN
GHULAM NABI SHAH, Khan Bahadur
JAM JAN MAHOMED KHAN, Khan Bahadur
JAM MAHOMED KHAN, Khan Bahadur
KADEI, Mr. J. S.
KALBEOR, Mr. G. M.

KHUHRO, Khan Bahadur M. A.
MEHERBAKSH, Mr. S.
NAMDEORAO BUDHAJIRAO, Mr.
NAVLE, Mr. N. E.
OWEN, Mr. A. C.
PATIL, Mr. N. N.
PATIL, Mr. V. N.
PATIL, Rao Saheb V. S.
PRATER, Mr. S. H.
RAHIMTOOLA, Mr. HOSEENALLY M.
RESALDAR, Mr. A. K.
SHAIKH ABDUL AZIZ, Mr.

Ayes—*could.*

SHAIKH ABDUL MAJID, Mr.
SHANKARRAO JAYARAMRAO ZUNJARBAO,
Mr.
SOLANKI, Dr. P. G.
SURVE, Mr. A. N.

SYED MIRAN MAHOMED SHAH
SYED MUNAWAR, Mr.
TALPUR, MIR BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHA-
SAHEB RAISINGHI.

Tellers for the Ayes : Mr. SHAIKH ABDUL MAJID and Dr. P. G. SOLANKI.

Noes.

CHITALE, Rao Bahadur G. K.
DESAL, Rao Saheb B. G.
DESAL, Mr. H. R.
GILDER, Dr. M. D.
GOKHALE, Mr. L. R.
JOG, Mr. V. N.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KARBHARI, Mr. M. M.
KULKARNI, Rao Saheb P. D.

LELY, Mr. W. G.
MEHTA, Mr. M. H.
MODI, Sardar DAVAR T. K.
NAIK, Rao Bahadur B. R.
PARULEKAR, Rao Bahadur L. V.
PATEL, Mr. C. N.
PRADHAN, Rao Bahadur G. V.
SURVE, Mr. V. A.
VAKIL, Mr. PESTANSHAH N.
WADKE, Mr. B. P.

Tellers for the Noes : Khan Bahadur ALLAHBAKSH and Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN.

The Honourable Sir GHULAM HUSSAIN : Sir, now that I find that the majority of the honourable members of this House are in favour of the motion as carried, I will see that the report of the discussion is sent to the proper authorities.

The Honourable the PRESIDENT : The next item on the agenda is resolution standing in the name of the honourable member Mr. Jog.

Mr. V. N. JOG : There is no time left, Sir. I will have to ask for postponement.

Rao Bahadur R. R. KALE : It may be taken up after Government business which begins on Monday. Monday is Government business day.

The Honourable Sir GHULAM HUSSAIN : After the Government business is finished.

The Honourable the PRESIDENT : The House is now adjourned to 2 o'clock on Monday, the 27th July 1931.

Monday, the 27th July 1931

The Council re-assembled at the Council Hall, Poona, on Monday, the 27th July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur

ABERCROMBIE, Mr. J. R.

ACHREKAR, Mr. A. B.

ALLAHBAKSH, Khan Bahadur

ASAVALE, Rao Bahadur R. S.

BALOGH, Mr. HAJI MIR MAHOMED

BANGI, Mr. A. K. J.

BELL, Mr. R. D.

BHUTTO, Sir SHAH NAWAZ

BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH

BOLE, Rao Bahadur S. K.

BOWERS, Mr. P. L.

BRANDER, Mr. J. P.

BRISTOW, Mr. C. H.

BROWNE, Mr. D. R. H.

BULLOCKE, Mr. A. GREVILLE

CHIKODI, Mr. P. R.

CHITALE, Rao Bahadur G. K.

CLAYTON, Mr. H. B.

COLLACO, Dr. J. A.

COLLINS, Mr. G. F. S.

COOKE, Mr. G. H.

COOPER, Khan Bahadur D. B.

DHALUMAL LILARAM, Mr.

DESAI, Rao Saheb B. G.

DESAI, Mr. H. R.

DESAI, Mr. S. B.

DIXIT, Dr. M. K.

D'SOUZA, Dr. J. ALBAN

EWBANK, Mr. R. B.

GARRETT, Mr. J. H.

GHULAM HUSSAIN, the Honourable Sir

GHULAM NABI SHAH, Khan Bahadur

GOKHALE, Mr. L. R.

GOVER RORA, Mr.

HARIDAS MADHAVDAS, Mr.

HARRISON, Mr. C. S. C.

HUDSON, the Honourable Mr. W. F.

JAM JAN MAHOMED KHAN, Khan Bahadur

JAN MAHOMED KHAN, Khan Bahadur

JOG, Mr. V. N.
JONES, Major W. ELLIS
KADRI, Mr. J. S.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur S. T.
KARBHARI, Mr. M. M.
KHUHHO, Khan Bahadur M. A.
KULKARNI, Rao Saheb P. D.
LELY, Mr. W. G.
MACKLIN, Mr. A. S. R.
MADHAVSANG JORBHAI, Mr.
MEHERBAKSH, Mr. S.
MEHTA, Mr. M. H.
MODAK, Rev. R. S.
MODI, Sardar DAVAR T. K.
MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.
NAMDEORAO BUDHAJIRAO, Mr.
NAVLE, Mr. N. E.
OWEN, Mr. A. C.
PARULEKAR, Rao Bahadur L. V.
PATEL, Khan Bahadur A. E.
PATEL, Mr. C. N.
PATIL, Rao Bahadur D. R.
PATIL, Mr. N. N.
PATIL, Rao Saheb V. S.
PRADHAN, the Honourable Sir GOVINDRAO
PRADHAN, Rao Bahadur G. V.
PRATER, Mr. S. H.
RAFIUDDIN AHMAD, the Honourable MOULVI
RAHIMTOOLA, Mr. HOUSENALLY M.
RESALDAR, Mr. A. K.
SHAIKH ABDUL AZIZ, Mr.
SHAIKH ABDUL MAJID, Mr.
SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. B.
SMART, Mr. W. W.
SOLANKI, Dr. P. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SYED MIRAN MAHOMED SHAH
SYED MUNAWAR, Mr.
TALPUR, MIR BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHASABHAI RAISINGHI
THOMAS, the Honourable Mr. G. A.
TOLANI, Mr. S. S.
TURNER, Mr. C. W. A.

VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

NEW MEMBER SWORN.

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

Mr. P. L. Bowers made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

QUESTIONS AND ANSWERS.

LANDS SUBMERGED BY INDUS.

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

- (a) the area of cultivable land in the Karachi District eroded by the river Indus during the last ten years;
- (b) the names of zamindars whose lands have been eroded by the river during that period showing against the name of each the area of land submerged and the area of their remaining holdings;
- (c) the area of land thrown out by the river on the other side and the manner in which it has been disposed of;
- (d) the approximate produce of the lands before being submerged;
- (e) the approximate prices of these lands on the basis of the produce yielded by them;
- (f) the approximate price and produce of the lands thrown out by the river?

Mr. R. D. BELL: The attention of the Honourable Member is invited to the reply given to a similar question by Mr. Shaikh Abdul Majid at the current session.

CANAL CROSSINGS IN SIND.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state the number of compact holdings of zamindars in Sind that have been cut up by (i) main canals; (ii) branches, and (iii) distributaries and minors?

(b) What facilities are being provided for each zamindar to cross such canals from one side to the other, with his bullocks to cultivate the lands thus separated?

(c) Will Government be pleased to place on the Council table a tabular statement showing the average distance of crossing on each main canal, a branch canal and all distributaries and minors grouped together?

The Honourable Sir GHULAM HUSSAIN: (a) It is presumed the Honourable Member refers to the intersection of private holdings by Lloyd Barrage channels. The labour involved in collecting this information would be out of all proportion to the advantage to be gained by the information. There must be thousands of such cases.

(b) Bridges are being constructed on all roads of importance and ferries will be installed at places of lesser importance. It is obviously impossible to provide a crossing for each individual zamindar.

(c) A list showing structures across main canals and branches is placed on the Council table.* A similar list for distributaries and minors is not yet ready. The average distance between bridges on all channels is about $3\frac{1}{2}$ miles.

Mr. HAJI MIR MAHOMED BALOCH: With regard to the reply to (b), will the ferries be free to the public or will a charge be made?

The Honourable Sir GHULAM HUSSAIN: No charge will be made.

Khan Bahadur ALLAHBAKSH: Will the ferries all be Government ferries or private ferries?

The Honourable Sir GHULAM HUSSAIN: They will be generally Government ferries.

LLOYD BARRAGE: REVENUE RESULTS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased, with reference to paragraph 74, pages 39 and 40, of the report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction—

(1) to place on the Council table "the Chief Engineer's Estimates of Revenue Results" supplied to the two experts;

(2) to state whether they agree with the Chief Engineer that all accumulations of interest in excess of the estimate of Rs. 20·04 crores will be met from the proceeds of the land sales;

(3) to state whether it is a fact that the Governments of Bombay and India submitted an estimate of revenue results to the Secretary of State for India while asking the latter to sanction the project, showing that all capital and accumulation of interest were to be wiped out by the proceeds of land sales in a short time after the completion of the project;

(4) to state whether they agree that the project will give a return of $5\frac{1}{2}$ per cent. at the end of ten years after the completion of the project?

The Honourable Sir GHULAM HUSSAIN: (1) copy of the estimate given to the authors of the report is placed on the Council table.

(2) The Chief Engineer has never suggested that accumulations of interest should be met from the proceeds of the land sales.

(3) No.

(4) A better return than $5\frac{1}{2}$ per cent. is expected ten years after the completion of the project.

*Kept in the Secretary's office.

LLOYD BARRAGE AND CANALS PROJECT.
Anticipated Financial Results of the Project.

No.	Name of Canal	Estimated cost including cost of Head Regulators and Share of Barrage	Anticipated ultimate cultivation (30 years after completion of Project)	Present net revenue as per 1919-20 Project from Irrigation in the Barrage zone
		Rs. lakhs	Acres	Rs. lakhs
1	Rohri Canal	767.29	2,061,943	10.75
2	Eastern Nara	447.74	1,645,100	8.88
3	North-Western Canal	302.14	778,235	4.61
4	Rice Canal	257.53	407,470	7.88
5	Dadu Canal	228.82	486,717	3.63
	Total	2,003.52	5,379,465	35.75
6	Share of Barrage recoverable from Khairpur State	25.63	.....	.....
		2,029.15		

No.	Name of Canal	Net revenue 10 years after completion of the Project		Net revenue 30 years after completion of Project		
		Amount	Percentage return on Capital (a)	Amount	Percentage return on Capital (a)	Net revenue per acre of cultivation
		Rs. lakhs		Rs. lakhs		
1	Rohri Canal	34.5	4.50	65.3	8.51	3.17
2	Eastern Nara	35.2	7.99	66.1	14.76	4.02
3	North-Western Canal	17.8	5.90	25.9	8.53	3.32
4	Rice Canal	17.7	6.88	21.7	8.40	5.31
5	Dadu Canal	9.7	4.25	17.0	7.42	3.49
	Total	114.9	5.83	195.96	9.78	3.64

Note.—(a) The percentage returns on capital are calculated without taking into consideration the accumulated interest charges.

Mr. HAJI MIR MAHOMED BALOCH : With regard to the reply to part 3 of the question, when the estimate was passed by the Government of India and the Secretary of State, how was it intended to wipe out the capital and accumulation of interest?

The Honourable Sir GHULAM HUSSAIN : 12 crores from land sales and other land revenue income.

Khan Bahadur ALLAHBAKSH : Has the question whether..... will be affected been considered by Government?

The Honourable Sir GHULAM HUSSAIN : That is being considered.

Khan Bahadur ALLAHBAKSH : [Inaudible.]

The Honourable Sir GHULAM HUSSAIN : I refer the honourable member to the Honourable the Revenue Member.

REGISTRATION DEPARTMENT : INCREASED FEES.

Dr. M. K. DIXIT (Surat District) : Will Government be pleased to state—

(1) the reasons for increasing certain kinds of fees payable for registering documents in the Registration Department ;

(2) whether the Department is working at a loss and the increase is intended to meet the cost of the Department ;

(3) the income and expenditure of the Department for the last three years ;

(4) the expenditure sanctioned in the last budget for 1930-31, and the actual expenditure and the surplus or deficit for the year ;

(5) whether the Department is meant to exist for the convenience and interest of the public or whether it was intended from the time of its establishment to be a revenue yielding one ;

(6) whether there was any revision of the fees payable in the Registration Department at any time ; if so, whether it was effected for increasing or decreasing the fees then chargeable ; if so, when and to what extent ;

(7) whether the increase is meant to any extent to meet the cost required in satisfying the demands of the sub-registrars or whether any portion of the increased income is intended to be utilised for it ;

(8) why the fee has been increased so as to affect documents of very small value which have been specially protected from the enhanced stamp duty ;

(9) why the scale of fee for copying and photographing documents is increased from two to three annas per folio and page, respectively : whether the expenses of copying or photographing documents are not met from the present scale of fee ;

(10) the amount of the increased income expected from the revision of the various kinds of fees in the Registration Department and the head to which it is proposed to be applied ;

(11) whether Government had consulted public opinion before increasing the fees and whether any steps have been taken to give publicity to the proposed increase ; if not, the reasons therefor ?

The Honourable MOULVI RAFI UDDIN AHMAD : (1) and (2) The Registration Department is not working at a loss. The increase in the Registration fees on certain documents is intended partly to secure more revenue and partly to make the fees commensurate with the cost of registration where they fell short of it.

(3) The income and expenditure of the Registration Department during the past three years was as follows :—

Year.			Income. Rs.	Expenditure. Rs.
1928-29	..	..	11,74,622	6,55,392
1929-30	..	..	12,32,781	6,64,459
1930-31	..	..	10,88,950	6,38,241

The above expenditure does not take into account an expenditure amounting, on an average, to Rs. 1,18,000 per annum incurred

on printing, stationery, rent of offices and proportionate pay of District Registrars and Inspector General of Registration.

(4) The amount sanctioned for expenditure under 9, Registration for the year 1930-31 was Rs. 6,74,000 and the actual expenditure incurred against that grant was Rs. 6,38,241*. There was roughly a surplus of Rs. 3½ lakhs.

(5) The former and the latter parts of the Honourable Member's question are not inconsistent with each other.

(6) By Government Notification No. 2822/24 dated 23rd February 1931 the Registration fees were raised from 1st April 1931 as shown in the statement appended.

(7) No.

(8) One basis for charging Registration fees is the cost of performing the service. The increased fee on documents of small value is commensurate with but still lower than the actual cost of registration.

(9) The scale was increased in order to secure more revenue. The expenses of copying and photocopying could be met from fees obtained according to the original scale.

(10) Rs. 1,60,000. This amount is to be credited to IX-Registration.

(11) A notification was published in the *Bombay Government Gazette* more than a month in advance of introduction of the revised rates, but no objections have been received.

Statement referred to in the answer to clause (6) of the question.

Article of fee table	Value	Original Registration fee	Revised Registration fee
		Rs. a.	Rs. a.
Article I (a)	Not exceeding Rs. 50	0 4	0 8
	Exceeding Rs. 50 to Rs. 100	0 8	0 12
	" " 100 to " 200	1 0	1 4
	" " 200 to " 400	2 0	2 0
	" " 400 to " 600	3 0	3 0
	" " 600 to " 1,000	4 0	4 0
	" " 1,000 to " 1,500	5 0	5 0
	" " 1,500 to " 2,000	6 0	6 0
	" " 2,000 to " 3,000	8 0	8 0
	" " 3,000 to " 4,000	10 0	10 0
	" " 4,000 to " 5,000	12 0	12 0
	" " 5,000 to " 7,500	14 0	14 0
	" " 7,500 to " 10,000	16 0	16 0
	" " 10,000 to " 11,000	18 0	17 0
	" " 11,000 to " 12,000		18 0
	" " 12,000 to " 13,000		19 0
	" " 13,000 to " 14,000		20 0
	" " 14,000 to " 15,000	20 0	21 0
	" " 15,000 to " 16,000		22 0
	" " 16,000 to " 17,000		23 0
	" " 17,000 to " 18,000		24 0
	" " 18,000 to " 19,000	25 0	25 0
	" " 19,000 to " 20,000		26 0
	For every Rs. 1,000 or part thereof in excess of Rs. 20,000	1 0	1 0

* This is exclusive of charges for printing, stationery, rent, etc., which amounted to Rs. 1,23,401.

Article of fee table	Original Registration fee	Revised Registration fee	
	Rs. a.	Rs. a.	
Article III .. For the registration of a document which acknowledges merely the payment of the consideration for some other documents, the fee shall be calculated according to the <i>ad valorem</i> scale in Article I subject to the maximum of ..	2 0	4 0	
Article IX .. For the first year for each entry or document for which inspection or search of register books or indexes is made ..	1 0	1 0	
For every subsequent year for each document or entry ..	0 4	0 4	
Provided that no fee in respect of any one entry or document shall exceed ..	5 0		
Provided also that no fee in respect of any number of entries or documents relating to one and the same property shall exceed ..	10 0		
		General search for or inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual or individuals:	
		For the first year in the books of which search is made ...	2 0
		For every additional year in the books of which search is continued ..	0 8

Article of fee table	—	Original Registra- tion fee	Revised Registra- tion fee
		Rs. a.	Rs. a.
Article X	For copying documents in the register books, besides the registration fee, for each folio of 100 words ..	0 2	0 3
Article XIII	For making or granting copies of entries and documents for the benefit of any person or to be forwarded to any other office or for granting or making copies of reasons for refusal by a Registrar, for each folio of 100 words ..	0 2	0 3
Article XI	(1) For every attendance at a private residence under sections 31, 33 and 38 ..	10 0	25 0 (in the District of Bombay) 20 0 (at all other places)
	(2) For any attendance at a jail under sections 31, 33 and 38 ..	5 0	....

Dr. M. K. DIXIT : With regard to answer to (5), what I want to know is whether the department was meant for the interest and convenience of the public or was it to be a revenue-earning one ?

The Honourable MOULVI RAFIUDDIN AHMAD : The reply is clear, the department exists for both.

Dr. M. K. DIXIT : With regard to the reply to (6), was there any revision of fees before that period, i.e., before 1931 in any previous years ?

The Honourable MOULVI RAFIUDDIN AHMAD : The reply is clear.

Dr. M. K. DIXIT : There is no increase except this year ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, I think so.

Dr. M. K. DIXIT : With regard to reply to (11), was the notification given in the vernaculars of the Presidency ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know.

Dr. M. K. DIXIT : Was it published in the local vernacular papers ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know whether it was thought necessary. If the honourable member requires further information, I will try to obtain it if he gives notice of the question.

Sardar BHASAHEB RAISINGHI (THAKOR OF KERWADA) : Is it not the intention of publishing the notification in the vernaculars that the majority of the people who do not know English and who do not read the *Government Gazette* should know what the notification contains ?
(No reply).

Dr. M. K. DIXIT : With regard to (4), how does the reply that there was a surplus of Rs. 3½ lakhs reconcile with the figures given ?

The Honourable MOULVI RAFIUDDIN AHMAD : It is very easy. The figures only of expenditure are given and not of income.

Rao Bahadur R. R. KALE : With regard to (11), may I know whether at the time of publishing the notification in the *Bombay Government Gazette* any objections were called for or was the notification merely made ?

The Honourable MOULVI RAFIUDDIN AHMAD : The notification was, as usual, intended for objections just as every other notification which is given for that purpose. As no objection was received, Government took it for granted that it was approved.

Rao Bahadur R. R. KALE : Is the Honourable Minister aware that notifications usually specify that if objections are to be put forward they should be put forward within a certain period ?

The Honourable MOULVI RAFIUDDIN AHMAD : No ; no objections were called for.

GUJARAT COLLEGE : ADMISSIONS.

Dr. M. K. DIXIT (Surat District) : (1) Will the Honourable the Minister for Education state whether it is a fact that several students were refused admission in the Gujarat College this year ?

(2) If so, how many and for what reasons ?

(3) Is it a fact that some of them were refused admission on the ground that they had taken part in the civil disobedience campaign last year and that some of them held particular views ?

(4) If so, was admission refused with the consent of the Honourable Minister ?

(5) Has the Honourable Minister approved of this policy ?

(6) Who is the Principal of the Gujarat College ?

(7) Is it not a fact that he is the same gentleman who was the Principal at the time of the trouble at the Gujarat College, when the Simon Commission visited India ?

(8) Are there any other instances of Principals of Colleges refusing admission to students on similar grounds ?

The Honourable MOULVI RAFIUDDIN AHMAD : (1) Yes.

(2) About 250 students were refused admission, as the number of applications exceeded the number of vacancies.

(3) No.

(4) and (5) Do not arise.

(6) Mr. G. Findlay Shirras, M.A., I.E.S.

(7) Yes.

(8) No. Not on the grounds suggested in clause (3) of the Honourable Member's question.

TRAINING COLLEGES : NOMENCLATURE.

Mr. L. R. GOKHALE (Poona City): (a) Is it a fact that in the Central Provinces the term "Training College" is restricted to the training institution for secondary teachers, where graduates and undergraduates are admitted, while the training institutions for primary teachers are called "Normal schools" where vernacular final candidates are admitted and the heads of these institutions are called superintendents?

(b) If the answer to (a) is in the affirmative, do Government intend to adopt the same course in this Presidency?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) No.

Rao Sahab P. D. KULKARNI: Will the Honourable Minister be pleased to state what are the reasons for not adopting the Central Provinces terms in this Presidency?

The Honourable MOULVI RAFIUDDIN AHMAD: We follow our own rules and prefer to adopt our own nomenclature. We do not consider it desirable to adopt the designation suggested.

CO-OPERATIVE DAIRYING AND CATTLE-BREEDING.

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(a) whether the Registrar of Co-operative Societies has reported that co-operative dairying and co-operative cattle breeding operations are thriving in the Presidency on a large scale;

(b) the extent of the progress so far made on these lines;

(c) the difficulties, if any, coming in the way of such progress, and what Government have done to remove them?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) and (b) The attention of the Honourable Member is invited to paragraphs 67 and 69 of the Report on the working of the Co-operative Societies for the year ending 31st March 1930, a copy of which has been kept in the Council Library.

(c) The Registrar of Co-operative Societies has not yet reported any difficulties experienced by these societies which can be removed by Government.

PRISONERS : RULES OF CLASSIFICATION.

Mr. B. S. KAMAT: Will Government be pleased to lay on the Council table a summary of the report made by the Inspector-General of Prisons to Government regarding the working during 1930 of

the rules dealing with the classification of prisoners into A, B and C Classes ?

The Honourable Mr. G. A. THOMAS: He alluded to some of the anomalies which occurred in classification before the system was fully understood by Magistrates; and he recommended that, owing to the difficulties of distinguishing between classes A and B, there should be only two classes in future, provision being made by which Government alone should place very exceptional cases in the upper class into a special class with special privileges. The whole question is under the consideration of Government.

PRIMARY TEACHERS: SCALE OF SALARIES.

Mr. M. H. MEHTA (Panch Mahals District): Will Government be pleased to state—

(a) the names of the local authorities in the Northern Division which had submitted schemes of consolidated scales of salaries of the primary school teachers, abolishing the system of attendance allowance paid to Head Masters and First Assistant Teachers;

(b) the number and names of the local authorities which had undertaken to pay additional cost on account of those schemes from their own funds;

(c) whether the primary teachers including the Head Masters and First Assistant Teachers of the Godhra and Dohad Municipalities had an interview with Dewan Bahadur Desai, the then Minister of Education, at Godhra at which they intimated their approval of the consolidated scheme;

(d) whether the Godhra Municipality had forwarded to Government their scheme for sanction with their letter No. 11, dated the 26th April 1927, and undertook to bear the additional cost;

(e) the grounds on which the scheme was not sanctioned by Government;

(f) the reason for the delay in the matter;

(g) whether they had called upon the municipalities to pay up the arrears of attendance allowance to Head Masters and First Assistant Masters, although the schemes had been submitted to Government before such allowances fell in arrears;

(h) the names of the local authorities which had called upon the Government to withdraw the services of primary teachers lent to them;

(i) whether they intend to withdraw their orders compelling municipalities to pay up the attendance allowance?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The accompanying statement supplies the requisite information.

(b) One, viz. Godhra Municipality.

(c) Government have no knowledge of the matter.

- (d) Yes.
- (e) Because of the higher scales than those prescribed by Government.
- (f) Because the Municipality has failed to revise its proposals.
- (g) Yes.
- (h) Nadiad Municipality.
- (i) No.

STATEMENT REFERRED TO IN REPLY TO CLAUSE (A) OF THE QUESTION.

Names of the Local Authority.

District Local Boards.

- (1) District Local Board, Kaira.
- (2) District Local Board, Thana.

Municipalities.

- (1) Ahmedabad Municipality.
- (2) Virangam Municipality.
- (3) Nadiad Municipality.
- (4) Godhra Municipality.
- (5) Dohad Municipality.
- (6) Broach Municipality.
- (7) Surat Municipality.
- (8) Bulsar Municipality.
- (9) Thana Municipality.

CULTIVABLE LAND IN KARACHI DISTRICT ERODED
BY RIVER INDUS.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) the area of cultivable land in the Karachi District eroded by the river Indus during the last ten years;

(b) the names of the zamindars and the area of the land which each zamindar has so lost during the above period;

(c) the area of the remaining holdings of each of the above zamindars;

(d) the area of the lands thrown out by the river on the other side of the eroded area and the manner in which it has been disposed of;

(e) the approximate produce of the lands before they were submerged;

(f) the approximate price of these lands on the basis of the produce yielded by them;

(g) the approximate price and produce of the lands thrown out by the river?

Mr. R. D. BELL: (a), (b), (c) and (d) A statement giving the information required is placed on the Council table.

(e), (f) and (g) The information is not available.

Statement showing the cultivable land eroded by River Indus.

Taluka	Name of Khatedar	Area of cultivable land eroded from his khata during the past ten years	Area remaining on his khata	Cultivable area eroded during the past ten years from Government land	The area of the lands thrown out by the river on the other side of the eroded area and the manner in which it has been disposed of	Remarks
1	2	3	4	5	6	7
Sujawal	....	Nil.	Nil.	Nil.	Nil.	
		A. g.	A. g.	A. g.	A. g.	
Tatta	Muhammad Usman Misrikhan Jakhro.	71 28	97 14	..	..
	Misrikhan Abdullahkhan Jakhro.	8 30	26 33	..	..
	Abdullahkhan Jio-khan Jakhro.	5 27	7 21	..	..
	Idris Ishaq Jakhro ..	1 0	8 18	..	..
	Allah Rakhio Bhrio Jakhro.	8 0	..	..	..
	Nakabul ..	..	..	280 7	..	
	Total ..	90 5	140 6	280 7	..	
Jati	....	Nil.	Nil.	Nil.	Nil.	
Kotri	Alimurad Nur Muhammad Shaikh.	2 12	..	..	..
	Dalliwad Datu ..	2 31	11 27	..	..
	Hajison of Fazul ..	0 38	7 14	..	..
	Hajison of Ismail ..	1 21	5 33	..	..
	Ismailwalad Sardar	1 29	8 9	..	..
	Musmat Bachi w/o Bahadur Shah.	2 13	7 22	..	..
	Baghookhan Dito Khan.	5 0	54 23	..	..
	Tharo son of Kassim Shidi.	2 0	21 24	..	..
	Sono son of Bijar ..	2 9	26 23	..	..
	Soomro son of Jani	1 24	11 22	..	..
	Bakadar son of Ali Dadu.	1 26	8 16	..	..
	Kabul Kando ..	2 31	2 13	..	..
	Ahmed Bahu Shoro	0 2	3 26	..	..
	Jiandalehah Fakir Muhammad Shah.	5 11	15 27	..	..
	Hafiz son of Ali	5 28	11 4	..	..

Taluka	Name of Khatedar	Area of cultivable land eroded from his khata during the past ten years	Area remaining on his khata	Cultivable area eroded during the past ten years from Government land	The area of the lands thrown out by the river on the other side of the eroded area and the manner in which it has been disposed of	Remarks
1	2	3	4	5	6	7
Kotri—contd.	Haji Tutifali Shah son of Mir Md. Shah.	A. g. 2 38	A. g. 57 13	A. g. ..	A. g. ..	
	Din Muhammad Shah Jiandal Shah.	12 27	65 8	..	..
	Waloo Kamil Shoro	2 28	3 10	..	..
	Ismail Alias ..	6 11	14 6	..	..
	Tahir Muhammad Rajib Muhammad.	0 31	34 24	..	..
	Mir Muhammad Khair Muhammad.	3 7	3 22	..	..
	Sher Muhammad Gopang.	3 21	2 10	..	..
	Faiz Muhammad Ali Bakhsh.	3 16	14 25	..	..
	Nakabuli ..	..	..	27 30	..	
	Total ..	73 9	391 1	27 30	..	
Manjhand	Fazul Muhammad Daryakhan.	0 32	51 13	..	..
	Chimandas Jethomal	0 19	33 20	..	..
	Gehimal Utumal ..	0 3	34 18	..	..
	Budharmal Topanmal.	0 20	34 17	..	..
	Glomal Gangaram ..	2 6	110 34	..	..
	Aidas Teckchand ..	0 29	266 4	..	..
	Ghulam Muhammad Allah Bakhsh.	1 10	203 35	..	..
	Parlo son of Bahadur	0 28	30 3	..	..
	Bhagoomal Dharamomal.	0 24	33 18	..	..
	Sher Muhammad Shah Bacho Shah.	5 24	96 38	..	..
	Sayed Shah Adin Shah.	10 7	..	..	..
	Ghulam Murtaza Shah.	82 14	1,482 29	..	..
	Punhoo son of Chattoo.	12 35	..	..	..
	Kishanomal Nathermal.	10 0	..	..	..

Taluka	Name of Khatodar	Area of cultivable land eroded from his khata during the past ten years	Area remaining on his khata	Cultivable area eroded during the past ten years from Government land	The area of the lands thrown out by the river on the other side of the eroded area and the manner in which it has been disposed of	Remarks
1	2	3	4	5	6	7
Manjhaud—contd.	Pribbhas Lalchand	A. g. 60 8	A. g. 77 25	A. g. ..	A. g. ..	
	Miralshah Gul Muhammad.	32 2	27 2	..	..
	Sayed Waji Muhammad Shah.	63 18	239 21	..	..
	Nathrimai Dandmal.	10 7	38 37	..	..
	Dhalumal Panjandas.	7 21	NW.	..	..
	Nakabuli ..	..	..	2 26	..	
	Total ..	301 25	2,760 34	2 26	..	
Shah Bunder	Bachalkhan Khuda Baksh.	144 12	530 32	..	..
	Ali Murad Fatch Muhammad.	3 29	257 7	..	..
	Ghulam Hussain Mian Mitho.	86 10	234 33	..	..
	Haji Ahmed Saleh Muhammad.	29 18	947 22	..	..
	Muhammad Hussain Kassim.	171 20	936 30	..	..
	Lilaram Naraindas ..	146 11	1,363 31	..	..
	Kiloomal Kahiomal	6 37	903 13	..	..
	Basarmal Chhemal ..	15 0	26 20	..	..
	Imam Bakhsh Muhammad Hussain.	2 18	84 28	..	..
	Bawa Gurmukhdas Chello Lachaman-das.	0 17	58 28	..	..
	Mino Jio Din Muhammad.	95 29	155 6	..	..
	Eberumal and Teekchand sons of Narsimal.	82 16	309 35	..	..
	Total ..	784 17	5,809 5	..	4,239 20*	* This land has been given to those persons on whose frontage it has been thrown by the river.

Taluka	Name of Khatedar	Area of cultivable land eroded from his khata during the past ten years	Area remaining on his khata	Cultivable area eroded during the past ten years from Government land	The area of the lands thrown out by the river on the other side of the eroded area and the manner in which it has been disposed of	Remarks
1	2	3	4	5	6	7
Ghorabari	Yakub Saleh ..	A. g. 10 10	A. g. 22 39	A. g. ..	A. g. ..	
	Mukhtiarali Shah ..	30 15	61 33	..	..
	Haji Ismail Shahi Khan.	22 11	46 39	..	..
	Peros Khan Dolat Khan.	86 7	151 12	..	..
	Abdullah Shah Phul Shah.	45 11	114 27	..	..
	Ahmed Shah Muhammad Shah.	41 29	111 8	..	..
	Alison of Sabu ..	33 30	131 21	..	..
	Moolan Bai ..	83 28	1,338 12	..	..
	Allahdino Adam ..	9 8	171 7	..	..
	Kasim Muhammad.	2 25	49 1	..	..
	Khanchand Mangharan.	20 39	920 21	..	..
	Ahmed Khan Mauladino.	37 8	46 6	..	..
	Wahid Bekhsh ..	8 27	38 12	..	..
	Ali Muhammad Amin Muhammad.	4 16	229 33	..	..
	Bachi w/o Muhammad.	4 11	78 18	..	..
	Veroomal Chandumal	10 3	81 26	..	..
	Kasim Abdullah ..	13 21	96 23	..	..
	Stleman ..	8 6	15 22	..	..
	Ladho Umar ..	7 6	56 18	..	..
	Tejmal Gopalidas ..	12 2	268 23	..	..
	Hashim Sumar ..	7 14	62 11	..	..
	Aloo Khamiso ..	1 24	16 31	..	..
	Husein Bekhsh ..	66 36	339 23	..	..
	Haji Umar Khan Shahkhan.	2 34	89 27	..	..
	Pir Muhammad Rano	11 39	154 38	..	..
	Hyder Khan ..	8 20	158 7	..	..
	Dostali Shah ..	3 21	92 29	..	..

Taluka	Name of Khatedar	Area of cultivable land eroded from his khata during the past ten years	Area remaining on his khata.	Cultivable area eroded during the past ten years from Government land	The area of the lands thrown out by the river on the other side of the eroded area and the manner in which it has been disposed of	Remarks
1	2	3	4	5	6	7
		A. g.	A. g.	A. g.	A. g.	
Ghorabari—contd.	Nur Muhammad Khan.	0 35	400 21	..	..
	Ghulam Oathar ..	5 7	5 23	..	..
	Jumo Pathan ..	3 20	106 27	..	..
	Haroomal ..	7 8	19 17	..	..
	Haahim Oathar ..	3 9	47 39	..	..
	Pir Ibrahim Shah ..	3 38	986 27	..	..
	Sidik Memo ..	3 37	63 38	..	..
	Alcomal ..	28 3	54 6	..	..
	Naranindas ..	2 24	213 2	..	..
	Karamali Khan ..	28 17	297 19	..	..
	Misri ..	5 38	42 38	..	..
	Siloo ..	4 2	..	..	..
	Haji ..	3 31	..	..	..
	Karimдино ..	3 17	..	..	..
	Bakhsho ..	18 33	14 13	..	..
	Total ..	712 15	7,238 2	712 15	4,000*	* Out of this area about 1,000 acres have been given on permanent tenure and the remainder is being given on e k s a l i tenure.
Mirpur Bathoro..	Nil.			Nil.		
Mirpur Sakro ..	Nil.			Nil.		

Mr. SHAIKH ABDUL MAJID : With regard to (d), I want to know whether it has been given as compensation for the submerged land or whether it has been sold to them?

Mr. R. D. BELL : I ask for notice.

SYED MIRAN MAHOMED SHAH : Has compensation been given to those zamindars and persons who have so lost during the above period or to other persons who have lost by erosion?

Mr. R. D. BELL : The reply is as in the footnote on page 16, that this land has been given to those persons on whose frontage it has been thrown by the river.

SYED MIRAN MAHOMED SHAH : That is to say, people on the opposite side ?

Mr. R. D. BELL : That is so.

IRRIGATION ACT : BARRAGE ADVISORY COMMITTEE.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to place on the Council table the comments and findings of the Barrage Advisory Committee regarding the Bombay Act VII of 1879 the Bombay Irrigation Act 1879 ?

The Honourable Sir GHULAM HUSSAIN : A statement showing the proposed amendments to the Bombay Irrigation Act, 1879, and the remarks of the Lloyd Barrage Advisory Committee is placed on the Council table.*

REVENUE AND JUDICIAL DEPARTMENTS : APPOINTMENTS OF TALUKDARS.

The THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : Is it a fact that so far no candidate from the talukdars' class has been appointed to any post in the upper branch of the Revenue or Judicial Department ?

Mr. R. D. BELL : Yes.

SUKKUR RIOTS : MURDER OF SONS OF JAGUMAL.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) whether it is a fact that a Committee consisting of (1) the District Superintendent of Police, (2) the City Magistrate and (3) Khan Bahadur Pirkhux, C.I.E., Honorary Magistrate, was appointed to enquire into the Nebahoo Street incidents at Sukkur during the riots of August 1930 which resulted in two deaths and ten injured by the police ;

(b) whether it is a fact that the unanimous finding of the Committee was that the murders of the sons of Jagumal were committed by certain Muhammadan police constables on duty ;

(c) whether Government have confirmed the finding of this Committee ;

(d) whether Government will be pleased to place the report of the Committee on the Council table ;

(e) what police constables were on duty on 7th August at Sukkur in Nebahoo Street where the murders were committed ;

(f) whether the alleged murderers of the sons of Bhai Jagumal have been sent up for trial ;

(g) if not, the reasons therefor ;

(h) whether Government's attention has been drawn to the following resolution No. 8 of the Sind Hindu Conference held at Sukkur on the 27th, 28th and 29th December :—

" This conference strongly condemns the action of the Muslim police who brutally murdered Jagumal's sons and is pained to see

* Kept in the Secretary's office.

that the culprits have not been found out and that the Government should pay adequate compensation to the relations of the deceased as early as possible."

(i) what action have Government taken in the matter?

The Honourable Mr. G. A. THOMAS: (a) The Committee consisted of Mr. Udham, City Magistrate, Sukkur, Khan Bahadur Pirkhsh, C.I.E., Special First Class Magistrate, Sukkur, and Mr. Eates, Deputy Superintendent of Police.

(b) The Committee stated that they entertained grave suspicions against two Muhammadan police constables.

(c) They accepted the findings of the Committee.

(d) A copy of the report is placed on the Council table.*

(e) None.

(f) and (g) No. The finding of the Committee on this point amounted to suspicion only.

(h) Yes.

(i) Government have sanctioned the payment of compensation to the relatives of the deceased.

Mr. S. S. TOLANI: May I know whether these two Mahomedan police constables were on duty?

The Honourable Mr. G. A. THOMAS: They were on duty.

Mr. S. S. TOLANI: Then why is the answer to part (e) of the question given as "None"?

The Honourable Mr. G. A. THOMAS: The answer is to the question "what police constables were on duty on 7th August at Sukkur in Nebahoo Street where the murders were committed." They were on duty but not in the street.

Mr. S. S. TOLANI: Is it a fact that Nebahoo Street is near the police station, where these murders took place?

The Honourable Mr. G. A. THOMAS: I believe so.

MUNICIPALITY, LARKANA: HINDU AND MUHAMMADAN COUNCILLORS.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state what has been the proportion of Hindus and Muhammadans in the City of Larkana according to the recent census?

(b) Is it a fact that the proportion of Hindu representation on the Larkana City Municipality is already less than they are entitled to according to rules?

(c) What would be the proportion of Hindu and Muhammadan representation on the Larkana City Municipality in pursuance of the latest census figures of population?

(d) Have Government received a copy of the resolution passed by the Larkana Municipal Corporation on 12th May 1931 demanding elected representation on the board in accordance with the latest census figures and reduction of nominated members?

*Kept in the Secretary's office.

(c) Have Government taken any action in the matter? If not, do they propose to do so, before the coming general election? If not, what are the reasons therefor?

The Honourable Sirdar Sir RUSTOM J. VAKIL: (a) The figures of population of Larkana according to the census of 1931 have not yet been finally published. The exact proportion of Hindus and Muhammadans cannot therefore be stated.

(b) The election rules lay down that there shall be 15 elected non-Muhammadans and 10 elected Muhammadans and there are 6 nominated members. It is understood that the Hindus are enjoying the representation to which they are entitled under the rules.

(c) According to the provisional census figures reported to Government the ratio would be 15·7 non-Mussulmans to 8·9 Mussulmans.

(d) Yes.

(e) No. Government do not consider it advisable to disturb the existing constitution of the Board of the Municipality pending the final publication of the census figures.

Mr. S. S. TOLANI: When do Government propose to publish the new census returns?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: As soon as they are ready.

Mr. S. S. TOLANI: Will Government reconstitute the Larkana municipality according to the latest figures of population?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Government have not yet made up their mind, but population is not the only basis on which allocation of seats is determined.

SUKKUR BARRAGE: TOTAL COST.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state the total amount spent on the Lloyd Barrage Scheme from the very beginning up to the year ending 31st March 1931?

(b) What will be the total cost on the scheme as estimated at present?

(c) Have they made any fresh enquiries as to the financial soundness of the scheme?

(d) If the answer to (c) be in the affirmative, will they place the papers of that enquiry on the Council table?

The Honourable Sir GHULAM HUSSAIN: (a) Rs. 15 crores approximately.

(b) Rs. 20·03 crores.

(c) and (d) The matter is under investigation but as the enquiry is not yet complete, Government regret that they are unable to place the papers on the Council table at present.

Mr. S. S. TOLANI: May I know whether the scheme will be financially successful owing to the present world-wide trade depression?

The Honourable Sir GHULAM HUSSAIN: Therefore we are revising all the figures.

Mr. S. S. TOLANI : I want to know whether it will be financially successful.

The Honourable Sir GHULAM HUSSAIN : How can I tell the honourable member, when the investigation is not yet complete ?

Khan Bahadur ALLAHBAKSH : When will the revised figures be ready ?

The Honourable Sir GHULAM HUSSAIN : Shortly.

Khan Bahadur ALLAHBAKSH : Before the next Council session ?

The Honourable Sir GHULAM HUSSAIN : I hope so.

CIVIL DISOBEDIENCE : FORFEITURE OF WATAN LANDS.

Dr. V. G. VAISHAMPAYAN (Sholapur City) : Will Government state whether the provision of the Delhi Settlement regarding restoration of forfeited property will be applied to cases where Government have resumed or sought to resume watan lands on the ground that the watan-dars have joined the civil disobedience movement ?

Mr. R. D. BELL : These forfeitures do not come within the scope of the Delhi Settlement. Government have, however, issued orders adjourning *sine die* all proceedings in which final orders of forfeiture of watan land or cash allowances were not passed on or before 5th March 1931. As regards cases in which orders of forfeiture were already passed before the settlement, Government are prepared to reconsider such cases provided the persons concerned apply to that effect, express regret and undertake that their conduct in future will be satisfactory.

BAD CHARACTERS AT NORTHBROOK GARDENS : SAFETY OF PASSERS-BY.

Mr. B. P. WADKE (Bombay City, South) : (a) Will Government be pleased to place on the Council table a copy of the last conveyance relating to the site (land) on which the Northbrook Garden in the Bombay City stands ?

(b) Is it a fact that the site is to be used solely for the purpose of a garden to which the public is to be admitted at all times without charge or fee for admission ?

(c) Are Government aware that the garden shelters *maralis* (bad characters) and is a source of danger to the passers-by at night time ;

(d) Do Government intend to take any measures to ensure the safety of users of the public roads around the garden at night time ?

(e) If so, what are those measures ?

The Honourable Mr. G. A. THOMAS : (a) A copy of the conveyance is placed on the Council table.*

(b) Yes.

(c) The garden is situated in a locality in which a number of bad characters live, many of whom visit the garden, but the number of crimes reported to have taken place in the garden and its immediate vicinity during the past year is small. The answer to the second part

*Kept in the Secretary's office.

of this clause of the Honourable Member's question is therefore in the negative.

(d) and (e) There is a police chowki adjoining the garden and a fixed post close at hand. These arrangements are considered to be adequate.

Mr. B. P. WADKE : Is it not a fact that the police chowki is to the north-west corner of the garden ?

The Honourable Mr. G. A. THOMAS : The honourable member knows that better than I do.

Mr. B. P. WADKE : I might inform the Honourable Member that it is to the north-west corner, but in case crimes take place in the south-east corner, how is it possible for the policemen to cope with them, and what measures do Government intend to take for that purpose, because they have admitted that bad characters are living in that locality ?

The Honourable Mr. G. A. THOMAS : Government consider that the arrangements now made are adequate.

Mr. B. P. WADKE : I submit, Sir, there will be difficulty.

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

TOPIWALA'S HIGH SCHOOL, MALWAN : LAND ACQUIRED FOR BOARDING HOUSE.

Mr. B. P. WADKE (Bombay City, South) : Will Government be pleased to state—

(a) how much land was acquired by them for the managers of the Topiwala's High School, Malwan, Ratnagiri District, for building a boarding house in connection with the said school ;

(b) when the said land was acquired ;

(c) the names and castes of the owners and the amount of compensation paid to each ;

(d) the extent of land that was acquired ;

(e) whether it is a fact that the boarding house has been built ;

(f) whether it is a fact that the land so acquired is now and then rented out for cultivation to tenants by the managers of the school ?

Mr. R. D. BELL : (a) No particular portion of land was acquired for building a boarding house. A total area of 9 acres 14 gunthas was acquired for the managers of the Topiwala High School for the construction of a school building, hostel and playground.

(b) The acquisition of the land under the Land Acquisition Act was sanctioned by Government in October 1915. The land was acquired subsequently and was handed over to the Society on 30th October 1917.

(c) A statement furnishing the information is placed on the Council table.*

(d) 9 acres and 14 gunthas inclusive of the land required for the school building and playground.

(e) The boarding house has not yet been built.

(f) A portion of the acquired land is leased temporarily for cultivation.

*Kept in the Secretary's office.

Mr. B. P. WADKE : As regards (a) is it not a diversion of the use of the land which was admittedly acquired for a public cause ?

Mr. R. D. BELL : The management of this school are still proposing to build the hostel.

Mr. B. P. WADKE : Does public cause include the leasing of land on rent for cultivation ?

Mr. R. D. BELL : That is only temporary.

Mr. B. P. WADKE : Why was more land than was actually required acquired ?

Mr. R. D. BELL : That is begging the question.

Mr. B. P. WADKE : Is the honourable member aware that these lands were acquired from private owners who were driven out of their homes ?

Mr. R. D. BELL : No, Sir.

TODDY LICENCES : SALES IN BOMBAY.

Mr. B. P. WADKE (Bombay City, South) : Will Government be pleased to state—

(a) whether it is a fact that the system of disposal of toddy shops and tree-foot booths in the city of Bombay for the year 1930-31 was changed from auction to tenders ;

(b) if so, under whose orders this change has taken place ;

(c) whether it is a fact that with the exception of a few tenders from Messrs. Patel, Parukh, Irani and Company, and some others, no tenders were received from the old licensees ;

(d) whether it is a fact that an auction was held after the disposal of licences by tenders ;

(e) what was the result of the auction ;

(f) whether it is a fact that after this auction some more tenders were put in by Messrs. Patel, Parukh, Irani and Company ;

(g) whether the shops were given to the said company ;

(h) whether the shops given to the company were opened and worked ;

(i) whether it is a fact that these shops were surrendered by the company to the former licensees ;

(j) whether it is a fact that the Bombay toddy licensees were asked to pay to the said company Rs. 10,000 as a price for transferring the licences from its name to those of the former licensees ;

(k) whether the Commissioner of Excise is aware of this payment ;

(l) if so, what action did he take in the matter ;

(m) what action, if any, Government propose to take in the matter ?

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

(b) Under the orders of the Commissioner approved by Government.

(c) No. Apart from several individual tenders for certain shops from outsiders a joint tender from old licensees for all the shops was received, but was returned as the submission of a joint tender was inadmissible under the terms of the tender notice.

(d) An auction was held for the disposal of only those licences for which adequate offers had not been received and tenders were also simultaneously invited for these licences.

(e) The Town Hall where the auction was to be held was picketed with the result that bidders were prevented from entering the building. The licences could not therefore be disposed of by auction sale.

(f) Tenders were put in by Mr. Patel, Mr. Parukh, Mr. Irani and also some other individuals.

(g) Those tenders in which satisfactory offers were made by the individuals mentioned in clause (f) were accepted.

(h) The shops were not opened.

(i) The shops were transferred to the previous licensees on application made by both parties.

(j) Government are not aware of any such transaction.

(k) No.

(l) Does not arise.

(m) Does not arise.

Mr. B. P. WADKE: As regards (h), why were the shops not opened?

The Honourable MOULVI RAFIUDDIN AHMAD: I cannot say why they were not opened.

Mr. B. P. WADKE: As regards (i) why did Government give permission to the transfer of shops from new to old licensees?

The Honourable MOULVI RAFIUDDIN AHMAD: The Collector agreed to the mutual arrangement.

Mr. M. M. KARBHARI: Are Government aware of any profit being made by these transfers between the two parties?

The Honourable MOULVI RAFIUDDIN AHMAD: I have already said that Government is not aware of it.

Mr. B. P. WADKE: Is it not a fact that the excise authorities consented to give permission, because the old licensees refused to take over the remaining licences unless the licences which were sold to outsiders were restored to the old licensees?

The Honourable MOULVI RAFIUDDIN AHMAD: I have nothing more to say, except that it was done by mutual arrangement before the Collector.

Mr. B. P. WADKE: As regards (m), do Government desire to encourage this practice, viz., giving the shops to new licensees and to transfer them to old licensees?

The Honourable MOULVI RAFIUDDIN AHMAD: That does not arise out of the question.

**BILL No. III OF 1931 (A BILL FURTHER TO AMEND THE
BOMBAY IRRIGATION ACT, 1879).**

Question again proposed :

"That clause 4 do stand part of the Bill."

The Honourable the PRESIDENT : Order, order. We were discussing section 92, and the amendment No. 5 to clause 4 is the next amendment. I suppose the honourable member does not wish to move it.

Mr. SHAIKH ABDUL MAJID : I want to move it, Sir.

Khan Bahadur M. A. KHUHRO : My amendment is above it, Sir.

The Honourable the PRESIDENT : I have a different order in the list in my hand. The order does not matter, as only the proportions are different in these various amendments. The honourable member Mr. Shaikh Abdul Majid's amendment stands first in my list.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Sir, I move :

For clause 4 (a) of section 92 substitute the following clause :—

"The cost of constructing all water-courses which have been constructed in whole or in part by the canal officer and are fed by the entire Lloyd Barrage Canal System, shall be calculated on an acreage basis and charged on the lands irrigated by them in the following proportions, namely :—

1. Occupied land not cultivated since 1st day of August 1911 shall pay three shares.
2. Government land shall also pay three shares.
3. Occupied land cultivated since 1st August 1911 shall pay one share only."

In illustration make the following changes :—

In paragraph (1), line 5, substitute figure "3" for "2".

In paragraph (2), line 2, for the figures "3 : 2 : 1" substitute "3 : 3 : 1".

In line 8 for "Re. 1" read "Rs. 10-7."

In line 10 for "Rs. 3" read "Rs. $\frac{3 \times 10}{7}$ ".

In line 11 for "Rs. 2" read "Rs. $\frac{2 \times 10}{7}$ ".

I only formally move this amendment. That is all that I can say.

Question proposed.

Mr. S. S. TOLANI (Western Sind) : Sir, I rise to support the amendment moved by my honourable friend Mr. Shaikh Abdul Majid. The Bill as it has emerged from the select committee contains many unreasonable provisions and this particular clause is most unreasonable and illogical. I wonder that members of the select committee have thought it proper to put this unreasonable clause in the Bill. Of course, I will say that the select committee as it was constituted was not properly representative of the opinion in Sind, because not a single Hindu from that province has been appointed on the committee.

The Honourable Sir GOVINDRAO PRADHAN : Is it relevant to find fault with the constitution of the select committee, Sir ?

The Honourable the PRESIDENT : No ; the House appointed the select committee.

Mr. S. S. TOLANI : I do not wish to make any comment, but I only wanted to say that the Mahomedans who are a majority community in that province were fully represented, but the Hindus who pay about 40 per cent. land tax and 95 per cent. income tax were not represented at all. I put it to the House in all seriousness to consider whether it is reasonable and logical that private persons should pay more than

[Mr. S. S. Tolani]

Government. Both the Government lands and private lands are waste lands only, and both the lands will get the same quantity of water and both have been put in class 3. How is it then reasonable that the private lands should pay more cost than the Government lands? [Interruption.] It has been pointed out in this House times without number that water is hardly sufficient to cultivate the already cultivated lands and so it will be much less for the waste lands. If the honourable members of the Presidency were to see the nature of the soil of these waste lands they would find that it is *kalar* and saltish. Water supplied for cultivating these lands will be insufficient and therefore I believe that they will not yield much; will it be fair in that case to charge these lands thrice and the same kind of lands belonging to Government twice the cultivable lands? I hope the Honourable the Finance Member will in the end be good enough to make a statement on behalf of Government that he accepts the amendment. But in case he does not agree, I am sure that the honourable members will not agree to this unreasonable clause, and I will appeal to the House to accept this amendment, which is fair and reasonable.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I support this amendment. I only wish to remark that two days ago when the honourable member the Chief Engineer spoke on certain amendment he said that the private lands undeveloped, so far as I understood, were about 3 lakhs.

Mr. C. S. C. HARRISON: I said that it might be as low as 3 lakhs acres.

Khan Bahadur M. A. KHUHRO: It amounts to the same thing. Government land, he said, is about 15 lakhs [An Honourable Member: 18 lakhs]. It does not look fair or reasonable at all that only three lakhs of acres should be charged more. Compared with the Government waste lands which will be commanded by the Barrage, this is a very small area of three lakhs of acres. It looks ridiculous that such a small area should be penalised. And, therefore, I think, it is but reasonable that there should be no discrimination between private undeveloped lands and Government undeveloped lands, and that they should be charged alike. In support of that argument I would also point out that these three lakhs of private undeveloped lands are held by a large number of small zamindars whose holdings are very small, sometimes even as low as three acres. Even after that area is supplemented with the lands given out under the rules for *mohag*, those small zamindars will remain all the same as such, since the *mohag* rules are so clumsy. It is obvious that the bigger zamindars cannot take much advantage of these undeveloped lands.

Mr. C. S. C. HARRISON: Just one word, Sir. The honourable member has suggested that there should be a change in proportion. Would he accept 1:2:2?

Khan Bahadur M. A. KHUHRO: Certainly not. Under the proportion suggested by the honourable member the Chief Engineer, those lands which are cultivated at present will have to pay more. Our contention has all along been that they should be charged as low as possible,

[Khan Bahadur M. A. Khuhro]

because they have to pay for new water-courses in addition to their enormous expenditure incurred on the existing water-courses. We have already made that point sufficiently clear. We are not even agreeable to what the select committee have suggested. I submit, therefore, that private lands and Government lands should be charged alike, and the proportion should be 1 : 3 : 3. With these words, I support the amendment.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I support the amendment moved by the honourable member Mr. Shaikh Abdul Majid. We have been discussing this Bill for more than four days now, and many amendments have been proposed to the Bill by the Sind zamindars most of which have been thrown out. In fact, Government have secured all their points.

In regard to this amendment I wish to explain the point clearly to the Presidency members who have been complaining that they do not understand the conditions in Sind. There are three classes of land, cultivated private lands, uncultivated private lands and uncultivated Government lands. These are to share in the cost of construction of water-courses in the proportion of 1 : 3 : 2. The proposal is to change the proportion to 1 : 3 : 3. There are only 3 lakhs of acres of private uncultivated land, which, the honourable mover of the amendment contends, should be put on the same basis as Government waste lands. There are 15 lakhs of acres of Government waste land, and the charge for those lands should be increased from 2 to 3. It must be remembered that these lands are for sale. The small zamindars of Sind will not be in a position to purchase these lands: only the big zamindars and *sowcars* will purchase them. They may even be sold as is talked about to big European syndicates, although the Honourable the General Member has assured the House that, as far as possible, the lands will be given to Indians. The proposal of the amendment is to change the proportion to 1 : 3 : 3 from 1 : 3 : 2. I wish to inform my Presidency colleagues that it will not affect the revenues of the Presidency to any very great extent. I therefore hope that the non-official members from the Presidency will support the amendment. I do not wish to appeal any longer to Government benches as nothing can be expected from Government.

The honourable member Mr. Tolani has complained that there was no Hindu member from Sind on the select committee. I think Government ought to have taken one. Instead of 16 members, they could have taken 17 members adding one more from Sind, a Hindu. As the select committee was constituted by Government, there were 16 members on it, 12 of whom were either Government members or members from the Presidency. The Honourable the President told us that it was for the House to select the members. May I point out that we only heard of the names given us by Government and had no hand in selecting them?

The Honourable the PRESIDENT: I think that is a very wrong view of the position. When the members of a select committee are

[The President]

proposed, it is obligatory on the mover of a Bill—whether official or non-official—who moves for referring the Bill to a select committee, to submit the names of honourable members whom he proposes to be on the committee. That is the law. It is then for the House to accept those names or propose alterations—as the House has very often done.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): I admit that the mover has the right to suggest names. But sometimes Government reject good suggestions from this side of the House also.

The Honourable the PRESIDENT: I do not remember that at all. In fact, the honourable mover is always polite and finds himself in great difficulty in rejecting a name when it is suggested by the House.

Mr. HAJI MIR MAHOMED BALOCH (in Urdu): I bow to your ruling, Sir.

My request, therefore, to this House is that it should accept the amendment which is under consideration.

Mr. C. S. C. HARRISON *rose*—

The Honourable the PRESIDENT: The honourable member the Chief Engineer might wait because there is an amendment to this amendment which has just now been placed in my hands, so that he might get an opportunity to answer both amendments.

Khan Bahadur ALLAHBAKSH (Sukkur District): Sir, I move an amendment to the amendment of Syed Miran Mahomed Shah:

“After the words ‘acreage basis’ insert the words ‘per canal system’;

After the word ‘only’ add the proviso:

‘Provided however that all lands for the irrigation of which the water-courses were constructed by Government at the cost of the landowner between 1911 and 1931 shall be exempted from the area to be charged for under the foregoing section.’”

Mr. C. S. C. HARRISON: May I request the honourable member to withhold that amendment for a few minutes, Sir? The whole question is to be covered by the amendment which I am moving concerning the canal systems and the exact date between 1911 and 1931 will come up in the course of my amendment.

Khan Bahadur ALLAHBAKSH: No, Sir; I cannot accede to that request.

The Honourable the PRESIDENT: The amendment moved by the honourable member Khan Bahadur Allahbaksh is to clause (4) of section 92.

Mr. C. S. C. HARRISON: I am afraid that I misunderstood the amendment of the honourable member, Sir.

The Honourable the PRESIDENT: I was just going to point out that. The amendment is:

“After the words ‘acreage basis’ insert the words ‘per canal system.’”

Then clause (4) would read:

“The cost of constructing all water-courses which have been constructed in whole or in part by the Canal officer and are fed by the entire Lloyd Barrage canal system shall be calculated on an acreage basis per canal system.....”

[The President]

That is the first amendment. The merit of the amendment may be discussed. Later on he says :

"After the word 'only' in sub-clause (b) of clause (4), add these words :

'Provided, however, that all lands for the irrigation of which the water-courses were constructed by Government at the cost of the landowner between 1911 and 1931 shall be exempted from the area to be charged for under the foregoing sub-section."

That is to say, those water-courses which were constructed by Government between 1911 and 1931 and charged to the landowners should be exempted. Does the honourable member wish to supplement it by any remarks ?

Khan Bahadur ALLAHBAKSH : Sir, the amendment moved by my honourable friend Syed Miran Mahomed Shah said that all lands which were cultivated from the year 1911 to 1931 should be exempted. Then the honourable member the Chief Engineer pointed out that there will be only Government waste lands amounting to about 15 lakhs of acres and there will be only 3 lakhs of acres which were not cultivated from the year 1911 to 1931 ; so that there will be no confusion between the two amendments. The present amendment seeks to exempt such zamindars as have paid the cost of the water-courses between the years 1911 and 1931. Sir, there were certain canals in Nawabshah and Thar districts which were recently remodelled and improved by Government and the cost of these water-courses was recovered from the zamindars as far back as only 14 or 15 years ago--which is not a long period. Now, on account of this Barrage scheme and under the present Act if passed, these people will have to pay a second amount. They paid for the water-courses only 10 or 15 years ago. If there are no such cases then my honourable friend should have no objection to accepting my amendment. But I know there are cases in which the zamindars have paid the costs of the water-courses very recently. I therefore say that it is but fair that the people who have once been made to pay the cost of these water-courses as recently as 15 years ago should be exempted from the purview of this clause.

Question proposed.

Mr. C. S. C. HARRISON : Sir, I rise to oppose both the amendment and the amendment to the amendment. In the first place, Sir, the amendment to the amendment endeavours again to throw a greater burden on Government. Throughout the discussion, Sir, and since this Bill was first mooted, it has been the attempt of honourable members--and I suppose from their personal points of view a justifiable attempt--to minimise payment by those who, many of us consider, should bear the payment, and throw it on to the shoulders of the taxpayer.

The honourable member from Karachi, Mr. Haji Mir Mahomed Baloch, seems to think that Government will lose this money which they will not be able to recover from the agriculturists. What I would like the honourable members of this House to bear in mind is that if the burden is placed upon Government land and if we are to protect the interests of the taxpayer through not hurrying the sales of land, especially in the present depressed condition of agriculture, it will mean that recovery

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from Government lands will be extended over a very long period, may be 30 years, and therefore Government will be embarrassed to this extent financially that, when they come to prepare their redemption of debt programme to the Government of India, they will not have the receipts to counterbalance their liability to the Government of India in the early stages of the redemption of debt programme. That, I think, will place us in a very difficult position within the next year or so when we come to consider that matter. I therefore repeat that Government should not, and this House should not, lightly accept any further proposal to throw additional burden on the Government share, that is to say, the taxpayer's share.

The honourable member from Poona, Mr. Kamat, explained very clearly in his speech three or four days ago why these proportions had been agreed to by the non-official members of the select committee; and I think he made out a very good case—certainly it was a very clear one—and I therefore do not desire to cover that ground again.

In connection with the remarks that were made by the honourable members with regard to the amendment, I will deal with one that fell from the lips of the honourable member from the Larkana District, Mr. Tolani, who attempted, so far as I could hear his very indistinct speech, to make this House believe that most of the waste lands are *kalar*. I think he is speaking with a very limited knowledge of Sind; his knowledge is probably confined to the Larkana District. If he is referring only to the Larkana District, then I am inclined to agree that the lands round about Kambar are, most of them, *kalar* lands. In that particular case, however, that land is specifically ear-marked for rice, so that he need not deprecate the fact of its being *kalar*.

Next we have an argument put forward by another honourable member from Larkana, Khan Bahadur Khuhro. He again gets hold of a red herring—one of the several that he seems to have floating around in the sea in which he flounders—and he says that if the undeveloped *kabuli* land is only likely to be 3 lakhs, why not relieve it of some of this taxation and shove it on to Government? His proposal comes to this, that the taxpayer is asked to relieve the individual and to take the burden on his shoulders. I think the members of this honourable House are watching those proposals very carefully and will certainly not agree to them.

We come to the amendment to the amendment moved by the honourable member from Sukkur, Khan Bahadur Allahbakhsh. He proposes again a further limitation which in its turn means that the taxpayer is to bear the burden for an indefinite number of years, in that he would like to exclude areas which have been cultivated between the period of 1911 and 1931, viz., certain areas which he says affect the Nasrat Canal and other canals under which certain water-courses were re-modelled. So far as the Nasrat Canal is concerned (it is a pretty big system), the fact that we have got to make very few alterations in that area will mean that the share that will be thrown on that area will be very small indeed. Automatically the fact that they made the water-courses 15 or 16 years ago will mean that they will pay very little

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now. Those water-courses were built on the rectangulated system and it is in very few instances that any change will be made.

The honourable member then referred to the Thar area. There was no remodelling of water-courses in the Thar area and there has not been for the last thirty years. If he means the very small system of the Hiral Canal, then my remarks apply to that system also. These water-courses were scientifically aligned, and, so far as I have seen the plans, there are probably not more than a dozen alterations necessary. They will automatically be relieved of the greater part of their share on this acreage basis, especially the Thar Canal, which will form a distinct system of its own.

I trust the honourable members will take note of these things very carefully and reject both the amendment and the amendment to the amendment.

SYED MIRAN MAHOMED SHAH: Will the honourable member the Chief Engineer kindly state whether only the canal system has been taken or the entire barrage area?

Mr. C. S. C. HARRISON: If that is so, I must oppose the whole, because that will cause great hardship in many cases, especially to people like my honourable friend from Hyderabad who has got land in the barrage area and the honourable member from Larkana also. I do not think he will accept that proposal.

Mr. B. S. KAMAT: Sir, I am just going to illustrate by figures, with your permission, some of the remarks which have been made by the honourable member the Chief Engineer. Our friends from Sind appear to be fighting for a petty thing and this may be put in a nut-shell by converting the whole thing into rupees, annas and pies, so that the whole House can understand the situation. I will give a concrete example. I do not pretend to be an expert mathematician, but calculating the costs on the basis of Rs. 3 per acre as the cost of constructing, it comes to this. There were two sets of proportions—one favoured by the select committee and the other favoured by our Sind friends. The select committee proposed to distribute the sum of Rs. 3 into 1 : 2 : 3 : that is—

Rs.	a.	p.	
0	8	0	for those people who have got existing karias.
1	0	0	for Government lands.
1	8	0	for those lands which have not got existing karias.
<hr/>			
3	0	0	

What our friends propose as against this, that is, what they are prepared to pay is—

	Rs.	a.	p.	
about	0	8	0	for those zamindars who have got karias.
	1	4	0	for Government lands.
	1	4	0	for other zamindars.
<hr/>				
	3	0	0	

[Mr. B. S. Kamat]

Therefore, the quarrel is about four annas an acre, and I say it is not a very big amount to quarrel about.

Khan Bahadur ALLAHBAKSH: He is not right, Sir.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I had no intention to speak on these amendments, but just now I have received a telegram and I think my other honourable friends from Sind have also received similar telegrams, from the President of the Zamindars' Association, Umerkote. The telegram reads:

"Please oppose the Irrigation amendments strongly."—

Khan Bahadur ALLAHBAKSH: The sender evidently means "Amendment of the Act."

Mr. SHAIKH ABDUL MAJID:

"Interests of zamindars will suffer enormously, discontent growing"—

Mr. C. S. C. HARRISON: Crops growing. [Laughter.]

Mr. SHAIKH ABDUL MAJID: It is easy for honourable members to laugh because they do not know the conditions of agriculture in Sind and they perhaps do not therefore realise the consequences. I wish to impress upon this honourable House the consequences of the provisions of this Bill including the amendments that have been moved to-day. It has been admitted that there is not much difference between my amendment and the original clause and the difference made out by the honourable member Mr. Kamat of four annas only in the lands owned by Government and the occupied land not cultivated since 1911 is not such as to justify any opposition from the Government benches to the amendment moved by me. The fact is that even those zamindars are going to be charged who have got their fixed water supply from the existing karias and who in all probability are bound to suffer as the result of the operations of the canals in the barrage zone. The full supply, I have been told by the honourable member from Larkana, Sir Shah Nawaz Bhutto, cannot be assured to the zamindars to the extent to which they get at present. Rather their supply will be reduced. Under those circumstances, in the case of those zamindars at least who are already settled and get enough water for their cultivation from the existing karias, they should be charged absolutely nothing and, if they are to be charged at all, the charge should be nominal only.

The other point on which I differ from the clause of the original Bill is with regard to the Government lands and occupied lands which have not been receiving water for the last 20 years. Both kinds of lands I want to treat on a par, but I think the reason of opposition from the Government side to this suggestion is simply because I believe that the figures that have been given to us show that the occupied lands which have not been receiving water for the last 20 years are not 36 lakhs of acres, but out of this 36 lakhs of acres a good portion of the land has been receiving water also, and it suits Government to include even such lands in the area which has not been receiving water according to their calculations since 1911. I do feel—rather I am certain—that this amendment will meet with the fate so many other amendments have met with in

[Mr. Shaikh Abdul Majid]

this honourable House, but before I resume my seat, I deem it my duty to inform Government that the changes contemplated by them are simply revolutionary and are bound to bring about agrarian discontent, which might lead to agrarian upheavals also.

The Honourable Sir GOVINDRAO PRADHAN: Mr. President, with regard to the amendment which has been brought before the House, I think I explained more than once as to why we are dividing the charges in the proportion of 1, 2 and 3. The honourable member from Karachi (Mr. Baloch) stated emphatically to the House that a lot of zamindars are going to be affected by this. But he forgot that any additional burden thrown upon the Government land for water-courses also reduces the price of that land. Supposing the price of a particular piece of land is Rs. 100, then if the burden thrown upon it is 1x, then the price which the purchaser will pay for it is 100 minus 1x; if you make that burden 2x, then the price which the purchaser will pay is 100 minus 2x. That is, to the extent of 1x or 2x Government suffer in revenue. Government land, as I understand it, is roughly about 1,800,000 of acres; cultivated land, upon which the burden is to be only one share, is about 5,000,000 acres and private waste land is about 400,000 or 500,000 of acres, making a total of 7,300,000 acres. The proportion which the honourable member from Poona (Mr. Kamat) gave was a little inaccurate. If Rs. 3 is the basis, then in the proportion of 1, 3 and 3, the charges are 6½ annas, then Rs. 1-4-6 roughly for other acres. But that does not show the inequality of the division, because the attempt of the honourable mover is that 5,000,000 acres instead of being charged at 8 annas should be charged at 6½ annas; that is, an additional burden of 1½ annas multiplied by 5,000,000—because there are 5,000,000 acres—is to be thrown upon 2,200,000 or 2,300,000 acres. Then again, the inequality becomes enhanced when you find that private waste land is only 400,000 acres and Government waste land is 1,800,000 acres. So, more than four shares of this additional burden will be thrown upon Government land *plus* the additional charge of Rs. 1-4-0 or Rs. 1-4-6 that you are going to increase by this amendment. There are two objects in view in this amendment. The primary object is to benefit the persons who are already getting water. [Interruption.] That is exactly the reason. When we find—

Khan Bahadur ALLAHBAKSH: These are not the correct figures. We are only increasing the Government's share.

The Honourable Sir GOVINDRAO PRADHAN: You have not calculated the additional burden.

Khan Bahadur ALLAHBAKSH: We have.

The Honourable Sir GOVINDRAO PRADHAN: If private cultivated land which is 5,000,000 acres which is going to bear one share, if private waste land which is 400,000 to 500,000 acres, which is going to bear three shares of the burden, and if Government waste land which is 1,800,000 acres—

Mr. HAJI MIR MAHOMED BALOCH (Speaking in Urdu): The figure of 1,800,000 acres is not correct; I think 1,500,000 acres are Government waste land as 300,000 acres have been given away to fallow land claimants.

The Honourable Sir GOVINDRAO PRADHAN: I am explaining it as clearly as it lies in my power. When you divide the charges in the proportion of 1, 3 and 3, taking Rs. 3 as the basis, the charge for one share comes to 6 $\frac{1}{2}$ annas; if it is in the proportion of 1, 2 and 3, then it is 8 annas; that means that the charge on private lands which are now getting water and which are cultivated is to be reduced, according to the amendment, by 1 $\frac{1}{2}$ annas. But that is not all. As I said—and with the permission of the Chair I would repeat it—you have got to multiply it by 5,000,000, because these 5,000,000 acres are going to have a reduction in the water charges to the extent of 1 $\frac{1}{2}$ annas per acre, and this additional burden is to be thrown upon 2,200,000 or 2,300,000 acres. Over and above that, the amendment also proposes that where the select committee has fixed the charge at Re. 1 per acre, we should raise it to Rs. 1-4-6. But it is not merely raising it to Rs. 1-4-6, but the additional burden, which is lifted off these 5,000,000 acres, will be distributed upon these 2,200,000 acres, and that is a thing which the House ought to take into careful consideration. Government land will be considerably burdened by these additional charges, and what will be the result? The purchaser necessarily will pay less for it. The other day in reply to a question we said that twelve crores of rupees are expected to be realised from the sale of land, which would go to liquidate part of the Barrage debt, and if the calculation is made on the basis of the present amendment, the figure is reduced to ten crores of rupees. What is the result? The result is that the ratepayer loses two crores of rupees. As I said two or three days ago, you make these distinctions for two reasons. If Government land fetches more, then that additional value goes to all the ratepayers, but if any private person benefits, then the additional money goes into his pockets only. Government, as I say, is looking to the welfare of the ratepayers; naturally, whatever additional money they get goes back to the ratepayers, but the additional value which a private owner gets goes into his own coffers only. I make that clear now, and I have stated that the other day more than once. These are important reasons. That is the idea underlying the amendment—to reduce the burden upon the cultivated lands and to increase the burden upon the Government lands; not only in shares, not only in ratio, but the additional burden taken off these private lands is to be thrown upon Government lands. I therefore oppose the amendment.

Amendment to the amendment put and lost.

Amendment put and lost.

The Honourable the PRESIDENT: The next amendment standing in the name of the honourable member Mr. Surve is as follows:

In paragraph bearing No. 92 (4) (a), second sub-paragraph, so alter the sub-clause beginning with the words "shall be assessed to three times" and ending with "to twice the rates" as to read as follows:—

"shall be assessed to twice and Government land shall be assessed to three times the rates."

[The President]

Is that an attempt to benefit future purchasers of waste land ?

Mr. A. N. SURVE : No.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I have got my own objections to the amendment, but apart from that, I submit that this House did not even accept the proportion of 3 : 3 as between Government waste land and private waste land. The honourable member wants to change the proportion of 2 : 3 as between Government waste land and private waste land to 3 : 2, which is the other way, but the House has just decided that Government waste land should not bear the burden in equal proportion with private waste land. Of course, technically the honourable member may be right, but the amendment is absolutely wrong in principle.

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to move the following amendment which stands in my name :

In paragraph bearing No. 92 (4) (a), second sub-paragraph, so alter the sub-clause beginning with the words "shall be assessed to three times" and ending with "to twice the rates" as to read as follows :—

" Shall be assessed to twice and Government land shall be assessed to three times the rates."

Sir, as the clause stands, private waste lands are to bear thrice and Government waste lands twice the assessment. My submission is that the private landowners all belong to the Presidency and they require preferential treatment as compared with those who are to come hereafter as purchasers from Government of waste lands. On this point, you will see that Government make absolutely no secret about this fact, that the lands which they now hold are to be sold in the open market, and they are to be sold out even to persons who come from other Presidencies. This fact has been mentioned in the White Book on the Lloyd Barrage. There are these two points, that the land is to be sold in the open market, and that the purchaser may be an outsider. Now, as compared with the men who hold private waste lands, this man, who may be a new-comer an inhabitant of other Presidency, is treated in a better way, because the man who has been holding private waste land has been already paying Government some revenue in one form or another, whereas the total stranger to the Presidency has up till now not given a single pie, and he is going to get all the benefit which the men of the Presidency and Sind have been making ready for him. It is a pity that we have been enacting such provisions for the benefit of outsiders when part of our provincial revenue is being diverted ; though Sukkur Barrage is said to be a productive scheme, still money which really belongs to the Presidency and which ought to go to meet the demands of the Presidency including Sind is being diverted to the Barrage scheme which should be financed out of loans. Thus, Sir, by reason of the carrying out of the Barrage Project we are placed at a very great disadvantage. The nation-building departments are starved to provide money for the project. In this manner, Sir, we are made to suffer privations and may I ask in whose interests ? Is it not in the interests of the strangers who may come forward to purchase Government waste lands ? I fail to understand that if both lands are waste, why the lands of private owners should be made to bear three

[Mr. A. N. Surve]

times the cost whereas the Government land which is intended to be sold to those from outside the presidency should bear only twice the cost.

The other point is that this proportion is based on the cost per acre which is already given out for a very long time at Rs. 2. I am mentioning this because if the cost of construction increases, naturally the amount based on these proportions will also increase, and the burden on the landholders will increase *pro tanto*. Therefore I submit that the point whether the cost has been calculated up till now at Rs. 2 stands. So late as June 30th we were given to understand that the cost per acre of construction together with rectangulation was Rs. 2-8-0. Out of this amount the cost of rectangulation is Re. 0-8-0; therefore the cost of construction amounts to Rs. 2 per acre.

Mr. C. S. C. HARRISON: Subject to the remarks I made at the last session.

Mr. A. N. SURVE: Up to June 1930—

Mr. C. S. C. HARRISON: Up to June 1931.

Mr. A. N. SURVE: For a number of years people have been given to understand that the cost of construction was Rs. 2 per acre. It is not only we, but the Visveswaraya Committee was also given the same figure and its recommendation is based on that figure. I will read their recommendation. It is on page 30 of their report. They say:

"It is proposed to construct water-courses in all the new lands at the cost of the owner or occupier. There will be no difficulty in recovering Rs. 2. It..... owned by the owner."

Taking into consideration these words "there will be no difficulty in recovering the charge" and the further words, which are quoted in brackets "about Rs. 2 per acre," it is clear that that Committee relied on the figures supplied by Government officers. They say that this figure of Rs. 2 can be borne by the cultivator but the figure is now not Rs. 2 but it is increased to over double the amount, viz., Rs. 4 annas four. I think that the peasants will be hardly hit, by the reason that the old estimate has gone wrong. Therefore I submit that the owners of private waste lands who will be subject to this proportion should be treated very sympathetically. Otherwise you will be giving preference to an outsider, and neglecting the agriculturists who belong to this Presidency. For this reason I have moved this amendment and I trust the House will kindly accept it.

Question proposed.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): I rise to support this amendment moved by my honourable friend Mr. Surve. As it is, there are 15 lakhs of acres of Government and 3 lakhs of acres of private fallow waste lands. In the former amendment moved by my honourable friend Mr. Shaikh Abdul Majid he suggested a rate of 4 annas more for the cost of construction of Government waste lands which would entail on them a loss of Rs. 3½ lakhs. My honourable friend Mr. Surve suggests 8 annas which will come to 7½ lakhs. As we have seen in many auctions of Government,

[Mr. Haji Mir Mahomed Baloch]

in this case of the auction of Barrage lands, the prices will go up in auction and Government would not be put to any serious loss. I wish to draw the attention of honourable members, viz., Finance Member and the Chief Engineer who are fighting for a few lakhs of rupees that this loss of 7 lakhs is nothing when compared to the extraordinary loss they have incurred on the purchase of machinery for the Barrage which comes to 5 crores and 6 crores including dredgers, Railway plant, etc. These big losses are lost sight of by Government and they higgles for a paltry sum of 3 lakhs and 4 lakhs, particularly when these lands are going to be taken by big zamindars. I trust the House will carry the amendment.

Mr. A. N. SURVE : I have nothing more to say.

The Honourable Sir GOVINDRAO PRADHAN : I oppose it. I have already explained.

Question put and lost.

The Honourable the PRESIDENT : The next amendment on the list stands in the name of the honourable member the Chief Engineer. That must be in the hands of all honourable members who have been following the Bill. There is now submitted what is proposed to be an amendment to the amendment of the honourable member Mr. Harrison. To understand the position clearly, let me refer to the Chief Engineer's amendment. It reads :

In sub-section (4) of section 92—

(a) for clause (a) substitute the following, namely :—

"(a) The cost of constructing any such water-course shall, where the water-course is constructed by the canal-officer, be paid by the holder or holders of the land to be irrigated by it to the canal-officer. The canal-officer shall, on completion of the water-course, give to the holder or holders of land concerned notice thereof and of the sum payable by him or them on account of the cost of constructing the water-course. This sum shall, as far as possible, be calculated on an acreage basis."

Now the amendment placed in my hands this moment says :

After the words 'canal system' insert the following words.

But the words "canal system" are not to be found in Mr. Harrison's amendment. They appear in the original clause. Honourable members from Sind will, therefore, understand that what is now given in my hand is not an amendment to the amendment, but really an amendment to the original clause in the Bill. I had already indicated to the House, before we proceeded with the Bill, that amendments to the Bill would be received only up to that evening and not later. Amendments received up to that time were allowed, and subsequent notices of amendments were disallowed. I am therefore not inclined to allow this amendment to a clause of the Bill, unless the House, particularly the Sind members, wish me to do so at this late stage. Even if only the Sind members are not agreeable, I am ready not to allow it.

Khan Bahadur M. A. KHUHHRO : What is the amendment ?

The Honourable Sir GOVINDRAO PRADHAN : Now, the amendment proposed is—

In section 92 (4) (a), after the words 'canal system' insert the following, namely,

"shall be added to the estimated cost of the construction of all water-courses proposed to be constructed in that system but not yet constructed, and"

[Sir Govindrao Pradhan]

The Sind members will find that the cost of constructing water-courses is to be shared on an acreage basis, and the unit of calculation is the area watered by a particular canal system. Suppose there are one lakh of acres under a particular canal system, and out of this, water-courses are built only for 40,000 acres, and the construction of water-courses for the remaining 60,000 acres is postponed for ten or fifteen years. Now, as the Bill stands, until water-courses are completed for the remaining 60,000 acres, the canal-officer will not be able to apportion the cost falling on the owners of these 40,000 acres and will not be in a position to tell the owners what their share is. He will have to wait till water-courses are completed for all the remaining 60,000 acres. Meanwhile, the interest charges on the cost of the water-courses for the 40,000 acres will accumulate, and the zamindars will have to pay those interest charges when the canal-officer is in a position to tell them what their share of the burden is. The amendment now proposed to be moved seeks to rectify this position. Under this amendment, the canal-officer will calculate the share of the owners on the actual expenditure on the water-courses already completed and the estimated expenditure for the rest of the water-courses. He will then notify to the owner that the sum should be paid in so many instalments. If he is not in a position to do so, the zamindars will have to pay unnecessary interest charges. Supposing my honourable friend Sir Shah Nawaz Bhutto wants to pay the whole sum in one instalment, he can do so under the Bill; but how is he to pay it until we are in a position to tell him what his actual share is? To remove this hardship, this amendment has been proposed:

In section 92 (4) (a), after the words "canal system" insert the following, namely, "shall be added to the estimated cost of the construction of all water-courses proposed to be constructed in that system but not yet constructed."

I request honourable members to look into the copy of the Bill with them;—the amended clause will read:

"The cost of constructing all water-courses which have been constructed in whole or in part by the Canal-officer and are fed by the same canal system shall be added to the estimated cost of the construction of all water-courses proposed to be constructed in that system but not yet constructed, and shall be calculated on an acreage basis... etc."

Within a definite, short period, some water-courses will be ready; some water-courses will not be ready, but their estimates will be there. But in order to tell the zamindar what he has got to pay, the estimated cost of the remaining water-courses which are not yet constructed shall be taken as the basis for calculating and he will be told definitely what his share is. And he has got to pay certain rate of interest. It is in the interests of the zamindars that I think this amendment should be made.

Then in the same clause there is a further amendment. Through oversight we took the basis of 20 years; we omitted to mention the definite date. We want now to substitute the words and figures "between the first day of August 1911 and the 1st day of August 1931" wherever the words and figures "since the first day of August 1911" occur. Through oversight we only mentioned the beginning and omitted to mention the end of the period during which the land has not been cultivated. Then it was pointed out that some person may scratch

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his water-courses after 1st August 1931 or some person may construct water-courses after 2, 3 or 4 years and in that case nothing can be done. Therefore, in order to remove this defect this amendment has been proposed. That was the intention of the select committee, namely, that land which has not been cultivated between 1st of August 1911 and 1st of August 1931, should be considered as waste land. But as I said, through oversight, the date when the period is to end was omitted. I think it is really a formal amendment.

The Honourable the PRESIDENT: It is a fortification rather than a formal amendment.

The Honourable Sir GOVINDRAO PRADHAN: These are two amendments. Then the third amendment is that for the word "occupied" the word "cultivable" should be substituted. In the illustration the word "cultivable" has been used. If there are sandy deserts, they are not going to be included in the canal system.

The Honourable the PRESIDENT: Have honourable members understood the position clearly?

Khan Bahadur ALLAHBAKSH: There is one ambiguity. How are we to determine the estimated cost for the construction of all water-courses?

The Honourable Sir GOVINDRAO PRADHAN: According to the frame of the Bill, the costs are to be calculated upon acreage basis, that is, acres watered by the same canal system. So when there is a canal system you know how many acres will come under that canal system. And when you know how many acres are going to be watered by particular canals, the cost of these water-courses will be calculated per canal. The estimate must be made first, otherwise there cannot be any apportionment. The total cost of constructing water-courses through this area fed by a particular canal system will be estimated.

Sir SHAH NAWAZ BHUTTO: The objection is this: Suppose you provide Re. 1-4-0 per day as an estimated cost and you actually get the work done for 12 annas per day. Is there any provision to enable him to get the refund?

The Honourable Sir GOVINDRAO PRADHAN: Estimates or the revised estimates?

Khan Bahadur ALLAHBAKSH: It is like this: there will be certain water-courses which will be left out—

Mr. C. S. C. HARRISON: May I clarify the issue, Sir? I see the honourable member's difficulty. All water-courses are being estimated, whether they are to be constructed immediately or not. Supposing that the estimated cost of the work to be completed two years hence is Rs. 5 lakhs, what would be the *actual* cost of that work per acre is difficult for me to say, but we expect to complete all our estimates within the next two or three months and I think Government will give an undertaking that the cost will not exceed the average estimate for the other water-

[Mr. C. S. C. Harrison]

courses of the area, if that will remove the suspicions of my honourable friends. Further, if there is any excess over the estimate, I would ask Government to bear that small excess. That, I think, will remove any suspicions of the honourable members.

Khan Bahadur ALLAHBAKSH: There is a further ambiguity. According to the proposed amendment we have to pay according to estimates. Suppose the estimated cost of the Fuleli Canal system is 10 lakhs of rupees and when we actually start work it might cost Rs. 8 lakhs or it might cost Rs. 12 lakhs. Therefore what we wish is not to pay on the estimates but on the actuals. Whether it is more or less that is our luck. But we wish to pay on the actuals. Whatever water-courses are not constructed now, that also should be determined on the actuals now as estimates for the future water-courses.

Mr. C. S. C. HARRISON: That is what I said.

Mr. SHAIKH ABDUL MAJID: Sir, I cannot say what is the opinion of my honourable colleagues from Sind about this amendment—

The Honourable the PRESIDENT: I am not asking for individual opinion. Honourable members should decide whether they agree to allow the amendment or not.

Mr. SHAIKH ABDUL MAJID: I wish to state on behalf of myself that—

The Honourable the PRESIDENT: I would advise the honourable member to join the other honourable members in coming to a decision.

Sir SHAH NAWAZ BHUTTO: We must have some time to discuss this amendment between ourselves. There is some difficulty which we cannot solve offhand. For instance, if you have 400 water-courses and out of the lot 200 water-courses are got ready and they recover from us the average of actual cost that they have incurred on those 200 karias, there would be no difficulty at all.

The Honourable the PRESIDENT: But why allow the amendment at all?

Mr. C. S. C. HARRISON: There is a difficulty because you cannot strike the average rate till the whole work is done. That was our difficulty and it may also adversely affect personal interests.

The Honourable Sir GOVINDRAO PRADHAN: May I suggest that these amendments may be considered after the recess and in the meanwhile we can proceed with the next clause? That will save a lot of time. The honourable member the Legal Remembrancer's amendment may be kept over till after the recess.

Mr. C. S. C. HARRISON: Clauses (a) and (b), I think, may be kept over. The amendment to clause (c) may be taken up now.

Mr. B. S. KAMAT: I have an amendment to that, but it hangs on Mr. Harrison's amendment.

The Honourable Sir GOVINDRAO PRADHAN: I want to bring to the notice of the House one fact. The honourable member Khan Bahadur Allahbaksh and others stated that sub-clause (b) with the illustration did not commend itself to them. I gave them a promise in the select committee that if they moved an amendment Government would not oppose it. It was actually inserted at the request of the Advisory Committee that when a zamindar was ready to put up his own karias, then he must have the option to do so. That was accepted on the previous day. Then next day it was suggested that no option should be given and all karias should be constructed by Government. I told Khan Bahadur Allahbaksh that if it was the desire of the Sind members not to have this provision then they might move an amendment in the open House and Government would have no objection. They have not moved an amendment—

Mr. B. S. KAMAT: I have moved one. It seems that the honourable member Mr. Harrison is also moving a similar amendment and if he moves his own, my amendment need not come up.

The Honourable the PRESIDENT: We will go to clause 4 (c).

SYED MIRAN MAHOMED SHAH (Hyderabad District): I move that—

In section 92, clause (4) (c), line 215, for the words "by not more than," substitute the words "in equal."

My object in moving this amendment is that the instalments should be equally divided into annual instalments.

Mr. C. S. C. HARRISON: Equated payments?

SYED MIRAN MAHOMED SHAH: Yes.

The Honourable Sir GOVINDRAO PRADHAN: Supposing a man wants to pay off earlier?

SYED MIRAN MAHOMED SHAH: Nobody can prevent him from paying off the dues earlier. But there should be provision for 20 annual instalments. Now you have vested the discretion in the canal officer to spread the payment in "not more than" 20 instalments. So he can spread it over 20 years or less than that if he likes. Therefore my purpose is that there should be provision for 20 equal annual instalments. If a man wants to pay off early, there is nothing to prevent him.

The Honourable the PRESIDENT: The interest would fall on the man who takes 20 instalments?

SYED MIRAN MAHOMED SHAH: Yes, Sir.

The Honourable Sir GOVINDRAO PRADHAN: I think there is a proviso which has been tabled by the honourable member Mr. Harrison that no instalment shall be less than five rupees. The minimum shall be five rupees. If the honourable member accepts that, I will have no objection. Otherwise, supposing a man has got 55, are we to take four annas from him? Equal instalments would mean equated instalments, because they will include interest. The amendment should therefore be "in equal equated instalments." What was the idea when we discussed it? We first wanted equated instalments. The other

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side said, "No, for the first year we shall pay all the interest charges *plus* a portion of the cost. That will reduce the interest charges. Then apportion the cost." I myself said "You can have equated instalments." but equated instalments include the interest as in every other case. So, if the honourable member desires that there should be equal equated instalments, I have no objection but with the proviso that the instalment shall not be less than five rupees per year. I understand that the honourable member's desire is that the discretion given to the canal officer to reduce the number of instalments should not be there. So, if anybody wants 20 instalments, he must get them and there should be no discretion left with the canal officer to reduce the number of years. I will not object to that. but then the words will be "shall be permitted to pay the sum due by 20 equated annual instalments provided that each instalment shall not be less than five rupees."

SYED MIRAN MAHOMED SHAH: I agree to that.

The Honourable the PRESIDENT: The amendment proposed by agreement is this:

"In section 92 (4) (c), in line 215, omit the words 'not more than' and add before the word 'twenty' the word 'in' and after the word 'twenty' the words 'equated annual instalments provided that no such instalment shall be less than five rupees per year calculated with interest at such rate as may be fixed but not exceeding, etc., etc.'"

Would the honourable member move that?

The Honourable Sir GOVINDRAO PRADHAN: When we make equated instalments, the words "together with interest" are redundant because "equated" includes interest. You may therefore omit the words "calculated with interest" because interest is already there. You do not want to pay double.

SYED MIRAN MAHOMED SHAH: I accept that alteration, Sir.

The Honourable the PRESIDENT: The proviso that is contained in the amendment of the honourable member Mr. Harrison will not in that case be moved later on. Does the honourable member from Hyderabad follow me?

SYED MIRAN MAHOMED SHAH: Yes, Sir.

The Honourable the PRESIDENT: The amendment moved by the honourable member is that the words "not more than" shall be omitted and the words "in twenty equated annual instalments calculated with interest at such rate as may be fixed by Government provided that no such instalment shall be less than five rupees—"

The Honourable Sir GOVINDRAO PRADHAN: If we pay a higher rate, we shall not ask for it because equated instalments mean that interest is already fixed. Whatever rate of interest we charge under the Agriculturists' Loans Act will be the basis.

SYED MIRAN MAHOMED SHAH: I see.

Sir SHAH NAWAZ BHUTTO: We understand that you will charge us a rate of interest which you give to the Government of India. Is that so?

The Honourable Sir GOVINDRAO PRADHAN : The rate of interest we pay to the Government of India always varies.

Sir SHAH NAWAZ BHUTTO : That does not matter.

The Honourable Sir GOVINDRAO PRADHAN : In the case of equated instalments, the interest is already fixed. How can that be altered afterwards ? What we said was that the rate of interest would be that which we pay to the Government of India, but that rate always varies.

Mr. B. S. KAMAT : I think that there is some misunderstanding. What we understood in the select committee—

The Honourable the PRESIDENT : If the honourable member accepts it, I think what can be done not to complicate matters at present is to add these few words and add the proviso at the end of sub-clause (c). After we dispose of that, when the honourable member Mr. Harrison rises to propose his amendment regarding the interest on the basis of the Agriculturists' Loans Act, then the honourable member may reduce that to the—

Mr. B. S. KAMAT : If we accept this sub-clause, we do not agree to the rate of interest that Government will charge.

The Honourable the PRESIDENT : The sub-clause is not being put. The amendment before the House is this :

Omit the words, in line 215, "by not more than" and add the words, after the words "sum due", "in twenty equated annual instalments calculated with interest at such rate, etc., etc." Add a proviso at the end of sub-clause (c) "provided that no such instalment shall be less than five rupees."

Khan Bahadur ALLAHBAKSH : Originally it was decided that we should pay equal instalments.

The Honourable the PRESIDENT : That is coming.

Khan Bahadur ALLAHBAKSH : In the select committee we decided that we should pay in twenty equal instalments and the interest was to be calculated every year. This means that we are to pay compound interest. The second thing is the interest which the Government of Bombay pays to the Government of India might vary and in that case we do not get the benefit of that. I think that is what the Honourable the Finance Member gave us to understand.

The Honourable Sir GOVINDRAO PRADHAN : That rate always varies.

Khan Bahadur ALLAHBAKSH : That is our luck, we take that risk.

Mr. C. S. C. HARRISON : I would explain, Sir, that in the interests of the Sind zamindars themselves the honourable member's suggestion is dangerous. I will give an example. Within three or four years we shall strike an acreage basis. That will be struck on the rate of interest which may then be more than 7 per cent. This year it is 6½ per cent. So it is in the interest of the honourable members to have equated payments. I am afraid my honourable friend does not understand the question of equated payments. It certainly is not in the interest of the zamindars not to accept equated instalments. In the next four or five years the rate of interest is not likely to go down and therefore they have got nothing to gain by relying on luck, as the honourable member suggests.

The Honourable Sir GOVINDRAO PRADHAN : If you pay all the interest charges this year and all the interest on the balance next year, is not that paying compound interest ? I am quite prepared to stick to the original arrangement. But if you want equated instalments, equated instalment means that the interest is calculated beforehand upon a fixed rate. But if you think that there will be equal instalments and that you are going to pay the whole of the interest upon the whole sum, for the first year *plus* the instalment and the interest upon the whole of the balance the next year *plus* the instalment, it means you are paying compound interest. Because, supposing the whole amount is Rs. 200, and the instalment is only Rs. 10 per year (20 equal instalments) the first year you pay Rs. 12 interest *plus* 10, second year Rs. 12 interest upon 200 *plus* 10 instalment—

Khan Bahadur ALLAHBAKSH : No, in the second year we pay interest on 190 *plus* 10, and in the third year we pay interest on 180 *plus* 10.

The Honourable Sir GOVINDRAO PRADHAN : Equated instalment means the same thing. You can go to any mathematician and ask him and he will tell you that the interest is calculated on the same basis. If the honourable members want equated instalments, I have no objection. I am willing to keep the matter open to them. We understand it to mean the first instalment, then interest upon the balance *plus* instalment, and so on.

Khan Bahadur M. A. KHUHRO : Why do you not fix the interest at 6 per cent. ?

The Honourable Sir GOVINDRAO PRADHAN : Because we ourselves pay $6\frac{1}{2}$ per cent.

SYED MIRAN MAHOMED SHAH : The amendment which I originally proposed will make the thing clear.

The Honourable Sir GOVINDRAO PRADHAN : I have stated what I have got to say.

SYED MIRAN MAHOMED SHAH : I wish to make my honourable friend understand my view-point. What will be the difficulty if you accept my amendment to substitute the words "in equal" instead of the words "not more than" ? Let the rate of interest be calculated according to the arrangement made in the select committee.

The Honourable Sir GOVINDRAO PRADHAN : I would like to add half a dozen other words.

The Honourable the PRESIDENT : Would the honourable member wish me to put his original amendment to the House ?

The Honourable Sir GOVINDRAO PRADHAN : I think, Sir, that they do not know their own mind.

SYED MIRAN MAHOMED SHAH : Let my amendment be put to the vote, Sir.

The Honourable Sir GOVINDRAO PRADHAN : I am not able to understand what they want.

The Honourable the PRESIDENT: The first amendment I put to the House is as follows:

In clause 4, section 92 (4) (c) for the words "by not more than" substitute the word "in" and insert the word "equal" between the words "twenty" and "annual".

Question put and carried.

The Honourable the PRESIDENT: The next amendment is as follows:

In clause 4, section 92 (4) (c) add at the end the following proviso:—

"Provided that no such instalment shall be less than five rupees."

Question put and carried.

The Honourable the PRESIDENT: There are two matters now to be considered, the rate of interest as suggested by the honourable member Mr. Kamat and the words of the amendment proposed by the honourable member Mr. Harrison; that is one matter. The other matter is what we have left over regarding the previous clause. It has to be considered by honourable members as to whether the fresh amendment introduced to-day should be allowed or not. They have to make up their minds definitely, and the House when it re-assembles after tea will consider that as the first thing.

(After recess.)

The Honourable the PRESIDENT: Taking the clause we had in hand, clause 4 (c), there is an amendment by the honourable member Mir Bandeh Ali Khan Talpur.

MIR BANDEH ALI KHAN TALPUR: I do not move it, Sir.

Mr. C. S. C. HARRISON: Sir, I beg to move the following amendment:

"In sub-clause 4 (c) for the words 'payable by Government on its own borrowings on the date on' substitute the words 'fixed by Government in respect of loans granted under the Agriculturists' Loans Act, 1884, in the year in'."

Now, Sir, my reasons are that the words "payable by Government on its own borrowings" involve loose phraseology. Government at the present moment are paying interests on many sorts of loans. If we go back to periods between 1902 and 1910, Government have borrowed money for irrigation in the Deccan for instance at 3½ per cent. Since then they have borrowed at various rates of interest—at 4 per cent., at 5½ per cent. and at 6 per cent.—so that the phrase "payable by Government on its borrowings" is very loose. Government loans raised this year bear 6½ per cent. So, some definition is required. I put it to the House that the amendment proposed by me limits the scope. I suggest interest on the basis of the Act XII of 1884, because it covers takkavi loans. The alternative to that is to fix a definite rate of interest. In fixing that definite interest we must be careful to see that Government do not lose on the transaction. We are at present borrowing at the rate of 6½ per cent. Last year we borrowed at the rate of 6 per cent. We started last year the construction of the water-courses and therefore several have been constructed with funds borrowed at the rate of 6 per cent. This year we are constructing water-courses with funds borrowed at 6½ per cent. I am not in a position to say what we will have to pay next year. It certainly will not be less than 6½ per cent. If the House

: [Mr. C. S. C. Harrison].

is not prepared to accept the amendment I have proposed, a definite rate of interest will have to be fixed and it cannot be less than $6\frac{1}{2}$ per cent. I do not know whether the Honourable the Finance Member will agree with my suggestion. It is my personal opinion. I trust there will be no objection to the amendment I have proposed.

I would explain one point to remove any suspicion on the question of calculating the interest. If we make the bill for the cost of construction on an acreage basis, we shall have to take the mean expenditure (and interest) of probably three years. The water-courses were begun to be constructed last year and this year the construction is proceeding; next year also the construction of water-courses will continue. While charging the cost of construction on an acreage basis we will take the average of the rates of interest for the years of actual construction of the water-courses. If that is agreeable to honourable members, I have nothing more to say.

Question proposed.

Rao Bahadur G. V. PRADHAN : On a point of information. Is it a fact that Government charge half a per cent. more than the rate at which they borrow in a particular year when they give loans ?

Mr. C. S. C. HARRISON : I think it is correct. I do not think I need go further than say that in spite of the fact that Government are charging half a per cent. more they are losing.

The Honourable Sir GOVINDRAO PRADHAN : Sir, we give several kinds of loans, namely, to co-operative societies, by way of tagavi and so on. The Government of India while giving a loan charge $\frac{1}{4}$ th per cent. more to us perhaps for the establishment charges. We have to charge $\frac{1}{4}$ th per cent. more for covering our expenses. In spite of the fact that we charge half a per cent. more, we are losing on every loan we give, whether tagavi, or development or any other loan. If there is to be any fixed rate, then it will vary every year. This year we pay $6\frac{1}{4}$ per cent.; next year we may have to pay $6\frac{1}{2}$ per cent. So, $6\frac{1}{2}$ per cent. will be the least we can fix.

Mr. B. S. KAMAT : The point is more or less one of keeping up faith. Whatever assurance was given by Government in the select committee should be kept up. If there is a difference here and there in the interest, I do not think it desirable as a matter of public policy for Government to go back on the assurance they gave to the members of the select committee. I do think that Government charge a little more under the Agriculturists' Loans Act than the rate of their own borrowings. The undertaking given by them to the members of the select committee and the members from Sind was that they would charge the same rate of their borrowing from the Government of India. I think it is much better to stick to the promise given by them.

That is with reference to the rate of interest. If the honourable member the Chief Engineer has moved the amendment as a whole, I shall have to make some comments.

The Honourable the PRESIDENT: The honourable member Mr. Harrison moved the amendment with regard to interest only.

Mr. B. S. KAMAT: If you are on sub-clause (c), I have nothing to say.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, the select committee decided that Government should not charge anything more than whatever interest Government pay on their borrowings. At that time there were various amendments moved by members from Sind who were on the committee. As a sort of compromise, it was afterwards decided that Government should not charge more than the rate they pay. The Honourable the Finance Member suggested that this should be so. Besides, the construction of the water-courses is being considered by Government as part of the Barrage scheme. Therefore, it was decided that whatever rate of interest they pay on their borrowing they should charge to the owners of land whose water-courses should be constructed. I think the amendment moved by the honourable member the Chief Engineer to put in the words "Agriculturists' Loans Act" is vague. If his amendment is accepted the interest will be slightly more and besides we will have no guarantee as to the reasonable charge. There was an amendment in the name of my honourable friend Mir Talpur to charge no interest at all. That was not moved in view of what happened in the select committee and in order to maintain the compromise. We hope the Honourable the Finance Member will not go back on the promise he gave to the select committee.

The Honourable Sir GOVINDRAO PRADHAN: I am not going behind what I said in the select committee. I am prepared to keep the clause as it is. If they want to fix the rate we will fix it at $6\frac{1}{2}$ per cent.

Mr. B. S. KAMAT: It may go down to 5 per cent.

The Honourable Sir GOVINDRAO PRADHAN: No question of future arises. The water-courses will be completed in a couple of years; at any rate they will be completed before 1933. If you want to keep the section as it is, I have no objection.

Mr. C. S. C. HARRISON: The wording of the section as it stands is very loose. It may adversely affect the zamindars as well as Government. I am trying by this amendment to avoid any subsequent trouble. Under the Agriculturists' Loans Act half per cent. is added. If you so desire you may add the words "half per cent. less than".

Khan Bahadur M. A. KHUHRO: We may accept the clause as it is.

The Honourable Sir GOVINDRAO PRADHAN: We have not got one loan. We have got several loans.

Rao Bahadur R. R. KALE: I do agree that the rate of interest should be fixed at the initial stage, because the rate at which Government borrow may vary from year to year. Therefore, the proposal of the honourable member the Chief Engineer, namely, to fix the rate at half per cent. less than what is charged under the Agriculturists' Loans Act, may be accepted.

Sir SHAH NAWAZ BHUTTO: Does the Honourable Member intend to go back upon his promise given to us?

The Honourable Sir GOVINDRAO PRADHAN: No; but we have different rates for different loans.

Sir SHAH NAWAZ BHUTTO: Say then "the rate of interest paid on the Barrage loans."

Mr. C. S. C. HARRISON: There seems to be a simple way. If it can be drafted as an amendment to my amendment, I think Government will raise no difficulty. I have brought in my amendment simply to fix the rate.

The Honourable the PRESIDENT: Now, the question is whether honourable members from Sind are willing to let the clause remain as it is or accept this alteration—"half a per cent. less than that charged for loans under the Agriculturists' Loans Act."

Khan Bahadur M. A. KHUHHRO: We are in favour of the clause as it stands.

Mr. C. S. C. HARRISON: I do not see how the House can accept it in the interests of the Sind zamindars themselves, because, as I have pointed out, there are many varying rates of interest for Government loans.

The Honourable the PRESIDENT: The House sees that there is some difference between the Honourable Member in charge of the Bill and the honourable member the Chief Engineer. The Honourable Member in charge did now actually state that he was willing to let the clause stand as it was, and I suppose that the other side of the House would like to hold him to that.

Sardar Davar T. K. MODI: Sir, may I know if the rules of debate have been suspended and the House is sitting in Committee?

The Honourable the PRESIDENT: If the honourable member wishes to speak on the subject, he may do so.

Sardar Davar T. K. MODI: I do not wish to speak, but an Honourable Member has already spoken several times.

Mr. B. S. KAMAT: Sir, the Sind members want to stick to the original wording.

The Honourable the PRESIDENT: Is the honourable member the Chief Engineer going to withdraw his amendment?

Mr. C. S. C. HARRISON: Yes, I desire to withdraw my amendment. Amendment, by leave, withdrawn.

The Honourable the PRESIDENT: We have now to go back. There is the amendment to the original clause by the honourable member the Remembrancer of Legal Affairs. I want to know whether the House would wish it to be moved. If the House is not agreeable, then, as I have already ruled, that amendment will not be allowed.

Khan Bahadur ALLAHBAKSH: Sir, I understood that the honourable member the Chief Engineer would not move his amendment if the amendment proposed by the honourable member the Legal Remembrancer was accepted.

Mr. C. S. C. HARRISON: Sir, I understood that the honourable members from Sind were agreeable to the amendment proposed by the honourable member the Legal Remembrancer, if the words "estimated cost" were defined.

Khan Bahadur ALLAHBAKSH: Is the honourable member the Chief Engineer agreeable to "estimated cost" being defined as the average cost of such water-courses as are already constructed?

Mr. C. S. C. HARRISON: Yes, with a slight alteration, which, as I shall explain, will be slightly in favour of the Sind zamindars. Our rates are falling slightly. The average cost of construction of water-courses already constructed will be slightly higher than the average cost of construction of water-courses completed up to March next. Therefore, I suggest that the wording should be "average cost of construction of water-courses constructed up to the end of March 1932."

The Honourable the PRESIDENT: Then, the honourable member (Mr. Harrison) is not proposing his amendment?

Mr. C. S. C. HARRISON: If that is agreed to, I am not proposing my amendment.

The Honourable the PRESIDENT: Then, we will take up the second amendment, that is, the amendment to the original Bill. Is it the wish of the House that the honourable member may move it? [After a pause.] As no one objects, the honourable member the Legal Remembrancer may move it.

Mr. A. S. R. MACKLIN: Sir, I move—

After the words "canal system" appearing in sub-section 4 (a), the words—

"shall be added to the estimated cost of the construction of all water-courses proposed to be constructed for that system but not yet constructed, and" be added.

The necessity for this has already been explained.

Question proposed.

Khan Bahadur ALLAHBAKSH: Sir, my first amendment is:

Insert the word "remaining" between the words "all" and "water-courses" in the amendment proposed.

The second amendment is:

Add a proviso at the end—

"For the purposes of this section, estimated cost shall be arrived at by reckoning the average cost of such water-courses as are constructed up to 31st March 1932."

The Honourable the PRESIDENT: The honourable member for Sukkur District (Khan Bahadur Allahbaksh) proposes two amendments to the amendment that is before the House, or rather one is an amendment to this amendment and the other is a separate proviso by itself. The first amendment is:

In the proposed amendment, after the word "all" add the word "remaining."

Then, after all the amendments of the honourable member the Legal Remembrancer have been gone through, he wants to add an explanation which reads thus:

For the purposes of this section "estimated cost" shall be arrived at by reckoning the average cost of such water-courses as are constructed up to 31st March 1932.

[The President]

Now I will put the first amendment to the House.

Question put and carried.

Original (Mr. Macklin's) amendment, as amended, put and carried."

Mr. A. S. R. MACKLIN: Sir, I move—

In section 92, clause (4) (a) and in the illustration thereto, for the words and figures "since the first day of August 1911", wherever they occur, the words and figures "between the first day of August 1911 and the first day of August 1931" shall be substituted.

The necessity for this amendment has been explained by the honourable member the Chief Engineer.

Question put and carried.

Mr. A. S. R. MACKLIN: Sir, I move—

After the word "occupied" where it occurs for the first time in sub-section (4) (a), the word "cultivable" shall be added; and
after the word "Government" in the top line of page 6 of the Bill the word "cultivable" shall be added.

The Honourable Sir GOVINDRAO PRADHAN: As the Bill was drafted in a great hurry, the word was omitted through oversight.

The Honourable the PRESIDENT: Are the two amendments merged into one?

Mr. A. S. R. MACKLIN: I do not quite follow.

The Honourable the PRESIDENT: The honourable member first proposed to insert the word "cultivable" after the word "occupied" and in the same breath he went further and proposed to insert the word "cultivable" after the word "Government" also. I suppose the two go together.

Mr. A. S. R. MACKLIN: That can be done now; although it was not the original intention, it is the best course.

The Honourable the PRESIDENT: The amendment proposed is:

After the word "occupied" where it occurs for the first time (line 136), the word "cultivable" shall be added; and
after the word "Government" in line 138 the word "cultivable" shall be added.

Question put and carried.

Khan Bahadur ALLAHBAKSH: Then the explanation that I have proposed comes in.

The Honourable the PRESIDENT: The Explanation reads thus:

"For the purposes of this section 'estimated cost' shall be arrived at by reckoning the average cost of such water-courses as are constructed up to 31st March 1932."

Question put and carried.

Mr. A. S. R. MACKLIN: I have a proviso to add after this Explanation. It reads thus:

"Provided that Government shall, by notification, define, for the purposes of this sub-section, the several canal systems."

That will make it perfectly clear what exactly is meant by "canal system". That expression has always been in doubt.

Question proposed.

Khan Bahadur M. A. KHUHRO: What is the object?

Mr. C. S. C. HARRISON : The object is to make it clear. The phraseology is loose in so far as it relates to the Eastern Nara system, because under that system you have the Jamrao which is a separate system, the Mithrao which is a separate system, the Kipro Canal, the Hiral, the Thar and the right bank Hiral distributary which is a separate system. So for the purpose of removing ambiguity and hardship, I think Government should declare what the different systems are in that proviso.

Khan Bahadur ALLAHBAKSH : The canal systems are already defined. Each canal is a system by itself. If the object of the honourable member is to make a smaller unit than the existing canal system, then I certainly object to that. Already we have centralised canal system, the north-west perennial canal system, the Eastern Nara Canal system and the Rohri Canal system and then there is the fifth Canal system. These are the five canal systems and these will be taken as the units.

Mr. C. S. C. HARRISON : What about the Mithrao and the Kipro and Hiral Canals ?

Khan Bahadur ALLAHBAKSH : They come in the Eastern Nara Canal system. We do not wish that the Eastern Nara Canal system should be divided into various minor canal systems. To this we object. Therefore, we suggest that the canal systems may be defined as these five canal systems and no more.

Khan Bahadur M. A. KHUARO (Larkana District) : Sir, in the select committee the honourable member the Chief Engineer himself said that there are only five canal systems in Sind and that the canal systems are clear and defined and therefore he said that each canal system would be taken as a separate unit for the purpose of calculation. Of course, if there is going to be any change made now or if there is going to be left any loophole like this, at any later stage by a notification in the *Bombay Government Gazette*, the definition of the canal systems may be changed. I think this is creating genuine apprehensions because we understood that each canal system would be taken separately, and now, as I understand from the speech of the honourable member the Chief Engineer, he intends to break up the Eastern Nara Canal system into four or five smaller units. We stand to lose because by this formula of 1 : 2 : 3 proportion, I am afraid some of the lands which are now cultivated may stand to lose and they may have to pay more. The real object of giving benefit to them may not be derived. I think, Sir, that the honourable member the Chief Engineer's fear that there will be ambiguity is unfounded. The select committee's suggestions for recognising only the five systems came from him alone and we stick to the suggestions which he himself made.

Mr. C. S. C. HARRISON : Sir, I think I ought to correct the honourable member's interpretation of what took place in the select committee. I said that this difficulty was arising since the term "canal system" was used somewhat loosely and therefore I say that the situation should be clarified by Government making a notification. It is unnecessary to put it in the body of this Bill, and I am sure the honourable

[Mr. C. S. C. Harrison]

member will withdraw his objection. I will give the instance of the Thar Canal System. Only a small area on that system is to be remodelled, requiring small expenditure and changes.

In the other case, let us look at the Jamrao Canal System from the point of view of equity. On the Jamrao Canal System, we propose to do nothing so far as the old system is concerned, absolutely nothing that will be a charge on the zamindars. We have got to raise the main canal and some of the distributaries, which is purely a Government charge, but we are tacking on to the Jamrao Canal System the small area which is known as the Shahu-Wah area which used to be served by water from the tail of the Marak Canal. That area can be better irrigated from the Jamrao and therefore we are tacking a small area of something like 1½ lakhs on to the Jamrao Canal. There is no justification for Government to charge all the zamindars of the Jamrao Canal for this.

Khan Bahadur ALLAHBAKSH: How many canal systems?

Mr. C. S. C. HARRISON: There will be about 12.

Khan Bahadur ALLAHBAKSH: Define them.

Mr. C. S. C. HARRISON: I do not think that it is necessary to define them in this Bill.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I think that if we are to permit the course suggested by the honourable member the Chief Engineer, there will be no end to the trouble that may follow hereafter. So far as we understood in the select committee, the honourable member the Chief Engineer gave us to understand that the object of the bill was to widen the scope of calculation pursuant to that idea and in my honourable friend Mr. Shaikh Abdul Majid has moved an amendment that the entire project should be taken as a unit. We aim at widening the scope of the unit, not dissecting it and making smaller units. The honourable member the Chief Engineer has been pointing out the benefits which will accrue to certain people, but then there will be losses to other people, which losses also should be taken into consideration and we should remember that his suggestion will cause hardship and loss to the greater number. If we dissect and make smaller units, that will be detrimental to many people. We should therefore stick to the five well defined, well-known units and not the smaller systems like Hiral, Jamrao and other smaller canal systems. The first thing we should bear in mind is that while it may benefit some people, it will surely injure the greater portion of the zamindars.

Sir SHAH NAWAZ BHUTTO (Larkana District): Sir, the fact is that in the select committee this question was left to us, the representatives of Sind, and that we proposed that the whole barrage zone should be one barrage system. Even then no objection was raised. It was certainly after some discussion that we arrived at an understanding that it would be rather difficult to distribute the cost fairly to all concerned if units are not smaller than canal system was suggested and not piecemeal. I cannot understand why at every stage effort is made to go behind what we had already decided in the select committee.

Mr. B. S. KAMAT : Sir, some of my honourable friends from Sind are asking me to refresh my memory and to say what happened in the select committee.

The Honourable the PRESIDENT : The point is not what happened in the select committee, but the present motion.

Mr. B. S. KAMAT : I believe the honourable member the Chief Engineer was proposing to reduce the unit from one complete barrage system into several smaller canal systems. The proposal of my Sind friends was to make the barrage system one whole unit. That unit the honourable member Mr. Harrison wanted to cut up into smaller units. When he proposed the several canal systems, we had pinned him down to a smaller unit, but whether to five or six—

Mr. C. S. C. HARRISON : No, I did not. It has never been done by me.

Mr. B. S. KAMAT : I say I cannot remember the exact number, but I think the honourable member the Chief Engineer now wants to increase the number to much more by having several smaller units within each canal system. That was not the understanding arrived at in the select committee.

The Honourable the PRESIDENT : Has the honourable mover of the amendment anything to say ?

Mr. A. S. R. MACKLIN : No. I have nothing more to add.

The Honourable the PRESIDENT : The amendment before the House is :

"Provided that Government shall by notification define for the purposes of this sub-section on the several canal systems."

Question put and lost.

Mr. A. S. R. MACKLIN : Sir, I have to move one more amendment. It runs as follows :

In paragraph 1 of the Illustration to sub-section 4 (a) of the proposed new section 92, for the words "constructed by the Canal-officer at a" substitute the words "or will be constructed by the Canal-officer at an actual or estimated."

This is purely a consequential amendment.

Question put and carried.

Mr. B. S. KAMAT : I beg to move the following amendment :

"In clause 4, section 92 (4) (b), omit the Illustration."

I have given my reasons in my dissenting minute in the report of the select committee. I think the illustration is redundant. It only overburdens the whole clause. I move that it should be entirely deleted.

Question proposed.

Khan Bahadur M. A. KHUHHO (Larkana District) : Sir, although it will not make much difference whether the illustration in section 92 (4) (b) exists or not, the only thing is that if it exists it will facilitate matters for the canal officer in the matter of calculation, and it will be easy for everybody to understand. Otherwise, the canal officer might put a different meaning on it. The illustration makes things simpler. That is the point. The only argument advanced by the honourable member Mr. Kamat is that it overburdens the clause. So just for the

[Khan Bahadur M. A. Khuhro]

sake of saving space it is not proper to take the risk. I therefore hope that the honourable member Mr. Kamat will withdraw his amendment.

Khan Bahadur ALLAHBAKSH: Sir, in the select committee the Honourable the Finance Member gave us to understand, in regard to the option given to a zamindar to construct his own water-course, that we could delete it if we objected to it. I want to omit the proviso to section 92 (1), which reads as follows:

"Provided that if the holder or holders of such land agree to construct such new water-courses....."

The Honourable Sir GOVINDRAO PRADHAN: There is no such amendment.

The Honourable the PRESIDENT: The honourable member is talking on some amendment which has not been tabled.

Khan Bahadur ALLAHBAKSH: I am coming to that, Sir.

The Honourable the PRESIDENT: Coming to what?

Khan Bahadur ALLAHBAKSH: Coming to the amendment of the honourable member Mr. Kamat. If the option given to the zamindar to construct his own water-course is taken away, the illustration in section 92 (4) (b) will not be necessary. It is necessary only when the option is given to the zamindar to construct his own water-course. Therefore, Sir, I move an amendment with your permission, and the Honourable the Finance Member agrees to it.

The Honourable the PRESIDENT: To which part does the honourable member want to move his amendment?

Khan Bahadur ALLAHBAKSH: To section 92 (1).

The Honourable the PRESIDENT: That was over long ago.

The Honourable Sir GOVINDRAO PRADHAN: Sir, I accept the amendment moved by the honourable member Mr. Kamat.

SYED MIRAN MAHOMED SHAH: May I request the honourable mover of the amendment to explain properly the purpose of his amendment? He has merely said that it makes the section cumbrous.

The Honourable the PRESIDENT: That is his look-out, and it is up to the House to vote it down or support it.

Question put and carried.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I beg to move the following amendment:

In clause 4, section 92 (5), Explanation, omit the words "and of such preliminary survey operations as are necessary for such alignment, but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation."

Sir, this is a matter on which we have raised our objection at the time of the first reading of the Bill, and honourable members of this House are well aware that Government have adopted an uncompromising attitude on this matter. Even then in the select committee we deliberated on the remaining provisions of the Bill.

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On this matter, I should like to inform honourable members that not only have the people got objection to paying the cost of rectangulation which has been put into this Bill, but even to the rectangulation itself. Government are well aware of it, and for the information of the non-official members of this House I would like to inform them that Government have, by various means, been inducing the zamindars to accept the system of rectangulation, because there is no provision by which they can compel the zamindars to adopt the system of rectangulation. By the insertion of the words which I am proposing to omit they want the zamindars to accept the rectangulation system, to the very principle of which they have got objection. From the trend of discussion that has gone on in this House, honourable members must have known that there are certain tracts in which rectangulation is impossible, according to the opinion of expert zamindars. So, if it is undertaken in such places, it will involve the zamindars in unnecessary cost, since the cost of rectangulation as well as the water-courses is to be paid by the owners of the water-courses and the owners of the lands that are irrigated at present although they get a sufficient quantity of water.

Now, Sir, this rectangulation was not contemplated in the beginning when this scheme was brought for the sanction of the honourable House in the year 1923. If you refer to page 5 of the White Book on the Lloyd Barrage, it will be clear that what I am saying is true. This is what the White Book says:

"The original project as sanctioned by the Secretary of State did not provide for the rectangulation or square survey of the area, but in May 1926 Government decided, as a result of a conference of Irrigation and Revenue officials held by the Commissioner in Sind that, in order to secure proper distribution of water and facilitate the alignment of water-courses, it was necessary to have the area rectangulated as far as possible, and arrangements were made for the rectangulation work to be commenced by the Survey Department of India in the ensuing cold weather."

So that, honourable members will be able to understand that it was not within the contemplation of those responsible for the preparation of the Barrage project itself to include rectangulation within the cost of the Barrage or to impose it on the zamindars. If that was the original intention, then it ought to have been mentioned in the scheme, so that it might have given a clear idea to the representatives of the zamindars that such an additional charge would be imposed on them as a consequence of the execution of the Barrage scheme. It was therefore that when I made my general remarks at the second reading of this Bill that I said though I was contradicted by some of the official members—that this was not an original idea, and from the passage I have quoted from the White Book it will be clear to honourable members that this idea is an after-thought, and it has originated as the result of a conference held by the Commissioner in Sind in 1926 when they decided to carry on rectangulation throughout the Barrage area. Now, Sir, that also they have put in very mild terms, because they say "the area rectangulated as far as possible", and it is further stated that "Government are carrying out the sub-rectangulation of occupied lands by pursuation.

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So that it was not originally contemplated to make the system compulsory on the owners of water-courses; but as far as possible that option will be given to the zamindars and in pursuance of that idea they have been carrying on rectangulation so far by persuasion rather than by compulsion. From this it may be clear to honourable members that Government cannot impose this charge bit by bit on the owners of land. Of course the option must be there. I think under the provisions of the Act itself zamindars have got the option whether to submit to the rectangulation or not. So, honourable members will see that since under the present Law Government have no power to impose the system compulsorily upon the zamindar, it is not fair to legalize the system in the name of the cost of water-courses and over and above that they should not be compelled to pay two-thirds that has been imposed by the select committee. The reason advanced by Government advocates in favour of this system is that the zamindars by making certain squares of a particular area of their holding will be benefited much more than Government. But from the perusal of the Book it will be clear to the honourable members that the benefits that will accrue to Government are proper distribution of water and the alignment of water-courses. It will give Government the benefit of utilising the minimum quantity of water with the maximum profit. I think the honourable member Mr. Kamat also said in the select committee that Government would get more benefit—

Mr. B. S. KAMAT : I did not say that.

SYED MIRAN MAHOMED SHAH : Perhaps he said that Government would get equal benefit—

Mr. B. S. KAMAT : Nor did I say "equal benefit".

SYED MIRAN MAHOMED SHAH : I shall then explain the position. I have now described the benefits that will accrue to Government. It is stated by Government that the benefit that will accrue to the zamindars is that they will be saved from paying the assessment for a whole survey number, when they have cultivated only a portion of the number. That is only presumption that the zamindar at present cultivates a portion of a survey number and makes himself liable to pay assessment for the whole survey number. I do not think that any zamindar will be foolish enough to do so. This fact is known even to the *hari*, our cultivator, so that he too will not put the zamindar to the necessity of paying the assessment for the whole number. This argument is not susceptible of any reason or practical experience of the zamindars. So, this argument will not hold water. The zamindars are not going to benefit to the least extent by this rectangulation. On the other hand Government will benefit a great deal by rectangulation, because they say that the construction of the new water-courses depends upon rectangulation. This system is indispensable for Government for the proper distribution of water. There is no provision of law to compel us to submit to this system. The system of rectangulation is imposed upon us in order to facilitate their construction of the new water-courses.

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I do not know how the zamindars are going to be benefited more so that they should pay two-thirds and Government should pay one-third of the total cost of rectangulation. There was a proposal in the select committee that Government should pay half and zamindar should pay half. Government did not agree even to that.

All the contention on the part of Government is that the cost will be only very small. They say that the cost will be only four annas per acre and out of which Government will pay one-third and the balance only will have to be paid by the zamindars. That is the point I think the honourable member Mr. Kamat was making at the time of the second reading. He said that it was only a moderate charge for the enumerable benefits that will accrue to the zamindars. We have described what these benefits are to honourable members times without number. We have already got our own water-courses. It has been stated by Government that because we have no prescriptive right to the water we get at present, our water supply should be limited. Taking that fact into consideration, the quantity of water the zamindars are getting at present will be reduced. Then they will have to pay enhanced assessment. They have further to bear a proportion of the cost of water-courses. This fourth charge sought to be imposed is for rectangulation. It is not merely the charge of four annas as has been sought to be made out. You will have to take into consideration the aggregate liability of the zamindars, after the execution of the scheme. You will have to consider also whether the total liability that will be imposed on the zamindars will be commensurate with the benefits that will accrue to them which I have already described. I admit that the zamindars who have got waste lands and who will be getting water for the first time will be benefited no doubt. What about the zamindars who have got their water-courses and who are getting enough water supply through them. They will not be benefited in the least. It has been stated repeatedly by honourable members from Sind that if Government accumulate in this fashion the liabilities on the shoulders of the zamindars, they will not be able to discharge them. This charge for rectangulation will be the last straw on the camel that will break its back. I appeal to honourable members of this House, the representatives of the people, to imagine the feeling of the people of Sind that they are being burdened infinitely. It is unjust and inexpedient. This is a question of heart appealing to heart, so that my appeal to them to accept the amendment will be fruitful. It is a modest amendment. I accepted the charges for the alignment of the water-course. My objection is only with regard to rectangulation. It does not exclude the cost of alignment but it does exclude the cost of rectangulation, on which we have spoken from the very first reading. I have nothing more to say on this point but once more appeal to the honourable House to pass my amendment with united support.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, I am not going to take the time of the House except to bring to the notice of honourable

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members that the clause in the explanation as it stood before it went into the select committee was like this. If you refer to the Bill, unfortunately the printing of the select committee report is not proper, that is to say, the addition is not shown in Italics as is always done. The whole is shown as if it is an addition. As a matter of fact the original clause was :

"For the purposes of this section 'cost of constructing a water-course' shall include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment."

That was the original clause. If I remember right my honourable friend Mr. Kamat raised the point as to what is meant by "survey operations". In order to give the members of the select committee an idea as to what the survey operations meant the whole discussion started. For the first time the question of rectangulation and sub-rectangulation came in.

Sardar Davar T. K. MODI : Are we concerned with what took place in the select committee ? Is the honourable member in order in referring to the details of the discussion that took place in the select committee ? Is it not a matter of domestic concern with which this House has nothing to do ?

The Honourable the PRESIDENT : The honourable member is perfectly right. But what the honourable member Rao Bahadur Kale is arguing is that it is not, as the honourable mover of the amendment thinks, that these words are new. He is therefore referring to the provision in the original Bill that was sent to the select committee.

Rao Bahadur R. R. KALE : I am pointing out that there was the cost of preliminary survey operations included in the explanation which contained the words "for the purposes of this section 'cost of constructing a water-course' shall include the cost of aligning the water-course and of such preliminary operations", so that this cost was included in the explanation in general terms. When the members asked for an explanation of what is meant by preliminary survey operations, then came the question of rectangulation and sub-rectangulation. As a matter of fact if the explanation stood as it was, the irrigation officers might claim the whole cost. When it was brought to the notice of the members of the select committee that preliminary survey operations meant rectangulation and sub-rectangulation, then arose the question whether the whole cost should be borne by the zamindars. Then we decided that two-thirds should be borne by the zamindars. My point is that honourable members will see that the wording will show that it is not what the present explanation says. The present explanation says :

"The cost of constructing a water-course shall include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment, but shall not include more than two-thirds of the cost....."

It excludes one-third of the cost. That was thought really to be a concession in favour of the zamindars. The original clause as it stood would have included the whole cost. Now, it is made clear that it shall not include more than two-thirds of the cost of rectangulation

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and sub-rectangulation. So, the explanation instead of being in favour of Government, has been in favour of the zamindars. With regard to the benefits conferred by rectangulation and sub-rectangulation, there have been minutes of dissent, but I am not going to discuss that point now. During the debate on the second reading, it has been pointed out that as the benefit is mutual, Government should bear a portion of it. The select committee by amending the Bill have made the provisions more in favour of the Sind zamindars. I think, therefore, that the clause should be passed by the House as it is.

Sardar Davar T. K. MODI (Surat City): Sir, I rise to support the amendment. I am, Sir, convinced that rectangulation is a very good thing, but that does not induce me to oppose the amendment. The reason is this. Rectangulation includes sub-division and consolidation of survey numbers, and, so far as I am aware, Government have no power to do that except with the consent of the landholders. My honourable friend from Satara (Rao Bahadur Kale) said that the introduction of the words "but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation" was a concession to the Sind zamindars. But I wish to point out that by introducing these words Government are taking indirectly a power to themselves which does not belong to them. If they want the power to introduce rectangulation they must get it by a separate Bill, because rectangulation includes sub-division and consolidation of survey numbers. Otherwise, they take indirectly the power to make rectangulation. Then, Sir, if you look to the statement of objects and reasons, even there Government do not make it clear that survey operations would include rectangulation. They say only:

"It has been made clear in the explanation to this section that the cost of constructing a water-course shall in such cases include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment."

Even there they did not make it clear that "preliminary survey operations" would involve rectangulation. This is altogether a new thing that they are trying to introduce. I understand from some members of the Council that in certain villages rectangulation has already been carried out. How it has been carried out, I do not know. I want to know whether the landholders have consented to it. Otherwise, I do not think Government have the power. These words that have been added by the select committee are dangerous words and should be deleted.

Mr. B. S. KAMAT: Sir, I do not wish to take up the time of this House by going over the question of rectangulation, because I have roughly calculated that every minute of the House taken up costs the tax-payer about five rupees—that is the total of the daily allowances paid to all the members divided by the number of minutes we sit for a day (270) gives roughly Rs. 5. The only point I wish to emphasize is this. My honourable friends from Sind have not realised what the effect of this amendment would be. If the words coming after "the cost of aligning the water-course" were taken away, they would be in a worse position.

[Mr. B. S. Kamat]

The words "the cost of aligning the water-course" would give the executive Government a free hand to levy from the landholders not only the cost of the preliminary survey operations but also the total cost of rectangulation. Therefore, the amendment proposed would leave our friends in a worse position.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, I have got a small amendment to the amendment. I move that :

The word "only" be added after the words "aligning the water-course."

The question of rectangulation survey and sub-rectangulation survey was, as I said, introduced in the select committee. My honourable friend Rao Bahadur Kale has tried to make out that the explanation as it stood in the original Bill conveyed the meaning that the cost of rectangulation and sub-rectangulation would be recovered from the landowners. The explanation in the original Bill was :

For the purposes of this section "cost of constructing a water-course" shall include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment.

He probably presumes that rectangulation and sub-rectangulation necessarily follow aligning a water-course. That is not the case at all.

Rao Bahadur R. R. KALE : I said "preliminary survey operations" included that.

Khan Bahadur M. A. KHUHRO : "Preliminary survey operations" mean only contour survey or any such survey which may be necessary for the alignment, but not the rectangulation survey. Rectangulation comes under the category of ordinary survey of land which is governed by Land Revenue Code, sections 96 to 101 or 102. The question of rectangulation survey and sub-rectangulation survey is entirely different from the question of aligning a water-course. I will give an example. Since 1926—

Rao Bahadur R. R. KALE : I said that, as I understood it, the expression "preliminary survey operations" included rectangulation and sub-rectangulation.

Khan Bahadur M. A. KHUHRO : I say it does not include, because it is only a question here of the survey necessary for the construction of a water-course. Since 1926 Government through its officers have been trying to make rectangulation and sub-rectangulation survey with the consent of the landholders. They have done their best through various agencies, such as co-operative societies and Government officers, to explain to the zamindars how necessary it is even for their own benefit to consent to have rectangulation and sub-rectangulation surveys. Government have not told them that the cost of rectangulation and sub-rectangulation will be debited to the zamindars. Government only wanted the zamindars to agree to the undertaking of rectangulation and sub-rectangulation surveys at Government's own cost. They were even given inducements by Government : if there was a slight deviation

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and a man lost five gunthas, Government said, he would be given compensation by way of another piece of land of even double the size. That is clear and conclusive proof for my statement that Government never thought of recovering the cost of rectangulation and sub-rectangulation from the landholders in the shape of an addition to the cost of construction of water-courses. Before the select committee met, this idea never occurred to Government. It was not explained in the March session that the preliminary survey operations would include rectangulation and sub-rectangulation. Only when we met in the select committee and we enquired what was meant by the vague expression "preliminary survey operations" the honourable member the Chief Engineer said for the first time that "preliminary survey operations" included rectangulation and sub-rectangulation. So, these words came to be added to the Bill in the select committee. No landholder had understood it in that sense. It may have been in the mind of the honourable member the Chief Engineer. Nowhere in the course of his speech at the time of the first reading did he give us to understand that "preliminary survey operations" included rectangulation and sub-rectangulation, and nowhere was it made clear by Government that the cost of rectangulation and sub-rectangulation would be included in the cost of water-courses.

Rao Bahadur R. R. KALE: I think, in the March session, the honourable member the Chief Engineer did make some reference to it.

Khan Bahadur M. A. KHUHRO: None of us understood him to say so. If Government had the power to make rectangulation and sub-rectangulation, why did they resort to persuasion to get landholders agree to it? The honourable member Sardar Davar T. K. Modi has made it clear that this question of rectangulation and sub-rectangulation was not involved in the clause as it originally stood in the Bill before the House. If honourable members will read the Land Revenue Code (sections 96 to 102) they will find that the consent of the landholders is absolutely necessary to make rectangulation and sub-rectangulation surveys. I do not see how the honourable member the Chief Engineer can show that rectangulation survey is necessary for the purpose of constructing a water-course. I will give an example. In my district of Larkana, in the rice canal area, Government are not going to undertake the rectangulation survey and sub-rectangulation survey.

Mr. C. S. C. HARRISON: The honourable member knows as well as any other member of the select committee, that I said in the select committee that in the Larkana District the old water-courses would not be efficient.

Khan Bahadur M. A. KHUHRO: Oh, in certain cases the water-courses will be efficient and in other cases inefficient! And inefficient water-courses are going to be laid for the same purpose as the efficient water-courses. If people do not want efficient water-courses, why do you thrust on them? I was going to mention that in the Larkana

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District which is mainly commanded by the rice canal, no rectangulation has been undertaken. I want to make it clear to the House that although they are not going to undertake rectangulation and sub-rectangulation, still they are going to make modifications and improvements in the water-courses. Even the water-courses which are slightly indifferently aligned are going to be re-modelled and improved, without going into the question of undertaking elaborate arrangements for sub-rectangulation survey. If it was absolutely necessary, they would certainly have undertaken this survey. This conclusively proves that rectangulation and sub-rectangulation survey is not necessary for the sake of constructing new water-courses or aligning these water-courses. There are so many areas which I know. I know practically the whole of the upper part of Larkana District—where they have not undertaken sub-rectangulation. Even in the vast area commanded by Northern Dadu Canal in Ratodero, Larkana, Dabri and some other taluka where they are undertaking new water-courses and actually they have commenced the construction of new water-courses they have not thought of rectangulation and sub-rectangulation. It seems to be imagined that after four or five years the Chief Engineer and his subordinates might think it proper to undertake the rectangulation, but since the water-courses will be constructed prior to undertaking rectangulation as well as sub-rectangulation, it proves that it is not necessarily connected with the alignment of water-courses. I hope I have made abundantly clear to the honourable House that this survey has absolutely no connection with, and no bearing whatsoever on, the question of construction of water-courses. I hope the honourable House will understand and realise the significance of what I have said and from the illustrations I have given to the honourable members it is clearly proved that rectangulation and sub-rectangulation survey is absolutely distinct from the construction of water-courses. Therefore I hope that honourable members will agree with us and accept the amendment of my honourable friend from Hyderabad.

Sir, this is a very important question so far as the agriculturists of Sind are concerned. They have been agitating for the last four or five years over this question, I mean ever since the idea of this survey has emanated from the Government officers because it is a very important question to them. Therefore, it was imperative for us to take such a strong attitude in the select committee on this question, although we adopted a very compromising attitude in all other matters wherever it was possible for us to do so. The Honourable the Finance Member himself knows it. But on this question we were very firm. We are voicing the wishes of our electorate on this question. We could not, consistently with our position, as the representatives mainly of the agricultural population of that unhappy province, agree for our already over-loaded people to bear the cost of rectangulation and sub-rectangulation survey.

There is another point which I wish to bring to the notice of the House. In the select committee it was suggested by Honourable the Chief

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Engineer that the cost of this survey would be only 4 annas per acre. The honourable members Rao Bahadur Kale and Mr. Kamat will bear me out. The proportion of two-thirds and one-third therefore put the share of the zamindars at annas two and pies four and that of the Government at anna one and four pies. But the other day the honourable member the Chief Engineer made a statement in this House that the cost will be 8 annas per acre. There is absolutely no determination of the cost—whether it is going to be 4 annas or 8 annas or even a rupee. Only the other day in the select committee it was stated that 2 annas and 8 pies will be borne by the zamindars and 1 anna and four pies by Government. One day it is 4 annas and another day it is 8 annas—that is, one hundred per cent. increase. We do not know where we stand. This was the point that was tackled by my honourable friend Rao Bahadur Kale who suggested that you should lay down specific costs in the Bill and that you should at no stage exceed that estimate. This constant variation and fluctuations in stating the approximate estimates of the costs by doubling the former estimate in such a short time, I consider most dangerous from the point of view of the agriculturists. I do therefore hope that the amendment moved by my honourable friend Syed Miran Mahomed Shah and as further amended by me will be accepted by the House.

Mr. C. W. A. TURNER : Sir, I move the closure.

The Honourable the PRESIDENT : I accept it.

SYED MIRAN MAHOMED SHAH : I simply want to clear some misunderstandings created in the minds of some honourable members. The honourable member Rao Bahadur Kale did not, I think, understand my point in moving this amendment. He seems to have thought that I meant that this explanation did not exist in the original draft Bill and that it was included by the select committee. I did not mean that. It did exist in the original Bill and there was some modification in the select committee and I admit that modification was in the interests of the zamindars. But I have objection to the very principle of the rectangulation survey to which my honourable friend Mr. Modi has referred. I think he understood our point that by the inclusion of this preliminary survey which ostensibly looks very innocent, Government is coming by the back door to get it legalised. They do not possess any power now. I think I made that clear in my speech. Government at present have no power to impose this scheme of rectangulation and when we do not submit to rectangulation they cannot recover the cost also, so that by including a share of rectangulation in the cost of water-courses they want indirectly to legalise the system itself. When the charge becomes legalised then the work also becomes legal *ipso facto*. The irrigation officers can put that construction on that provision. Therefore, what I meant was that in the original Lloyd Barrage project as presented to this House this scheme of rectangulation and sub-rectangulation was not included. This was brought in as a consequence of

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the conference held by the Commissioner in Sind, and Government wish to legalise a thing to which people have objected since long.

The Honourable the PRESIDENT: The honourable member has already said that.

SYED MIRAN MAHOMED SHAH: Sir, I must clear the misunderstanding that has been created by the speeches of some of the honourable members.

Another point made out by my honourable friend Mr. Kamat is that by the deletion of the words the zamindars will be worse off. I think by the inclusion of the word "only" which is proposed by my honourable friend Khan Bahadur Khuhro that apprehension will also be removed, so that it will be a specific charge for alignment and not rectangulation. With these words I commend the amendment to the House.

The Honourable Sir GOVINDRAO PRADHAN: Mr. President, I oppose the amendment. I will make a very brief reply. My friend Syed Miran Mahomed Shah when he moved his amendment stated that in the White Book, Government did not say that they would charge for rectangulation and sub-rectangulation in specific terms. But he did not point out—in the first place I do not admit that statement—that all the charges of construction of water-courses were to be divided equally. The charges for the construction of water-courses come to about Rs. 3 per acre. So instead of paying 3 rupees on the 50 lakhs of acres of occupied land, they pay one-half, that is 75 lakhs of rupees are lifted off their shoulders. And what do we want here? The charges for rectangulation and sub-rectangulation come to about 16½ lakhs for 73 lakhs of acres. That works out at about 4 annas or a little more per acre. It is not correct to say that it jumps from 4 to 8 annas. When it was urged that rectangulation and sub-rectangulation survey also assists Government in their administrative capacity, then it was arranged—though this rectangulation and sub-rectangulation survey was recommended in 1925 for the better alignment of the water-courses, for the scientific construction of water-courses and for nothing else—that one-third of the cost should be borne by Government. Government were prepared to bear this one-third share. So out of 15 or 16 lakhs about 5½ lakhs being borne by Government, the rest of this amount will have to be spread over the 73 lakhs of acres. I submit that this is a very fair arrangement. We are lifting a burden of 75 lakhs of rupees from their shoulders; we also bear our share of one-third of the cost and we only ask them to pay about 10 lakhs odd on 73 lakhs of acres. I submit that I have to oppose this amendment.

The Honourable the PRESIDENT: I will first put to the House the amendment to the amendment moved by the honourable member Khan Bahadur Khuhro.

Question put and lost.

The Honourable the PRESIDENT : Now I put the main amendment moved by the honourable member Syed Miran Mahomed Shah.

Question put. House divided. Ayes, 23 ; Noes, 38. Motion lost.

Division No. 5.

Ayes.

ALLAHBAKSH, Khan Bahadur
BALOCH, Mr. HAJI MIR MAHOMED
BHUTTO, WADERO WAHIDBAKSH ILLAH-
BAKSH
DHALUMAL LILARAM, Mr.
DIXIT, Dr. M. K.
GHULAM NABI SHAH, Khan Bahadur
GOKHALE, Mr. L. R.
GOVER RORA, Mr.
JAM JAN MAHOMED KHAN, Khan Bahadur
JAN MAHOMED KHAN, Khan Bahadur
KARBHARI, Mr. M. M.

KHUHRO, Khan Bahadur M. A.
MEHTA, Mr. M. H.
MODI, Sardar Datar T. K.
MORE, Mr. J. G.
PATEL, Mr. C. N.
PATIL, Mr. N. N.
RAHIMTOOLA, Mr. HOOSENALLY M.
SHAIKH ABDUL MAJID, Mr.
SYED MIRAN MAHOMED SHAH
TALPUR, MIR BANDEH ALI KHAN
TOLANI, Mr. S. S.
VAISHAMPAYAN, Dr. V. G.

Tellers for the Ayes : Khan Bahadur D. B. COOPER and Mr. HOUSENALLY RAHIMTOOLA.

Noes.

ABERCROMBIE, Mr. J. R.
ASAVALE, Rao Bahadur R. S.
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BOWERS, Mr. P. L.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
BULLOCKE, Mr. A. GREVILLE
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DESAL, Rao Saheb B. G.
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
HARRISON, Mr. C. S. C.
JOG, Mr. V. N.
JONES, Major W. ELLIS

KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur
S. T.
LELY, Mr. W. G.
MACKLIN, Mr. A. S. R.
MODAK, Rev. R. S.
PRADHAN, the Honourable Sir GOVINDRAO
PRATER, Mr. S. H.
SHAIKH YAKUB VAZIR MAHOMED, Khan
Bahadur
SMART, Mr. W. W.
SYED MUNAWAR, Mr.
THOMAS, the Honourable Mr. G. A.
TURNER, Mr. C. W. A.
VAKIL, Mr. PESTANSHAN N.
VAKIL, the Honourable Sirdar Sir RUSTOM
JEHANGIR
VANDEKAR, Rao Saheb R. V.
WILES, Mr. G.

Tellers for the Noes : Mr. M. M. KARBHARI and Dr. V. G. VAISHAMPAYAN.

The Honourable Sir GOVINDRAO PRADHAN : Sir, there are only one or two amendments remaining and if we sit a little late this evening, we may be able to finish the second reading, so that on Wednesday I will move for the third reading. I am going to accept the amendment about the civil court.

The Honourable the PRESIDENT : I find that there are four or five amendments here. One is by the honourable member Khan Bahadur Khuhro and a similar one by Mr. Surve, to exclude the words "more than two-thirds". That is probably an amendment on which the honourable member may take some time.

Khan Bahadur M. A. KHUHRO : Yes.

The Honourable the PRESIDENT: I do not think that the House will be able to dispose of all these within ten or fifteen minutes.

Rao Bahadur R. R. KALE: It all depends upon the honourable members from Sind. If they are going to take a long time, it will not be possible to finish the whole thing this evening.

Khan Bahadur M. A. KHUHHRO: There are many amendments, Sir, for instance, relating to the provisos to section 93. They will take at least two or three hours more.

The Honourable the PRESIDENT: I should like to finish at least section 92. Are honourable members agreeable?

Honourable MEMBERS: No, Sir.

The Honourable the PRESIDENT: The House is now adjourned to 2 p.m., on Wednesday, the 29th July 1931.

Wednesday, the 29th July 1931

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 29th July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 ACHREKAR, Mr. A. B.
 ALLAHBAKSH, Khan Bahadur
 ASAVALE, Rao Bahadur R. S.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, Sir SHAH NAWAZ
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HARIDAS MADHAVDAS, Mr.
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur

JAN MAHOMED KHAN, Khan Bahadur
 JOG, Mr. V. N.
 JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PETIT, Mr. J. B.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI

THOMAS, the Honourable Mr. G. A.

TOLANI, Mr. S. S.

TURNER, Mr. C. W. A.

VAISHAMPAYAN, Dr. V. G.

YAKIL, Mr. PESTANSHAH N.

YAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR

VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

QUESTIONS AND ANSWERS.

GAMBLING AT AMUSEMENT PARKS, BOMBAY.

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

(a) whether they have received any protest against the gambling places opened in the city of Bombay under various names such as "White Cities", "Carnivals", "Amusement Parks", "Golden Cities" etc.;

(b) whether they have taken any steps in the matter?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) A standing order has been issued by the Commissioner of Police, Bombay, to all Divisional Superintendents of Police to see that games which lend themselves to gambling at places of amusement are stopped. Playing a game of skill is permitted by the law, but to prevent such games when played at a carnival from degenerating into gambling the maximum stake or fee for entering the competition has been limited by an order of the Commissioner of Police to Re. 1.

Rao Bahadur S. K. BOLE: Does not this competition amount to gambling?

The Honourable Mr. G. A. THOMAS: That is a matter of opinion.

Rao Bahadur S. K. BOLE: Is the Honourable Member aware of the profits that the proprietors of these amusement parks are making?

The Honourable Mr. G. A. THOMAS: I am not aware of it.

Rao Bahadur S. K. BOLE: Will the Honourable Member please find it out?

The Honourable Mr. G. A. THOMAS: I have no means of ascertaining it.

RETRENCHMENT COMMITTEE: PROCEEDINGS.

Mr. L. R. GOKHALE (Poona City): (a) Will Government be pleased to state how long the work of the Retrenchment Committee will go on?

(b) Will Government be pleased to lay on the Council table the proceedings and the preliminary report, if any, submitted by the said Committee?

The Honourable Sir GOVINDRAO PRADHAN: (a) The Committee have completed their proposals for retrenchment in the present year. It cannot be said how long it will take to make proposals for permanent retrenchment.

(b) The preliminary report has already been laid on the table. For reasons of economy the proceedings have not been printed.

Rao Bahadur R. R. KALE: Are Government going to take any action on the Retrenchment Committee's report before the members of this Council have had an opportunity of expressing their views on it?

The Honourable Sir GOVINDRAO PRADHAN: Government have not considered that report at all, because the report was sent to us only about a week ago.

Rao Bahadur R. R. KALE: I want to know whether Government will take any action on the report before any opportunity is given to this House to express its opinion on it.

The Honourable Sir GOVINDRAO PRADHAN: Opportunity will certainly be given to the House during the next session. But there are certain matters in regard to which Government will have to take action immediately, for instance on the suggestions tendered by the Departments themselves.

Rao Bahadur R. R. KALE: Regarding the suggestions which have been tendered by the Departments themselves, Government may take action. But as regards the proposals or suggestions put forward by the Retrenchment Committee, is any action to be taken?

The Honourable Sir GOVINDRAO PRADHAN: Any action which Government can immediately take for retrenchment, they will take. As to what steps Government will take in the future I cannot say.

The Honourable the PRESIDENT: There is an important matter which must be brought to the notice of the Honourable Member in this connection. Some of the honourable members approached me asking me whether they could move an adjournment motion to consider this report. I have not formally taken that motion in hand. Honourable members on the non-official side are therefore naturally anxious to know whether Government is likely to give them an opportunity at the next session to discuss the report. In that case, the adjournment motion need not be brought up now. If the Honourable Member can indicate the nature of the action Government would take on certain classes of suggestions, then the honourable members on the non-official side may decide whether to wait till the next session as regards the other points or whether they should move the adjournment motion at this session.

The Honourable Sir GHULAM HUSSAIN: We have not considered the question, nor do we know the nature of the motion. If they bring the motion, we can then consider it.

The Honourable the PRESIDENT: If the motion is allowed, the procedure would be different. I thought the motion need not be brought up, if honourable members arrive at some understanding with the Government.

The Honourable Sir GHULAM HUSSAIN: We do not know what they want, specially in regard to this matter.

Rao Bahadur R. R. KALE: What we want to know is whether Government will take any action whatever in respect of the recommendations of the committee before this House has an opportunity of examining and expressing their opinion upon them.

The Honourable Sir GHULAM HUSSAIN: Government will give them an opportunity to discuss it at the next session. Therefore, I think they need not bring the adjournment motion now.

Rao Bahadur R. R. KALE: We take it then that, excepting the proposals which have been submitted by the Departments themselves, none of the recommendations of the Retrenchment Committee as such will be taken up until the Council has considered them.

The Honourable Sir GHULAM HUSSAIN: We cannot bind Government in regard to that.

Rao Bahadur R. R. KALE: My point is that before the recommendations made by the Retrenchment Committee are acted upon we should have an opportunity of discussing them.

The Honourable Mr. W. F. HUDSON: We are endeavouring to reduce expenditure in every way possible and as far as possible, and certain temporary proposals which were put up to us by the Retrenchment Committee in advance have been considered and we proceeded to implement them as far as we could immediately. I could hardly imagine the House wishing us to hold our hands until they have had time to discuss the report, without our taking any action in the direction of retrenchment.

Mr. L. R. GOKHALE: May I know whether the proposal of the Retrenchment Committee about the Peshwa Daftar is being acted upon by Government?

The Honourable Mr. W. F. HUDSON: I have taken it upon myself to decline to take any action in that particular matter—it is a very small matter—until the House has expressed its opinion on it; and the establishment which is performing that work has been told to carry on until it gets a month's notice, so that I can assure the House that no action in that particular regard will be taken until the House has had an opportunity of discussing the matter. The matters on which we are endeavouring to implement the wishes of the Retrenchment Committee are in regard to questions of not giving leave readily and things of that sort which, I am sure the House will agree, it is obviously wasteful for us not to take action on pending the discussion of the matter in this House.

Rao Bahadur R. R. KALE: What about the Historical Museum at Satara, which was opened last year by His Excellency the Governor? We find that although there is nothing in the earlier part of the report, in the latter part it is stated that the museum establishment is to be cut off. Is that going to be the case?

The Honourable Sir GHULAM HUSSAIN: We cannot reply to individual questions. We have made a general statement.

The Honourable the PRESIDENT: I should not like the Retrenchment Committee's recommendations to be referred to and discussed in this manner. I have informed honourable members of Government of the intentions of the non-official members as regards the Retrenchment Committee's proposals. If an assurance can be given that the main and important suggestions made in the *interim* report of the committee will not be taken up until the House has had a chance to discuss them, that ought to satisfy the non-official side.

The Honourable Mr. W. F. HUDSON: With all due deference, I doubt whether that is a sound proposition. I do not think myself that it is in the least likely that Government are going to be in advance of the House in the matter of retrenchment. I suspect very much that the boot will be on the other leg. But if by any chance we did do anything in advance which the House finally disapproved of, it will only have been for two months. It is not likely, for instance, that we are going to cut off establishment or dismiss permanent officials, or anything of that kind. I think the House may safely trust us not to go beyond its wishes. On the other hand, it must see that, if anything can be done in the way of implementing the proposals of the Departments in the course of the next two months, it would be pure waste for us not to do it. I do not think the House would require further assurance beyond what I have said about the Poona Daftar. As regards the Historical Museum at Satara, all that has happened is that the Museum Committee itself has been asked to suggest retrenchments, and I do not suppose, judging by the way of most committees, that we shall have their report much before the House meets next. I do not think myself that Government can definitely commit themselves to taking no action at all upon the recommendations. After all, they are only *interim* recommendations, and they are intended expressly for the purposes of this year. We cannot afford to leave another two months to go by without taking any action upon them. With all due deference, I think the House may trust us in this matter that we are not likely to go further than they will wish.

The Honourable the PRESIDENT: Now that the Honourable Member has gone so far, may I ask him to enlighten the House on one important point about which they are anxious, namely, whether Government is likely to make any retrenchment in the educational grants?

Mr. P. R. CHIKODI: As a member of the Retrenchment Committee I may say that honourable members on this side are anxious to discuss the whole report and there is no advantage in discussing it piecemeal.

Dr. M. D. GILDER: I am desirous to know whether any retrenchment will be or has been effected on the medical side.

Mr. P. R. CHIKODI: We sat for 8 hours a day and prepared and submitted the *ad interim* report, because the financial year was fast going out and if effect is not going to be given immediately, all the efforts of the committee will be wasted.

Dr. M. K. DIXIT: Shall we have an opportunity to discuss in this session?

The Honourable the PRESIDENT: No definite motion was placed in the hands of the President. When honourable members asked me. I

told them that they could discuss it by means of an adjournment motion. The motion as such was not placed in my hands. I must say that I am responsible for that, because I did not want the question to be rushed through. As there is now a general understanding, I do not think there is any necessity of an adjournment motion. All the salient points in the report, I understand, will come up for discussion at the next session.

The Honourable Mr. W. F. HUDSON: Even if an adjournment motion is allowed I understand only two hours will be allowed for honourable members to discuss the question: whereas I would suggest that it would be possible on a private business day to move a resolution on the subject which will give them an opportunity to discuss the whole question for a whole day or for two days. With all respect to honourable members, a resolution of that kind will be of greater importance than any other resolution that I have seen tabled so far. If that would satisfy the House, we might do that. There is Mr. Jog's resolution.

The Honourable the PRESIDENT: Its scope is limited.

The Honourable Mr. W. F. HUDSON: It deals with one matter, but we might allow its scope to be enlarged. We will be prepared to do so on the understanding that Government will not take part in the discussion beyond listening to it, as they are not in a position at present to do so, because we had not time as Government to consider the report. If it will meet the wishes of honourable members,—it will be useful for Government to get the general views of honourable members,—a fresh resolution with an enlarged scope can be moved with your permission on a non-official day, but not on a Government day.

Rao Bahadur R. R. KALE: Government say that they have not considered the report. Having regard to the fact that Government will not be able to meet the deficit of 60 lakhs by adopting a few recommendations, and that they will have to resort to some other means, is it not necessary for this House to discuss the whole report and ascertain the views of Government?

The Honourable the PRESIDENT: I do not think I would allow any further discussion. The suggestion made by the Honourable Member is an important suggestion. It will be for me now to see whether I can give practical effect to it by having, instead of a short notice resolution, the resolution already tabled in an extended form. I shall be able to see to it in consultation with some honourable members as to whether that is possible. If that is possible, the important suggestion made by the Honourable Member can be accepted by this House.

Next question.

STEAM BOILER AND SMOKE NUISANCE : CHIEF INSPECTOR.

Mr. V. N. JOG (Dharwar District): (a) Will Government be pleased to state the special qualifications possessed by the present Chief Inspector of Steam Boilers and Smoke Nuisance, Bombay, who is still on probation?

(b) What administrative experience did he have when his appointment on probation was made?

(c) What was his last appointment and on what pay? On what pay was his appointment as Chief Inspector made and what is his present pay?

(d) Are there ten Inspectors,—6 on Rs. 400—30—900 and 4 on Rs. 400—20—600?

(e) What are the duties of the Chief Inspector?

(f) Is it a fact that the seniormost Inspector is kept in the office to assist the Chief Inspector and that the duties assigned to him are to check all calculations of new boilers submitted to the Chief Inspector for approval?

(g) Is it a fact that the main duty of the Chief Inspector is to check the calculations of the new boilers?

(h) Was this duty of the checking of the calculation done at the time of Mr. MacIntosh by a clerk?

(i) Is it a fact that the Chief Inspector of the United Provinces was an ordinary Inspector in Bombay before he was taken by the United Provinces Government?

(j) What are the grounds for always appointing a candidate from England as the Chief Inspector of Boilers and Smoke Nuisance?

(k) Are Chief Inspectors of other provinces appointed from men selected in India?

(l) Will there be a saving if the appointment to the Chief Inspector's post be made from the senior Indian Inspectors?

(m) Under whom is this department for administrative purposes? Is it under the Collector of Bombay?

(n) Was this department under the Director of Industries when Mr. Bell was the Director of Industries in this Province?

(o) Is this department under the Director of Industries in other provinces?

The Honourable Sir GHULAM HUSSAIN: (a) and (b) Mr. John Pratt, the present Chief Inspector of Steam Boilers, was recruited in England through the High Commissioner for India. Mr. Pratt received his education in Gordon's College, Aberdeen, and thereafter served an apprenticeship of five years with an Engineering firm. For four years he was employed as an Engineer in Steam vessels belonging to a well known Steam Navigation Company during which period he obtained both his 2nd Class Board of Trade Certificate (1914) and his 1st Class Certificate (1916) in Bombay. Until 1920 he served as an Engineer-Lieutenant R. N. R. and was mainly engaged on mine-sweeping. Thereafter he studied at Robert Gordon's Technical College and took his extra 1st Class Certificate. Since 1921 he was employed by the National Boiler and General Insurance Company first as an Inspector and later as Assistant to the Chief Engineer in the Boiler Department. Mr. Pratt was considered by the Selection Committee appointed for the purpose the best of the 35 candidates who applied for the post.

(c) Mr. Pratt was drawing a salary of £380 per annum in his last appointment referred to in (a) and (b) above. He was appointed as Chief Inspector of Steam Boilers in the Bombay Presidency on Rs. 1,200—75—1,500 and his present pay is Rs. 1,275 per mensem.

(d) There are four Inspectors on Rs. 400—30—900 (old grade) and six on Rs. 400—20—600 (new grade) at present.

(e) The duties of the Chief Inspector are defined under the Indian Boilers Act, 1923, and Regulations and Rules thereunder and under the Bombay Smoke Nuisance Act, 1912, and Rules thereunder.

(f) The Senior Inspector spends some time in the office as a Deputy of the Chief Inspector so that he can do the Chief Inspector's office and routine work when the latter officer is on tour or act for him when he is on leave. He also spends some time out of the office inspecting boilers. When in office he assists the Chief Inspector in the same way as other Inspectors do, and this assistance includes the checking of the calculations of new boilers.

(g) This is one of the many duties of the Chief Inspector. It is not his main duty.

(h) The checking of calculations was done by Mr. MacIntosh, though there was a clerk who could check the *figures* as there is at the present time. The checking of calculations is not confined to seeing that the answer is correct. It is mainly done to see if the correct formulæ has been used and if the Regulation concerning that particular part of a boiler has been applied. The ordinary clerk with no technical training cannot do this.

(i) A temporary Inspector of Boilers (Mr. W. Mackay) was selected for the post of Boiler Inspector in the United Provinces in 1921, and is now Chief Inspector of Factories and Boilers there.

(j) At present it is believed that there are no facilities in India for obtaining the training and experience considered essential for the incumbent of the appointment of Chief Inspector. Government will, however, make further enquiries into the matter.

(k) According to the information in the possession of Government the Chief Inspectors are European in all Provinces except the Punjab.

(l) As none of the senior Indian Inspectors possess the qualifications considered essential for the appointment, this part of the question does not arise.

(m) The Department is under the Collector of Bombay for administrative purposes.

(n) Yes.

(o) Yes, in some provinces the Boiler Department is under the Director of Industries

INDUSTRIAL ENGINEER.

Rao Bahadur R. R. KALE (Bombay University): Will Government be pleased to state—

(a) whether it is a fact that they had advertised towards the end of 1929 the post of Industrial Engineer and called for applications from graduates of recognised universities, preferably with foreign qualifications;

(b) whether any graduate out of the applicants was recommended by the Director of Industries;

- (c) whether the present holder of the said post was one of them ;
- (d) whether he is a graduate of any university ;
- (e) whether the post was filled in contravention of the terms of the advertisement ;
- (f) whether the control of Technical Education is transferred to the Department of Industries ;
- (g) the pay of the present incumbent and whether he has been made permanent ;
- (h) whether it is intended to employ a permanent hand on a salary of Rs. 800, and, if so, whether any fresh applications are being invited for the same ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes ; but no reference was made to foreign qualifications.

(b) Yes.

(c) Yes.

(d) and (e) No ; but the candidate selected was best suited for the post because of his immense practical knowledge in addition to his being a resident of this Presidency.

(f) The administrative control of industrial and technical education (excluding the College of Engineering and the Royal Institute of Science) has been transferred to the Director of Industries.

(g) The pay of the present incumbent is Rs. 850. He has not been made permanent.

(h) The question of appointing a permanent incumbent has been kept pending the receipt of the recommendations of the Retrenchment Committee.

Rao Bahadur R. R. KALE : The answer to (d) and (e) is "no". My first question is :

"whether it is a fact that they had advertised towards the end of 1929 the post of Industrial Engineer and called for applications from graduates of recognised universities....."

My second question is :

"whether any graduate out of the applicants was recommended by the Director of Industries ;"

If they advertised for a graduate, how is it that a non-graduate came to be recommended and appointed ?

The Honourable MOULVI RAFIUDDIN AHMAD : The Director of Industries particularly recommended this gentleman, although he does not possess a graduate's degree, on the ground that he possessed a licence or good qualifications in Engineering and he had immense practical knowledge. The Director of Industries recommended this man for the appointment.

✓ REVISION OF LAND REVENUE IN KALOL AND HALOL TALUKAS.

Mr. M. H. MEHTA (Panch Mahals District) : Will Government be pleased to state—

- (a) whether there is a scarcity of cultivable land in Kalol Taluka of the Panch Mahals District ;

(b) whether most of the lands in this taluka are in the hands of *soukars* under sales or mortgages;

(c) whether the cultivators are mostly tenants of the *soukars*;

(d) whether the rents (*sounth*) are raised by the landlords during the last few years;

(e) whether revision of assessment in 1926 was based on the rates of rents charged by these landlords;

(f) whether they intend to revise the revised rates in Kalol and Halol Talukas, as the revised assessment was based on the principle of rates of rents;

(g) whether they are aware that the rates of assessment are increased by 100 per cent. in many cases and 60 per cent. on the whole?

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

(b) Not most, but an appreciable part.

(c) Only to the extent mentioned in (b).

(d) Yes.

(e) The revision of assessment is based on the increased prosperity of the Taluka due to advent of the Railway, improvement in communications and other factors, including statistics of rent, which are usually considered in determining an increase.

(f) No.

(g) It is presumed that the question is restricted to Kalol Taluka and Halol Mahal.

Kalol Taluka.—No; only in one village did the increase amount to 100 per cent. and over. The increase for the Taluka was 35·77 per cent.

Halol Mahal.—In no case did the increase amount to 100 per cent. The increase for the whole Mahal was 28·46 per cent.

Annual remissions will be given in those villages and groups where the increase of the assessment exceeds the prescribed limits. ✓

HONORARY ORGANISER, KOLABA DISTRICT.

Mr. N. N. PATIL (Kolaba District): (a) Has the attention of Government been drawn to the fact that for the last year there was only one Honorary Organiser in the Kolaba District?

(b) Is it a fact that names proposed by the Provincial Co-operative Institution for the same were rejected?

(c) If so, what is the reason for the same?

(d) Do Government intend to appoint another organiser this year?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) Yes.

(b) One name was suggested, and was still under consideration when the list was revised in September 1930.

(c) Does not arise.

(d) Yes.

PRIMARY EDUCATION OF GIRLS, LARKANA.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) whether it is a fact that the Larkana Municipality has only one girls' school of its own in the town having about 100 girls and that the

expenditure incurred annually on it by the Municipality is about Rs. 1,000 only;

(b) whether it is a fact that Government have not admitted the expenditure of the said school for the purpose of Government grant;

(c) whether it is a fact that the Larkana Municipality had submitted proposals for opening two girls' schools, one in the town proper and the other in the Lahori village, and that they were not approved by Government;

(d) whether compulsory primary education has been introduced anywhere in the Presidency including Sind;

(e) if the reply to (d) be in the affirmative, the names of such places;

(f) in which places, where compulsory primary education for girls has not been introduced, proposals for expansion of girls' primary education on voluntary basis have been approved by Government, during the years 1927-28 to 1930-31;

(g) whether Government are aware that all the communities in general and Mohamedans in particular are strongly against the introduction of compulsory primary education amongst girls, in Larkana?

The Honourable MOULVI RAFIUDDIN AHMAD: (a), (b), (c) and (d) Yes.

(e) The following local authorities have introduced compulsory primary education in the areas within their jurisdiction:—

- (1) District Local Board, Larkana.
- (2) District Local Board, West Khandesh.
- (3) Ahmednagar Municipality.
- (4) Sholapur Municipality.
- (5) Broach Municipality.
- (6) Poona City Municipality.
- (7) Karachi Municipality.
- (8) Bandra Municipality.
- (9) Satara Municipality.
- (10) Surat Municipality.
- (11) Dhulia Municipality.
- (12) Bombay City Municipality.

(f) Government have sanctioned the opening of girls' schools in connection with schemes for expansion on a voluntary basis for both boys and girls in the case of the following Local Authorities:—

- | | |
|-------------------------------------|-----------------------|
| (1) Hubli Municipality | .. 1 Girls' School. |
| (2) District Local Board, Dharwar | .. 10 Girls' Schools. |
| (3) District Local Board, Hyderabad | .. 6 Girls' Schools. |
| (4) District Local Board, Sukkur | .. 2 Girls' Schools. |
| (5) District Local Board, Larkana | .. 5 Girls' Schools. |
| (6) Karachi Municipality | .. 8 Girls' Schools. |
| (7) Hyderabad Municipality | .. 2 Girls' Schools. |

(g) No. Government, however, are aware that education of girls is not popular throughout Sind.

Mr. S. S. TOLANI : With regard to (d); I wanted to know whether compulsory primary education has been introduced for girls anywhere in the Presidency.

The Honourable the PRESIDENT : The word ' girls ' is not there.

Mr. S. S. TOLANI : The subject matter is girls. May I know when Government have accorded their sanction for opening of 34 girls' schools mentioned in part (f) of the reply, why Government refused to give sanction to the Larkana municipality Local Authority ?

The Honourable MOULVI RAFIUDDIN AHMAD : According to Government orders sanction in these matters can only be given to local authority, municipalities, for schemes on compulsory basis.

Mr. S. S. TOLANI : In the face of strong objection of the public opinion to compulsion for primary education with regard to girls, is there any course open for local authorities to expand it on a voluntary basis ?

The Honourable the PRESIDENT : That is asking for legal opinion.

Khan Bahadur M. A. KHUHHRO : Has any request been made to Government to introduce compulsory education for girls anywhere in the Presidency ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives notice, I can find out the information he asks for.

Khan Bahadur M. A. KHUHHRO : Has any protest been made from Sind or anywhere that there should be no compulsion for girls ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not aware of any.

Khan Bahadur M. A. KHUHHRO : How do Government then say that it is unpopular in Sind ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, it is unpopular.

PUBLIC WORKS DEPARTMENT, SIND : OVERSEERS IN CHARGE OF SUB-DIVISIONS.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) whether they are aware that there are permanent overseers (Bombay Subordinate Service) who have been put in charge of regular Public Works Department Sub-divisions since 1922-23, when the Barrage works were opened, on account of their experience and merit ;

(b) whether after the amalgamation of the Barrage divisions with the running divisions the same men will be made to continue in those charges in preference to new men who have had no experience of Sind irrigation ;

(c) whether Government intend to set apart 12 or 15 per cent. of the total number of Sub-divisional charges for such subordinates ?

The Honourable Sir GHULAM HUSSAIN: (a) Yes.

(b) Government are unable to give any undertaking in the matter at present.

(c) No.

The Honourable the PRESIDENT: Before proceeding to the next business, I would read a letter received from the Private Secretary to His Excellency the Governor in reply to the communication made on behalf of this House:

"I am to acknowledge the receipt of your letter No. 855, dated the 22nd July 1931 and to say that His Excellency has received with much pleasure the copy which you enclosed of the resolution that was adopted unanimously by the Legislative Council on the 22nd instant together with the speeches of the various members who spoke on the resolution."

**BILL No. III OF 1931 (A BILL FURTHER TO AMEND
THE BOMBAY IRRIGATION ACT, 1879).**

Question again proposed:

That clause 4 of the Bill do stand part of the Bill.

The Honourable the PRESIDENT: Now, we are in the latter part of section 92. There is an amendment standing in the name of the honourable member from Larkana:

In the explanation to sub-clause (5) of section 92, omit the words "more than two-thirds of."

The Honourable Sir GOVINDRAO PRADHAN: Sir, is this not a repetition of an amendment already negatived by the House? The deletion of the words "more than two-thirds of" would mean that Government will have to bear all the cost. The same was the effect of Syed Miran Mahomed Shah's amendment. There is a difference in words: that is all.

The Honourable the PRESIDENT: Is the honourable member moving it?

Khan Bahadur M. A. KHUHRO: I am moving it, Sir.

The Honourable the PRESIDENT: There is a difference between the two. Syed Miran Mahomed Shah's amendment was to exclude the cost of all survey operations, but the present amendment is to exclude only rectangulation and sub-rectangulation costs.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I beg to move:

In the explanation to sub-clause (5) of the proposed section 92, omit the words "more than two-thirds of."

If my amendment is carried, then the explanation will read as follows:—

For the purposes of this section "the cost of constructing a water-course" shall include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment, but shall not include the cost of main rectangulation and sub-rectangulation.

I propose by this amendment that the cost of rectangulation and sub-rectangulation should not be charged to the owners of the land commanded by the water-course. As the House will remember, there was an amendment moved by which every other cost, except the cost of aligning, was sought to be excluded. By this amendment I wish to exclude only

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the cost of rectangulation and sub-rectangulation. Every one of us firmly believes that rectangulation and sub-rectangulation has nothing to do with the construction of water-courses. The other day I explained how the question of rectangulation and sub-rectangulation was distinct from the question of aligning a water-course. There was also a legal point raised as to whether Government can introduce in the Irrigation Bill a question which relates entirely to the Land Revenue Code. That point was raised by my honourable friend Sardar Davar T. K. Modi, but in his final reply to the debate on the amendment moved by the honourable member Syed Miran Mahomed Shah, the Honourable the Finance Member did not refer to it. I also pointed out in the course of my speech that it was entirely a Land Revenue Code question. I referred to sections 96 to 101, which deal elaborately with the question of survey, and said that rectangulation and sub-rectangulation had nothing to do with the question of aligning a water-course. I gave instances and arguments to prove my contention. But no reply was made to that point. I have already stated and pointed out very clearly, and now I will only say briefly that in various places in Sind water-courses have been constructed, and are being designed and constructed even at present, without rectangulation and sub-rectangulation. I refer to Larkana and various parts of the Nawabshah and Thar Parkar districts. That clearly shows that rectangulation and sub-rectangulation are subsequent ideas of Government: they are not necessary for the construction of water-courses. Even the provisions of the Bill show that from 1926 water-courses have been in course of construction, because there is a provision in the Bill to give retrospective effect to this Bill from 1926. In the case of most of the water-courses already constructed, there has been no rectangulation or sub-rectangulation. Moreover, sub-rectangulation has been taken up only from this year. That clearly shows that rectangulation and sub-rectangulation are not necessary for the construction of water-courses.

Apart from the question of charging zamindars anything for rectangulation and sub-rectangulation—which I consider to be absolutely unjustified—there is another point. Government have not been able to tell us exactly what the cost will be. At one time they said that rectangulation and sub-rectangulation would cost four annas, at another time they said that they would cost eight annas. Similarly, Sir, when at the last March session when questions were put regarding the cost of construction of water-courses—I tried to get a copy of the proceedings, but could not, and therefore I speak from memory—a statement was made that the cost would be Rs. 2 per acre. Subsequently in answer to a question put by my honourable friend from Sukkur (Khan Bahadur Allahbaksh) it was stated that that cost would be Rs. 4 per acre; and then in the select committee it was stated that the cost would be anything between Rs. 2-8-0 to Rs. 2-12-0. So, there was considerable variation in the course of two months, and we do not know what the ultimate cost will be. My honourable friend Mr. Kamat will bear me out when I say that in the select committee it was clearly stated that

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the cost of rectangulation and sub-rectangulation would be four annas per acre. The other day the honourable member the Chief Engineer said that the cost will be eight annas. That means that it has been raised by one hundred per cent. in the course of a few days.

Mr. C. S. C. HARRISON: I stated no definite figure of cost.

Khan Bahadur M. A. KHUHRO: I remember perfectly well that it was calculated that the zamindar's share of the cost will be two annas and eight pies and the Government share will be one anna and four pies in the proportion of two-thirds and one-third respectively. Now at the rate of eight annas it will be double the amount.

Another point which I made was that the two questions, namely, that the construction of water-courses and rectangulation and sub-rectangulation survey were quite distinct, remained unanswered. I think that it is absolutely wrong that the question of rectangulation survey should be brought in the matter of water-courses. I think this charge of rectangulation survey should not be debited to zamindars. It is absolutely unjustifiable. I therefore hope that my honourable friends will support my amendment which seeks to exclude the cost of rectangulation and sub-rectangulation survey from the liability of the zamindars under this Bill. I may say that it was at no time intended that the zamindar should be asked to bear the cost of this survey. All of a sudden it has been proposed to debit this cost to the zamindar. I therefore request the honourable House to accept my amendment.

The Honourable the PRESIDENT: The amendment proposed is:

In clause 4, in explanation to sub-clause (5) of the proposed section 92, in lines 5 and 6, omit the words "more than two-thirds of".

There is an amendment to this amendment by the honourable member Rao Bahadur Pradhan.

Rao Bahadur G. V. PRADHAN (Nasik District): Sir, I beg to move:

"In place of the words proposed to be omitted ('more than two-thirds') substitute the words 'more than one-half'."

The result of this amendment to the amendment moved by the honourable member Khan Bahadur Khuhro will be this: The mover of the amendment wants that the charges for rectangulation and sub-rectangulation should not be thrown on the landholders at all. As a matter of fact the proportion that I have proposed now was proposed in the select committee, namely, that the charges should be divided half to half. But at that time the honourable members from Sind thought it desirable to leave the House for reasons best known to themselves. Ultimately I found that there was no seconder to the proposition. The result was that the original proposal that the charges should be divided in the proportion of one-third and two-thirds between Government and the landholders was carried by a majority.

My contention is that rectangulation and sub-rectangulation survey is not entirely necessary for the water-courses. Water-courses certainly may require that help; but not necessarily. Under these

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circumstances, there is nothing to determine whether rectangulation and sub-rectangulation survey was necessary in the proportion of one-half or one-third or two-thirds. The proportion that has been recommended by the select committee, namely, one-third and two-thirds, has no justification whatever. I therefore propose that it should be divided half and half between Government and the zamindars.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to support the amendment. The other day a point was made that the cost of construction includes the charge of rectangulation and sub-rectangulation. Sir, it has been discovered in the select committee that the cost of construction consisted of various items, say X, Y and Z; these three make up the entire cost of construction. Out of these it was discovered that two were authorised,—authorised in the sense that they were included in the project scheme which the Secretary of State had sanctioned. But the other factor, namely, Z, which represents the rectangulation and sub-rectangulation survey, was an after-thought. To this item the sanction of the Secretary of State was not obtained. Nor was that item included when the project estimate was placed before this House for its sanction. When the whole cost of construction consists of authorised as well as unauthorised items, I submit the sanction of this House ought not to be obtained to the unauthorised item by having recourse to legislation. There may be some other recourse,—perhaps that item may be moved at the time of the budget and sanction may be obtained in that way. Legislation and sanctioning grants are two different things. If this item, viz. cost of rectangulation is necessary, kindly place it at the time of the budget. At that time our relations with the side opposite are on a different footing. To-day we are called upon to give legislative sanction to an item which should properly come before us at the Budget time, when those powers which we could effectively wield at that time are not with us to-day. For this reason I submit that to give that unauthorised item sanction in this way, namely, by legislation, is a very undesirable move on the part of Government.

The second point is that Government want that all this area should be rectangulated and sub-rectangulated and in order to make us familiar with what this rectangulation and sub-rectangulation means, I understand it has circulated a press-note which is without any signature or date and I cannot say from whom it has come. But I take it for granted that it has come from Government. To that note two maps are appended. In the first map the area before rectangulation is shown. You see these different colours.

The Honourable the PRESIDENT: What is this? I have not a copy of that press note.

The Honourable Sir GOVINDRAO PRADHAN: That is a note explaining how rectangulation and sub-rectangulation is carried out. The explanation is attached to the map that was placed on the Council table.

The Honourable the PRESIDENT: Is it an authorised publication?

The Honourable Sir GOVINDRAO PRADHAN: Yes, Sir.

The Honourable Mr. W. F. HUDSON : I could give you my copy, Sir.

Mr. A. N. SURVE : From these coloured spots on the map you will have an idea that the same coloured lands belonged to the same owner. After the rectangulation the colour arrangement has undergone a change. All the scattered pieces of land belonging to the same owner are brought within one area by mutual exchange of ownership in different pieces of land. After rectangulation each owner gets a compact block instead of small pieces scattered over a large area. But all this land which has undergone rectangulation and sub-rectangulation is land which is not very valuable. On the other hand, if the land is valuable, then it is land where the agriculturists do not themselves come forward voluntarily to get their land rectangulated. From this you will notice what I say. Here is the village of Bhaikha. All these people refuse to have their lands rectangulated simply because they consider it valuable. From this I say that if the people themselves are not at all in favour of having their land rectangulated, but Government want to enforce rectangulation by means of this legislation. I submit that this fact should be seriously considered by this House. In this Note Government themselves have divided the area into three groups, the first group consists of holdings which can be easily rectangulated and sub-rectangulated; the third group consists of lands where there are innumerable difficulties and the second group consists of lands between these two classes, which I have mentioned. Because Government realise that rectangulation and sub-rectangulation is a point which has to be carried out against the wishes of the people, they have come forward with certain concessions. What those concessions are is mentioned in this note in paragraph 7. I am not going to read it *in extenso*, but I am going to confine myself to this particular fact that Government recognise that, unless concessions are given, people are not voluntarily coming forward to have their lands rectangulated, and in order to win their consent, Government have gone to the length of giving two per cent. of their own land free to those persons who submit their lands for rectangulation. This fact is mentioned in the white paper book, page 6. It reads thus :

"It was however stipulated that no compensation would be given in those cases for land which would subsequently have to be taken up for water-courses and those, it is estimated, would be about two per cent., of the area rectangulated. The loss in Government land has therefore been about 2·1 per cent., of the area rectangulated and it may be taken that the whole of this land is land which would otherwise have had to be given out as mohag."

My point is just this that in order to have 98 acres of private land rectangulated, Government go to the length of giving two acres from their own land so that 100 acres of land may be cut up into squares. If that kind of persuasion Government is employing, is it advisable, for the sake of two annas and eight pies per acre to carry such persuasion at the point of the bayonet? I submit, Sir, that as Government have already volunteered to bear one-third cost, they should bear the other two-thirds also for these two reasons, that because the item was not considered before and it is coming in now as an after-thought, and the second point is that the party which is to be benefited most is not the agriculturist but it is the Government. What does the agriculturist get by rectangulation?

[Mr. A. N. Surve]

Nothing. But Government stand to gain a good deal by it. It is stated that by rectangulation certain facilities for revenue assessments are achieved. Government also say that by rectangulation water supply is regulated. I say that the water supply which Government will regulate was before the rectangulation enjoyed by the cultivator at the head and now it will be enjoyed by the man at the tail, but that man at the tail will after rectangulation be giving Government land revenue which it was not formerly receiving from him. Therefore, in both ways the Government stands to benefit, and I submit that in consideration of these points which are placed before him the Honourable the Finance Member should be pleased to reconsider them. I appeal to him to do so. It is after all a small matter of rectangulation and sub-rectangulation charges. It hardly amounts to 16 lakhs. The whole Sukkur Barrage scheme is a scheme of 20 crores. That means out of every Rs. 100 this is a question of only 12 annas and out of this 12 annas Government is going to bear its one-third share. Is it after all advisable to thrust your own will against that of the poor people of Sind? I earnestly hope that the Honourable the Finance Member will respond to this appeal which I have made in the interest of the people of Sind.

The Honourable Sir GOVINDRAO PRADHAN : Did the honourable member speak on the amendment or on the amendment to the amendment?

Mr. A. N. SURVE : I have supported the amendment of my honourable friend Khan Bahadur Khuhro who seeks to do away with the two-thirds.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) (Addressed the House in Urdu) :—Mr. President, I support the amendment moved by my honourable friend Khan Bahadur Khuhro. I am also of the opinion that the zamindars should not be compelled to bear any charge on account of rectangulation. The Government scheme is bound to lead to a decrease of water-supply now enjoyed by the zamindars and it will also lead to serious quarrels amongst the zamindars themselves, and in this manner it will create a lot of trouble for the administration. In our district the zamindars of C class lands are not at all prepared to agree to this scheme. There are sure to be clashes between the revenue officers or the mukhtiarkars and the zamindars and neither the honourable member the Chief Engineer nor the Honourable the Revenue Member will be able to prevent such clashes, with the result that discontent will grow and the relations between the agriculturists and the Government will be strained. It has been stated that the rectangulated blocks are intended for the better distribution of water and for the conservation and preservation of water. The supply is bound to be reduced and the privilege which the zamindars have been enjoying since the last 70 years of getting a plentiful supply of water will be lost and they will not get that much quantity of water. If an acre fetches now Rs. 200, it will not fetch even Rs. 30. I was quite disappointed when I saw in the select committee that the Government members did not pay due attention to the telegrams and protests in writing which came to the Government while the select committee was sitting. Even now I see that Government are pushing on with their own

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one-sided view. I remember, Sir, there was one honourable member here who had been to Ahmedabad jail who said "I was in jail and I know what the condition of a prisoner is." So, in this matter of the construction of water-courses and the introduction of the block system, it is only when honourable members go down to Sind and see things for themselves that they will realise what difficulties of the zamindars are. I have, therefore, every hope that the amendment of the honourable member Khan Bahadur Khuhro will be accepted.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President. I had no intention whatsoever of intervening in this debate, but we have been charged with not helping our friends from Sind. Allow me to state publicly that when this question was discussed in party meetings when we gave a full hearing to our Sindhi friends, our representatives in the select committee were instructed to give all facilities to them and to see that proper justice was done consistently with the interests of the general ratepayers. I have been listening to this debate for the last four or five days, and I think that the principle which must be put in the forefront always is, taxpayers first, taxpayers last, and taxpayers for all time. If that principle is sound, I should think that the concessions made either in the select committee or in the House are sufficiently broad-minded, and there is no doubt left in my own mind that we have reached an extreme limit now. I am really surprised that my honourable friend from Bombay (Mr. A. N. Surve) who is sitting first on these benches and who wants to lead us, has not kept that point of view in front, and has been always stating that we have been trying to extract as much as possible from the agriculturists.

Speaking on the particular amendment now before us, may I ask the Council to remember to what absurd difficulties the irrigators in the Central Division have been led and what hardships they have to suffer for want of these rectangulations, which are not in force in the canals here? [*Honourable Members* : Hear, hear.] The trouble, which I will show when I come to move my resolution, has been due more or less to the absence of rectangulation, showing what piece of land is really irrigable and what piece is not considered irrigable by experts. That has made for not only a tremendous effect on our losses of irrigation revenue, but allow me to say that that was a matter which should have been looked into by Government a long time ago. May I assure the House that, having profited by that lesson, the system of rectangulation is not only in the interests of the agriculturists themselves, but serves the purpose of the general ratepayers also? Now, looking at it from that point of view, the Honourable the Finance Member has stated that there is an amount of about Rs. 16,00,000 involved in the scheme. If that statement is correct,—and we must all accept it as correct—the concessions so far made, according to which only one-third is to be borne by Government and the remaining two-thirds by the agriculturists, are, in my opinion, ample. For, this rectangulation is not so much for purposes of revenue assessment as in the interest of the agriculturists themselves. Now, my honourable friends are stating here that the

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rectangulation system is only for easily assessing the particular lands which may come under it. Now, in the note before us an example is given as to how rectangulation is going to be made. When the water-course runs on a particular contour, you know exactly how you are going to get the water, and what particular lands will get the supply in preference to those lands which stand at the tail and which sometimes do not get any water. I should think that if you were to look at the whole scheme from that broader point of view and do justice not only to the first person who has his land at the head but also to the last person who has his land at the tail, then you will be convinced that the rectangulation system is not only necessary but absolutely necessary in the interests of the agriculturists themselves, so as to guard the interest of the men who are lower down the stream. Now, Sir, the honourable member from Nasik (Rao Bahadur Pradhan) asks us to make a further concession of about two to three lakhs of rupees. As for myself, once for all I have made up my mind, having given a concession to the extent of five to six lakhs of rupees, it is not desirable that we should give them any more concessions, and it is for this reason. Sir, twenty crores of rupees is not a small amount to be taken from the general tax-payer, to be spent for the benefit of a particular province. Not only that, but we have been paying on that sum an interest which is larger than what we have ever paid for any irrigation scheme either in the Deccan or Gujarat or even in Sind itself. Let us remember that that interest which we have to pay is sufficiently high, and we will have to pay that interest for a considerably longer time, as we find that in these days of depression it is not possible to sell off the lands which were intended to be sold in a particular time which was then fixed. So, these interest charges will, as a matter of fact, amount to a bigger sum, and we shall have to pay them for a longer time, as the time within which we expected to get rid of the whole of the lands will have to be increased. Under these circumstances, I think it is my duty to oppose not only the amendment but the amendment to the amendment also.

Mr. SHAIKH ABDUL MAJID (Karachi District): I understand, Sir,—

The Honourable the PRESIDENT: I hope honourable members will help me to get through the remaining portion of the work on this Bill.

Mr. SHAIKH ABDUL MAJID: Sir, I understand that we have already taxed the patience of this honourable House to its full capacity, but I believe that if there is anything which every one of the honourable members present in this House can do the least of all, it is to observe patience in considering the misfortunes of others. This attempt at rectangulation and sub-rectangulation is in fact the strangulation of the zamindars and parcelling out their lands in portions according to the whims of the canal officer.

Sir, when the honourable member Rao Bahadur Chitale began to speak, somehow or other I felt that perhaps he was coming to our help, although the large number of defeats that we have secured in this House on various amendments on account of the co-operation of the honourable

[Mr. Shaikh Abdul Majid]

members from the Presidency proper with Government did not justify that expectation. This is the last but one amendment, and I think it only wants to give a benefit of a few lakhs of rupees to the zamindars. I hope the honourable member Rao Bahadur Chitale will not grudge these few lakhs to the Sind zamindars. Sir, the honourable member has already complained about the crores of rupees that have been spent over the Sukkur Barrage, and he has complained of the interest charges also; and if I am not wrong, I think that if Sind continues to remain with the Bombay Presidency, the Bombay Presidency will have to share the interest all the more. I am not very sure about the success of the Barrage scheme, and if the worst fears of the people come to be true, the Bombay Presidency and the honourable members belonging to the Bombay Presidency, who have been supporting Government in each and every item of this Bill, ought in fairness to bear a share of the losses that may ultimately be incurred by the zamindars and the Government as a whole.

The honourable member Khan Bahadur Ghulam Nabi Shah has put the case of the zamindars before the House from his own personal knowledge that he possesses as a zamindar and in his own district. Particularly in the Thar Parkar district, where the work of rectangulation has been done in a selected area, the zamindars are already complaining of the reduced quantity of water that is being given to them on account of the Barrage plans, and in addition they will be charged for rectangulation also. Sir, it would serve no useful purpose here to oppose Government when they have already made up their minds on the whole of this Bill, with the sure co-operation of the honourable members from the Presidency. Therefore, I simply endorse every word that has fallen from the lips of the honourable mover in supporting this amendment.

Mr. C. S. C. HARRISON: Sir, I rise to oppose the amendment and the amendment to the amendment. First, Sir, I would like to say that it is the general impression of honourable members on the other side of the House that when Government servants make a mistake, they will never acknowledge it; moreover, they even make attempts to justify their mistake. Now, Sir, I do not propose to do that with regard to a certain mistake which was pointed out by the honourable member from Ahmednagar (Rao Bahadur Chitale). He said that Government made a mistake in not having done rectangulation in the case of the Godavari and Pravara schemes and other Deccan irrigation schemes, and he blamed Government for it. I must take my share of the blame, because I constructed the water-courses for those schemes, and I will take the blame. After his eloquent speech, showing the necessity of rectangulation, and the great benefit that it is to the cultivator, I must, as I say, accept my share of the blame. Had I then the experience that I now have, I can assure the honourable member that I should have urged Government to the utmost to have rectangulation done on the Deccan irrigation schemes, and I know I would also have urged that the irrigators should bear a fair share of the cost.

[Mr. C. S. C. Harrison]

I will not weary the House with any further explanation as regards the necessity of rectangulation. As I say, the honourable member from Ahmednagar has put it very clearly and forcibly, and I do not think I can improve upon it. All that I would like to do is to invite honourable members of this House who require to know anything further about rectangulation—and I admit there would be very few of them who do—to read the debates that occurred in the last session and that have occurred during this session. The remark made by the honourable member Sir Leslie Hudson recurs to my mind that the gramophone record is again being turned on in the House. That was with special reference to repetitions by an honourable member from lower Sind. The honourable member from Larkana stated that rectangulation was not necessary in Larkana and a few other places and that we had been carrying out the construction of water-courses without rectangulation. He is not speaking correctly. He may not be aware but it is a fact that main rectangulation has been done in Larkana and in fact everywhere in the Barrage area. That had been of very considerable assistance to us, although we have not yet done sub-rectangulation. Having done rectangulation in the rice area we note such on the maps; this has helped us to determine the lines along which the water-courses will run with a view to facilitate their fitting in with the sub-rectangulation which at some future date may come to pass. It is not correct to say that it is no concession to the zamindars. On the other hand we have mostly, most reluctantly, to put our new wine into old bottles. The honourable member from Larkana said that he can place no reliance on the estimate of cost of rectangulation. He remembers most incorrectly I never have said that the cost would be Rs. 1-8-0 per acre. He might possibly be confusing me with the Honourable the Finance Member. I said it might go as far as Rs. 4. It is generally known now, that the cost will be much less than what I said.

The honourable member from Mirpurkhas (Khan Bahadur Ghulam Nabi Shah) made a heart-rending appeal to the Honourable the Revenue Member and myself not to rectangulate the third class lands. I think I have made it clear on more than one occasion recently and in March last that it was not our intention to enforce rectangulation with regard to any intensively cultivated lands and much less with regard to third class lands. We fully realise that it would be difficult to rectangulate class three lands and construct water-courses according to rectangulation lines. It has also been plainly stated in the pamphlet read out by the honourable member from Bombay. He need not therefore have made that appeal to the Honourable the Revenue Member and myself, because we fully realise the difficulties. The honourable member himself is perfectly aware that we are not compulsorily running the water-courses on a rectangulated system in the third class area and that we are, in many cases, doing so without rectangulation. We are following alignments which will eventually be willingly acceptable to the zamindars themselves. The honourable member knows perfectly well that whenever the zamindars have any difficulties they come to

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the Superintending Engineer or myself and we make every endeavour to overcome their difficulties. It has occurred in his own case. I know instances where difficulties encountered by zamindars were definitely and willingly met.

Let me inform this House that most innovations are as a rule not at first easily acceptable to those whom they may benefit. We have heard it said by the honourable member that in his own area the canal inspectors and *abdars* are not necessary. I know that certain patients object to the bitter pill that the doctor administers, even if it be for their good. I do not think any honourable member will say that we can run the scheme on a sound basis without having these innovations. If honourable members are going to object to rectangulation I can well see that they will object to canal assistants and *abdars* and *vice versa*. What we consider as absolute necessities are looked upon as unnecessary by honourable members and are objected to. I do not wish to weary the House with any further remarks, but I do hope they will bear in mind what has been said by the honourable member Rao Bahadur Chitale, namely, that we must resist any more efforts to burden the tax-payer for the benefit of Sind.

Mr. C. W. A. TURNER : I move the closure.

The Honourable the PRESIDENT : I accept the closure. The honourable mover of the amendment.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, I wish particularly to reply to my honourable friend Rao Bahadur Chitale who has undergone a transformation within the last four months that is since March last. To-day he has made a strong appeal to this House for the interests of the tax-payers and said that no further concession should be allowed to our province, for the reason that whatever has been done during the past few days are concessions only. That very idea is fallacious that what has been done for Sind in the past is a concession and whatever is being fought for by us is a further concession, is wholly wrong. There is no question of concession in not reckoning the cost of the rectangulation survey. I have already proved and all the points which I raised have not been answered by the honourable member the Chief Engineer. He dwelt on points which were quite different from what I raised ; and so my points remain entirely un-answered. If my honourable friend Rao Bahadur Chitale had understood all the points that I raised, he would not have said that these were concessions. He says that the rectangulation business is in favour of the agriculturists. If he were to read our minutes of dissent, he would have clearly understood that rectangulation and sub-rectangulation survey is in the interest of the State. The very point he raised about the distribution of water goes fundamentally and chiefly in favour of the State, because by reducing the supply of water of certain zamindars they want to give to certain other zamindars and thereby quite obviously the State gets more revenue. Those zamindars whose water supply will be reduced will not be benefited and on the top of it they are being asked to pay for rectangulation and

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sub-rectangulation which in other words mainly entails increased revenue to the State. So, it cannot be said that rectangulation and sub-rectangulation are in the interests of the zamindars. Further more the rectangulation and sub-rectangulation will enable the tapedar to find out easily the survey numbers which have been cultivated and not cultivated and thereby it will help in facilitating matters for the Government officers in collecting revenue for the State. I wish to refresh my honourable friend Rao Bahadur Chitale's memory by reading out an extract from the speech he made at the last session :

" This is an important point which will have to be remembered and digested by this House. But at the same time for so many years you have created some kind of vested interest amongst the zamindars or poor agriculturists, and if you find it necessary to change the course to such an extent that those old water-courses have to be deviated to a great extent, I do not think that this House will ever consider that it will be fair to charge the zamindars or the agriculturists for that deviation."

This is a definite statement he has made. I do not know whether by lapse of time he has grown wiser or otherwise.

The honourable member the Chief Engineer stated in his last speech that the cost would be Rs. 4.

Mr. C. S. C. HARRISON : I said it might be as low as Rs. 2-8-0.

Khan Bahadur M. A. KHUHRO : He said at one time that it would cost Rs. 4 and at another time he said that it would cost Rs. 2-8-0. There are so many variations in the honourable member's statement. He has made another statement before the expert committee appointed by Government.

Mr. C. S. C. HARRISON : Who said I made that statement ?

Khan Bahadur M. A. KHUHRO : The expert committee comprised of two experts appointed by Government to go into the question, have made a statement in their report and that statement is primarily based on the evidence given by the honourable member the Chief Engineer. Otherwise how can they get this information, that the cost will be Rs. 2-8-0 including the construction of water-courses ? This is then the third statement on his part. In the white book which has been supplied to this House it is stated that the acreage cost of rectangulation and construction of water-courses will all told be Rs. 2-8-0. This definite statement must have been based on the data supplied by the Chief Engineer, who guides the Government of Bombay in this question. I further submit that the honourable member who claims to be an expert and advises Government makes contradictory and different statements at different times. He attacked me the other day that I catch the red herrings that float round about me. I do not know whether I am doing so or he is doing that, since I have made it now clear to this honourable House that he makes materially different and positively contradictory statements according to the times as it suits him the most. He said three months ago :

" On that principle, Sir, I have reported to Government that the rate may possibly be something over Rs. 4 per acre."

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The honourable members from Sind are at a loss to find which of his figures are correct and that they may be relied upon. There is no assurance as to the figures from Government since the statement of Honourable the Finance Member who is in charge of the bill is distinctly different from his adviser (Mr. Harrison) when he said in the last March session that the cost will be about Rs. 2 only. The figures are being changed from time to time and we do not know where we stand. There is no definite amount of which we could be apprised of as to what will be charged to us. We have great fear especially after the statement of the Chief Engineer whether we will be charged Rs. 4 or Rs. 2-8-0 or Rs. 2. There is no provision in the Bill as to the exact amount. Ultimately he may come with some quite different proposals, materially altering and changing his even present assurances, when he always finds it easy to do so.

1 Apart from that even in the question of rectangulation and sub-rectangulation survey cost estimates, he has made two different statements in the course of one month only. He said in the select committee that the cost will be only about 4 annas all told, and now he states 8 annas. His statements consequently are loose, unreliable and beyond our comprehension. I would like to strike a note of warning to Government that the honourable member the Chief Engineer is guiding Government of Bombay on wrong lines.

I for all these reasons protest against such varying statements. The honourable member the Chief Engineer and the responsible officers of Government ought to know their own minds. Therefore, I think that there is every justification for accepting my reasonable amendment. But an honourable member has moved an amendment that the cost should be shared half and half by Government and the zamindars. I feel that the response to our appeals from the honourable members of the presidency is very disappointing and hopeless. For the last four days that we have been contesting we have received no support from the honourable members of the presidency. Under the circumstances we do not know where we stand. If the Honourable the Finance Member accepts that amendment to my amendment, I shall consider the question of withdrawing my amendment. If he accepts the amendment to the amendment, it will facilitate matters. Of course I say that having realized fully that we expect no justice from the honourable members of the Presidency. The point made by the mover is that as both the parties, Government and zamindars, receive benefit from rectangulation and sub-rectangulation, they should share the cost half and half. There is absolutely no justification why the zamindars should be made to pay two-thirds.

The Honourable Sir GOVINDRAO PRADHAN: Mr. President, I am sorry I have to oppose the amendment as well as the amendment to the amendment.

[An Honourable MEMBER: Always.]

The Honourable Sir GOVINDRAO PRADHAN: I do not think I have always done that: I have been more considerate to the honourable

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members from Sind than they could have expected. One of the points made by the honourable mover of the amendment is that these survey operations are made for the purpose of land assessment and therefore ought to be governed by the Land Revenue Code. As has been stated repeatedly by the honourable member the Chief Engineer and myself, rectangulation and sub-rectangulation were undertaken for the purpose of aligning the water-courses scientifically: they were not undertaken for the purpose of levying land assessment. As the honourable member from Ahmednagar stated, it was a sad mistake on the part of Government not to have undertaken rectangulation in the Presidency. In order that that mistake might not be repeated in the case of the Barrage, Government undertook to have rectangulation and sub-rectangulation in order to distribute the water more efficiently and equitably. That is why they are necessary for the purpose of aligning the water-courses. As honourable members said that Government were also benefiting as administrators, we admitted that, but pointed out that the benefit to Government would work out to one-sixth—if there was a benefit of five to zamindars, there was only a benefit of one to Government. But as a matter of compromise I said that I would accept the proportion of 1: 2, that is, Government to bear one-third and the zamindars two-thirds. The experts of Government then said that the benefit to Government was impossible to be measured with mathematical precision. Although, therefore, the benefit to the zamindars was five times that of Government, I accepted the proportion of 1: 2 as a matter of compromise. I am sorry I am not prepared to go any step further.

Then, it was stated that this was not part of the Barrage. Nobody said that it was. It was in 1925 that the Chief Engineer pointed out that in order to have a scientific alignment of water-courses, in order to have more efficient and equitable distribution of water, rectangulation and sub-rectangulation survey should be undertaken, and that was done in 1925. The honourable member from Bombay (Mr. A. N. Surve) said that the sanction of the Secretary of State should have been obtained for the estimated cost of this survey. My reply is that it is no part of the Barrage scheme: it is merely necessary for the purpose of having new scientific water-courses in private lands. Then, he said that we should have asked for this amount at the budget time. I do not understand what he means. We are not asking for any amount at present: we are merely asking that a particular amount, part of which has been spent, and part of which will be spent, for rectangulation and sub-rectangulation ought to be borne by the zamindars for whose benefit it is spent. As it has been urged that it is partly for the benefit of Government, as a matter of compromise we have agreed that Government shall bear one-third.

The honourable member from Larkana said that in the White Book (Sind and the Lloyd Barrage) the cost of rectangulation is put down at Rs. 2-8-0. What is stated is that the cost of rectangulation and provision of water-courses will amount to Rs. 2-8-0.

Khan Bahadur M. A. KHUHHO: That is what I meant.

The Honourable Sir GOVINDRAO PRADHAN: "Provision of water-courses" also. In this pamphlet which was placed in the hands of honourable members recently last, it is stated that the cost of rectangulation comes to about eight annas including the charges incurred by the Government of India, which compares favourably with the Punjab rate of Rs. 1-8-0.

The amendment moved by the honourable member Syed Miran Mahomed Shah was practically similar to this amendment. It said that no charge should be thrown on the zamindars with regard to rectangulation and sub-rectangulation. With some little modification, this amendment amounts to the same thing. I must oppose the amendment and the amendment to the amendment.

Question put:

In place of the words proposed to be omitted ("more than two-thirds") substitute the words "more than one-half".

House divided. Ayes, 31; Noes, 47. Motion lost.

Division No. 6.

Ayes.

BANGI, Mr. A. K. J.
BHUTTO, Sir SHAH NAWAZ
BHUTTO, WADERO WAHIDBAKSH ILLAHI-
BAKSH
DHALUMAL LILARAM, Mr.
DIXIT, Dr. M. K.
GHULAM NABI SHAH, Khan Bahadur
GOKHALE, Mr. L. R.
GOVER, RORA, Mr.
JAM JAN MAHOMED KHAN, Khan Bahadur
JAN MAHOMED KHAN, Khan Bahadur
KADRI, Mr. J. S.
KALE, Rao Bahadur R. R.
KARBHARI, Mr. M. M.
KRUMHO, Khan Bahadur M. A.
KULKARNI, Rao Saheb P. D.
MADHAVASANG JORBHAI, Mr.

MEHTA, Mr. M. H.
NAIK, Rao Bahadur B. R.
PATEL, Khan Bahadur A. E.
PATEL, Mr. C. N.
PATIL, Mr. N. N.
PRADHAN, Rao Bahadur G. V.
RESALDAR, Mr. A. K.
SHAIKH ABDUL MAJID, Mr.
SURVE, Mr. V. A.
SYED MIRAN MAHOMED SHAH
TALPUR, MIR BANDER ALI KHAN
THAKOR OF KERWADA, Sardar BHASABHAI
RAISINGHI
TOLANI, Mr. S. S.
VAISHAMPAYAN, Dr. V. G.
VAKIL, Mr. PESTANSRAH N.

Tellers for the Ayes: Mr. J. G. MORE and Rao Saheb P. D. KULKARNI.

Noes.

ABERCROMBIE, Mr. J. R.
ACHREKAR, Mr. A. B.
ASVALE, Rao Bahadur R. S.
BELL, Mr. R. D.
BOWERS, Mr. P. L.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
BULLOCKE, Mr. A. GREVILLE
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DESAL, Mr. S. B.
EWSANE, Mr. R. B.
GARRETT, Mr. J. H.

GHULAM HUSSAIN, the Honourable Sir
HARRISON, Mr. C. S. C.
HUDSON, the Honourable Mr. W. F.
JONES, Major W. ELLIS
KALBHOR, Mr. G. M.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur
S. T.
LELY, Mr. W. G.
MACKLIN, Mr. A. S. R.
MODAK, Rev. R. S.
OWEN, Mr. A. C.
PATIL, Rao Bahadur D. R.
PATIL, Mr. V. N.
PATIL, Rao Saheb V. S.
PRADHAN, the Honourable Sir GOVINDRAO
PRATER, Mr. S. H.
RAFIUDDIN AHMAD, the Honourable
MOULVI

Noes—contd.

SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.

THOMAS, the Honourable Mr. G. A.
 TURNER, Mr. C. W. A.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

Tellers for the Noes : Khan Bahadur D. B. COOPER and Mr. N. N. PATIL.

Original amendment (Khan Bahadur Khuhro's) put and lost.

The Honourable the PRESIDENT : Now there are two amendments remaining to section 92 ; both are the same. I would ask the honourable member Syed Miran Mahomed Shah to move his amendment as I think it is better worded.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I beg to move :

In clause 6 of section 92, after the words " final and conclusive," add the following words :—

" Unless modified by a civil court of competent jurisdiction."

From the attitude taken up by the Honourable the Finance Member, I think there will be no difficulty in accepting this amendment.

Question proposed.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I accept the amendment.

Question put and carried.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I now move that—

" Both provisos to proposed section 93 be omitted."

Sir, the clause runs thus :

" The provisions of sections 91 and 92 [except the proviso to sub-section (1) of section 92] shall be deemed to have come into operation and to have had effect from the 1st June 1926."

Then there are two provisos : the first is :

" Provided that anything done by the canal officer under the said provisions between the 1st June 1926 and the date of the coming into operation of this Act shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed."

Then there is another proviso. Now, Sir, my intention in moving for the omission of this proviso was based on this reason, that by a comparison of the old Act and the provisions of this Bill as emerged from the select committee, I can find that there is much modification of the Bill as amended by the select committee as compared with the original Bill or the Act itself. I can imagine the illegalities committed by the canal officers during the period since when they have undertaken the construction of new water-courses without any legal authority. And I can presume safely that the canal officer might have committed certain acts which could not be protected under any law of the land. Therefore without enquiring into these excesses or illegalities, without knowing exactly the position of the agriculturists with regard to the action of the canal officer, I think it will not be fair to deprive the agriculturist of the

[Syed Miran Mahomed Shah]

protection afforded by the Act as amended now or the existing law of the land. Therefore, to say that the actions of the canal officer will be exempted from any jurisdiction of the civil court or from any penalty will not be fair to the agriculturist, unless an assurance is given that objections will be invited from the agriculturists who may have suffered any loss on account of the action of the canal officers during the period since the 1st June 1926, and those losses will be accounted for.

The other proviso runs thus :

"Provided further that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who was entitled to such supply if such stoppage was due to any action of the canal officer in changing or transferring the source of water-supply under the provisions of section 91 during the period aforesaid."

My reasons for the omission of this proviso are that I cannot understand how it is that the canal officer could have during the last four or five years stopped the water-supply of an agriculturist except by doing it wilfully or capriciously, because the new water-courses that the canal officer might have constructed within the Barrage zone could not have possibly stopped his water which flows through his old water-courses which will be scrapped only hereafter. So there is no chance that the canal officer could have stopped the water-supply of anybody up till now. Therefore either this proviso is redundant or there is something sinister behind it. We do not know the conditions for which this proviso has been brought in. Therefore since we are not in the know of the actual conditions and since we cannot presume how the agriculturists could have been affected by the construction of new water-courses (which will flow after the Barrage canals open) this proviso should be omitted. Unless my honourable friend the Chief Engineer can explain to me, I think it is unnecessary to provide for things of which we have no knowledge. With these few remarks, I move the amendment and leave the honourable member the Chief Engineer to throw light on the matter.

Question proposed.

Mr. C. S. C. HARRISON : Sir, I rise to oppose the amendment. I think my honourable friend who has just spoken was prepared to modify his views if I could satisfy him on the question of this proviso, and I hope that if he is satisfied with what I propose to say in explanation of this proviso, he will withdraw his amendment.

Now, Sir, the honourable member seems to think that there is something sinister behind this saving proviso. As was explained in the last March session, the proviso is necessary in order to protect Government to the extent that the recoveries will be legalised on expenditure incurred on the rectangulation and sub-rectangulation work done up to date. That is one reason. The honourable member fears also the illegal actions of canal officers. He failed to give us any idea what the illegal actions might be. There is only one action that I can recall that may aggrieve individuals and that is the change of the source of water-supply. Action in that direction had to be taken in the case

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of the Kipro Canal. Certain changes have also had to be made in the existing *peech* rights of irrigators under the Mithrao Canal. Under Barrage conditions certain areas under the Mithrao Canal will have to be served by the Kipro Canal and as we have opened the Kipro Canal this year, we have had to change certain *peeches*. I understand that in these instances there are no complaints at all, certainly none have been received by me. If any injury has occurred, it is due to meeting emergent cases and there has been an interference with rights under the existing law and such interferences of individual rights will occur until the amendment of the Act is carried out.

There is one other point and that is the question of drainage. We have, in certain circumstances, had to nick out land where we considered a few drainage lines urgently necessary. That again occurs in the Mithrao area. These lines were nicked out and we received certain threatening letters from some of the zamindars concerned to the effect that they would prosecute the Secretary of State because our actions were illegal. I thereupon gave orders to hold this work in abeyance till the Bill was passed. I could not hold in abeyance the changes of *peech* on the Kipro Canal. So far as I know, these are the only instances which are illegal at present but will not be illegal when the amendment of the main Irrigation Act is passed into law. There is no question of interference with the flow of water in other cases, as the honourable member himself pointed out, and we have not yet interfered with or interrupted the flow of water in existing *karias* on any other canal system without the consent of the parties concerned. Therefore, I hope the honourable member will accept my statement that there is no sinister motive behind this proviso, and such being the case, I hope he will not press his amendment.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I want to say this only that by adding these provisos—

The Honourable Sir GOVINDRAO PRADHAN: The first is a new one, the second was already there.

Khan Bahadur M. A. KHUHRO: This deprives the people of claiming their right of compensation for the loss to which they may be put. There are two provisos of which notice of elimination has been given. The second proviso deals with compensation clause which says that if any loss is sustained by the people owing to any wrong action on the part of a canal officer, they should not be deprived of the right of claiming compensation for the damage caused by the stoppage of water-supply. The first proviso in effect says that even if the canal officer has done any illegal act since the 1st of June 1926, that act should be certified as legal.

I think that in the first place the idea of giving retrospective effect to such legislation is wrong in principle. We have never done it before and we have never allowed Government to pass a legislation to legalize their illegal acts which took place in previous years, say four, five or six

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years ago. The principle of legalizing illegal acts years after the commission thereof is very dangerous and will prove very harmful if once accepted, and we do not know where it will end. We should therefore make every attempt to oppose these two provisos. There has been no precedent like this. I do not know for what reasons, best known to Government, they are trying to get these provisos retained in the bill. I hope this House will accept the amendment and reject the provisos *in toto*.

Rao Bahadur R. R. KALE (Bombay University): Sir, I think the honourable the mover of the amendment will admit that the select committee has made this improvement upon the bill. Of course, the purpose of appointing a select committee is really to effect improvements upon the original bill by doing away with any defects that may be found in the original bill. Logically speaking, if the amendment had covered the whole clause (new section 93), then we could have understood the honourable the mover's point of view, but having allowed the first part which says that "the provisions of sections 91 and 92 [except the proviso to sub-section (1) of section 92] shall be deemed to have come into operation and to have had effect from the 1st June 1926," I think it is illogical to simply say that whatever has been done since the 1st June 1926 should not be validated.

With regard to the second proviso, I think a reference to section 31 of the main Act will show that a similar provision exists already and the proviso (c) to that section says that no compensation shall be so awarded in respect to any damage arising from stoppage or diminution of any supply of water, etc., etc. So I think the second proviso is not new but that it is on the same lines as the proviso in the original section 31 of the Act.

I therefore do submit that the amendment as moved should not be accepted.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I would like to enlighten my honourable friend Rao Bahadur Kale who has perhaps misunderstood me. I think I am quite consistent and logical in moving for the deletion of the two provisos and allowing the section to remain there. I could have moved for the omission of the whole section, but then I thought that Government have carried out certain works and have constructed certain water-courses and that therefore it was not right on our part to launch Government into any sort of complications with regard to the construction of those water-courses. My reason for moving for the omission of only the provisos was because they do not give the protection, the concessions which have been provided for in the bill as it has emerged from the select committee. For instance, formerly in the original bill it was only the canal officer who could judge and so far as the water-courses that were changed or constructed by him, the sweet will of the canal officer was final, but according to the amendment made by the select committee, we have vested that power of judging in the Collector.....

Rao Bahadur R. R. KALE : Then why reopen that question now ?

SYED MIRAN MAHOMED SHAH : Because if the proviso is not omitted then nobody can complain to the Collector but if the proviso is deleted, the result will be that even now the owner of any water-course can complain to the Collector that such and such a thing has not been applied to him and ask why he has been treated differently. Even now though his water-courses may have been constructed long ago he can claim compensation under the provisions of the Act and he can get benefit if there is any room for it. Why then do you shut him out of his remedy by providing that no compensation can be claimed for any illegal acts that may have been done by a canal officer during the last five years. Why do you want to prevent the owner of any water-courses from enjoying or obtaining any relief, which he can get by means of any legal decree, and which protection is being provided in the present Bill for the future generations ? Why do you seek to deprive him of that ? On that ground, therefore, I did move for the omission of these two provisos so that any one who has been adversely affected can move the Collector to rectify the mistakes or wrong which may have been done to him. Why do you want to make all the past illegal actions legal ? The protection against any illegal action remains there so far as the construction and alignment of the water-courses by canal officer is concerned. This is covered by the section itself.

As regards the second proviso, if there is provision under section 31, then I think this is redundant and it will only cause a multiplication of legislation. But that is not so. From the trend of the arguments of my honourable friend the Chief Engineer, you will see that there has been transgression of the law and transgression of the law will continue to be committed until the Act as amended by Government is put into force. My main point is why do you want to shut out people of their right to claim compensation by resorting to a civil court ? This is my only reason for moving for the omission of both the provisos. I trust the House will accept it.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I am sorry I have got to oppose the amendment. I shall explain what is actually provided in the provisos. The first proviso says " Provided that anything done by the canal-officer under the said provisions between the 1st June 1926 and the date of the coming into operation of this Act shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed." It is only as regards the procedure. Suppose the canal officer has not followed the procedure which was not in existence then. The procedure which is to be followed is now being laid down by this Bill. What the procedure should be is being now laid down and the order as regards the change of alignment or the change of the water-courses will now be made by the Collector, and certainly the canal officer has got to follow that procedure. Does this honourable House want that there should be a huge number of suits against the Secretary of State because the procedure which is now being settled has not been followed ? If the honourable member says that the canal

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officer has acted arbitrarily or has done anything vexatiously, certainly he is not immune from a suit for damages. No public servant is protected if he acts vexatiously or arbitrarily. I am further going to point out certain other provisions of the Act. The first proviso is merely intended to lay down that if the canal officer has not followed a procedure which is now being laid down (Excuse the repetition, because I want to impress upon this honourable House what the first proviso really aims at) and which did not previously exist in the year 1926 because it is being enacted now, and if that canal officer has made any mistake in the procedure, please do not file suits, but if he has acted illegally or vexatiously or arbitrarily and if you are damaged, then you are welcome to file suits. According to the original draft of the Bill, it was the decision of the canal officer as regards change of alignment or change of water-courses which was to be final, but the select committee and the honourable House have adopted the provision that the order will be made by the Collector—

SYED MIRAN MAHOMED SHAH: Subject to revision by the Commissioner.

The Honourable Sir GOVINDRAO PRADHAN: Yes. My honourable friend is a lawyer himself and can understand that the procedure that is being laid down now could not have been followed by the canal officers during the last five years. The proviso merely provides for that contingency.

As regards the second proviso, what is it that it says? It says, "Provided further that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who was entitled to such supply if such stoppage was due to any action of the canal officer in changing or transferring the source of water supply under the provisions of section 91 during the period aforesaid." If, Sir, you will read this proviso with the original section 28 of the Act, you will find that the original section 28 says, "The supply of water to any water-course or to any person who is entitled to such supply shall not be stopped except—, etc." By the new Bill you have added one further sub-clause.* I am requesting the attention of the honourable House to clause 3 of the Bill. It says:

In section 28 of the said Act, at the end of clause (e) for the "full stop" a "semi-colon" shall be substituted and after the said clause the following clause shall be inserted, namely:—

"(f) Whenever the source of water supply of any land dependent on any water-course is ordered to be changed by a canal officer under section 91."

If under section 91 a canal officer orders that the source of the water supply which is dependent on any water-course should be changed, such action must be protected. Under section 28 there are only five sub-sections, and this will be the sixth under which if there is a stoppage of water supply as the result of the canal officer's action no suit can be brought for compensation.

I shall also go to section 31, because all these sections are going to be put in the Act itself, they are going to form part of the original Act itself,

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and section 31 says, "Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation." Under section 31, except in certain places where provision is made that there shall not be a suit for compensation, the canal officer, if he exercises his powers vexatiously or arbitrarily or illegally, is always liable to be sued for compensation for damage. So, the second proviso merely makes clear the same thing "Provided further that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any....." Supposing there is an old water course here and by the new alignment the old water course ceases to get water supply, can the canal officer be sued for compensation? Certainly not. Otherwise why has this Bill been brought? It need not have been brought at all. If there is any old water-course, that old water-course is going to be useless when the new one is ordered to be constructed because the old water-course will not get water after the new one is finished. The section says that if by the action of the canal officer under section 91 there is a stoppage of water to the old water course, the canal officer shall not be sued for compensation. It further says "or to any person who was entitled to such supply if such stoppage was due to any action of the canal officer in changing or transferring the source of water supply....." If any landlord was taking water from the old water-course and owing to the decision of the canal officer under section 91, water from the old water-course is transferred to the new water-course, in such cases there ought to be no suit. It is merely an amplification of section 28, nothing more. The proviso does not take away any rights which the zamindars possessed. It merely amplifies section 28 to which a sub-clause is being added by this Bill and this proviso makes it clear in what cases compensation shall not be claimable. It does not take away the rights under section 34.

Then again, as the honourable member Mr. Kamat points out, and I was going to point out, it is only during the period of five years, that is from 1926 to the coming into operation of this measure, that if the canal officer stops any water supply or transfers it to a new water-course that there shall be no suit for compensation, because the canal officer is acting under a power which is now being formulated under section 91. So, I submit that the apprehensions which my honourable friends entertain in their minds are absolutely groundless. It is far from the intention of Government that any rights of claiming compensation should be taken away from the ryot. That is why when amendments giving jurisdiction to the civil court were inserted in two places I never raised any objection.—I accepted those amendments. I submit these provisos do not confer any additional rights upon Government, and they do not take away any rights of the subjects. I therefore oppose the amendment.

SYED MIRAN MAHOMED SHAH : Might I point out, Sir, that the action of a canal officer in the construction or alignment of a water-course does not expose the Secretary of State to any suit even now?

The Honourable Sir GOVINDRAO PRADHAN: What is the honourable member's contention? Is it that these words are redundant?

SYED MIRAN MAHOMED SHAH: I think so.

The Honourable Sir GOVINDRAO PRADHAN: Then, let my honourable friend show me where the harm comes in having these words. I have already explained to the House, and if the honourable member wants I will repeat again, that the rights which are restricted as regards the stoppage of water are mentioned in section 28. In section 28 you have one sub-clause which is called (f) in this Bill. As regards the first proviso, there can be no doubt that it only relates to the procedure. As regards the second proviso, it only lays down that if during the period of five years (1926 to 1931) the canal officer has stopped the water and transferred it to any other water-course or if he has transferred the source of water supply, which he has a right to do under section 91—and there is also a reference to section 91—there shall be no suit for compensation. Section 31 of the Act makes provision for compensation in respect of damage in other ways.

Question put and lost.

The Honourable the PRESIDENT: The next amendment of which notice has been given by the honourable member Mr. Surve is as follows:—

In paragraph bearing No. 93, add at the end a third proviso as follows:—

“Provided, still further, that any cause or causes of action for claiming damages or compensation in respect of anything done by the canal officer in pursuance of the proviso firstly mentioned above, which may have arisen between the 1st of June 1926 and the date of the coming into operation of this Act, shall remain unaffected and enforceable at law, if the person affected by such acts chooses to go to a court of law.”

The Honourable Sir GOVINDRAO PRADHAN: Sir, when I opposed the elimination of both the provisos, how does this amendment arise?

The Honourable the PRESIDENT: How does the honourable member make the amendment consistent with the second proviso?

Mr. A. N. SURVE: It is consistent in this way, that the Bill is to have retrospective effect, it comes into operation from 1926, and the Honourable the Finance Member has admitted now that no procedure was laid down—

The Honourable the PRESIDENT: The proviso which he wants to add says “Provided, still further, that any cause or causes of action for claiming damages or compensation in respect of anything done—the words ‘anything done’ are to be emphasised—by the canal officer in pursuance of, etc.” If the honourable member allows the two provisos to stand and adds a third proviso with the words “anything done” in it, then what about the second proviso?

Mr. A. N. SURVE: My only point is that this is *ex post facto* legislation, that is legislation after the acts are completed. If certain acts have been committed between 1926 and the date on which the Act comes into operation, they will give the person affected a cause of action. How can subsequent legislation kill such cause of action which

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has already arisen? In order that the cause may not be killed, this proviso is intended to be added.

The Honourable the PRESIDENT: I am in a difficulty about the wording of the amendment. Unless he improves upon it, it is inconsistent with the second proviso.

Mr. A. N. SURVE: If the Legal Remembrancer is perhaps consulted on this point, he would be able to see what I am driving at. However, I am not pressing my amendment. My point is that if a cause of action at law has arisen, it cannot be killed by subsequent legislation.

The Honourable Sir GOVINDRAO PRADHAN: I submit that section 31 of the Act is still there. I have said more than once that in the original Act there are two sections, 26 and 31. Section 26 gives power as regards the settlement of disputes or as regards the settlement of claims for compensation *inter partes*, and section 31 relates to suits against the canal officer. If the canal officer has done anything in excess of the powers conferred by this Act, and if he transgresses his powers, and if there is a cause of action which has accrued to any person between 1926 and 1931, that cause of action is not taken away.

Mr. A. S. R. MACKLIN: Sir, I move the following amendment; it is in the nature of a formal amendment:

In clause 4, section 93, the first proviso, for the words "this Act" substitute the words "the Bombay Irrigation (Amendment) Act, 1931."

If the proviso is passed as it stands, then when the proviso is incorporated into the main Act the words "this Act" will mean the main Act of 1879. So protection will be given between the years 1926 and 1879, which is not what is intended.

Question put and carried.

Clause 4, as amended, ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable Sir GOVINDRAO PRADHAN: Sir, I will move the third reading of the Bill to-morrow.

BILL No. XVII OF 1931 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER ACT, 1925).

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I introduce Bill No. XVII of 1931 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925)*.

The Honourable the PRESIDENT: The Bill is introduced.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, First reading. I move that Bill No. XVII of 1931 (a Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925) be read a first time. This is a very simple Bill and free from any ambiguities, and I do not think I can add much to the explanation which has been furnished in the statement of objects and reasons. I might, Sir, in the beginning, make it clear that this Bill has been introduced at the instance of the City Improvement Trust themselves. They have been

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representing to Government for some time past that a large number of plots of land belonging to the City Improvement Trust, and especially those which are situated in the north of the Island, have been lying undisposed of for some considerable time. They also represented that in spite of that fact a demand for loan was constantly made not only from the members of the staff but also from individuals to enable them to construct houses on the Trust lands; but in absence of any power to the Trust to advance loans the Trust was unable to meet with the demand with the result that these plots of land have remained up till now undisposed of. A similar Bill was introduced in the year 1929 by my honourable friend Mr. Rahimtoola, but it was opposed by Government in view of the contemplated amalgamation of the Improvement Trust with the Bombay Municipal Corporation and also in view of the fact that as the ultimate financial responsibility was to rest on the Bombay Municipality it would not be wise to allow the Trust to incur any additional liability until the main lines of the amalgamation were very carefully considered by the Improvement Trust and also the Bombay Municipality. That has now been done. Unless, therefore, a legislation is undertaken to empower the Trust to advance loans to individuals for constructing buildings on Trust lands, they will continue to remain unoccupied especially in view of the fact that there is great economic depression which has in consequence had a very depressing effect on the land-market and landed property not only in the city of Bombay but also in the suburbs.

It may not be out of place to state here that this Bill is by no means in the interest of Government, because it is likely to act adversely on the development plots in the suburban district. But Government have satisfied themselves as regards the margin of safety in respect of grant of loans and also in regard to the general financial aspect of the provisions contained in this Bill. I do not think it is necessary at this stage to make any further observations in favour of the Bill and I hope this honourable House will pass the Bill without any great discussion.

Question proposed.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, the object of this Bill is practically the same as the one which I introduced in this House. Naturally I whole-heartedly support it and request the House to pass it through all its three readings without any amendment. The various provisions have been considered by the sub-committee of the Improvement Trust, and the percentages and the amount have been very carefully considered and arrived at by the sub-committee of the Improvement Trust and then by the committee and then by the board. These items have also been examined by the Corporation, and by the Commissioner and all have been fixed after careful and mature consideration. I hope, therefore, Sir, that the House will pass the Bill without any change.

Rao Bahadur R. S. ASAVALE (Bombay City, North): I rise to support the first reading of this Bill, Sir. This Bill, as has been

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stated was introduced in 1929. Then it was thrown out, because Government had promised that they would bring forward a similar Bill before this House. I must thank the Honourable Minister in charge of the portfolio for having kept up that promise and brought forward this Bill. But I do not agree with him in the statement he has made that Government will not be benefited but that the Corporation will be benefited. If the city will have more property Government will be getting more income tax. There is benefit to Government also. With these few remarks I support the first reading of this Bill.

Dr. J. ALBAN D'SOUZA (Bombay City, South) : Sir, I rise both as a member of the Board of Trustees and as a member of the Improvements Committee to give this honourable House a first hand idea of the urgent necessity of introducing in the City of Bombay Improvement Trust Act the provision for advancing loans to persons desirous of erecting small buildings on vacant lands vested in or belonging to the Board. The Trust is annually sustaining a heavy loss owing to the deficiency in the sale of its vacant lands, especially those situated to the north of the island. I must say that Government has in some way been responsible for this during at least the last two years. Whereas in the north of the island Government vacant lands are being sold and developed to a highly desirable extent—the model villas that have sprung up at Bandra, Khar, Santa Cruz and Chembur bear testimony to this—the Trust lands are lying painfully fallow.

Sir, the statement of Objects and Reasons refers to the transfer of the City Improvement Trust with all its financial responsibilities to the Bombay Municipal Corporation. There is an aspect of the Bill as relating to the transfer which I feel sure will appeal to this honourable House. I may inform this honourable House, Sir, that in the matter of the transfer and the grave financial responsibilities accompanying it, the Corporation feel that they are going to entertain a bleached white elephant into their shed. The indebtedness of the Trust as on 1st April 1931 is over 16 crores of rupées. This Bill if it is passed would do one thing for certain. It will alleviate to some extent at least the responsibilities of Government who shall have to provide somehow or other fresh sources of revenue to the Bombay Municipal Corporation for the upkeep of the white elephant.

I therefore trust, Sir, that alike in the interest of the City Improvement Trust and of the Bombay Municipal Corporation and of Government this honourable House will pass this Bill with its unanimous consent.

(*After recess.*)

Mr. B. P. WADKE (Bombay City, South) : Sir, I am surprised to see that the members from Bombay, and especially the members who are members of the Corporation and the City Improvement Trust Board and Committee have supported this Bill. Sir, to support this Bill means to agree to put the cart before the horse. Everybody is asking for amalgamation of the Trust with the Municipality. In the last week somebody has written a very good letter in the

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Bombay Chronicle depicting the difficulties of the Improvement Trust and the liabilities automatically falling on the Bombay Municipality. The time when we are winding up the affairs of the Improvement Trust is not the time for bringing forward this Bill.

This Bill is brought forward under the pretext of looking to the welfare of the clerks when most of the staff has been reduced from the Trust service.

Rao Bahadur R. S. ASAVALE : And the public also.

Mr. B. P. WADKE : If somebody is going to consider that this is going to benefit the clerks and other employees of the Trust I submit that those who are serving the Improvement Trust have sufficient money out of their Provident Funds instead of Trust loans to the extent of 65% of the total cost of the building which loan you are going to advance I submit, and therefore there is no necessity for this Bill.

For the present, there is no necessity for more buildings in the City of Bombay. According to the latest census—I do not know how far it is correct—the population of the City of Bombay is 11½ lakhs.

Rao Bahadur R. S. ASAVALE : Twelve lakhs.

Mr. B. P. WADKE : You may say it is 12 lakhs. In the boom time the population was about 12 lakhs. So, the census report is not as correct as it ought to have been. You will see that at present many buildings in Bombay are lying vacant. The Development chawls which are in a good area—in places like Dadar and Worli—are not tenanted by a single individual. Nobody likes to invest money in buildings at present. The Dadar-Matunga and Sion-Matunga areas, after so many years, have not been built upon even to the extent of one-fourth. Even if you give this temptation to the public of Bombay, I do not think more than a dozen persons will come forward to put up buildings on the Improvement Trust lands. If we wait for a short time, the Bombay Municipality will take over the necessary staff of the Improvement Trust, and then if we pass such a Bill the benefit will go also to the clerks of the Municipality and public as there is enough developed land available. The Corporation's finances are in a bad state at present, and they are contemplating fresh taxation. Even clerks, pleaders, doctors, architects, etc., will be burdened with fresh taxes.

An Honourable MEMBER : What an extraordinary profession !

Mr. B. P. WADKE : . . . singing girls and prostitutes [*Interruption.*] My honourable friends are anxious to hear the extraordinary reasons for my opposing the Bill.

Mr. HOOSENALLY M. RAHIMTOOLA : Are they (architects and prostitutes) in the same category ?

Mr. B. P. WADKE : A little commonsense will suggest the obvious answer to him.

The Honourable the PRESIDENT : The honourable member should address the Chair.

Mr. B. P. WADKE : Bombay has at present enough buildings to meet its requirements. Rupees seven crores—perhaps more—of public

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money has been locked up in the unnecessary development undertaken a few years ago. That is the opinion expressed by the Chief Officer of the Improvement Trust Board in his latest report.

Another point is this. A glance at the map of Bombay shows that only one-third of the area of the island has been built upon and the remaining two-thirds is lying vacant. If that is so, why tempt the public by hook or by crook to take up these lands? Even if you offer these plots free of charge, nobody is going to come forward to take them, because of the depressed condition of the industries. [*Interruption.*] Even if we pass this Bill now, what will be the result? We have been given to understand by the then Municipal Commissioner Mr. Dalal that this year the revenues of the Corporation will shrink considerably owing to the refunds in general revenue. When such is the state of the Corporation, where is the propriety in undertaking to give loans to purchasers of land? When the Improvement Trust is amalgamated with the Municipality, this Bill may be taken up as it will be applicable to both developed lands. For these reasons, I request the honourable House to throw out the Bill at its first reading.

Mr. A. N. SURVE (Bombay City, North): Sir, I have great pleasure in supporting the first reading of the Bill. If the Improvement Trust had been invested with this power earlier, I am quite sure some more plots would have been sold by now. The member who preceded me has told the House that a large number of plots are lying in the hands of the Improvement Trust. Owing to the depression following the war, people have no money. Let us hope that when this Bill is passed into law, some people will go in for these plots.

Coming to the clauses of the Bill, I would like to make some suggestions. First of all, it is stated in the statement of objects and reasons that the employees of the Trust have been applying for these lands. If the Bill is brought in favour of the employees, why is it worded so vaguely and generally in its terms? Perhaps it is intended that the by-laws will make that matter more clear. However that may be, my submission is that if the employees of the Trust are to get the benefit of this Bill, the Bill should be made more liberal. The servants of the Improvement Trust, when they retire at the end of their long service, generally have nothing or very little to fall back upon in their old age. For that reason you must give extra inducement to them to invest their slender resources in these lands. Take, for instance, the limits fixed in the Bill. Rs. 20,000 is the maximum that can be advanced and the extent of the loan will be 65 per cent. of the cost of construction. I submit, Sir, that these are not quite generous terms.

Mr. R. B. EWBank: On a point of order, Sir. Can the honourable member discuss these details regarding which he has already given notice of amendments at the first reading?

The Honourable the PRESIDENT: He is discussing the effects of certain clauses, which he can do generally at the first reading. He will perhaps move his amendments at the second reading.

Mr. A. N. SURVE : I am not going into the details of the Bill. I am showing how the Bill can be liberalised. For instance, if the loan to be advanced is only 65 per cent., then the other 35 per cent. will have to be borrowed because *ex hypothesi* the employee has not got all the money in his pocket. So for the 35 per cent. of the cost of construction he will have to seek another creditor. By the terms of the Bill he cannot give the first mortgage, the first mortgage of the building being given to the Trust and it is common experience that on the second mortgage the debtor has to pay a very high rate of interest. I am only pointing out the consideration that is due to the prospective lessee.

Another point is that the bill provides for the recovery of this money in 20 years. That means the lessee has to pay 5 per cent. of the loan with interest per year. If he gets a little more increase in the period of repayment, say 25 years, he will be getting the benefit of 1 per cent. and he will be repaying 4 per cent. of the loan every year. After all the money is safe; the Trust land with the building is with the Trust and I do not see any reason why we should not be more lenient to the poor employees.

My honourable friend from Bombay (Mr. Rahimtoola) has told the House that this Bill has secured the full blessing and benediction of the Bombay Corporation and of the Improvement Trust Committee. Well, Sir, I do not think that we in this House will be led away by this suggestion. The point is that the constitution of the Corporation and of the Improvement Committee has not yet been sufficiently democratised. Whatever findings these two august bodies come to,—they are not really two bodies but one body with two names and discharging two separate functions under two separate Acts—but so long as that body is not democratised, I must, on behalf of the employees, request this House that the points I have mentioned and the amendments which I have tabled should be taken into consideration and the Bill should be liberalised. With these remarks, I wholeheartedly support the first reading of the Bill.

Dr. M. D. GILDER (Bombay City, North) : Sir, I would not have intervened in this debate, but some of the arguments employed have seemed to me rather to want an intervention.

My honourable friend from Bombay City, South (Mr. Wadke), who has achieved the record of being the only member on this side of the House who has had a favourable word to say about the Development Department chawls of which we have heard so much in the past in this Council has drawn attention to the fact that a lot of land is lying vacant in Sion and Matunga. It is exactly because of this land lying vacant that this Bill has been brought up. It is because we want to dispose of this land and we want that this land should be built upon that this Bill has been brought. He says only half a dozen persons will probably take advantage of the Bill. Then where is the objection to the Bill if only half a dozen men come forward for this land? Evidently the evil is not so great as to require his opposition in this Council.

[Dr. M. D. Gilder]

Another argument that he used was that industries in Bombay are closed. I suppose that he meant that there is a good deal of depression in Bombay as regards trade. Well, it is on that ground that the Bill is based. It is rather funny how the opponents of this Bill and the opponents of the same Bill when it was introduced by the honourable member on my right (Mr. Hoosenally Rahimtoola) in the March 1930 session used different sorts of arguments. The honourable member the General Secretary then said :—

“ At present the market is depressed, but the time may come when the value of buildings will go up enormously, in future, as it has in the past. We shall then find possibly that the Improvement Trust is giving loans up to 65 per cent. of the greatly inflated value of buildings in a boom period, and subsequently under those circumstances, losses might possibly be incurred. I mention this as an example of the points that must necessarily be carefully considered before a scheme of this sort is finally adopted.”

The Bill is opposed because there is the period of depression ; the Bill is opposed because there may come a period of inflation. Whichever way you take it, it has got to be opposed. Might I ask my honourable friend the General Secretary to say what careful consideration the Government has given to his own objection and on what grounds they have come to justify the change ? With these words, Sir, I support the first reading of the Bill which has been introduced by an Honourable Minister who, in the division on the last occasion, voted against it.

Mr. J. B. PETIT (Bombay Millowners' Association) : Mr. President, I rise to support the principle underlying the Bill, because I am of opinion that the acceptance of it by this honourable House will enable the Improvement Trust to get rid of the enormous areas of developed land which at present lie unsold and unused on its hands and which are causing it no end of trouble and loss. I think the honourable member to my left (Mr. Wadke) was right, when he said that the Trust should have thought twice before producing such extensive areas of costly and developed land in the absence of a definite demand for them and that it should have made careful inquiries before undertaking such huge schemes. But a mistake having been once committed and times having meanwhile altered, would it be right to say that we should not help ourselves and make absolutely no endeavour to dispose of the land which is not only lying undisposed of at the present moment but also causing so much embarrassment to the Trust authorities ? It is therefore that the present measure has been brought forward by the Government, after very careful consideration, on the recommendation, both of the Improvement Trust and the Bombay Municipal Corporation which has ultimately to bear the entire loss arising out of the operations of the Trust, to give facilities to intending purchasers by making them advances to the extent of 65 per cent. of the value of the structures that may be erected on the plots, in order that the land may be sold off more expeditiously, in the first instance to employees of the Trust who may wish to have residences of their own and in the second instance to members of the public. In this way it is expected that the Trust will be able at no very distant date to dispose of all the land which is now lying unused on its hands.

Under these circumstances, I think the House ought to accept this measure which has come not a day too soon and which, as my honourable

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friend for Bombay, South (Mr. Wadke), said, might have been more appropriately brought forward about 10 or 15 years ago. I have no doubt in my mind that, if it is passed, advantage will be taken of it by members of the public to such an extent as will enable the Trust to dispose of the enormous areas of developed land which are now lying unused on its hands, at the earliest possible moment. This Bill if passed into law will thus have the effect not only of relieving the Improvement Trust of its losses, which go on increasing day after day with its heavy working and interest charges daily piling up, but will also indirectly benefit the Bombay Municipal Corporation, by enabling it to realise taxes on the structures that would be erected on the land. The result will thus be that both the Improvement Trust and the Municipality will be benefited and an enormous area of surplus land, which is now lying idle, will be disposed of. For all these reasons, I think the Government might be congratulated upon having brought forward this measure, and the House ought to accept it unanimously, if possible, by carrying all the three readings at one sitting.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I have not been able to follow the arguments of my honourable friend Mr. Wadke, but from what little I could gather from his speech I am inclined to think that he has not properly understood the object of the Bill. In the first place, I might make it very clear to him that this Bill is merely an enabling Bill. By vesting the City Improvement Trust with the power of granting loans, we are by no means making it compulsory on the part of the Trust to lend money. If the conditions are not favourable, for lending money, the City Improvement Trust themselves will take care not to do so. It is merely an enabling Bill.

There is another apprehension which my honourable friend apparently has and it is this: that he seems to have an idea that it is only by the amalgamation of the Improvement Trust with the Municipal Corporation that the Municipality will have to bear the financial responsibility, that is, the responsibility for the liabilities incurred by the City Improvement Trust. I may inform the honourable member that even according to the present Act it is the Bombay Municipality which is ultimately responsible for the financial liabilities of the Improvement Trust and the amalgamation has nothing whatever to do with the present Bill. He suggested that this Bill might have, with greater advantage, been introduced after the amalgamation and I thought it necessary to refer to this because amalgamation is not going to make the least difference.

With regard to the remarks made by my honourable friend Mr. Surve, I do not remember to have said in my first speech that this Bill was intended absolutely in the interests of the employees of the Trust. I simply stated that along with others who are very anxious to take up the Trust plots, the employees of the Trust are also willing to take them up. If my honourable friend contemplates a greater concession to the employees, I would humbly submit that that is a matter entirely between the City Improvement Trust and their employees. So far as this Bill is concerned, I do not think it is possible to make any differentiation in treatment.

[Sirdar Sir Rustom Jehangir Vakil]

With regard to the remarks made by my honourable friend Dr. Gilder when he referred to the speech made in 1930 by the honourable member the General Secretary, the speech gives me an impression that what the honourable the General Secretary was trying to emphasise was that the margin of safety which he thought was absolutely necessary to be provided in the Bill was absent in the Bill; and he based his arguments on that ground, especially in view of the depressed state of the property market, even then prevailing.

I find that my Bill has received a very favourable treatment at the hands of this House and I do not think that any long speech is necessary to reinforce the arguments which I advanced in the course of my first speech.

Bill read a first time. Question put and carried.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, with your permission, I move that the Bill

Second reading. No. XVII of 1931 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925) be read a second time.

Bill read a second time. Question put and carried.

Bill read clause by clause.

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

Clause 2 (*New section 55A of Bom. XVI of 1925*).

After section 55 of the City of Bombay Improvement Trust Transfer Act, 1925, hereinafter called the said Act, the following shall be inserted, namely :—

“ 55A. (1) Subject to the provisions of this Act and of the bye-laws made thereunder the Committee may, on behalf of the Board, advance loans to persons desiring to erect buildings on land vested in or belonging to the Board.

(2) Any person desiring to erect a building on land vested in or belonging to the Board may make an application to the Committee in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected; and the Committee may, after making such enquiry as they think necessary, and subject to the conditions mentioned in sub-section (3) and in the bye-laws made under section 113, advance such loan.

(3) Every such loan shall be subject to the following among other conditions :—

(1) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes;

(2) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case;

(3) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building;

(4) that the amount of the loan shall not exceed 85 per cent. of the cost of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(5) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) in favour of the Board containing such covenants and conditions as may be prescribed in the bye-laws.”

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move the following amendment to clause 2 of the Bill:

“ In proposed new section 55 A, sub-section (3), sub-section (2), substitute the word ‘thirty’ for the word ‘twenty’ ”

You will see, Sir,—

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I rise to a point of order. According to Standing Order VIII, 10 (2), notice of the proposed amendment should be sent to the Secretary seven clear days before the date appointed for the session of the Council at which the Bill is read for the second time. The amendment by the honourable member Mr. Surve seems to have been handed over to the Secretary on the 27th of July, only two days ago. I did not raise objection earlier because it was open to you to allow the amendment or to disallow it. I would only bring this one point to your attention, Sir, that the amendment proposed by the honourable Mr. Surve involves a number of very important changes in the Bill and at this stage without consulting the parties who are responsible for the operation of the Improvement Trust it would be very awkward for me to accede to the wishes of the honourable mover.

Mr. A. N. SURVE: You will see that in the agenda the Bill has been put down for the first reading only but the Honourable the Minister is rushing through the second reading of the Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Permission is already given.

Mr. A. N. SURVE: No notice has been given that the Bill would be read through the other stages during one day.

The Honourable the PRESIDENT: I think this is tit for tat. Usually, the office is informed by honourable members of Government that the Bill would be asked to be taken through all the three readings, but no such notice was given in the present instance. The Bill was published on the 9th. It was despatched on the 10th from the office. The honourable members at the earliest must have received it on the 11th, and the Honourable Minister wanted the notice to be given on the 12th that is, one day after that, to be in time according to the requirements of the period of notice. Seven clear days before the commencement of the session would bring it to the 12th which was not possible. So they had very short time, namely, one day. The Bill I understand is to be taken through all its three readings. The amendment is, therefore, allowed.

Mr. A. N. SURVE: I thank you very much, Sir. The provision in the Bill permits of advancing a loan to the extent of Rs. 20,000. The building is to be built in the city of Bombay. There is no prohibition that the building shall be used solely for the dwelling of the builder himself. That is a point to be borne in mind. If the building is to be big enough to be occupied by the builder himself and another tenant, then naturally the Improvement Board will have to give the builder more money. It has very big plots. These plots are not small ones. If the plots are big, with Rs. 20,000 no builder will come forward to build on them. For that reason, I say that it is necessary to increase the sum to Rs. 30,000 which will be a decent sum.

So far as I understand the Bill, the money will not be lent out of the current revenue but the Improvement Trust will pay it out of loan money. It occasionally raises loans and according to its loan programme the money will be given out of the loan funds. So there is no reason

[Mr. A. N. Surve]

why it should be 20 and not 30 thousand. For these reasons, I submit that this amendment should be accepted by the House.

Question proposed.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I rise to oppose the amendment. This question was very carefully considered in the Improvements Committee and its sub-committee. The idea is not to help people who want to build large buildings. The idea is to help people of moderate means to have their own residential buildings so that they could in course of time possess their own buildings in which they could reside. It was calculated that on small plots of 500 or 600 square yards in the north of the city such a building would cost at the most about Rs. 30,000. Therefore, the figure of Rs. 20,000 has been fixed, taking all facts into consideration, and to increase this limit, I think would not be safe or proper. The idea is not to help people who want to build large buildings or palatial or decorative buildings, but it is to help people with moderate means to have their own residential buildings for their own purposes, and the figure of Rs. 20,000 has been very carefully considered, and after careful calculations that figure of Rs. 20,000 has been arrived at.

Another aspect of the question is that supposing the Improvement Trust wants to set aside say two lakhs or one lakh or three lakhs for the purpose, then the limit of Rs. 20,000 may allow more plots to be sold and allow more persons to build houses, but if the limit is increased lesser plots will be sold and lesser people will be helped. I hope that this House will throw out the amendment.

Dr. J. A. COLLACO (Bombay City, South): Sir, I rise to oppose the amendment. On the Improvement Trust Committee I opposed the limit of Rs. 20,000 even and I suggested Rs. 15,000, because we did not want to help people who want to build palatial buildings but we wanted to help the poor clerks of the Improvement Trust who can raise a small cottage on Rs. 5,000 or Rs. 10,000. That was the reason why I proposed Rs. 15,000 in the Improvement Trust Committee, but it was then suggested that we need not necessarily give Rs. 20,000 in every case and that it was optional, we could give Rs. 5,000 or Rs. 10,000—anything up to Rs. 20,000. For that reason I supported the limit of Rs. 20,000 in the Improvement Trust Committee. I ask the House to vote against the amendment moved by my honourable friend Mr. Surve.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I rise to oppose the amendment moved by my honourable friend Mr. Surve. It is stated in the statement of objects and reasons that the Improvement Trust plots are to be sold not only to the public but to the clerks, and we know what salaries the clerks are drawing. How will it be possible for them to pay off the loans of big amounts in 20 years? They will have to pay municipal taxes and also other expenditure for the repairs, etc., of the property. The object is that the builders should be masters of their own buildings within 20 years. That is the object underlying the Bill. The maximum of the loans which the Improvement Trust will advance will

[Rao Bahadur R. S. Asavale]

not be more than Rs. 20,000 and this sum will not be given in each and every case but it will not be more than Rs. 10,000 or Rs. 15,000 or even Rs. 5,000, and that is why the maximum of Rs. 20,000 has been fixed. With these few remarks I oppose the amendment.

Dr. J. ALBAN D'SOUZA (Bombay City, South): Sir, I rise to oppose the amendment moved by my honourable friend Mr. Surve. The honourable members who have preceded me have spoken from their personal knowledge of the intentions of the Improvement Trust Committee. This the honourable member Mr. Surve has not been able to do.

My honourable friend Mr. Surve seems to be labouring under a fallacy, namely, that the buildings to be built must be big palatial buildings. This is not so. As has been explained by my honourable predecessors, the idea in introducing the provision is to meet the needs of the small holder. As has been also explained by my honourable friend Rao Bahadur Asavale, the main idea of the Improvement Trust Committee in putting up the scheme is to help members of its own staff to possess buildings of their own for their own use.

I certainly think that the amendment moved by my honourable friend Mr. Surve deserves no support.

Mr. A. N. SURVE (Bombay City, North): Sir, at the very outset I have stated that the Bombay Municipal Corporation is very largely a body of capitalists and that it is not yet completely democratised. The honourable member who has opposed my amendment has used one very significant word. He has used the word "palatial" in reference to the building to be built, which shows that he has nothing but palaces before his eye. The servants of the Trust are not going to build palatial buildings or to live in them either. They will be trying to build small buildings, not palatial buildings, but those persons who have made these calculations on which the figures in the Bill are fixed are persons whose outlook is blurred with ideas peculiar only to rich persons and capitalists. I am here on behalf of the employees, and it is my submission that if two or three lakhs of rupees are set apart every year for giving loans, why not set apart five lakhs? Where is the harm? I have explained in my previous speech that you can only increase the amount in the budget of the Improvement Trust. Why confine the budget to two or three lakhs only? You can easily make a provision in it for five lakhs and if you make it five lakhs, you can divide that amount among a larger number of applicants.

The second point is that the honourable member has stated that if we give smaller sums we will be giving the loans to a larger number of applicants. I say, in that case, the land will not be quickly disposed of. If you make your plots big enough and allow more people to build bigger buildings, then they will come forward for the loans. The land is now lying idle and the Improvement Board is paying interest on the money it has borrowed to develop the land. Perhaps the Honourable the Finance Member will tell us to what extent the Improvement Trust is indebted to the Bombay Government. Sir, the fact is that

[Mr. A. N. Surve]

the interest charges on the loans from Government swallows up the major portion of its revenue. Therefore, if you want to go to the rescue of the Improvement Trust, the only way is to see that these lands are quickly disposed of. For these reasons, I submit that the Honourable Minister will kindly see his way to accept my amendment.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I have to oppose the amendment. The terms on which it is proposed to lend money as proposed in the Bill are far more generous than what the Government are doing in respect of the Development Department plots. The Government grant loans of 75 per cent. of the value of the land and the purchaser has to pay Government in advance one-fourth of the value of the land, the balance of three-fourths being recovered in instalments in fifteen years. The Improvement Trust will give the land on lease only. In other words, the purchaser has not to pay anything for the land. The Government advance a loan of 50 per cent. only for the building, whereas the Improvement Trust will advance to the extent of 65 per cent. The third advantage is that whereas the Government recover their loan in fifteen years, the Improvement Trust has proposed twenty years. So, taking into consideration all these conditions, I am sure my honourable friend will realise that the terms proposed are already very generous.

Question put and lost.

Clause 2 ordered to stand part of the Bill.

Clause 3 (*Amendment of section 68 of Bom. XVI of 1925*) ordered to stand part of the Bill.

Clause 4 (*Amendment of section 88 of Bom. XVI of 1925*) ordered to stand part of the Bill.

Clause 5 (*Amendment of section 91 of Bom. XVI of 1925*) ordered to stand part of the Bill.

Clause 6 (*Amendment of section 113 of Bom. XVI of 1925*) ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir,

Third Reading.

I move that Bill No. XVII of 1931 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925) be read a third time and passed.

Question proposed.

Mr. A. S. R. MACKLIN: I have a formal amendment to move as follows:—

In clause 1 add the figure "1" to the figures "193".

Question put and carried.

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

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

BILL No. XVIII OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACT).

The Honourable Mr. W. F. HUDSON : Sir, I introduce Bill No. XVIII of 1931 (A Bill further to amend the Bombay Hereditary Offices Act).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable Mr. W. F. HUDSON : Sir, I rise to move that Bill No. XVIII of 1931 (A Bill further to amend the Bombay

First reading. Hereditary Offices Act) be read a first time. Sir, after the storm and stress of the Bombay Irrigation Bill and the unexpected sands and rocks of the Improvement Trust Bill, I think perhaps that you and the House will be glad that we pass for a moment into rather quieter waters. Many innocuous Bills have been moved from this Bench, but I doubt if a more harmless one has ever been presented to the House than this. It is merely proposed to legalise what has been a long-standing practice.

It is impossible for me to explain why the motion to legalise it has not been introduced before, but better late than never. The statement of objects and reasons shows clearly what the Bill is. There are in parts of this Presidency certain watandars who hold three or four watans—I do not know why, but that is a fact—and it is apparently impossible in some cases for the watandars to perform all the offices of the various watans. On the other hand, it is not legal for Government, nor does Government desire, to deprive the watandars of any of those watans. But the services have to be performed, and it has been the custom hitherto for the watandar quite illegally to appoint deputies to perform those inferior services for which he holds the watans but which he is not able to perform himself. I think that it is obviously desirable that we should, now that the lacuna in the law has been discovered, put it on a proper legal footing, and I therefore, Sir, without more ado, move that this Bill be read a first time.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University) : Sir, in rising to support the first reading of this Bill, I have to make one or two observations. It is stated in the statement of objects and reasons that it has been the practice to allow watandars holding several watans, such as patil, kulkarni, talwar, mahar, etc., to appoint deputies. As a matter of fact, so far as the superior village officers are concerned, namely, the patil and the kulkarni, I think there is provision in the Act which allows them to appoint deputies. But the inferior village officers were not allowed to do so. Probably, the reason for that was that they all belong to the depressed classes. But now that they are coming into their own, that is to say, they are in a position to perform other duties, it has become necessary to allow them the same privilege which is allowed to the superior village officers. From that point of view, I welcome this Bill.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) (Gujarat Sardars and Inamdars) : Sir, I rise to offer my congratulations

[Sardar Bhasaheb Raisinhji (Thakor of Kerwada)]

to the Honourable the Revenue Member for having introduced this legislation, which will enable the watandars to appoint deputies. Sir, this question, as the Honourable the Revenue Member very rightly pointed out, has perhaps never been discussed in this House, and there is no measure which will be more welcomed by the persons concerned than the Bill which the Honourable the Revenue Member has introduced. I hope the inferior village officers will really appreciate that Government, after these village officers have rendered service for centuries, have recognised their right and have allowed them by this legislation to appoint deputies.

Dr. P. G. SOLANKI : Sir, I wholeheartedly support the first reading of this Bill, and I congratulate the Honourable the Revenue Member for introducing it. Sir, patels and kulkarnis have the privilege of appointing deputies, and they have no difficulty in going about looking after other work, but, as the honourable member Rao Bahadur Kale has pointed out, the greatest difficulty and disability of the depressed classes who happen to be inferior village servants is that they cannot stir out of their villages as they have to perform their duties in the village. I know of instances in which many a time, these poor inferior village watan officers or servants had to leave more remunerative services which they had taken up for some time during the period of their non-service in the village; they had to give it up simply because they had to perform Government's services in their own villages for about a year and thus lose the appointment elsewhere as everybody knows—or perhaps very few might know it here, because all are very fortunate in not belonging to these poor classes in this House and none have had to perform such services—that these people who perform these inferior services get a return of only Rs. 15 to 36 per annum. Naturally, they try to seek some better employment elsewhere, but they were debarred from sticking to such services elsewhere because they had to be present in person in their villages to render their services when their turns came. I sincerely thank the Honourable the Revenue Member for bringing in this amendment of the Act, and he has thus laid all the depressed class inferior watan holders under a deep debt of gratitude. These poor servants will, I think, receive this amendment in the Act with great joy and pleasure, when they hear about it. With these words, I support the first reading of the Bill.

Rao Bahadur R. S. ASVALE (Bombay City, North) : Sir, I rise to support the first reading of the Bill and thank the Honourable the Revenue Member for bringing in this Bill. The grievances of these watandars are of long-standing. I do not agree with the honourable member Rao Bahadur Kale that only the depressed classes will be benefited by this Bill. This amendment in the Act is intended for those who are in higher services but who have no right to appoint their deputies in cases of inferior services and those persons are the patils and kulkarnis, if I mistake not. For the performance of the inferior services for which they hold the watans Government up to now never allowed them to appoint their deputies but were forced to do the duties themselves or to forego their watans and thus their watans were in danger. In order to

[Rao Bahadur R. S. Asavale]

avoid this difficulty, this Bill has been brought forward, and the Honourable the Revenue Member has done a great service in helping the patils and kulkarnis by bringing forward this Bill.

Mr. A. N. SURVE (Bombay City, North): Mr. President, I rise to support the measure which is placed before the House on behalf of the depressed classes. It is well known that these classes were held in bondage on account of their watans to the detriment of their moral and material growth. They could not go out of their villages and improve their lot by migrating to cities and earning high wages because of their being tied down to the duties of their watans. They could not take up more lucrative and more profitable occupation. But now, this Bill will enable them to retain their watan and yet go out of their villages to improve their condition in the matter of education and in other respects also. I consider this Bill as a sort of *magna charta* to the depressed classes. On that ground I wholeheartedly welcome and support this Bill.

Mr. N. N. PATIL (Kolaba District): Sir, I think I should be failing in my duty if I did not give my support to this Bill. This Bill, however small, is of the highest importance to those who hold these small maharki and patilki watans. It has been pointed out by the Honourable the Revenue Member in his speech that up till now it has been the practice to allow the watandars to appoint the deputies to render service in place of themselves when they are called upon to do so. At the same time he has stated that this practice must be legalised. I think he is right in saying that. It is a matter of gratification that the Government have expressed their pious desire in the statement of objects and reasons that it is not desirable to deprive the watandars of their watans. As regards the remuneration which these watandars get, it is a small pittance of Rs. 5 or Rs. 25 annually. But though this is the case they take pride in their watans and in calling them watandars of the villages. I think Government will consider this point also and come forward of their own accord to increase the remuneration of these watandars generously. With these brief remarks I heartily support this Bill.

Rao Bahadur S. K. BOLE: I rise to support this Bill, Sir. It has been stated that by this Bill the members of the depressed classes who hold maharki watans will be benefited. But I may point out that members of the advanced classes who sometimes hold kulkarni watans, patilki watans and also maharki watans, will be benefited by this measure. There are watandars who hold three kinds of watans at the same time. Though they claim to be members of the higher classes they hold the watans which are enjoyed by the depressed classes, I mean maharki watans, and this Bill will be more beneficial to those persons than to Mahars.

The Honourable the PRESIDENT: There is some sort of misunderstanding about the scope of this Bill. It applies on'y to maharki and other inferior watans. It does not apply to other superior watans such as Patil and Kulkarni watans in respect of which such provision already exists.

Bill read a first time.

Question put and carried.

The Honourable Mr. W. F. HUDSON : Sir, I am afraid that I owe you an apology for not giving notice that I wished to take the three readings to-day. I propose with your permission, if the House approves of this measure, to ask it to pass the three readings of this Bill. As the Bill has been received with general approval, I trust you will allow me that concession. So, with your permission, I move that the

Second reading. Bill be read a second time. I do not think it is necessary to say anything further on the subject. I listened with great pleasure to the chorus of approval with which the Bill has been received. For myself I feel that I have established a record for this bench, seeing that for the first time in history I have earned the approval of my honourable friend from Bombay, Mr. Surve. [*Laughter.*]

Bill read a second time. Question put and carried.

Bill read clause by clause.

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

Clause 2 (*Amendment of section 64 of Bom. III of 1874*) ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable Mr. W. F. HUDSON : Sir, with your permission I move that the Bill be read a third time and passed into law.

Third reading. Question proposed.

Mr. A. S. R. MACKLIN : Sir, I move that the figure '1' be added to the figures "193" in clause 1 so as to make it read "1931".

Question put and carried.

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

The Honourable the PRESIDENT : Bill No. XVIII of 1931 (A Bill further to amend the Bombay Hereditary Offices Act) is read a third time and passed into law.

BILL No. XIX OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY ENTERTAINMENTS DUTY ACT, 1923).

The Honourable Mr. W. F. HUDSON : I introduce, Sir, Bill No. XIX of 1931 (A Bill further to amend the Bombay Entertainments Duty Act, 1923).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable Mr. W. F. HUDSON : Sir, I rise to move that Bill

First reading. No. XIX of 1931 (A Bill further to amend the Bombay Entertainments Duty Act, 1923) be read a first time. Sir, if the Bill which we have just passed was necessitated by some carelessness on the part of Government, I think I may claim that the Bill which I have now introduced has been necessitated by the depravity of human nature. I cannot blame my innocent predecessor

*Appendix 6.

[Mr. W. F. Hudson]

when he introduced this Bill in 1923, for not being able to foresee the remarkable devices and dodges by which it would be effected. I am sure honourable members who have read the statement of objects and reasons will have learnt with horror and surprise that any one can be so ingenious as to find these ways of defrauding the public exchequer. But experience has shown that there are various ways of getting round the entertainment tax. In Bombay, Karachi and elsewhere, these ways have been found and it is possible now for people to defraud the revenue by these little dodges which I have explained in the statement of objects and reasons. I am quite sure that the House will not allow others to get away with the money which ought to come to the public exchequer. I think it is quite clear we must do something to prevent these ingenious evasions. It has not been very easy, so ingenious is the human mind, to draft this Bill, and I am quite willing to accept any amendment which will make it still more difficult to evade the tax. But for the time being we have done our best to stop the holes through which the Government revenue escapes. If the House accepts this Bill, the revenue from the entertainment duty which at present is by no means negligible will increase. I move that the Bill be read a first time.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, my attitude towards this Bill is the outcome of mixed feelings. While introducing the Bill the honourable mover of the Bill has mentioned how people are trying to employ these intricate methods to avoid taxation. You know, Sir, that the cinema industry in this country is of very recent growth. It is quite a new industry and the competition is very great. The Government in our presidency is very conservative. In other presidencies the Governments there have passed enactments to advance loans to encourage indigenous industry. Here we find that our Government are making no provision in that behalf and are giving no encouragement whatever to indigenous industry and still they are trying to find out ways how to hamper its growth by this kind of taxation. For this reason I submit that these people are forced to defraud Government revenues in this indirect way. Let Government come out and give every help to this industry so that it may improve and thrive. Then many people will go there and Government revenues may benefit in this way. But what do we find in this instance? We find that Government does nothing to aid the growth of this industry but instead it is trying to hamper its growth. If people will not go in large numbers to cinemas on account of its failure to improve the shows by the adoption of up-to-date inventions in course of time cinema houses will not be patronised and Government revenue will in consequence suffer.

If the honourable mover looks into the figures of the entertainment tax, he will find that for the last four or five years they are on the decline. For this reason, while I am against giving any encouragement to fraudulent evasion of law, I request the honourable mover to come to the assistance of this indigenous industry, because, after all, Government must get its money

[Mr. A. N. Surve]

from the prosperity of the indigenous industry. If the indigenous industry is not to prosper, to that extent Government revenue is bound to suffer.

Rao Bahadur R. R. KALE (Bombay University): Sir, I have an inclination to speak on the first reading of this Bill, because I was a party to the original Bill when it was passed into law in the year 1923. At that time the Council was induced to give its assent to the passing of this Act because it was pointed out that the revenue derived from this source would be utilised towards meeting the cost of compulsory primary education. This Entertainment Duty Act was almost passed on the same day on the understanding that the additional money that will be realised may be devoted to meet the cost that will be entailed by the Compulsory Primary Education Act. Although it was made clear during the course of the debate that this tax should be earmarked, it was pointed out—and rightly too—that it was not possible to do so in the enactment itself, as no tax can be earmarked for a particular purpose. But the intention of the House was to appropriate the proceeds towards meeting the cost of primary education. I am sorry to say that owing to Government's policy, primary education is running the risk of a set-back. I wish to assure the honourable mover of the Bill that the Council still adheres to the principle of this taxation and is prepared to give support to the present Bill on the understanding that the fresh money that will be derived from this source will be utilised by Government, as promised by them, towards the cost of primary education and not allowed to merge in the general revenues and utilised to meet the increased cost of administration.

Rao Saheb P. D. KULKARNI (Poona District): Sir, when the Entertainments Act was first passed it was intended that it should work on the lines followed in foreign countries. But we find that the working of that Act has taken altogether a different line in this presidency. In foreign countries, I understand, a special officer is appointed not only to collect the tax but also to look after the convenience of the visitors of these places of amusement. But here an allowance of Rs. 5 is given to a deputy chitnis, who attends only to the collection of the tax. Moreover, more and more obstructions and difficulties are brought in the way of the people enjoying these amusements. These recreations and amusements are very essential to people who work all day long. The programmes and synopsis are sold at cost price in order to give an idea of what is to be shown. In these days of depression, when people have not got sufficient money, it is out of sheer necessity that they go to these places of amusement. The men get tired of work and in order to refresh themselves they go to a place of amusement. Under the circumstances we should not place obstructions and hindrances in the way of their amusements by taxing the things like programmes and synopsis. The majority of the people who go to see cinema shows or dramas belong to the lower class, and it will be very hard on them to put an additional tax on the cost of these programmes and synopsis. [*An Honourable Member*: Why?]

The Honourable the PRESIDENT : The honourable member may proceed without minding interruptions.

Rao Saheb P. D. KULKARNI : I have already explained that going to the cinema shows and dramas is not a luxury but a necessity. It is but out of sheer necessity that people go to see them. It would work hardship on them if we put any extra burden as contemplated in the Bill before us. The honourable House should take into consideration the fact that it is mostly the people from lower classes who attend these cinema shows and dramas to lighten the strain of the day and see that no additional burden is thrown on that class. The Bill may be taken into consideration on the lines of thoughts expressed by me.

Mr. L. R. GOKHALE (Poona City) : Sir, I rise to support the first reading of the Bill. I am really surprised to find that my honourable friend Rao Saheb Kulkarni has such a soft corner for those who visit the cinemas. As a matter of fact many devices are being resorted to to evade this taxation to a great extent. In fact, if a ticket for cinema or a drama is worth four annas, the synopsis is charged four annas. What is this if not evading the tax ? This Bill is intended to stop such evasions of the law. Nobody is going to stop people visiting the cinema shows or dramas. That is not the purpose of this Bill. People who are honest are made to be dishonest by these devices. In fact, there are a number of other ways by which this tax is evaded. Sometimes tickets marked complimentary are sent, and afterwards bills are sent to collect the charges. This is one of the ways.

An Honourable MEMBER : Why do you pay those bills ?

Mr. L. R. GOKHALE : It is for those who pay and not for those who do not pay. I think that the money that Government intend to raise is certainly necessary, and I support the Bill.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City) : Sir, I rise to support the first reading of the Bill. I am surprised at the remarks made by the speakers who have preceded me, with the exception of the honourable gentleman who spoke last. The honourable gentleman who spoke first (Mr. Surve) would have enhanced his reputation for consistency if he had not made the remarks he did. The object of this Bill, as set forth in the statement of objects and reasons, is merely to bar the door against the evil practices, the objectionable practices, indulged in by the owners of places of entertainment. When once the principle of a particular Act has been accepted, I think it is the bounden duty of every citizen, and much more of a member of this honourable House, to see that all the provisions of that Act are properly carried out. We should not be a party to the perpetration of evil practices. I also fail to understand what is exactly the bearing of the remarks made by the honourable member Mr. Surve as well as the honourable member Rao Bahadur Kale. The receipts from the Entertainments Tax might have been promised for the advancement of primary education. But this amending Bill has nothing to do with that. If there is any difficulty or any misapplication of the receipts from the Act, it is up to the honourable member Rao Bahadur Kale to bring forward a resolution or to propose an amendment to the Act, or to take any other measures which are open to him to do. This is merely a Bill to stop the

[Mr. Pestanshah N. Vakil]

questionable practices referred to in the statement, and I do not think that this is exactly the occasion for ventilating grievances in that direction. Similarly, the acceptance by this honourable House of this Bill will not militate against the encouragement by Government of any indigenous industry, trade or commerce. In fact it has as much to do with the encouragement of cinemas as it has to do with the flowers that bloom in the garden. The only object is to see that owners of places of public entertainment are not circumventing the provisions of the original Act. It is a very innocuous proposal that has been put forward by the Honourable the Revenue Member, and I think it is our duty to accord support to the Bill.

Rao Bahadur R. S. ASVALE (Bombay City, North) : Sir, I rise to support the first reading of the Bill. At the same time, I wish to advance some suggestions to the honourable mover of this Bill. As he has brought forward the Bill to increase the income from the tax on entertainments, he should also see if that income cannot be increased by making more provision on the supervision side. As far as my knowledge goes, there is only one supervisor, or superintendent, as he is called, for supervising all places of entertainment in the whole of the City of Bombay. I do not know how it is possible for one man to check the practices in all the places of entertainment in Bombay City : it is beyond the ability of any one human being. I would, therefore, suggest to the honourable mover of the Bill, or whoever is in charge of that portfolio, to increase the staff in order to see that nobody escapes the tax. With these few remarks I support the Bill.

Dr. J. A. COLLACO (Bombay City, South) : Mr. President, while supporting this Bill, I want to make a few observations. This entertainments tax is essentially a tax that should belong to local bodies. But Government have stolen a march over the local bodies and taken the tax to themselves. I hope, Sir, that when the City Improvement Trust is amalgamated with the Bombay Municipality, this tax will be handed over to the Bombay Municipality. It will cover a part of the enormous deficit of 30 lakhs which the City Improvement Trust is incurring every year.

Mr. J. S. KADRI (Northern Division) : Sir, I rise to support the Bill on the ground that luxuries should be taxed and no evasion of such a tax should be permitted. It is very necessary to arrange that this tax is properly realised, and, for that reason, the strictest supervision is necessary, as suggested by my honourable friend Rao Bahadur Asavale. In my opinion this entertainment tax should be extended to other cities and towns where cinemas, dramas and other entertainments are increasing by leaps and bounds. I would also suggest that the income resulting from the operation of this Act should, as far as possible, be utilised for the expansion and extension of primary education, as was originally intended. With these words, I support the Bill.

Mr. HOUSENALLY M. RAHIMTOOLA (Bombay City) : Sir, I entirely agree with my honourable friend from Bombay City, South (Dr. Collaco) that this tax belongs to local bodies and Government have

[Mr. Hoosenally M. Rahimtoola]

usurped it. If I am not mistaken, in the province of Madras this tax or a part of it is given to local bodies, and I fully support him when he says that when the amalgamation of the Improvement Trust with the Municipality takes place, Government should give the whole or part of this tax to the Municipality.

Now, Sir, I would have liked the Honourable the Revenue Member to explain how he is going to work this tax and in what manner it is going to be administered. Take the case of cinemas. The programmes are sold for 2 annas. A man taking a seat of Rs. 1-2-0 or Rs. 2-4-0, if he buys a programme, has to pay 2 annas more tax, that is, 100 per cent. more on the programme. A man going in for a four-anna seat has to pay one anna as tax on the programme that he buys. How is this tax between two different classes of seats going to be collected? Will the tax be only on the two-anna programmes? The programme itself cannot be taxed but if the total entrance fee *plus* the programme charge is collected, the total will be different in the different classes of seats. How is this going to be collected? Take the case of carnivals. The admission to these places is either free or two annas. But there are a number of side shows the entrance fee to which is from 4 annas to 1 rupee. One man may not visit any side show, another some and a third may visit all the side shows. The amount thus spent by each individual will be different and the tax each has to pay will be different. How is this going to be managed and what system is going to be devised to collect the tax on various side shows? That is the explanation I would like to hear from the Honourable the Revenue Member. I believe he wants more revenue. I would suggest one source of revenue to him, but I am sure he won't accept it. Some years ago the entertainment tax for entrance to the race-course was 50 per cent. It was reduced a few years ago to 25 per cent. He may as well raise it to 50 per cent. and get more revenue.

The Honourable the PRESIDENT: I do not know how that remark is in order.

Mr. HOUSENALLY M. RAHIMTOOLA: I thought he wanted more revenue.

The Honourable the PRESIDENT: He wants to stop the evasion of payment of the duty.

Reo Bahadur D. R. PATIL (East Khandesh District): Sir, I rise to support the first reading of this Bill. Everybody knows that we want more money and the resources of Government must be augmented. Therefore Government have brought this Bill to get more money out of luxuries. I think this Bill must be accepted by this honourable House. My honourable friend Rao Sahab Kulkarni said that the poor people should not be taxed when they go to cinemas and dramas. May I ask the honourable member a question? When poor people go to Alandi as pilgrims on sacred days, will he kindly tell me whether he as President of Alandi Municipality charges those poor people? So far as I know he does charge 4 annas per head. When luxuries are taxed, Government cannot be blamed. When Government taxes necessities, people are not in a position to bear the burden of taxation. But those people who

[Rao Bahadur D. R. Patil]

want the pleasure of going to cinemas and dramas deserve to be taxed more than they are actually taxed. With these words, I support the Bill.

The Honourable Mr. W. F. HUDSON: Sir, we have had a very interesting discussion ranging over a large variety of subjects, some of them closely connected with the Bill, some of them straying in other directions. Most of the arguments have already been very ably answered by my honourable friend Mr. Vakil and little is left for me to say.

I should be very glad to encourage cinema industries or any other industries in this Presidency provided I can find the money. But I do not quite see how permitting the evasion of a tax already imposed is going to assist in that direction.

As regards what fell from the honourable member Rao Bahadur Kale, I shall have the pleasure, in the course of the session, in reply to a question which he has put, of explaining to him the way in which Government have implemented their original promise. I do not therefore think it is necessary for me to say anything now because he will agree that it is scarcely relevant to the point of this Bill which, as I said, stops the holes where money is being wasted.

As regards what fell from one of my honourable friends that we are not taking sufficient steps to collect this tax, I think there is a good deal to be said for that. The House will remember, however, that only a few days ago I was asked a supplementary question which suggested that we were paying the Superintendent in Bombay more than he was worth and that he had more assistants than he ought to have. I do not agree with that in the least and I may have to consider the question of additional establishment, but of course the House will understand that this is not the time, when the Retrenchment Committee is behind us, to ask for additional establishment. I think that in Bombay the superintendence is fairly good, but I am quite ready to admit that in other cities it is decidedly less satisfactory. I personally tried, once or twice, when I was Commissioner in Sind, to induce Government to give me something rather more effective than what we had, but without success. I am afraid I shall have the same difficulty now, but I have noted what has been said because it is very desirable we should get all the revenue we can.

My honourable friend from Bombay has certainly put me one or two rather difficult conundrums which, I am afraid, I cannot answer at the moment, but I can assure him that every effort will be made to work this Act in such a way that no injustice is done to anybody. I have no doubt that there still may be some evasions in connection with these programmes. But our special object is to prevent what does actually happen, that is, people going to what are called free entertainments. And that is as far as I can go at present. This is the main form of evasion. Foolish people are induced to believe that the entertainment is free and when they get inside they find that it is not free, and they are obliged to buy these programmes.

[Mr. W. F. Hudson]

I do not understand why my friend Rao Saheb Kulkarni wishes people to get off the tax. If they can afford to go to cinemas, they can afford to pay what after all is a very small tax for the cheapest form of seat.

I do not think any one has said anything against the principle of this Bill. I may assure the House that it is the duty of Government, especially now-a-days, to get in all the revenue to which it is legitimately entitled. We have very good information that we are not getting all the revenue from this tax to which we are legitimately entitled and for that purpose I introduce this Bill. I move that it may be read a first time.

Bill read a first time. Question put and carried.

The Honourable Mr. W. F. HUDSON : Sir, I have again to apologise for a quite unintentional omission. With your permission I will move that the Bill be read a

second time.

Bill read a second time. Question put and carried.

Bill read clause by clause.

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

Clause 2 (*Amendment of section 2 of Bom. I of 1923*).

For clause (b) of section 2 of the Bombay Entertainments Duty Act, 1923, the following shall be substituted, namely :—

“(b) ‘payment for admission’ includes—

(i) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving duty or more duty is required,

(ii) any payment for seats or other accommodation in a place of entertainment,

(iii) any payment for a programme or synopsis of an entertainment, and

(iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment if any for admission to the entertainment.”

Rao Saheb P. D. KULKARNI (Poona District) : Sir, I beg to move :

In clause 2 (b) (iii) omit the words “or the synopsis of an entertainment.”

I have already expressed my views that I am not against the principle of the Bill which seeks to prevent the evasion of taxes. What I want to press on the minds of honourable members is that the programme, synopsis, etc., is very essential to give an insight of the plays which are performed before the public. In fact admittedly they are very essential to get an idea of the play to be performed. Moreover they are generally sold at cost price and the companies do not get any substantial benefit from sale of their copies. It is not adopted to make it a source of income to the companies. If these programmes are taxed, I think the charm of the play will not be appreciated only by this reason i.e., this unnatural extra burden of taxation. I therefore think that the programmes and the synopsis which are sold at cost price should not be taxed. It will surely be instrumental to mar the charm of the play. I request the House to take into consideration what will be the effect of taxing the programmes and synopsis which are very essential to have an insight in the out line of the play beforehand.

The Honourable the PRESIDENT: The honourable member has not included the word "programme" in his amendment.

Rao Saheb P. D. KULKARNI: I do not want, Sir, to put the word "programme". I want the word "synopsis" to be omitted from the text of this Bill.

Question proposed.

The Honourable Mr. W. F. HUDSON: Sir, I am afraid I am unable to accept this amendment. I do not quite understand it, because the honourable member seems to make a distinction between a programme and a synopsis in his amendment, whereas they are practically synonymous terms. In some places it is called "programme" and in others it is called "synopsis". Everybody knows what it contains. It contains the names of the actors and the parts and sometimes a brief description of the play. Sir, the House is well aware that these programmes cost nothing to produce, as they are invariably covered with a large number of advertisements. They cost the management absolutely nothing, and it is pure swindling on the part of the management in these particular cases to charge six or eight annas for these programmes. I am sorry that I have to oppose the amendment, but the situation arises from the fact that these programmes, which people are compelled to purchase and there is no option about it, have been used as a means of evasion. We shall of course do everything we possibly can to see that no injustice is done to any *bona fide* purchaser of a ticket for any *bona fide* entertainment. This has been found to be one of the most favourite dodges of these people. I therefore regret I am unable to accept the amendment.

Rao Saheb P. D. KULKARNI: When there are no advertisements, will the programmes be exempted from the tax?

The Honourable Mr. W. F. HUDSON: I have seen thousands of these programmes and I have so far seen no programme which did not have an advertisement on it.

Rao Saheb P. D. KULKARNI: Supposing there is such a programme?

The Honourable Mr. W. F. HUDSON: I am not prepared to suppose what is unlikely to happen.

Question put and lost.

Clause 2 ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable Mr. W. F. HUDSON: Sir, with your permission.

Third reading.

I move that the Bill No. XIX of 1931 (A Bill further to amend the Bombay Entertainments

Duty Act, 1923), be read a third time.

Mr. A. S. R. MACKLIN: Sir, I have to move a verbal amendment, which is as follows:

In clause 1, add the figure "1" to the figures "193".

Question put and carried.

Clause 1, as amended, ordered to stand part of the Bill.

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

Bill read a third time.

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

BILL No. XX OF 1931 (A BILL TO PROVIDE FOR THE REGULATION AND CONTROL OF TRANSACTIONS IN COTTON IN BOMBAY).

The Honourable Sir GOVINDRAO PRADHAN : Sir, I introduce Bill No. XX of 1931 (A Bill to provide for the regulation and control of transactions in cotton in Bombay).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable Sir GOVINDRAO PRADHAN : I beg to move that

Bill No. XX of 1931 (A Bill to provide for the regulation and control of transactions in cotton in

Bombay) be read a first time.

The honourable members are aware that there is an Act called the Bombay Act XIV of 1922 to regulate and control the transactions in cotton, which was first passed for a period of three years and was afterwards extended from time to time and which is now extended up to August 1932. There were certain complaints as regards the working of that Act, and so a committee was appointed with the honourable member Mr. Wiles, the Secretary, Finance Department, as Chairman and on that committee the representatives of all the bodies which were interested in the cotton trade, as well as the representatives of the growers, were appointed. That committee prepared a questionnaire and after receiving replies to that questionnaire, they sat from day to day and prepared a report. The honourable members have got on their tables the report and also the proceedings of that committee. Government, after considering the report which was prepared by that committee, accepted certain of their recommendations and framed the present Bill. After the present Bill was framed, it was published and certain objections were received by the Government and they were all considered. The main clauses of this Bill are really that the transactions in cotton as regards forward deliveries are tried to be given to only one association and any other bodies which deal in forward transactions are to be declared illegal.

As regards ready transactions, they are also to be transacted according to the by-laws which have got to be approved by Government. These by-laws will be prepared by the association and will be subject to the sanction of Government.

Then there is a change made as regards the constitution because the panels are changed and representation is given to the growers. The growers of course have no recognised association. Therefore, for the present it is intended that the representatives of the growers on the panels will be persons who will be nominated by the Indian Central Cotton Committee, but they will be actually growers. The main object of Government in bringing forward this Bill is to prevent speculation. The Bill is mainly intended for the benefit of the growers. Government do not wish to fatten the big cotton merchants who are there already but

*Appendix 7.

[Sir Govindrao Pradhan]

the main object of Government, as I have said, is to prevent gambling and also to see that the interests of the growers are safeguarded. It is not my intention to hustle this Bill through during the current session. It will be sent to the select committee and all facilities will be given to the bodies which have got any objections to make to the different sections of this Bill, and all these matters will be very carefully considered in the select committee.

I find, Sir, that according to the Standing Orders, the principle of the Bill and any amendments to the principle of the Bill have got to be considered at the first reading, and I have got no option left. After hearing the speeches of the persons who have studied this Bill, we shall be in a position to know what is actually passing in their minds. The real person in this House who has certainly studied this question on the Government benches is my Secretary, the honourable member Mr. Wiles who was the Chairman of that committee, and after hearing the views of the other honourable members, the whole thing will be summarised and replied to by the honourable member Mr. Wiles, and then, as I have said, the Bill will be committed to the select committee where every possible facility will be given to hear expert evidence if necessary and to hear all the objections that may be put forward as far as possible.

With these remarks, I request that the honourable House will be pleased to accept the first reading of this Bill.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): What is the principle of the Bill?

Mr. C. N. PATEL (Kaira District): Sir, I rise to a point of order, whether the Honourable the Finance Member can make his motion for the first reading at this stage. Under Standing Order VIII, 2 (2), when a Bill has been introduced, the Bill with the statement of Objects and Reasons, has to be translated into such vernacular languages as the President shall deem necessary and such translation should be published in the Gazette.

The Honourable the PRESIDENT: I am sorry to find that the honourable member is not well posted on his facts. The Bill was published on the 14th July and despatched on the 15th July and its translations appeared in the Gazette in Marathi, Gujarati, Kanarese and Urdu on the 14th July 1931.

As to the other point of law which underlies the question, there has been a ruling before this to the effect that the progress of Bills cannot be stopped because of the fact that Bills have not been translated as required under that Standing Order. I drew the attention of the honourable House at the time I gave my ruling that, speaking from a practical point of view, the translations should be published before the Bill is taken through its three readings. But the law does not say so, and it is up to honourable members to bring in an amendment of the Standing Order and lay down the time within which translations must be published before the Bill is taken up.

Mr. L. R. GOKHALE (Poona City): Sir, I rise to make a few observations upon the first reading of this Bill—

An Honourable MEMBER: Why not to-morrow?

Mr. L. R. GOKHALE: I will begin to-day and end to-morrow.

The Honourable the PRESIDENT: If the honourable member would like to speak to-morrow, then I may for the information of the other side of the House inform the House that the principle laid down in the procedure which controls the passing of a Bill is that all questions of principle and amendments to the principle must be disposed of at the first reading. I think it is really the bounden duty of the President to be very careful to see that no questions, which relate to the scope or the principle of the Bill, are allowed to go into the select committee as otherwise difficulties may arise afterwards when its report is presented to the House. Therefore, the Honourable the Finance Member will reply to-morrow to the pertinent question which has been asked by the honourable member Rao Bahadur Kale as to what is the principle underlying the Bill. It will be for me to see that the principles are discussed and disposed of before the honourable members proceed to the second reading of the Bill. The House is now adjourned to 2 p.m., to-morrow Thursday, the 30th July 1931.

Thursday, the 30th July 1931.

The Council re-assembled at the Council Hall, Poona, on Thursday, the 30th July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 ACHREKAR, Mr. A. B.
 ALLAHBAKSH, Khan Bahadur
 ASAVALE, Rao Bahadur R. S.
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, Sir SHAH NAWAZ
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 COOPER, Khan Bahadur D. D.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HARIDAS MADHAVDAS, Mr.
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JOG, Mr. V. N.

JONES, Major W. ELLIS
KADRI, Mr. J. S.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur S. T.
KARBHARI, Mr. M. M.
KHUERO, Khan Bahadur M. A.
KULKARNI, Rao Saheb P. D.
LELY, Mr. W. G.
MACKLIN, Mr. A. S. R.
MADHAVSANG JORBHAI, Mr.
MEHERBAKSH, Mr. S.
MEHTA, Mr. M. H.
MODAK, Rev. R. S.
MODI, Sardar Davar T. K.
MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.
NAMDEORAO BUDHAJIRAO, Mr.
NAVLE, Mr. N. E.
OWEN, Mr. A. C.
PARULEKAR, Rao Bahadur L. V.
PATEL, Khan Bahadur A. E.
PATEL, Mr. C. N.
PATIL, Rao Bahadur D. R.
PATIL, Mr. N. N.
PATIL, Mr. V. N.
PATIL, Rao Saheb V. S.
PETIT, Mr. J. B.
PRADHAN, the Honourable Sir GOVINDRAO
PRADHAN, Rao Bahadur G. V.
PRATER, Mr. S. H.
RAFIUDDIN AHMAD, the Honourable MOULVI
RESALDAR, Mr. A. K.
SHAIKH ABDUL AZIZ, Mr.
SHAIKH ABDUL MAJID, Mr.
SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. B.
SMART, Mr. W. W.
SOLANKI, Dr. P. G.
SURVE, Mr. A. N.
SURVE Mr. V. A.
SYED MIRAN MAHOMED SHAH
SYED MUNAWAR, Mr.
TALFUR, MIR BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHASABHAI RAISINGHI
THOMAS, the Honourable Mr. G. A.
TOLANI, Mr. S. S.
TURNER, Mr. C. W. A.
VAISHAMPAYAN, Dr. V. G.

VAKIL, Mr. PESTANSHAH N.

VAKIL, the Honourable Sirdar Sir RUSTOM JEHangIR

VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

QUESTIONS AND ANSWERS.

LAND ACQUIRED FOR HOSTEL, MALWAN.

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

(a) whether any land was acquired by the Anant Shivaji Desai High School at Malwan in the Ratnagiri District for constructing a hostel;

(b) whether the hostel has been built; and if so, when;

(c) whether the land has been leased for cultivation?

The Honourable Mr. W. F. HUDSON: The Honourable Member is referred to the reply given to a similar question asked by Mr. B. P. Wadke, M.L.C., in the current session.*

DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE: CLERKS.

Mr. J. S. KADRI (Northern Division): Will Government be pleased to specify the present number of Brahmin, Non-Brahmin and Muhammadan clerks and Superintendents in the office of the Director of Public Instruction, Poona, and state what steps, if any, have been taken to increase the representation of Muhammadans and Non-Brahmins in that office during the last five years?

The Honourable MOULVI RAFIUDDIN AHMAD: The following statement gives the required information:—

Clerks.

Brahmins.	Non-Brahmins.	Muhammadans.	Total.
43	6	2	51

Assistant Superintendents.

1	1	2
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Superintendents.

1	1	1	3
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Two vacancies of Superintendents in the office have been filled respectively by a Muhammadan and Non-Brahmin. Government had issued instructions to the Director of Public Instruction to advertise clerical vacancies in newspapers and to consult the Advisory Committees

* Printed in the Debates of 27th July 1931.

of the two communities with a view to secure suitable candidates. In pursuance of these orders one Muhammadan and one Backward Class Hindu have recently been appointed as clerks in the office of the Director of Public Instruction.

Mr. J. S. KADRI: Will Government be pleased to consider the question of having more Mahomedans and persons of the backward classes in the clerical staff?

The Honourable MOULVI RAFIUDDIN AHMAD: Every effort will be made to do so when vacancies occur.

Rao Bahadur D. R. PATIL: Were these two vacancies filled up before Government issued instructions?

The Honourable MOULVI RAFIUDDIN AHMAD: What does the honourable member mean by "before Government issued instructions"?

Rao Bahadur D. R. PATIL: It has been stated in the reply that Government had issued instructions to the Director of Public Instruction to advertise clerical vacancies in newspapers and to consult the Advisory Committees of the two communities with a view to secure suitable candidates. My question is whether these two vacancies were filled up after Government issued their instructions to the Director of Public Instruction.

The Honourable MOULVI RAFIUDDIN AHMAD: This is only for clerks. The other matter refers to the Superintendents.

Rao Bahadur D. R. PATIL: I know that but I asked my question in respect of superintendents.

The Honourable MOULVI RAFIUDDIN AHMAD: This does not refer to clerks but to the superintendents; it may be previous to that.

Rao Bahadur S. K. BOLE: In respect of clerks, have there been any advertisements in any newspapers?

The Honourable MOULVI RAFIUDDIN AHMAD: We had referred the matter to the Maratha Association, and they suggested certain names, which were considered.

Rao Bahadur D. R. PATIL: When did Government issue instructions to the Director of Public Instruction in the case of the clerical establishment?

The Honourable MOULVI RAFIUDDIN AHMAD: I do not know the exact date.

Rao Bahadur D. R. PATIL: Will the Honourable Minister give the approximate date?

The Honourable MOULVI RAFIUDDIN AHMAD: If the honourable member will give me notice, I will find out the exact date.

Mr. N. E. NAVLE: Looking to the very inadequate representation of the Mahomedans and Non-Brahmins in the clerical branch of the Director of Public Instruction's office, is it not desirable in the interests of the backward classes and Moslems to give them adequate representation in the clerical establishment, and to recruit clerks only from these communities and to stop recruitment from the advanced classes?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not prepared to go so far. I think every opportunity is given, and we regularly ask for returns with regard to employment of the Backward Classes ; and that is considered enough for the present.

Rao Bahadur D. R. PATIL : When were the vacancies of clerks filled ?

The Honourable MOULVI RAFIUDDIN AHMAD : I think it is stated in the printed reply.

Rao Bahadur D. R. PATIL : I am asking about clerks.

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, about clerks.

EDUCATION COMMITTEE REPORT: GOVERNMENT ACTION.

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

(a) whether they have concluded the examination of the recommendations of the Committee for Primary and Secondary Education ?

(b) if so, what steps they have taken to give effect to the recommendations under each head ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) No.

(b) Does not arise.

Rao Bahadur R. R. KALE : May I know how long Government are likely to take to conclude the examination of the recommendations, seeing that already a year has elapsed ?

The Honourable MOULVI RAFIUDDIN AHMAD : The report is now under the consideration of the Director of Public Instruction. I made several enquiries, and I am informed that the University itself is considering this question of medium of instruction and vocations and so on, which is advocated in the report, and the Director of Public Instruction informs me that unless he knows something about the decision of the University with regard to these matters, he is not in a position to supply Government with his opinion.

WEIGHTS AND MEASURES : LEGISLATION FOR UNIFORMITY.

Rao Bahadur R. R. KALE (Bombay University) : (i) Will Government be pleased to state—

(a) whether they have received the views of the Commissioners of Divisions and other bodies and officers as requested in Government Resolution No. 1612, General Department, dated 2nd July 1924 on the recommendations of the Committee appointed by them to consider the question of Weights and Measures in the Bombay Presidency ;

(b) what further action they have taken on the recommendations of the said Committee ;

(c) when they intend to undertake legislation on the lines suggested in paragraph 42 of the Committee's Report ;

(d) in whose administrative charge the subject of Weights and Measures is ?

(ii) Are Government aware—

(a) that the want of uniformity in weights and measures in this Presidency has been felt by the people for a long time ;

(b) that the present practice in this matter leads to fraud and results in the victimization of the poor and ignorant people ;

(c) that the standards for weights and measures determined many years ago for various districts have gradually been departed from in actual practice owing to the absence of legislation for their maintenance ;

(d) that the committee appointed by them emphasized the need of undertaking some kind of legislation and enumerated the matters for which legislation (whether of a compulsory or enabling character) should provide ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL :

(i) (a) Yes.

(b)-(c) A Bill has been drafted and is now being revised. It is proposed, after obtaining the previous approval of the Government of India, to publish the Bill for criticism before finally undertaking legislation.

(d) In my charge.

(ii) (a-d) Yes.

Rao Bahadur R. R. KALE : May I know whether the Bill will be brought up in the next session of this Council ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I am afraid not, but it is quite possible that the Bill may be ready for the July session next year.

Rao Bahadur R. R. KALE : Seeing that this matter of standardisation of weights and measures has become ancient by this time and seeing that Government have accepted the recommendations of the committee and said that they would introduce legislation, is it not necessary that such legislation should be expedited ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Everything possible has been done to bring the matter to a head. It is very nearly ready, and the Bill will have to be published for criticism well in advance of its introduction. So, I suppose next July will not be too late.

HESKETH COMMITTEE REPORT.

Khan Bahadur A. E. PATEL (Northern Division) : (a) Have Government considered the proposal of the Hesketh Committee Report ?

(b) Have Government referred to the University the Committee's proposals for the matriculation syllabus ?

(c) When is the Government Resolution for action on the Report expected to be published ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) I have nothing more to add to what I have stated in reply to the honourable member Rao Bahadur Kale.

HESKETH COMMITTEE REPORT.

Mr. N. N. PATIL (Kolaba District): (1) Will Government be pleased to state whether they approve of the recommendations of the Hesketh Committee, and if so what steps they intend to take to put the same into practice especially those that do not involve any financial responsibility?

(2) Do Government intend to appoint a special Sub-Committee as suggested in the Report of the Hesketh Committee to suggest the ways and means to bring their recommendations into practice and if so when?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) and (2) The Report is still under consideration.

Mr. N. N. PATIL: May I know how much longer Government will take to complete the consideration of the report?

The Honourable MOULVI RAFIUDDIN AHMAD: I have already given the reply.

BRIDGE OVER DHARAMTAR CREEK.

Mr. N. N. PATIL (Kolaba District): (a) Has the attention of Government been drawn to the fact that passengers have to undergo great hardships while crossing the Dharamtar creek in the Alibag taluka at low tide?

(b) Has a scheme for a bridge over the Dharamtar creek been submitted to Government?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) Yes.

(b) No. Only the probable cost of a bridge has been estimated. This amounts to about Rs. 10 lakhs and it is unlikely that any such provision will be possible for some time to come.

BOMBAY PORT TRUST: LEE PASSAGE CONCESSIONS.

Mr. N. N. PATIL (Kolaba District): Will Government be pleased to state whether the Trustees of the Port of Bombay intend to discontinue the benefit of the Lee passage concessions in the case of future appointments of non-Asiatic domicile?

The Honourable Sir GHULAM HUSSAIN: The Trustees have not got the matter under consideration at present.

TRAINING COLLEGE EXAMINATION: FAILURES.

Mr. A. K. RESALDAR (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) the number of candidates that appeared for the first year examination held at the P. R. Training College for Men, Ahmedabad, in April 1931;

(b) the number of candidates that failed in that examination;

(c) the number of candidates that failed in the practical oral lessons;

(d) the names of the examiners who conducted the examination in the practical oral lessons;

(e) whether it is a fact that these examiners did not sit all the while in the rooms where the candidates were giving the oral lessons;

(f) whether it is a fact that the chief examiner who conducted that examination did not know the Gujarati language, in which the candidates were giving their lessons;

(g) whether Government called for any explanation from the Head Master, P. R. Training College for Men, Ahmedabad, and the Principal, Mission Training School, Ankleshwar, from which the candidates appeared for that examination, for such an unusual number of failures;

(h) if so, whether they will place a copy of the explanations on the Council table?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) 103.

(b) 61.

(c) 34.

(d) Mr. K. G. Gidvani, Educational Inspector, Northern Division, and Mr. J. A. Sayed, Deputy Educational Inspector, Kaira.

(e) No.

(f) No.

(g) No.

(h) Does not arise.

Mr. A. K. RESALDAR : Will Government be pleased to state whether Mr. Gidvani passed any examination in Gujarati?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say offhand.

Mr. J. S. KADRI : Does Mr. Gidvani know Urdu?

The Honourable MOULVI RAFIUDDIN AHMAD : That does not arise.

Mr. J. S. KADRI : Because he examines boys in Urdu?

The Honourable MOULVI RAFIUDDIN AHMAD : I am sure the honourable member himself had also examined some boys in languages which he did not know.

The THAKOR of KERWADA : Before making the appointment of Mr. Gidvani as examiner, did the Honourable Minister make enquiries whether he was conversant with the languages in which he has to examine the boys?

The Honourable MOULVI RAFIUDDIN AHMAD : The honourable member knows that Mr. Gidvani had the assistance of two experts; he was the chief there only *ex-officio*.

DISTRICT COURT, WEST KHANDESH : URDU CLERKS.

Mr. SHAIKH ABDUL AZIZ (Central Division): (a) Will Government be pleased to state how many posts in the selection grade of clerks there are in the District Court of West Khandesh and how many of them are at present occupied by Mahomedans, Brahmins and Non-Brahmins?

(b) How many new appointments in the District Court of West Khandesh have been made during the whole period of Mr. Asundi's District Judgeship?

(c) How many of these new appointments were in the selection grade and how many others?

(d) How many of these new appointments have been given to Mahomedans, Brahmins and Non-Brahmins, and on what grounds were the appointments so distributed?

(e) Will Government place the office order book on the Council table?

(f) How many applications were received by Mr. Asundi from the Mahomedans working in the Judicial Department recommended by their superiors for the selection grade posts?

(g) Why were those persons not appointed?

(h) How many applications for posts were received by the District Judge, Mr. Asundi, from Mahomedans and what were their qualifications and how many of them were taken in service?

(i) What effect have Government given up to this time to the Resolution regarding appointing 50 per cent. of Mahomedans and backward classes in the District?

The Honourable Mr. G. A. THOMAS: (a) There is no selection grade. The clerical appointments are divided into two divisions, lower and upper. In the District Court, there are six posts in the upper division and all of them are at present held by Brahmins.

(b) Two.

(c) and (d) One was in the upper division and was given to a Brahmin law graduate. Applications were called for from Muhammadan graduates in Arts and Law through the Muhammadan Education Society, but none were received. The other was in the lower division and was given to a Non-Brahmin.

(e) No.

(f) Two.

(g) They had not passed the Matriculation or the School-Leaving Examination.

(h) 13 Muhammadans applied, of whom 8 had passed the Vernacular Final Examination and 5 the Matriculation Examination. One was appointed a clerk and one an apprentice sectioner.

(i) There were 40 vacancies from February 1925, when the Resolution issued, to March 1931, of which 10 were given to Muhammadans and 17 to Non-Brahmins. The instructions contained in the Resolution have been carried out.

Mr. SHAIKH ABDUL AZIZ: With reference to (b), did those appointments include three probationary appointments also?

The Honourable Mr. G. A. THOMAS: I am afraid I must ask for notice.

Mr. SHAIKH ABDUL AZIZ: With reference to (c) and (d), which is that Mahomedan Education Society through which applications were called for?

The Honourable Mr. G. A. THOMAS: I ask for notice.

Mr. SHAIKH ABDUL AZIZ : The reply to (g) says that " they had not passed the Matriculation or the School-leaving Examination." I ask whether those persons who were competent and recommended by the subordinate judges were refused only on account of want of qualification.

The Honourable Mr. G. A. THOMAS : I must ask for notice of the question.

Mr. SHAIKH ABDUL AZIZ : With regard to the reply to (h), may I ask whether one of the 13 applicants was a graduate also ?

The Honourable Mr. G. A. THOMAS : I must ask for notice. I cannot carry all these details in my head.

Mr. SHAIKH ABDUL AZIZ : The qualifications are mentioned there and so I ask.

With regard to (i), it is stated that out of 40 vacancies ten were given to Mahomedans. I ask whether those ten Mahomedans were already employed before 1925 and made only permanent after 1925.

The Honourable Mr. G. A. THOMAS : I ask for notice.

SMALL CAUSES COURT, BOMBAY : DEFENDANTS' MONEY ORDERS.

Mr. J. S. KADRI for Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) Why the payments of instalments of amount payable under a decree are not accepted in the Presidency Small Causes Court, Bombay, when the same are sent by Postal Money Orders by parties residing in the City ?

(b) Whether Government are aware of the inconvenience, loss of wage and other hardships caused to poor persons who have to call at the Court to pay up their instalments when the same are actually refused by money order ?

(c) Whether Government are aware that where parties cannot personally appear at the Court to pay up instalments, they are required to pay them through their advocates and thereby incur extra legal charges ?

The Honourable Mr. G. A. THOMAS : (a) and (b) Payments cannot be accepted and credited to the proper account unless sufficient particulars are given to show the number and year of the suit and the Ledger Folio in which the Account has been opened. Government are considering whether special money order forms could be introduced in which these details would be shown.

(c) Payments can be made by any agent and it is not necessary to employ an advocate for the purpose.

COLLEGE IN UPPER SIND.

Mr. S. S. TOLANI (Western Sind) : (a) Is it a fact that the need for a College in Upper Sind was urged and pressed on His Excellency the Governor of Bombay during his recent visit to Sind ?

(b) Is it a fact that it was brought to the notice of His Excellency that a philanthropist Shikarpuri gentleman had promised to donate a lakh of rupees for the establishment of such a College if it was taken in hand at an early date ?

(c) Is it a fact that there are only two colleges aided by Government in Sind and that both these colleges are in Lower Sind ?

(d) Is it a fact that the general cost of living is greater in Lower Sind than in Upper Sind ?

(e) Is it a fact that higher education is backward in Upper Sind ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (b) and (c) The answers to these clauses are in the affirmative.

(d) There is no appreciable difference between the cost of living in Lower Sind and Upper Sind.

(e) Upper Sind is less forward in higher education than Lower Sind.

Mr. S. S. TOLANI : In view of the answer to (e) do Government propose to open a college in Upper Sind ?

The Honourable MOULVI RAFIUDDIN AHMAD : The reason given is not the only consideration.

Khan Bahadur M. A. KHUHRO : Is it not a fact that the cost of living is much higher in Karachi than anywhere else ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives notice, I will find that out.

Khan Bahadur M. A. KHUHRO : Will Government be pleased to state whether they have received any protest from public not to apply compulsion to the girls, with regard to the primary education ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know.

DISCUSSION ON IRRIGATION ACT AMENDMENT

BILL—*Resumed.*

The Honourable Sir GOVINDRAO PRADHAN : Sir, I move that

Bill No. III of 1931 (A Bill further to amend the

Third reading. Bombay Irrigation Act, 1879) be read a third time and passed into law.

Question proposed.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I object to the third reading of the Bill. My reasons are that after a strenuous period of 5 days, we have made innumerable amendments which have been incorporated in the Bill. I think it has complicated the matters and, therefore, I think there is no use in hustling this Bill through this session. People ought to be given a chance to give their opinions as to how far the Bill is going to inflict hardship upon them.

The Honourable the PRESIDENT : Under what Standing Order, is the honourable member speaking now ?

SYED MIRAN MAHOMED SHAH : Standing Order VIII, 11 (2) (a).

The Honourable the PRESIDENT : Will the honourable member read it ?

SYED MIRAN MAHOMED SHAH : It says :

"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 sitting ; and such objection shall prevail, unless the President, in exercise of the power to suspend this provision, disallows the objection."

The Honourable the **PRESIDENT :** The words are "at the same meeting."

SYED MIRAN MAHOMED SHAH : It means at the same session.

The Honourable the **PRESIDENT :** It is not so ; to-day for instance is a meeting. A session is composed of several meetings, that is to say, the number of dates on which Council meets. So, if the Honourable Member had asked for the third reading on the same day after so many amendments had been carried out, then the honourable member's objection would have held good.

The Honourable Sir **GOVINDRAO PRADHAN :** Because of that Standing Order, we did not move for third reading yesterday.

SYED MIRAN MAHOMED SHAH : But I can oppose the third reading.

The Honourable the **PRESIDENT :** Yes.

SYED MIRAN MAHOMED SHAH : Now, Sir, as a last attempt, I appeal to the best instincts of honourable members with all the emphasis at my command on behalf of the people of Sind, most of whom depend upon agriculture. By the passing of this Bill, in spite of the various amendments which have been considered by certain honourable members as beneficial to the agriculturists of Sind—honourable members from Sind pointed out that the effect of various amendments would reduce Sind to rack and ruin—the agriculturists of Sind will be placed under a perpetual debt which they will never be able to discharge. The whole province of Sind is going to be revolutionised by this huge colossal project, called the Lloyd Barrage, and the complications will be so many that it will not justify this House, by this Act, to throw their destinies in the hands of a few officials who already hold sway in that unfortunate province. It is really an official-ridden province and the people are so timid that they cannot even afford to contradict the wishes of any official in matters of vital interest to them. Instances are clear. During the past two years or so Government have been constructing water-courses and have been carrying on rectangulation in the holdings of the zamindars without their permission and without their consent. These people, little knowing that they have got a right to object to such a sort of procedure, have submitted to it and none among the thousands has gone to a court of law to seek redress or establish his right against the illegalities committed by the officials or claim damages from them. Can the honourable member point out one single instance in which any one resorted to a court of law ? In spite of this the Government stated that the civil courts should have no jurisdiction in the matter of construction of water-courses. Yesterday the Chief Engineer told us that they have carried out construction of many water-courses in Khipro Canal area.

Mr. C. S. C. HARRISON : I have already pointed out that there are several threatened suits against Government.

SYED MIRAN MAHOMED SHAH : May I know how many as a result of the construction of water-courses ?

Mr. C. S. C. HARRISON : Six or seven cases.

SYED MIRAN MAHOMED SHAH : It is news to me. It is most unusual.

The Honourable the PRESIDENT : An important piece of news all the same.

SYED MIRAN MAHOMED SHAH : It is an important piece of news that has come to me for the first time, no doubt. But I would like to know the nature of these cases and what was the cause of action that accrued to plaintiffs. I am sure if those cases were analysed they would be found to be different from the cases contemplated in this Bill.

I want to give instances to show how far people have been deprived of their fundamental rights. When every right is adjudicable by civil courts in this country, what is there extraordinary about this right that people should be deprived of their right to get it adjudicated by a court of law ? What are the courts for ? When it was pointed out that the change of a water-course might put people to loss, the reply was that there were remedies provided in the Act itself, for instance section 31. I think those remedies are ineffectual. For instance, claims to damages could be disallowed under provisos of section 31. This is a fundamental defect in the Bill, against which people will unanimously protest. It might even lead to agrarian trouble, as pointed out by my honourable friend from Karachi.

Another hardship that has been inflicted by this Bill is as regards rectangulation. We carried on a debate lasting a day and a half in regard to this question in order to make our position quite clear. Government have been changing their estimates from time to time, and they have not yet been able to fix it. From Re. 1-7-0 which was provided in the original Estimates of the Lloyd Barrage—

The Honourable Sir GOVINDRAO PRADHAN : Sir, can the honourable member go into these details ?

The Honourable the PRESIDENT : The honourable member must certainly discriminate between his remarks on the third reading and his remarks on the details of the Bill.

SYED MIRAN MAHOMED SHAH : I am quite conscious of that, Sir. But I must give reasons why the honourable House is called upon to reject the Bill.

The Honourable the PRESIDENT : In that attempt the same ground should not be travelled over again.

SYED MIRAN MAHOMED SHAH : I am only just touching on those points. I will not enter into the details. I am enumerating the various defects in the Bill on account of which I appeal to the House to reject the Bill. My honourable friend (the Honourable Sir Govindrao Pradhan) need not be afraid that I am going to enter into a detailed debate.

[Syed Miran Mahomed Shah]

I was just pointing out that from Re. 1-7-0 they had come to Rs. 4-4-0, and yet the limit was not reached. My honourable friend the Chief Engineer is not yet in a position to make a final statement as to what will be the final estimate of the cost of construction of these water-courses, including rectangulation. The agriculturist is, therefore, not yet in a position to know his aggregate liability so as to make provision for it. This is another matter in regard to which we have fundamental objection.

Another objection to the Bill is founded on the legalising of the unwarranted actions of the Irrigation Department in the past. I moved an amendment in regard to that proviso, but it was thrown out. The people of Sind have been deprived of the legal rights they had against the past illegal action of Government.

What I now urge is that this Bill should be republished and given wide publicity, so that the people affected might be in a position to raise their objections and we shall also be in a position to tell them how far we have been able to influence the judgment of honourable members from the Presidency and of Government, and how far Government have given in. By the time the next reading of the Bill is taken up people will have sent in their objections and Government will have had time to think whether some amendments cannot be accepted in the light of those objections.

I, therefore, wish on behalf of the people of Sind to make a last appeal to this House to throw out the third reading. This is not an unusual procedure. I think the House once rejected the third reading of one Bill brought in by the honourable member Rao Bahadur Bole on a motion made by Mr. Murzban. I hope that the House will unanimously throw out this Bill, and place the agriculturist under a perpetual debt of obligation.

Mr. A. N. SURVE (Bombay City, North): Sir, I have to make some observations.

The Honourable the PRESIDENT: I think that honourable members have every right to raise a debate on the third reading of a Bill as at any other stage of a Bill. But after having gone through this Bill so elaborately and in great detail, with every possible latitude that the Chair could give, honourable members should really spare the time of the House.

Mr. A. N. SURVE: I only want to point out that as the matter stands now, we are asked to give our vote without knowing what changes the Bill has undergone at the second reading.

The Honourable the PRESIDENT: Order, order. The honourable member is repeating in the House a request which he made to me personally yesterday that the office should have the Bill retyped in its amended form and circulated to the House. That was impossible. It is expected that honourable members will take note of the changes and mark them in the copies of the Bill in their hands as the Bill is proceeded with. I do not think that is an argument against the passing of the third reading of the Bill.

Mr. A. N. SURVE: Sir, I wish to point out only this, that if my request had been granted, we would have been in a better position to give our intelligent assent, as distinguished from formal assent, to the third reading of the Bill. As matters stand at present, you, Sir, are aware that various amendments to amendments were handed over to you on sheets of paper, moved and passed: even Government on the other side suggested their own amendments and they have been accepted—

The Honourable the PRESIDENT: I can quite understand that certain honourable members are in some difficulty because of that, and cannot give their intelligent assent; but equally so they cannot give their intelligent refusal to the passing of the third reading.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I wish to say a few words. I oppose the third reading on these grounds, that the two fundamental defects in the Bill, namely, the proportion of the cost of water-courses to be charged to lands, namely 1: 2: 3, and also the share of the zamindars in regard to the cost of rectangulation survey which was opposed by us most strongly, has been retained by this Council and is to be charged to them. The very reasonable amendment moved by my honourable friend Rao Bahadur Pradhan to divide this cost between Government and the zamindars half to half was also thrown out by the House. The Bill is, therefore, obviously being forced on Sind by the Presidency against the unanimous and joint opposition of the representatives of the province of Sind. Therefore, Sir, we are strongly opposed to this very undesirable measure which is being thrust upon the province of Sind. All the representatives of that province are opposed to that measure. Consequently, I think the House will be well advised to throw out the measure which has been passed without the desire of the people of Sind.

Mr. A. S. R. MACKLIN: Sir, I have certain drafting amendments to propose. My first amendment is to the amendment to clause 3 which was passed in this House, namely, that in section 28 of the main Act the following should be added:

"(f) Whenever and so long as it may be necessary to change the source of water-supply of any land from one source to another ordered by the Canal Officer under section 91."

For those words I move that the following be substituted:

"(f) Whenever and so long as it is necessary to stop such supply pending a change in the source thereof by a Canal officer under section 91."

Question put and carried.

Mr. A. S. R. MACKLIN: Sir, I have another amendment.

The amendment which was passed by the House was:

"In clause 4, in the proviso to proposed new section 90, insert the words 'the same and' between the words 'until' and 'the'."

My amendment, which is again one of drafting, is:

"In clause 4, in the proviso to proposed new section 90, for the words 'the same and' the words 'the said notification together with the scheme in respect of such lands' shall be inserted."

[Mr. A. S. R. Macklin]

The proviso will then read :

" Provided, however, that no such notification may be published until the said notification together with the scheme in respect of such lands has been laid on the Council table and approved by the Council on a motion made by Government."

Question put and carried.

Mr. A. S. R. MACKLIN : Sir, the House passed a second proviso to new section 90 as follows :

" Provided also that the lands watered within 20 years previous to the date of the notification by canals in Lower Sind in non-Barrage area shall not be liable to pay any charge for reconstruction of water-courses if and when this part comes to be extended to such lands."

For that, I move that the following be substituted :

" Provided further that if and when this Part is extended to such lands, the cost of reconstructing water-courses shall not be charged on lands watered within the 20 years immediately preceding the date of such notification by canals in Lower Sind outside the zone commanded by the Lloyd Barrage Canals."

Question put and carried.

Mr. A. S. R. MACKLIN : I have one more amendment, Sir. The House passed the following amendment :

" In clause 4, to the new section 91, sub-section (2), sub-head (iii), at the end the following words shall be added :

' as regards alignment and construction and shall not be questioned in a civil court '."

I move that these words be amended as follows :

" as regards the alignment and construction of the proposed water-course and shall not be called in question in any civil court."

Question put and carried.

The Honourable the PRESIDENT : Is that all ?

Mr. A. S. R. MACKLIN : Yes, Sir.

The Honourable the PRESIDENT : I will now put the question :

" That the Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879), as amended, be now read a third time and passed."

Mr. SHAIKH ABDUL MAJID : I claim a division, Sir.

The Honourable the PRESIDENT : I am only waiting to see if the honourable member changes his mind.

Mr. SHAIKH ABDUL MAJID : What I aim at, Sir, is that at least the honourable members coming from Sind should record their votes against the third reading of the Bill, and therefore I demanded the division.

The Honourable the PRESIDENT : I thought that they had put up a very noble fight and got what they could. All the same, it is for the honourable member the Leader of the Sind Party to enlighten the House as to whether a division is really wanted. I do not want a speech, but he should simply say if the division is seriously asked for, and I will grant it.

Sir SHAH NAWAZ BHUTTO : Well, Sir, they insist on it.

The Honourable the PRESIDENT : In that case, I grant it.

Bill read a third time. Question put. House divided. Ayes, 60; Noes, 13. Motion carried.

Division No. 7.

Ayes.

ABERCROMBIE, Mr. J. R.
ACHREKAR, Mr. A. B.
ASAVALE, Rao Bahadur R. S.
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BOLE, Rao Bahadur S. K.
BOWERS, Mr. P. L.
BEANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
BULLOCKE, Mr. A. GREVILLE
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DESAI, Rao Saheb B. G.
DESAI, Mr. S. B.
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GILDER, Dr. M. D.
GOKHALE, Mr. L. R.
HARRISON, Mr. C. S. C.
HUDSON, the Honourable Mr. W. F.
JOG, Mr. V. N.
JONES, Major W. ELLIS
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur
S. T.

KARBHARI, Mr. M. M.
LELY, Mr. W. G.
MACKLIN, Mr. A. S. R.
MODAK, Rev. R. S.
MODI, Sardar DAVAR T. K.
MORE, Mr. J. G.
NAVLE, Mr. N. E.
OWEN, Mr. A. C.
PATIL, Rao Bahadur D. R.
PATIL, Mr. N. N.
PATIL, Mr. V. N.
PETTIT, Mr. J. B.
PRADHAN, the Honourable Sir GOVINDRAO
PRADHAN, Rao Bahadur G. V.
PRATER, Mr. S. H.
RAFIUDDIN AHMAD, the Honourable
MOULVI.
SHAIKH YAKUB VAZIR MAHOMED, Khan
Bahadur
SHINDE, Mr. R. B.
SMART, Mr. W. W.
SOLANKI, Dr. P. G.
SYED MUNAWAR, Mr.
THOMAS, the Honourable Mr. G. A.
TURNER, Mr. C. W. A.
VAISHAMPAYAN, Dr. V. G.
VAKIL, Mr. PESTANSHAH N.
VAKIL, the Honourable Sirdar Sir RUSTOM
JEHANGIR
VANDEKAR, Rao Saheb R. V.
WADKE, Mr. B. P.
WILES, Mr. G.

Tellers for the Ayes : Khan Bahadur D. B. COOPER and Rao Saheb R. V. VANDEKAR.

Noes.

BRUTTO, Sir SHAH NAWAZ
BRUTTO, WADERO WAHIDBAKSH ILLAHI-
BAKSH
DHALUMAL LILARAM, Mr.
GHULAM NABI SHAH, Khan Bahadur
GOVER RORA, Mr.
JAM JAM MAHOMED KHAN, Khan Bahadur

JAM MAHOMED KHAN, Khan Bahadur
KHUERO, Khan Bahadur M. A.
PATEL, Mr. C. N.
SHAIKH ABDUL MAJID, Mr.
SYED MIRAN MAHOMED SHAH.
TALPUR, MIR BANDEH ALI KHAN
TOLANI, Mr. S. S.

Tellers for the Noes : Rao Saheb B. G. DESAI and Sardar DAVAR T. K. MODI.

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

**BILL NO. XX OF 1931 (A BILL TO PROVIDE FOR THE
REGULATION AND CONTROL OF TRANSACTIONS
IN COTTON IN BOMBAY).**

Question again proposed :

"That the Bill be read a first time."

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts):
Sir, I rise to a point of order. Section 80A of the Government of India
Act says :

"The local legislature of any province has power, subject to the provisions of this Act,
to make laws for the peace and good Government of the territories for the time being
constituting that province."

[Mr. M. M. Karbhari]

That is to say, this legislature has no power to pass any Act which will have an effect on, or which will regulate, or which is going to affect, the other parts of India.

The Honourable the PRESIDENT: I suppose that is the honourable member's exposition of section 80A.

Mr. M. M. KARBHARI: Yes. If this Bill is passed, it is going to affect indirectly and inevitably the growers and the traders who do not belong to this Presidency, that is to say, who are outside this Presidency, as for instance, the growers in the Central Provinces, Berar, Rajputana, Malwa, the United Provinces, the Punjab and Bengal.

The Honourable the PRESIDENT: What is the point of order?

Mr. M. M. KARBHARI: This Bill, if introduced, becomes *ultra vires*, in the first place.

The Honourable the PRESIDENT: How?

Mr. M. M. KARBHARI: Because it is going to affect parts outside the Presidency. Section 80A of the Government of India Act provides that the local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province. But if it is held that it is not *ultra vires*, my second point is that this Bill, having received the assent of the Governor General under section 80A has become a provincial subject, and the provincial subjects are governed by the Devolution Rules.

The Honourable the PRESIDENT: All this is on the other side of the objection.

Mr. M. M. KARBHARI: No, Sir. I can point out that if this Bill is passed it does not become a provincial subject. On page 112 of the Council Manual you will find the heading "*Part II—Provincial Subjects.*"

The Honourable the PRESIDENT: I point out to page 110 before page 112.

Mr. M. M. KARBHARI: But those are the Central subjects. I am alluding to the provincial subjects now. If it is a Bill for a provincial legislature, it must be governed by the Devolution Rules under the provincial subjects. Under all the heads of these rules, I do not find that the provincial Governments are ever given any authority or any right to control any commodity. If it is held that this Bill comes under No. 24A of the Provincial Subjects, which is "Control of production, supply and distribution of any articles to the extent to which by rule made by the Governor General in Council or by or under legislation by the Indian legislature such control is directed to be exercised by a local Government, then I submit that this Bill is not intended for this. If they had come forward to prevent adulteration of foodstuffs or other articles subject to legislation by the Indian legislature as regards import and export trade, that would be another thing altogether. The object

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of the Bill is not even this. If this Bill had been brought forward to prevent speculation, or to regulate betting and gambling, there would have been justification for it. But their attempt is not to make an amendment in that Act. It is neither a source of provincial revenue, because the object of the Bill is merely to control and restrict contracts in cotton to a particular body. Without entering into any merits or demerits of the case, I would say that they are practically giving a monopoly of the trade to one body, and making a law which is quite local in nature. It cannot be provincial. In the Statement of Objects and Reasons it is stated that the present Bill follows the general lines of Bombay Act XIV of 1922, and is intended to incorporate those recommendations of the Committee appointed to examine the working of that Act, which have been accepted by Government. Now, I will quote a passage from the Report of the Cotton Contracts Act Committee. On page 18 of the Report it is stated :

“That a single association shall be given control of dealings in cotton and that the passing of contracts contravening bye-laws drawn up by the Association and sanctioned by Government shall be made an offence punishable with fine.”

That is to say, the effect of the Bill will be that it will prevent any other association which does not now come under any law by which they could be punished is prevented from coming into existence. The attempt here made is to favour a particular association as against any other body.

The Honourable the PRESIDENT: Has the honourable member finished his point of order? He is now criticising the merits of the Bill.

MR. M. M. KARBHARI: My point, Sir, is that the Bill being of a local nature, it cannot be called provincial legislation. That is my second point, and therefore I submit that the Bill may be declared as out of order.

The Honourable Sir GHULAM HUSSAIN: Sir, I have not been able to follow the point of order of the honourable member, but I appeal to his commonsense. This is a repealing Bill; the previous Act is already in existence. That Act is called the Bombay Cotton Contracts Act, and we are now proposing to repeal it. For that purpose, we required the sanction of the Governor General, which has been obtained, under section 80A of the Government of India Act. All the formalities have been gone through, and I cannot understand what my honourable friend means when he says that this is not a provincial subject. The Act which is now in existence and which we are amending by this Bill was passed by this honourable House. That in itself shows that this Bill can be considered by this Legislature.

The Honourable the PRESIDENT: I feel that the honourable member who has raised the point of order is swayed more by what he fears the results of this legislation might be, and therefore of course he is trying his very best to put a stop to the legislation at this stage. But I have to look to the legal side of a point of order raised. I have not to see what the results would be. I have to see whether the legislation brought up is brought up according to the law and the constitution laid

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down for us. I find that section 80A (3) lays down that the local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law regulating central subjects. The list of central subjects is given on pages 109 to 112 of the Council Manual, and No. 17 in the list is "Commerce, including banking and insurance." The subject of this Bill would come under "Commerce". For that previous sanction of the Governor-General is necessary, and under section 80A such sanction has been obtained for this particular Bill which, as has rightly been pointed out, is intended to amend an Act which has been passed by this House. It is mainly the same Act, with some variations in the details, or may be even in principle, which the House will have an opportunity to discuss. Practically the same Act has been brought up again in the shape of this Bill to the same legislature which passed the original Act. I do not see that there is any point of order. I think this Bill as brought up is in proper order and can be proceeded with.

Mr. GOVER RORA : Under section 80A (3) there are sub-clauses given as (a), (b) and so on.

The Honourable the PRESIDENT : The honourable member will find on page 53—"regulating any central subject." [80A (3) (c).]

Rao Bahadur S. K. BOLE : Sir, I rise to oppose the first reading of this Bill. When the present Act was introduced in this Council in the year 1922, I was one of those who opposed the Bill at that time.

The Honourable the PRESIDENT : For facilitating the debate I may point out here, as I said yesterday and as the Honourable Mover also said yesterday, that the principles of the Bill must be discussed here. But the important point for members who wish to take part in the discussion on the first reading will be to decide as to what the principles are. As far as I understand, it has been given out by the Honourable Mover that the honourable member the Finance Secretary, Mr. Wiles, who has studied the question thoroughly, will be able to lay down, according to the point of view of Government, as to what are the principles. If the House is willing to have his statement supplementing that of the Honourable Mover, I would call upon him, if he is ready to do so, to make a statement without entering into a debate. But I must give him another opportunity if he wishes to take it and answer any points of objection raised. If the House, however, thinks that what the Honourable Mover stated yesterday is enough, then they may proceed. To me, although I do not wish to commit myself irrevocably, it appears that the principles are (1) whether there should be control of cotton transaction and (2) if so which should be the body to control it? If the House is agreeable to control, then the second principle will be, who should control? These two issues might include possibly all that the House would like to discuss at the first reading. But there might be other questions of principle which the House might point

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out to me. If the House is agreeable, I would like to have a statement from the honourable member the Finance Secretary.

Rao Bahadur R. R. KALE : It is a desirable course.

Mr. V. N. JOG : Before the honourable member the Finance Secretary makes the statement I wish to say a few words.

The Honourable the PRESIDENT : Then, Rao Bahadur Bole is in possession of the House.

Dr. P. G. SOLANKI : It would be better to have the statement from the honourable member the Finance Secretary.

Rao Bahadur S. K. BOLE : I am against any Government control. There is no control of jute in Calcutta. Why should there be control of cotton in Bombay ? In the year 1922 when the present Act was introduced, as I said before, I was one of those who voted against the Bill and I was in good company at that time. The ex-Minister Mr. Jadhav and the present Minister Dewan Bahadur Kambli also voted against the Bill. At that time as far as I remember responsible Government Members like Sir Cowasji Jehangir and Sir Ibrahim Rahimtoola said in their speeches that they were against Government control of cotton. That being so, they asked the members to pass the Bill as a temporary measure. They gave an assurance on behalf of Government that the Bill would not be extended after the war. But Government have extended it from time to time till now.

They have brought in a new Bill embodying certain provisions. I would like Government to introduce a Bill in order to stop speculation altogether. Why should Government allow speculation ? If they bring in a Bill to stop speculation I will whole-heartedly support it. But, instead of that, it is stated that they are going to control cotton. But it is not Government that is going to control cotton but they are going to delegate their powers to a certain body. Up till now they delegated their powers to the East India Cotton Association which consists of millionaires and the membership of which is Rs. 20,000. There are only about 350 members. They are allowed to make rules in connection with cotton contracts and in connection with the regulation of prices. Though the prices are regulated by world conditions, here in Bombay the prices are regulated and fixed by the East India Cotton Association. So, these people are running the show and they will not allow other associations to trade. There is the Mahajan Association which consists of small merchants. Their fee is about Rs. 2,500, so that small merchants can join the association as members. There are 650 members of that association. At the instance of the East India Cotton Association, Government instituted cases against some members of the Mahajan Association. But when Government saw the High Court judgment in one of the cases they withdrew the other cases. Sir, it is said that the Mahajan Association are only taking differences but the members of the East India Cotton Association also are taking differences. One director

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of the East India Cotton Association Mr. Chunilal Bhailal Mehta had said in his evidence before the magistrate's court :

"I do forward business in cotton and I am doing cotton business according to the system of the East India Cotton Association Limited. I do large business in thousands of bales. I did not give delivery of any bales of cotton in 1928. Since the last two or three years my clients are not giving or taking delivery at all and they are indifferent."

The Honourable the PRESIDENT : What is the relevancy of this ?

Rao Bahadur S. K. BOLE : It shows that the members of the East India Cotton Association also are dealing in differences. The charge against Mahajan Association is that there is no cotton for delivery but they pay difference. These members of the East India Cotton Association also are doing the same thing on a much larger scale. That is shown by this evidence. So, the relevancy is there.

The East India Cotton Association does not recognise *trji* and *mandi*. There is contract from the members of the association and there is another contract between members and clients. Then again the relatives of the members of the East India Cotton Association do business in the Mahajan Association. So, it is no use saying that the Mahajan Association alone is a body of gamblers. The East India Cotton Association is a bigger body of gamblers. They are carrying on speculation on a large scale. These members are growing fat at the cost of growers and small merchants, because they control the prices.

So, Sir, I say that there should be no control and nobody should be allowed to have any control. Before the year 1919 there was no control. There were two associations which were carrying on business [Interruption]. You will have your time. They were carrying on their business ; there was no hitch. Only during the war time Government thought fit to have control. There was control of rice and rent also. The Rent Act was very necessary for the benefit of the poor. But they have not extended that Act. This Act is quite unnecessary but they have extended it. This Act is against the interests of the growers as well as small traders. Formerly in the previous Act contracts by other association were made void so that they cannot file suits against each other. But now in this Act they are going to introduce a penal clause. So, that would be very detrimental to the interests of the sellers as well as to the interests of the small traders. So, I request honourable members to oppose the first reading of this Bill.

The Honourable Sir GOVINDRAO PRADHAN : The honourable member Mr. Wiles wants to speak. You will kindly allow him to speak again. He will be merely stating the principles now.

The Honourable the PRESIDENT : The House has not asked for it.

Rao Bahadur G. V. PRADHAN : We do want that the principle should be stated in definite words, so that the discussion may be shortened and we may know what will be considered as questions of principle.

The Honourable the PRESIDENT: Therefore, I suggested that to the House, but the House did not like to take it.

Rao Bahadur G. V. PRADHAN: On this side we accept it.

The Honourable the PRESIDENT: It is not a question of the feeling of one section of the House: it is a question of the honourable member's right to speak a second time.

An Honourable MEMBER: We shall hear the honourable member the Finance Secretary first.

The Honourable the PRESIDENT: Yes.

Mr. G. WILES: Sir, I understand that I may speak later on. The speech of the honourable member who has just spoken shows that there is a complete misapprehension of the whole subject, and I shall have to reply to him in detail later on. I only want in response to your invitation to say now that, in my opinion, the only principle, which under your ruling cannot be altered in the select committee, is the principle that there shall be unity of control. The only possible unity of control at present, in the opinion of Government, is the East India Cotton Association. But that is no reason, in my opinion, why the constitution of that association as laid down in the Bill should not be discussed by the select committee. So that, the only real point at issue now is whether there shall be unity of control. Government are satisfied on the evidence before them that it is absolutely essential, both in the interests of the growers and of the trade, that there shall be unity of control. The control is not going to be Government control, as was stated by the honourable member Rao Bahadur Bole. As he himself stated in his next sentence, Government are going to hand it over to an association. In fact the principle of this Bill is to grant a charter to the East India Cotton Association, but the constitution of the association is a matter which certainly can be gone into in detail in the select committee.

Mr. B. S. KAMAT: Sir, we are now emerging from the agonies of a discussion over irrigation matters into similar troubles about cotton. It will be observed that, there is a sort of similarity of features between the Bill which we discussed during the last week and this Bill, inasmuch as in that Bill there was a battle royal between vested interests on one side and the tax-payer on the other; in this Bill also I expect we shall have a battle royal between some vested interests and the growers of cotton. There is, besides, a further complication inasmuch as instead of one vested interest we have three vested interests, namely, the millionaire capitalists, the middle class—or even the indigent speculator—and thirdly the non-indigenous trader who wants to buy cotton in India at a cheap price. In the course of this three-cornered fight the House will, I hope, watch the interests of the millions of growers of cotton who are likely to be affected by this Bill. That is how I look at this problem and I hope that will be the attitude of this House in relation to this Bill.

Coming now to the principles of the Bill. The Chair was heard to suggest—I take it, Sir, that it was not a ruling, but only a suggestion—

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that possibly there were only two principles involved. The Honourable the Finance Member did not elaborate that point, but I venture to think that from the non-official point of view there are more than two principles, at least three, if not four, contained in the Bill. The first is, Is control necessary? That is a major principle. And ancillary to that, if control is necessary and desirable, should that control be through a single body? The second issue, as the Chair has suggested, is regarding the constitution—that is to say, if you wish to have control and that through a single body, what should be the constitution of that body, whether it should be a close preserve of millionaires, or it should have a democratic constitution. Thirdly, a very important principle involved is whether we should legalise, on some plea or other, option contracts, that is to say, *teji-mandi* or *Katcha-Khandi* business, which this Bill seeks to legalise. There might be a fourth, but a subsidiary, principle, namely, whether there should be penal clause in the Bill. As to the first principle, whether there should be control of the trade—I know that my non-official friends on this side have been exercised during the last week by the flood of printed literature on the subject which has been pouring upon us from certain bodies in Bombay. I have gone very carefully through that literature which has been placed before us, and I have also been looking into the previous history of this Bill and the bye-laws and articles of association of the East India Cotton Association. I have to ask my honourable friends to divest themselves of a few fallacies and apply their minds in as closely reasoned a manner as possible and look at this question, as I said, from the point of view of the cultivator. In the first place, we have to remember that cotton does not stand in the same category as other crops. It is a world crop, traded in all the world over, and having its ups and downs, according to repurcussions of the markets all the world over. Secondly, any speculative transactions in Bombay we must remember react throughout India on the pockets of the cultivators. I say this after some experience, if not in cotton transactions, at any rate of the marketing conditions of cotton. Last year, I was in Broach investigating questions about banking and agriculture, and I was surprised to find that within a few hours of the American futures' rates being known in Bombay, by means of telegrams, those rates were known in Broach and in villages. The same is the case with the Berars. Within a few hours of the American rates reaching Bombay, they are telegraphed to remote parts in the Berars. That is a special feature of this particular cotton trade. It, therefore, affects thousands and thousands of cultivators. We cannot deny a good deal of speculation and gambling is going on in respect of this crop. After giving close consideration to this question, I am therefore inclined to think that the State is justified in controlling and regulating this trade. But, really speaking, are Government controlling the trade in the general sense of the term? They do not regulate the cotton transactions, e.g. in Hubli and Dharwar. They do not regulate the ordinary cotton transactions in Surat and Broach. They are regulating the forward cotton transactions only in Bombay. This is not

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entirely the same thing as regulating the trade throughout the Presidency, as is so commonly supposed. Now, let us see the analogy of other countries. The chief thing to remember is that it is not the trade that is regulated but speculation and gambling in that trade. This sort of gambling is regulated and controlled in a most democratic country like America; it is controlled in England and perhaps in other countries like Egypt also. If, therefore, countries which are immensely interested in cotton have submitted to a sort of control, control with certain conditions, the question is whether this country, which is linked up with other countries so far as this trade is concerned, should not fall into line with those other countries in respect of this control of gambling. I for one, after giving this question very careful consideration, am of opinion that we must bring ourselves abreast of the other countries and bring these transactions in cotton under control.

Having answered that question, the other subsidiary question is, if control is desirable in the interests of the thousands of cultivators, how should that control be exercised and by what agency? That again raises the controversy as to whether there should be a single controlling agency or a multiplicity of agencies. Those who know the history of this question know that we have evolved from the stage of having many associations into a stage of having one single association, with perhaps latterly a second rival association. When the Cotton Control Board was established during the war years, I happened to be in the pre-Reform Council, and I know the history of this question since 1918. There were very many associations then in Bombay; some have gone to their doom and others have merged together. After knowing the fate of all these associations, I hope it may be generally conceded that instead of having dual control, control should be vested in a single agency. Just imagine what the effect would be if there is dual control. See the effect of diarchy in our own Councils. Diarchy never leads to good results so far as administration is concerned. Here again I wish to bring the analogy of other countries having this control, countries which are democratic. Many friends approached me last week and asked me what the nature of control in the United States was. I have been told and I am satisfied, that other countries control this sort of gambling by means of one single association. That is exactly the principle which my honourable friend Mr. Wiles just now referred to, namely, unity of control. Then take the other view. Suppose some other association also is vested with the control. In that case the question arises why there should be only one association like the Shree Mahajan Association allowed to control cotton transactions. There might be 3; there might be 7 or there might be 8 associations. Then again, the East India Cotton Association is controlling the whole business not at its sweet will but under by-laws and articles of association approved by the Governor in Council. If other associations are allowed under the law to have the control, I think it necessarily follows that either they must accept the by-laws of the East India Cotton Association or the Government must give them a set of by-laws for their guidance. If seven associations apply for this purpose

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of control and if Government give them seven different sets of by-laws, it will rather be an anomalous position

On the other hand, Sir, I do see the difficulty of refusing recognition to existing agencies. There will be a little hardship, no doubt, if we try to suppress an existing association which has been in existence for the past five years—I think since 1925. As regards those of my honourable friends who have been apprehensive that this association because of some standing it has acquired must be allowed to continue on the principle of live and let live, I do think there may be found a *via media* by which it may be possible under the new rules to be framed for this East India Cotton Association and to be approved by the Governor in Council to allow this association to come in either as a sub-committee or some such subordinate body. I am told that under the rules of the Liverpool Cotton Association this sort of arrangement is allowed. So there is a precedent which will enable the existing association to continue, if that association is doing good work, that is, to merge itself and form a sub-committee of the main association which is legalised or chartered by Government; and in the form of a sub-committee it can continue to function. I suggest that if there is hardship to the existing association—I do not mean to say that the existing associations should be suppressed or entirely prevented from doing their work—but if there is hardship they could be brought in within the fold under new by-laws so that they may be merged in the main association. That is so far as the controlling agency is concerned.

Now I proceed to deal with the second principle which has been adumbrated, namely, if control is necessary, and if again the control ought to be in one association regulated by by-laws approved by the Governor in Council, what should be the constitution of that controlling authority? And here I must say that I part company with the honourable the mover and part company as well with the honourable member the Finance Secretary (Mr. Wiles). I have carefully gone through the proceedings of his committee (Wiles Committee) and have also gone through some of the by-laws respecting this question. I for one am inclined to think that if the controlling authority is to be given to one single agency—be it the East India Cotton Association or any other association, call it by whatever name you like—that association ought to be a democratic body. The Wiles Committee comes forward rejecting the view of the majority of the members of the committee and accepting the minority view—a view which is for supporting the close preserve of a certain body which has been operating the cotton exchange for the last 10 or 11 years. I entirely disapprove of the suggestion contained in the Wiles Committee report in this regard and to be embodied in the Bill, in one shape or another, in a modified form, call it a system of panels and such like things. If it is admitted as the first principle that we ought to follow the example of countries like America and England and should have the same set of model by-laws as these countries have, I go further and say that we must similarly have democratic constitution for the controlling body in this country also. I confess that the

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apprehensions of some sections of the people who are now existing in that body, namely, the East India Cotton Association, are to a certain extent justified. But, on the other hand, if you read the minute of dissent by Sir Ness Wadia or if you read the supplementary note to the Wiles Committee Report by Sir Purshotamdas and his colleagues, you will find that the view of the majority is that they themselves wish to introduce safeguards such as reservation of seats in order to safeguard the interests of buyers like Volkarts and Rallis and others, and even of millowners, in the constitution, so that their interests do not in the future suffer. I am convinced that that suggestion to have safeguards is a very good, sound suggestion. If you entrust the sole control and management to the East India Cotton Association on the lines of minority report I for one would be inclined to reject entirely, *in toto*, the report of the minority members and act up to the suggestion of the majority in that report. And for very valid reasons. Let us see who are the members composing the minority. Leave aside Mr. Wiles who was the Chairman. He was an official. The others are, it should be remembered, representatives of only one particular interest. I believe the minority members were Mr. Lamond, Mr. Fotiadi and Sir Joseph Kay. Now, the question before this House really is: are you going to accept the suggestions of these members who are the minority in this Bill, or do you accept the arguments of Sir Purshotamdas and others which appeal to you as men of commonsense? I for one think, taking a dispassionate view of things—and I confess I made so to say a “blind survey” of the suggestions contained in the Wiles Committee Report, that is without looking into the question of who may have written these question papers—that the suggestions made by Sir Purshotamdas and his colleagues are sounder proposals and those alone should be accepted in the select committee, that is to say, the constitution of the East India Cotton Association should be remodelled on the lines of Sir Purshotamdas's, and his colleagues' suggestions. If you do that, many of the fears expressed from this side will be practically removed. The question whether Rs. 20,000 should be the limit of the deposit from a member of the East India Cotton Association, the question also whether Rs. 2,500 should be the entrance fee, all these are questions of constitution. Once you send this Bill to the select committee after having first approved the principle, it will be open to you to remodel these rules and lay down other details like the limit of deposit money and entrance fee. If after hearing evidence and if after making further enquiries about the practices in America and Liverpool, the select committee is convinced that 50 bales as tenderable for the unit is a very big limit and that it should be brought down to suit Indian conditions, then it will have to be brought down to 25, and it is perfectly open to the select committee to make these amendments and improvements; but because these details are at present in the hands of the East India Cotton Association according to their by-laws and their articles of association, it does not follow that we should throw out this Bill; we can remodel many of these by-laws in the way I have suggested. I am sure this Bill will remain open to amendment if it goes to select

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committee. I for one at the present time am absolutely convinced that the present constitution of the East India Cotton Association is nothing but the close preserve of certain influential people. The millowners' panel is composed of 34 people and the buyers' panel is composed of about 24 people. Is it fair that in a small body like this, these two panels combined should have the right, preponderating right, the dominant voice, in the board of directors so as to control the whole body at the expense of those who perhaps are not so influential as these two panels? I therefore think that the whole system of panels should be revised in the light of the suggestion made by Sir Purshotamdas and his colleagues.

Having shown, therefore, that on the second principle, namely, the constitution of this association, we on this side of the House do not agree with the honourable the mover or the honourable member the Finance Secretary, I would like now to come to another principle contained in this Bill, namely, the legalising of the Teji Mandi, a very important principle indeed, although the Chair did not include that as one of the principles of this Bill. But with due respect to the Chair, I feel that it is the cardinal point of the whole of this Bill, a point on which the whole Bill hangs, on which the prices hang and therefore the pockets of the cultivators hang. On that question evidence ought to be taken in the select committee and that question should be left open by the honourable the mover for amendment and correction. Now, I am surprised that the State which has the powers to control gambling—I say control because they cannot totally abolish gambling any more than you can hope to abolish theft in India—that the State which is out to control gambling is itself legalising the worst form of gambling in this Teji Mandi business. It is said they have modelled this Bill on the Liverpool pattern. They claim that they have based this Bill on the constitution of the United States of America. If they have based it on those constitutions, I ask in all seriousness why they do not carry that particular model to its logical conclusions and prohibit entirely the Teji Mandi business which is a special feature of the Bombay market and is not prevalent in any other market in the world. I do not think it is fair that the Wiles Committee, or the minority of it, should come forward and say that they want to legalise it. I for one think that the Teji Mandi business ought not to be legalised—

Mr. G. WILES: May I correct the honourable member, Sir? Under the present law "options" are not illegal, and we are not proposing to "legalise" them.

Mr. B. S. KAMAT: Sir Ness Wadia has definitely stated that it is a doubtful point of law whether they are legal. I am sure some legal opinion from the law officers has been obtained by some members of the Wiles Committee. But Sir Ness Wadia states that it is still a doubtful point of law and it has never been authoritatively settled. I ask, if there is no doubt about its legality, why include it in this Bill?

Sir, the sum and substance of the whole thing is therefore this. I for one accept the principle of control, as it is followed in the rest of the

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world. I accept that the control should be in the hands of one controlling agency regulated by the by-laws approved by the Governor in Council. But I do not approve of the constitution proposed in this Bill of the association which supervises the interests of the whole trade and I do not approve of the principle to legalise Teji Mandi transactions which are doubtful according to law. Furthermore, I do think that if the by-laws are the real instruments of control for the association, the real weapon of power, then it does not stand to reason to my mind that these by-laws should be approved only by the Governor in Council. If there is some method by which these by-laws are placed on the Council table and the honourable members of this House given an opportunity of examining and scrutinising these by-laws, then we can see whether it is really a democratic institution. I therefore suggest that the by-laws should be passed not by the Governor in Council alone, but after the approval of the Council. After all, this Bill seeks to concentrate immense rule-making power in the hands of the East India Cotton Association and it seeks to do this by only one section of members—powers which cover the whole sphere of the cotton transactions. I think this is a dangerous procedure giving by one clause the whole rule-making power under which that association could frame something like 200 by-laws, and about 150 Articles of Association. I do not think it desirable to give such powers to a single association under these by-laws, although they may be subject to the sanction of the Governor in Council.

With these remarks, I am doubtful, Sir, whether I should say I oppose or I accept the Bill. There are three principles in the Bill of which I accept one; there are two others which I do not accept. But I wish the Bill to go to the Select Committee.

Mr. V. N. JOG (Dharwar District): Sir, when I rose first I did not want to speak on the merits of the Bill but I was making a reference to what are the principles of the Bill, and my object was to get the debate confined to and concentrated on a few points instead of rambling over the whole area in detail. I therefore wanted to say a few words and with that object I had risen then at that stage, and according to my view I submit, Sir, that there is only one principle namely, that of regulation and control of transactions in cotton. The Chair has said that it has not yet ruled what are the actual principles but, with due deference to the Chair, I think that the Chair has laid down two principles. I submit, however, that the only principle in this Bill is the regulation and control of cotton transactions and that is, as has been admitted, the primary principle of the Bill. I submit that that is the only principle. The other provisions of the Bill are the way in which that control is to be exercised or is to be implemented. For instance, now it was said that there should be a unitary control or double control, that is the only way of tightening the control, and it is a matter of detail whether the control should be exercised by one body or whether it should be exercised by various bodies. That is a matter of detail and so, I submit that it would be better if at

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this stage we decide the point whether there should be control in the cotton transactions and whether it was a principle or a matter of convenience to the various members that the mover of this Bill said that he would allow at the time of the second reading or in the select committee all matters to be discussed, and I submit, Sir, that it is consistent, after having decided whether there should be control in the cotton transactions, to consider whether that control should be by one body and what should be the constitution of that controlling body. All these are matters of detail—whether there should be penalty for breach of these various by-laws—otherwise somebody might even say that that is another principle which was not even referred to by the last speaker. The principle is whether it should be made penal if there is a breach. One might think it is also a principle, but I submit that it is simply tightening the control in one way. Formerly it was held that such variations in contracts which had been entered into in violation of these rules were only void, but they think that that would not be sufficient and in spite of the voidness of these transactions people are entering into various transactions and escaping the consequences of these provisions of the Act or evading the provisions of this Act. Therefore, it is thought now it seems that it should be made penal to enter into certain transactions. That is a sort of control of a higher degree. So, I submit, Sir, that it would be better if you would be pleased to say that the principle of this Bill is only to be the regulation and control of the transactions, how it is to be done, whether by one body or whether that control is to be tightened by penal clauses and what kinds of contracts are to be brought in under the penal clauses. All these are matters which may be left to the Select Committee.

The Honourable Sir GOVINDRAO PRADHAN: May I tell the honourable House that my honourable friend wants the House to understand that the unitary control is the principle which ought to be decided at the first reading? As regards the constitution of that body, as regards the penal clauses, as regards the panel and as regards other matters, they will all be left open in the select committee; but it is not only the principle about the control, whether the control should be in one body, whether there should be a unitary control is the principle which should be considered at the first reading.

Mr. V. N. JOG: Then coming to the other details of this Bill I am inclined to oppose the Bill. I for one would not like any control in contracts. There should be a freedom of contract with regard to any article. There are no controls with regard to rice, wheat and other articles and why should there be control only with respect to cotton? It is said that this control is necessary because gambling is going on in these transactions and that there are various fluctuations and it happens that on account of the fluctuations sometimes heavy losses are caused to the trade. It is admitted that in spite of this control, transactions which take the form of wagering or gambling are going on and we have seen even with regard to the other forms

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of gambling, however skilful these controls have been with regard to several transactions such as gambling on the turf, that such transactions are made, and human ingenuity finds out various other devices and methods to evade these provisions and to gamble in one form or another. It may be in a different form but after a few years such transactions do appear and in spite of their evil consequences they would never be stopped. Therefore it is rather much better to leave the trade alone and have the freedom of contract in such matters. It seems that Government is not even quite certain with regard to this control. If you go into the history of this Bill, when the Bill was first introduced in the year 1919, it was introduced simply as a war measure and there the honourable mover who introduced the Bill has clearly stated that it was on account of certain war conditions and also on account of heavy fluctuations in prices and heavy losses that Government were rather constrained to introduce the Bill at that stage and it was never meant to be a permanent feature. It has become almost a habit of our Government that Acts are brought first before the House on the assurance that they are temporary measures and ultimately they go on the statute permanently. If we look at other Acts, for instance I may quote the Court-fees Act and the Stamp Act—that though they were brought as temporary measures they have often times threatened to go on the statute book permanently. A similar announcement was made in the year 1919 that this measure would be taken out of the statute book within a short time. We have seen that again in the year 1922, though there was a repealing Act, again in the year 1922 the Bill appeared in the form in which it is now and it has a life till April 1932. Even when that Act was passed, you will see it was said “it shall remain in force for three years and for such period thereafter as the Governor in Council may by notification direct.” So, the Government, by intending to have the period confined to only three years, never wanted to make the measure a permanent one. Even now it seems they are not convinced that this Bill should be put on the statute book permanently. We see in section 2 it has been said that “it shall come into force on the first day of April 1932 and shall remain in operation for three years”. If Government is convinced that there is a necessity of such a measure, they would have clearly omitted the remaining sentences which run thus :

“shall remain in force for three years and thereafter for such period as the Governor in Council may, by notification in the *Bombay Government Gazette*, direct.”

So they are not quite convinced that it is necessary to have this measure on the statute book permanently. They think that the conditions of trade at present are such that there should be control. Perhaps they might be hoping that within three years the conditions might be better and that there should be no necessity of having any control at all. I do not know whether they are so very sanguine that within three years the circumstances would be so improved that there would be no necessity of this Bill being on the statute.

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Then, Sir, another consideration which I wish to bring to the notice of this House is this that if the former Act gives Government power to extend it from time to time, why is there the necessity of bringing this new measure before the House? They might have very well taken power as there is already a provision in the Act to extend the Act, but as the honourable mover of this Bill has said, they want to bring in a new principle and that is what he says, namely, the principle of this Bill is that the control should be unitary. As at present it is not quite clear that this is so, though indirectly it might have the same effect, but certainly it is now felt that the control is not completely unitary and therefore Government have felt the necessity of making the control quite unitary and more tight, and it is for this reason that they have come with this Bill before the House. Whatever that may be, Sir, with regard to the actual announcements which have been made from time to time, I submit, that Government having been given the power to extend it for so many years, I think it is not necessary at this stage now to have the control even when the special conditions under which the Act was brought into this honourable House in 1919 or 1922 are not in existence now.

Coming to the other provisions of the Act, I submit, Sir, why should there be at all any unitary control? Why should a particular body be given a monopoly of this trade? The honourable member who preceded me said that if there should be real control, it is better that there should be one body and that dyarchy or dual control is always mischievous and would not work well. But I submit, Sir, that Government can, instead of coming forward to invest only one single body with so much power of controlling the whole trade, do better and follow the procedure which they have adopted with regard to co-operative societies and other institutions and associations by having model by-laws or rules. After having framed such model by-laws or rules, it would be better to allow any number of individuals to form themselves into various associations and by framing such rules, they can very well regulate these transactions. To be more plain, I can give an illustration. It would not be quite convenient and also within the means of small petty dealers and traders to join a big body whose subscription is very high and whose dealings may be quite extensive. Even if you reduce the subscription, as the honourable member who preceded me said, even if you reduce it to Rs. 250, you will be shutting out small traders who are unable to pay even this amount. Therefore, it should be left quite open to any man who wants to do legalised trade, though somewhat of a speculative nature. It should be open to any number of persons to join in a body and to adopt whatever model rules Government may make and carry on honest and genuine trade and settle those transactions among themselves. The rates of subscription for membership might be different, and also the transactions might be on a moderate scale—you might say 10 bales—because by putting a very high limit I think many persons who have a desire to do *bona fide* honest trade might be shut out, because they are poor

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and their means do not permit of their becoming members of the East India Cotton Association. Instead of giving control to a body which would ultimately monopolise the whole trade and work it to the detriment of the smaller persons who want to do *bona fide* business, it is much better that Government should take the power to make model rules under which persons with small means might form themselves into an association, and if they are dealing in future transactions, they among themselves can settle matters. That may be left to those persons who are members of such an association. We have seen that even in co-operative societies there are some societies which are very big; there are big societies which are called banks, and their share-holding is very large, but there are also petty societies which work quite nicely. So, I submit that it is not good that in such an extensive place like Bombay there should be only one body to control transactions and come in the way of honest trade by petty dealers.

Then, with regard to the constitution, I submit that is again a question which has to be considered from many points of view. We shall have to go into the by-laws and the rules, but this is not the time for doing it, as it is only the first reading stage. Then, Sir, if unitary control is accepted, I submit the constitution must be as democratic as possible. I can give a figure even below the figure mentioned by the last speaker, for purposes of memberships, but that is a matter of detail, and it can be settled at the time of the second reading. What I wish to emphasise is that the body should be as democratic as possible, and there should be every scope for even a small trader to come in and have transactions.

Then, with regard to the various other details which have been given in this Bill, I have some suspicions with regard to the definition of "contract" in clause 3 (a) and the provisions of clause 8. In the original Act a contract has been defined as a transaction in cotton to be carried out in whole or in part in Bombay, but in the definition in the present Bill the words "except such as the Governor in Council may, by notification in the *Bombay Government Gazette*, declare to be excluded from the provisions of this Act" are added, and it is perhaps to implement that that clause 8 has been put in which says:

"The Governor in Council may, by notification in the *Bombay Government Gazette*, declare that any contracts specified therein which can only be made subject to the rules of any Foreign Exchange shall be excluded from the provisions of this Act."

I submit that there is room for entertaining some suspicion in regard to this. I do not understand why a foreign exchange should be excluded and the definition of "contract" should be so widened as to exclude those transactions, and the suspicion entertained is that it is perhaps to encourage foreign traders at the sacrifice of the interests of this country.

Mr. G. WILES: May I ask the honourable member to suspend his decision? I am agreeable to an amendment omitting those words.

Mr. V. N. JOG: So, I think there was some ground for my suspicion. I was thinking that it was to encourage the weavers and spinners in Manchester and Lancashire that this provision was made in the Bill,

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but as there is an assurance that an amendment to omit this provision will be accepted by Government, I will not dilate upon it.

Then, coming to the other points, it was said that when the original Act was passed, ready contracts did not come within the purview of these transactions. If we go through the proceedings of this Council at the time, we shall find it reiterated that ready contracts would not come in. Section 5 of the original Act says :

"Any contract (whether either party thereto is a member of the Association or not) which is entered into after the date on which by-laws under this Act are sanctioned by the Governor in Council and published in the *Bombay Government Gazette*, and which contravenes any such by-law shall be void. If though this was so ready contracts in which delivery was recent were not reached."

But it has been now made quite clear that in this control even ready contracts are included. That would, I submit, really affect prices which must be governed always by supply and demand. They would come up to growers of cotton. The wording in clause 7 of the Bill is "Any ready contract" (whether either party thereto is a member of the Association or not) which is entered into..... shall be void. In the original Act, it was left in doubt. The word "contract" might include a ready contract and a forward contract, but it was given out at the time the Act was passed in 1922 that ready contracts were never meant to be included, and we now find that ready contracts have been included in this way, and the definition of "forward contract" has been given separately. I cannot understand why ready contracts which really contemplate delivery are proposed to be controlled. That will really affect the growers. If this body wants to benefit at the sacrifice of the agriculturists in the mofussil, they can settle prices at any time and the agriculturists will suffer thereby. Therefore, I take strong objection to section 7 which wants to include even ready contracts and bring them under control.

Then as regards the option in contracts or *teji mandi* contracts, I fully agree with the honourable member who preceded me. What we want to control really is wagering. By this method of option contracts, I submit the element of wagering has been sanctified by this legislature, and I take strong exception to it. With these few remarks at this stage, I resume my seat.

Mr. L. R. GOKHALE (Poona City) : Sir, after having heard the very cogent reasoning of my honourable friend Mr. Kamat, I think if we cannot avoid the passing of the first reading of this Bill, we may suggest the various amendments about which he has spoken. From my point of view the Bill will have to be amended so much in form, as if it were a new Bill altogether, in the select committee, and it would therefore be very reasonable and proper not to pass the first reading of this Bill as it is.

In this Bill, Sir, not only is the unit of control stated to be the East India Cotton Association, but, going through the Bill, it appears that there is a pact or understanding as it were between the Governor in Council and the East India Cotton Association. As a matter of fact, in the whole Bill there are five or six places where the Governor in Council

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is the supreme authority to control the activities of the Association. Clause 1, sub-clause (2), clause 3 (a) clause 4, sub-clauses (1) and (3), clause 5 and clause 8—in all these clauses the final authority rests with the Governor in Council. What I mean to say is that after the Bill once passes through this House, this House will have no control whatsoever upon it. The Governor in Council would of course depend upon the sense of the Association. The Bill, when once it is law, is in fact under the control of the Governor in Council, and this House will have nothing to do with it. In fact, as regards the period of the Bill, though it is enacted that it will be law for three years, the Governor in Council has the option to extend it to any period; he may extend it to five years, 10 years or even to fifteen years, and the Bill will never be again before this Council. In the same way, there is an option given to the Governor in Council in clause 3 (a), in which the definition of “contract” is given. It says :

“Contract” means a transaction in cotton to be carried out in whole or in part in Bombay, except such as the Governor in Council may, by notification in the *Bombay Government Gazette*, declare to be excluded from the provisions of this Act.”

Now, in clause 3 (a) the Governor in Council has been given full authority to exclude certain contracts from the operation of this Act. I do not know whether an explanation would be forthcoming hereafter, but it appears rather suspicious why this exception has been made in clause 3 (a), and why it is the Governor in Council that has been authorised to exclude contracts, unless there is a certain purpose or motive behind it. It is not clear why it is done; it may be in the interest of Liverpool or in the interest of some dealers in Bombay, or it may not be, but I think such a provision is not desirable. Then again, Sir, in clause 4 (1) there is also authority given to the Governor in Council, and it is a very important authority. It says :

“The Board may, subject to the sanction of the Governor in Council, make bye-laws for the regulation and control of transactions in cotton :—”

Now, whatever the by-laws may be, this House will have no occasion to think about those by-laws or for the matter of that of the articles of association. Once this association is authorised or is declared to be the unit through which these contracts are to be regulated, then all that the association will have to do will be simply to go to the Governor in Council and get the by-laws sanctioned and passed without the knowledge of this House. That is certainly not the practice in matters of legislation by this House at all. In the same way, there is also provision for the articles of association of that association. Clause 5 says :

“The Articles of Association relating to the constitution and administrative machinery of the Association shall not, except with the sanction of the Governor in Council, be altered in respect of the number or constitution of panels or the representation upon (a) panels or (b) the Board.....”

Here again, the final authority is the Governor in Council. I do not think, if this House is to pass this Bill into law, this House should not ever again be consulted as regards this important matter.

My honourable friend Mr. Jog has already referred to clause 8, and of course I am glad to find that the honourable member Mr. Wiles has

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accepted the propriety of the comments that my honourable friend has made upon that section.

I find, Sir, as a matter of fact that this legislation is the outcome of the control of cotton by Government and the interference on the part of Government in matters connected with the cotton trade. From the year 1887 up to 1919 there was no cotton control by the Government. There were two or three associations in Bombay who were controlling their own affairs. In 1919, as a War measure, this control came in. It was for a short period, and to begin with there was a nominated official chairman and a nominated board, and I believe the honourable member Mr. Wiles was the first chairman. That body continued for three years, and statutory recognition was given to that body by the Act of 1922, and now again there is this Bill before us in 1931. It therefore appears that when the Government first had that board, it was the thin end of the wedge for interference by Government in the matter of the cotton trade. I do not know why Government have selected only cotton for their control. There are other articles in India such as linseed. Sometimes silver has to be controlled. There has been often-times cornering in other articles. But Government have not made any effort to control those articles but only have selected cotton from the year 1919. I do not mean to suggest that it is in the interest of Liverpool or any other country. But what one finds strange is this. Government simply legislate upon cotton and on no other commodity. If the Government want to do good to the people and if they want to stop speculation they ought to have selected similar other commodities. Whenever, Sir, there has been an attempt to enact this sort of legislation, it has been admitted often by the movers of Bills that speculation could be controlled and will not be controlled by any sort of legislation. There have been such attempts on a number of occasions. If that is a fact, why should any attempt be made in the same direction again? If one cannot control speculation I think it is better to let speculators to themselves, unless it is essentially necessary in the interest of cotton growers.

Here I may point out, looking to the panel of the board that is likely to be constituted under the association, that in the new board there are only two members of the cotton growers out of a total of 18 members. [Interruption.] They too, I am told, are fictitious cotton growers. I never knew there can be fictitious cotton growers. Be it as it may, it appears strange that we are trying to look to the interest of the cotton growers in a body of 18 members where there will be only two members of the cotton growers. As a matter of fact in the remaining two panels of buyers and sellers there are 8, and the chairman will be official. I am sure any one member joining these will always make a majority and the poor cotton growers will be nowhere. Such a constitution is given. Reading between the lines of the Bill, it is simply an attempt to put forth the name of the association the real control being in the hands of the Government or rather the Governor in Council. I take strong objection to such a sort of control when it is stated that the Bill is in the interest of the cotton growers or the country at large.

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There is another anomaly. As my honourable friend pointed out we are here to declare illegal what we call speculation. And in the same breath we are making legal what is a worse form of speculation *teji* and *mandi* and *teji* and *mandi* put together. That is attempted in the Act. This is a sort of option contract. What the Act contemplates to do is to legalise these option contracts, viz. *teji*, to legalise *mandi* and to legalise *mandi* and *teji* together. What is the propriety in doing this? I learnt only recently for the purpose of this Bill the terms *teji* and *mandi* and hedge. (An Honourable Member: They are found in the Law Reports.) Yes; they are in the Law Reports also. From the Law Reports we find that all along the High Court have declared that any forward contract where there was no *bona fide* intention to make delivery of goods was illegal contract. It was a sort of gamble. When the High Courts have declared this, our Government with its parental regard for the interest of the people come forward and say that the High Court is not right, they are wrong and let us go and declare that these are contracts which can be recognised and acted upon. There is a fairer way of dealing with such contracts.

There is one more point. "*Ready contracts*" have always been declared to be a legal method of dealing in cotton and there should be no occasion whatsoever to regulate a ready contract. And yet, there is an attempt made in this Bill to deal with ready contract. They say that they are going to save the members from the expense of litigation by resorting to arbitration, as we are told that on account of there being no direct method of compelling arbitration, a good many dealers of ready contract business had to go to courts of law. There it was complained that the lawyers in Bombay arbitrarily pile up their money. (An Honourable Member: Not in Poona.) In order to stop piling up of money by Bombay lawyers, our association has shown this parental affection towards those men and they are going to administer their arbitration proceedings and not to ask them to get a costly legal High Court judgment. I do not think that it is such a simple thing. There is something else behind it. There is no occasion to interfere with these ready contracts. They are perfectly legal and those who enter into them will have every right to do so. They know their remedies and to how to get them. They ought to be excluded from the operation of this Act.

There are one or two other points on which I wish to address a few words to this honourable House. In the first place we are told that in foreign countries—the honourable member Mr. Kamat said—there are certain laws by means of which control has been taken by certain associations such as in England and America. I think the honourable member is not accurate. It is not to my knowledge a fact—perhaps fact is rather a strong word—it is not correct to my knowledge to say that there is legislation either in America or in England for the matter of that about contracts or about these forward contracts on the lines of this Bill. In those countries what has been done is this. There are associations and those associations do voluntarily officiate as arbitrators or as controlling authorities in contracts of a forward character. No

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doubt their members are bound by their rules and those rules are binding on those who have enrolled themselves as members of that association. It is not beyond that there is any law whereby this interference or this control is extended, of course I mean by Government. And if in Bombay too this so-called association takes upon itself to control all its dealings nobody would come in its way.

The Honourable the PRESIDENT : Is the honourable member likely to finish in a minute or two ?

Mr. L. R. GOKHALE : No, Sir.

The Honourable the PRESIDENT : Then he may continue his speech after the tea interval.

(After recess)

Mr. L. R. GOKHALE : Sir, one of the reasons why there may be some misapprehension about this Bill is this. This Bill was said to be founded on the report of the Wiles Committee. But the report and the minutes of proceedings of that committee were made available to us only two or three days ago. As a matter of fact, many honourable members of this House have not had sufficient time to go through the report and the minutes of proceedings of that committee and to frame their comments upon the present Bill. One other difficulty in the way of the honourable member is this. The Wiles Committee had before them the evidence taken orally from some witnesses. I am told some witnesses were examined orally and some submitted statements which were admitted. They are said to be statements from persons who know the business and who know the interests of the cotton trade and of the cotton cultivators. That piece of evidence is not before the House and is not available to us. I do not know of any Standing Order under which honourable members of this House are entitled to have that evidence placed before them. That evidence would have thrown a good deal of light on this problem and would have materially helped honourable members of this House in understanding the Bill and its *pros* and *cons*. Yet, another help which could have been made available to the members has not been made available to us. I mean the rules and by-laws of the East India Cotton Association. I was fortunate enough to get a copy of them last week through the efforts of an honourable friend of mine. But many of the other members have not been supplied with the rules and by-laws. The articles of association of that association was placed in the hands of members only yesterday.

An Honourable MEMBER : Last evening.

Mr. L. R. GOKHALE : Only last evening. So, there was hardly any time to digest the material available.

One other disadvantage under which we labour is this. The Bill was published under Rule 18 of the Legislative Council Rules. Leave to introduce it was not actually moved in the House. Secondly, this Bill was not before the public eye as much as other Bills. A motion for leave to introduce the Bill was not formally moved in this House. As a matter

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of fact, only from that time the public in general have their attention drawn to a Bill. But that was not done.

The Honourable the PRESIDENT: That is not the law either.

Mr. L. R. GOKHALE: I take it so. The translations were published on the 14th July, hardly a fortnight ago. There are very few readers—I hope I am not giving out a secret—who are interested in the Government Gazette and read the Bills published in that part of the Gazette reserved for vernacular translations. The result is that the public in general have not been informed about the provisions of the Bill that is now before the House. Consequently, honourable members have not been able to know the minds of their constituencies which they have the honour to represent in this House. That is one of the difficulties of the honourable members of this House. If this Bill had been long enough before the public, the public would have helped the honourable members of this House with their opinions. I am sure there are a large number of cotton growers, cotton brokers, muccadams, jethawalas, cotton buyers, sellers and a large number of other people and associations whom I need not mention, who are interested in cotton transactions, and those people have not had sufficient time to express their views.

I wish also to state one more point. In the Bill there are sixteen members proposed to form the Board that is to administer and control these transactions. Out of the sixteen, only two are to be cotton growers and the rest are to be either sellers or buyers. The exporters are not to be there, I believe. On the Board, the exporters, muccadams and other middlemen are not sufficiently represented. That is a great defect in the Bill. Persons who are buyers or sellers are interested parties; but brokers are not equally interested, and they perhaps can take an unprejudiced view of these transactions. If brokers were represented in sufficiently large numbers on the Board I am sure that would be a better constitution of the Board, because the brokers in their own interests will watch the interests of the cotton growers also.

I said, Sir, that in other countries there were no laws made for the purpose of controlling cotton transactions. As regards that I would make special mention of the American enactment which refers only to forward contracts. If in framing the Bill, the framers had before them the American law as their guide, I am sure forward contracts alone would have been taken into consideration. In America there are some provisions about forward contracts only. If there was sufficient time available to honourable members, they would have been able to read the foreign laws on the subject and compare them with the Bill before them. This Bill tries to control not only forward contracts, but also ready contracts and option contracts. In other countries they do not control contracts other than forward contracts. If forward contracts alone had been aimed at in the Bill there would have been some justification. I may at once make it clear that many members on this side of the House are certainly opposed to speculation,

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They do not support it; they want it to be put down as far as it lies in the power of a legislative assembly to do so. But that does not mean that along with forward contracts we should aim at interfering with honest contracts which are not forward but ready contracts.

This Bill will also legalise transactions of an extremely gambling nature. And that is the most defective part of the Bill from my point of view.

There is one other point which has to be considered in regard to this Bill. The interests of Bombay are no doubt interwoven with the interests of other cotton growing districts of Bombay, and, for a matter of that, of the whole of India. The cotton that comes to Bombay comes from Bengal, the Berars, Gujarat, southern India and many other places, I believe—

An Honourable MEMBER : Sind also.

Mr. L. R. GOKHALE : I am sorry I forgot Sind. And from other Indian States. As so many provinces are concerned, is it not necessary that the Bill should make some provision in the interests of the cotton growers in those provinces? I hope that the Honourable Member when he replies will pay attention to this fact and explain to us how he contemplates in the present Bill to safeguard the interests of the growers of cotton in the various other provinces. In my opinion, the Bill as it is framed, is incompetent to deal with the interests of those cotton growers.

The main object of the Bill is stated to be unity of control, but that unity of control, as the Bill stands, means the unity of one place, and that again amounts to the unity of three bodies of interests in Bombay City. A monopoly is going to be given to a single association in Bombay, composed of those three bodies of interested persons. Those three bodies are rich perhaps in brains, certainly in money, and they are going to have a monopoly in these transactions. It cannot be said, Sir, that they can speak for the whole country. The interests of these Bombay merchants, especially buyers and sellers of cotton, are against the interests of the growers. I may take one instance, the corners made and hedging. A millowner contracts to supply a certain quantity of cloth on a future date, and in order to fulfil that contract he does what is called hedging, that is, he enters into a contract to purchase a certain quantity of cotton on a future date. He has to fulfil these contracts. Now, supposing that in making these forward contracts he has to pay a higher price than what actually prevails in the market, certainly he is a loser. Therefore, his attempt is to see that as far as possible he does not pay more than the rates then prevailing in the bazaar. What are his means? He may go and seek the aid of our great Association and say, "Here I am. I have purchased so many bales of cotton; I have made a hedge contract and the time of delivery is January, February or March or April. The time has arrived and I have to pay a higher rate and I cannot make both ends meet." Then the Association will come forward and help him and fix the rate. Will

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there be fair play to the grower? My honourable friend nods his head to indicate that I am wrong. I am probably wrong; I hope I am wrong. But I hope the honourable member convinces the House. I am quite colourless as regards these matters. My interest is that the country at large and the grower in particular should not suffer by this Bill. Let there not be a monopoly in the interests of these Bombay men. Therefore I say that the hedge contract is indirectly helping the big millowners as against the interests of the growers.

About settling days what they have done is this: Every fortnight or every month they make settlement. Supposing the contract is a forward contract to be completed after six months. Within the period of six months they have 12 settlements and at every settlement they make up the difference, so that there should not at the end be a heavy payment to be made by one to the other. Suppose that the rate was Rs. 240 or Rs. 250 which was agreed upon. To-day the prevailing rate is Rs. 200. Within the six months Rs. 40 is the difference. Every fortnight they fix a settlement day—they call it a clearing house day. I do not exactly remember what exactly they call it. At the end of six months instead of paying the difference of Rs. 40 immediately, some actual difference that may be the result of actual calculations is arrived at. That certainly is not in the interests of the growers. I will just tell you, Sir, why it is. The grower's price is fixed. It is a forward contract and he has to receive one price. There is no question of difference. And that contract is made through a broker. The broker is responsible for the contract. As a matter of fact the grower knows very well that whether the price goes up or down he is entitled to the price agreed upon. It is not a gambling or wagering contract, but it is a sort of speculation; it is business in anticipation. Generally the dealers in cotton in the market *review the market* and therefore they always know what is going on. Our villagers have not that advantage. Whatever manipulations are going on on settlement days are generally (I believe it is the same everywhere) in the interests of the persons who are buyers and millowners and the members either directly or indirectly connected with cotton transactions. I am told there are 24 or 25 millowners on the Association and an equally large number of those who are interested as buyers or sellers. I would like to know how many growers' representatives—not fictitious and untrue—honest representatives are on the East India Cotton Association compared to the total number of members. Is it not true that there are hardly 5 per cent. or even 2 per cent. on that body? In the first place, I may tell you, Sir, that it is only after keeping a deposit of Rs. 20,000 that you can be a member of that East India Cotton Association body. Even a candidate who wants to come into this honourable House is not required to pay Rs. 20,000. He has to deposit only Rs. 250 and if he fails to get elected he loses that amount only. Let us see how many people are there in this land of ours ready with an amount of Rs. 20,000 as a deposit. And what is the rate of interest that they pay on that amount? Four per cent. Now, is money so cheap in India that people can afford to deposit Rs. 20,000 at four per cent. interest?

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Is it not indirectly to stop all others who are genuinely interested in the transactions from entering the Association? Now, this Legislative Council will have no voice in controlling this Association as I have already said. The Governor in Council will control the by-laws. What chance then is there for the growers to have their interests properly represented in the Association? As a matter of fact I am told as the Association is now constituted there is very little representation given to the growers.

Lastly, if this Bill is not pressed at this stage by Government and if an opportunity is given not only to the honourable House but to those who are interested in the trade to make their representations and after having heard the comments upon the Bill, if a proper Bill, likely to satisfy the wants of those who represent rural areas, is brought before the House, I believe, it is very likely that that Bill will be accepted by this House not only by a majority but perhaps unanimously. I am told that it is the intention of the Bill that is before the honourable House to help the speculator. That may be so. But we are here to help the agriculturists of the country as a whole and in the interests of that class of people I say: let there be a reasonably framed Bill stopping speculation as far as possible but at the same time not countenancing the Teji Mandi contract and also not interfering with the ready delivery contract and protecting the interests of the grower. There are so many points in this Bill, but the majority of them are matters of detail. We are now confined to matters of principle, and as has been stated there are two principles—the first principle is control and regulation and the second is unity of control. I would however say that there is only one principle—the compact between Government and the Association—whether it should exist or not is the only question now. To my mind it appears that it should not exist.

I have nothing more to add at this stage. If unfortunately for this House the Bill is passed at its first reading, then I am sure the members on the opposite side will give us representation on the select committee and will give us a promise that all these defects which are of primary importance will be cured as far as possible. My idea is that unless Government is prepared to have this Bill withdrawn and a better bill is brought before this House, the only duty of those who are interested in the growers of the country is to oppose this Bill and see that it is not passed, if possible.

Mr. HARIDAS MADHAVDAS: Sir, I rise to support the first reading of this Bill. I find from the speech made by my predecessor that there is a good deal of suspicion on the other side that there is some sort of conspiracy [*Honourable Members*: Compact] between Government and the East India Cotton Association. But I assure you that this Bill is not an innovation but it is an amplification of the Act under which we are acting now. Before I speak on this Bill, I will have to give a small history of the existing Act in as small a speech as I can. In about 1918, due to war causes, there was a big speculation in the cotton market. Then it was found necessary, for the safety of the finances of the Presidency, that Government should come in and control cotton

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transactions. But at the same time Government made it clear that they did not want to have any permanent control over the cotton business and the members of the cotton trade also made it clear that they did not want any control for a longer time than it was absolutely necessary. Then after two years a Bill was introduced in the Council giving the control to Government for a very limited period. The administration of the Association was by nominated directors and not by elected directors. When two years' time elapsed the Cotton Contracts Act ceased to function. At that time the East India Cotton Association came into being as a joint stock company and they began to function without the assistance of Government. They had never an idea that they would continually function under the auspices of Government. But due to indiscipline among the traders of our own Association, within six months we found that we were not able to function without recognition by Government. I will not give the history of it here in a more elaborate way because it will take up the time of the honourable House. [Honourable Members : Never mind.]

A certain member of our Association had contracted to a very large extent beyond his capacity to take delivery of a big amount of cotton, but that was before the Act lapsed. Immediately after the Act lapsed and the East India Cotton Association came into existence, it immediately found that the member could not take delivery of the cotton owing to some technical point that the Act was not in existence. Then the whole market—all the panels of exporters, importers and everybody interested in the cotton trade [Major W. Ellis Jones : Growers] and the growers combined [Laughter];—growers means sellers of cotton—requested Government. At that time—in the months of December and January—about 230 Berar cotton was in the market and if it was not taken delivery of according to the contract and thrown in the market, the price of Berar cotton would have gone 100 down. Therefore, it was certainly in the interests of the growers that the cotton should be taken delivery of according to the contracted price. Then the merchants approached Government with a request that the Act should be restored. Fortunately the Governor General had not signed the repeal order and it was restored. Since then it had been found that if there were some sort of statutory recognition by Government, it would be to the benefit of all concerned. It is not a monopoly that is being sought for by the East India Cotton Association in coming to this Council, but it is a statutory provision which is sought whereby we will be able to control an institution whose primary duty is to market the crop of Indian cotton in an orderly fashion and in an orderly way and to ensure that the cotton growers of this country may get legitimate and fair prices. This is what the East India Cotton Association, during the last nine years of its existence, has done as its duty in so far as it lay in its power. However it was hampered in carrying out its duty in this respect one hundred per cent. by the impediment which was caused to this body due to the actions of several other bodies who mostly dealt in differences but not in actual cotton. As an instance, I will give you a small example. Almost the entire cotton that is being imported in Bombay is being

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handled and distributed by the members of the East India Association. A body which deals in differences every week to the extent of three to four lakhs of rupees involving huge transactions loads in a very sudden and in an un contemplated way the East India Cotton Association. How would the prices then be stable or managed by the East India Cotton Association? In order to evade this eventuality and in order that the prices of Indian cotton may not be unduly affected in either direction, a statutory recognition is sought.

Now, Sir, as has been stated, an association is necessary for the orderly marketing of Indian cotton crop. The next question is whether there should be one association or more associations, and in coming to the conclusion regarding this, the honourable House should also consider whether in giving this statutory recognition to any one body the interests of the whole community, viz. primarily the agriculturists and the traders, are being properly looked after or not. Also in coming to that conclusion, we have to find out whether anything and, if so, what has been done in other parts of the world to enable cultivators to get really fair prices. We must find out what were the innovations or what was the machinery which has been put into operation in other parts of the world by which the price of Indian cotton is governed. India is not growing the whole of the world's cotton crop, the greatest producer of cotton being the United States of America. India is in the position of the second greatest producer of cotton. We must therefore see what the United States of America is doing, how that democratic country is doing to adjust cotton prices and we must see what steps have been taken by that country to achieve that purpose. We find that they have got only one central body to adjust the prices of their cotton. From this also we can deduce that the Indian agriculturist will not suffer if we follow the footsteps of the United States of America—

Rao Bahadur R. R. KALE: May I enquire whether the American Association is a voluntary association or a Government institution?

Mr. HARIDAS MADHAVDAS: It is not functioning under Government auspices or recognition, but, as I explained before, there is some sense of discipline to be developed in the Indian traders and if it is fully developed we also would not require this Government recognition, and we never had that intention. As I explained, we never had that intention of having Government control. We had also formed a Company which functioned for six months without Government recognition.

Now, Sir, we must also consider whether forward contracts for which this recognition is sought would be to the benefit or to the advantage of the agriculturists or not. The forward contracts are primarily for the agriculturists and subsequently for the traders also [*Interruptions*].

The Honourable the PRESIDENT: Will the honourable member proceed and not mind these interruptions?

Mr. HARIDAS MADHAVDAS: Forward contracts are necessarily meant to ensure that the crop which is being grown and harvested in a very few months should be taken over to be disbursed throughout the

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year. Who is going to bear these charges, to take up the crop which is harvested in two months, to be taken hold of and distributed for all the 365 days? Who is going to pay for these expenses, for this distribution if there is no forward contract? According to the forward contract, the market is established whereby every day buying and selling is indulged in according to the information of the merchants. Some think that it is good to buy to-day and some think that it is good to sell to-day and so on it continues for the whole year. That keeps the market and the whole load of the whole crop is being carried by other people than the cultivators. Thereby the cultivator is benefited. Again, that cultivator finds that his crop has become almost sure, that is to say, he thinks that he will get his crop, but it is not realised and at that time, by some circumstances the prices of Indian cotton are high and naturally at that time the stock of cotton is less and due to some foreign causes the prices have gone up. If there is no orderly and regulated market, how is it possible for that man to sell that cotton which he has? Therefore, if there is an orderly and regulated market, then the farmer also is able to get the best prices for his cotton if he can sell it forward. A check ought to be put on excessive speculation or on speculation which may operate to the hurt of the interests of the community as a whole or in general, and in order to have some check a central body is necessary.

Again, it is the primary duty of a country which wants to sell its commodities or of a manufacturer to find out a market, to provide a custom and to get a buyer. Now-a-days we have always seen that every country which wants to market either its industries or commodities, makes propaganda towards that end. Is it not necessary that our country also, which has to market immense crop of cotton, should acquire reputation for her cotton and should acquire reputation for fair dealing of her contracts, and if that is not established, how would the other people who are the customers of our cotton would continue to trade in our commodity when fair dealing, fair price and fair adjustment is not guaranteed to them? It cannot be guaranteed unless there is an association or a central body which is strong enough in its membership to see that the liability incurred by its membership is sufficiently and fully met by any one of its individuals. Here complaint is made about the big fees or big deposits that are being required from a member of the East India Cotton Association before he can become its member. Sir, in Bombay we have been importing about 35 lakhs of bales. Out of that number, to the extent of about 22 lakhs of bales we are exporting. We have got foreign customers in Bombay who take up to the extent of 22 lakhs of bales. The association does not charge a fee, it is a deposit of Rs. 20,000 which it takes from the member. On this deposit interest is allowed. Now if any one of those foreign customers who has always been dealing in forward transactions with the members of the association involving him sometimes to the extent of a profit of $1\frac{1}{2}$ lakhs or of a loss of $1\frac{1}{2}$ lakhs, is to have confidence in our members, should not the

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association charge and would it not be justified in taking a deposit of Rs. 20,000? Otherwise, how could the fairness of our dealings be ensured to the foreigner? It is not meant to check or to do away with or to drive away any small trader from the association. This deposit is not intended for that purpose. It is not a fee but it is a deposit drawing interest very nicely and can be returned the very next day to the member if he ceases to be a member or resigns from his membership the very next day of his becoming a member of the East India Cotton Association. The only fee that is required from a member of the association is only Rs. 200 per year. I think that that amount is not more than what a decent club charges its members for the privilege of becoming its members.

Now, Sir, there is also an impression that cornerers give a chance to cultivators to get higher prices, but it is a delusion in this sense that there is no element of charity whereby one man will take all the risk for the benefit of everybody concerned who is to be benefited. The cornerer first looks to his own pocket and not to the interests of the others. What is the subsequent result? It is this that a cornerer may like to buy a certain quality of cotton about four times more than he expects to get actual delivery of. Now, of one part he actually gets delivery. He sells that to the consumer comparatively much cheaper than the market rate of similar quality in order not to encumber his own finances and to get rid of that with the condition that he should not bring that cotton again to the market. So, the legitimate demand that exists in the market to the extent of 100,000 bales is satisfied by selling at a rate lower than the legitimate rate, and therefore the other quality of Indian cotton, which is about 20 times more than the quality which he has cornered, is bound in its way to suffer to the extent of 20 rupees. Here the man is able to sell 100 bales below the market rate and that man, in order to sufficiently pay himself for the remaining three times of the cotton for which he does not get the delivery he gets the price which he dictates, and thereby in his turn he also knocks down several rational and reasonable merchants too. Therefore, I should say that the cornerer does not benefit anybody and it is simply a delusion that cornerers operate to the benefit of anybody. They can benefit nobody.

We are perforce compelled to follow the American cotton prices because that is the governing body because that is a country which produces more cotton than any other country which produces cotton. So, naturally, the whole world follows the American cotton prices. Therefore, it is essentially necessary that we must have some central body here which should administer the trading interests of Bombay.

Now, Sir, it is made out by one honourable member that one of the ex-directors of the Association gave evidence before some cotton committee that he has dealt in thousands and lakhs of bales in one particular year where he has not made a delivery or taken a delivery. I do not understand why that point has been brought up. From that, it does not necessarily follow that he has not to give delivery or that he

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has not to take delivery. If I choose, I might enter into a forward contract which at a certain time I might sell out either to my profit or to my loss. Where is the harm in it? If the members of the East India Cotton Association, even including the ex-director, are dealing in cotton where they do not make or take delivery, it is quite legitimate, and it is every day being done. That is certainly not to the loss of the farmer, and the farmer has nothing to do with it. His interests are not at all being affected by it.

Now, Sir, about option contracts, there is some doubt whether an option contract is a legal contract or not. Not being a lawyer I am not competent enough to decide the point, but I know that wherever a dispute regarding an option contract occurred, the High Court has decided that as a result of the option contract delivery has to be made, that a real contract has come into existence and that it is a legal contract; it is not an illegal contract. Our association want to control option business, not to increase speculation but to decrease speculation, and it is in this way. At present option business is being done on a credit business. The premium involved in option business is not being taken up by the dealers who are dealing in options. Therefore, this option business multiplies and multiplies to the extent to which matters have now reached, and that really is harmful to some extent to every man concerned with the cotton trade. Therefore our association thought that if they controlled this option business and thereby enforced payment of the premiums involved in option business through the clearing house, the volume of option business would go down appreciably. I believe it will go down to the extent of 90 per cent. and the option will also result in what we call actual delivery, or a legal contract. But that matter, as stated by the Honourable the Finance Member, can be discussed in the select committee, and I do not want to say much upon it at this stage.

Now, about ready contracts: the fixation of prices which is involved in the statutory recognition of this association has nothing whatsoever to do with ready cotton—not in the least. We may fix any price, but a cotton merchant who holds cotton can sell it at any price. The fixation of prices has nothing to do with ready cotton. The control over ready cotton that is asked for is for this reason. Ready cotton comes into Bombay from upcountry, and that is being brought by either small merchants, or farmers, or men of small means. That cotton is handled in Bombay, it is stored and insured, and all these things are done by muecadams and commission agents. Now, Sir, if these people charge more for insurance and storage, is it not desirable that these charges and their behaviour with their upcountry constituents should be controlled? Is it not desirable that they should be controlled also? It is only for that purpose that control is sought, and for nothing else. The fixation of prices has nothing to do with ready cotton; it does not affect ready cotton in the least. Now, Sir, I heard one of the honourable members say that members of the East India Cotton Association purchase cotton at a higher rate, and if one of them finds that the price goes down when the contract falls due, by, say, Rs. 50 per bale, he being

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an influential man and a member of the association, may approach the Board of Directors and say, "Well, gentlemen, fix such and such a price," and so on. But that very honourable member replies that the settlement that is intervening between these six months does away with this sort of contingency, because in the case of a contract which has been entered into at a price of, say, Rs. 200, if on maturity that price goes down to Rs. 100, the man who has purchased is not existing at that time, because whatever money it was in his capacity to pay is paid up before the settlement period, and if the seller of the cotton finds that his party cannot make the settlement, he can sell it to others and close that transaction in the interval; so, on the due date that contract is not alive. If it is purchased at a lower price and the price is higher on the day of settlement, that will be dealt with by the process of settlement through the clearing house. I hope this explanation will set at rest the doubts of honourable members on this point.

Now, Sir, finally, what I have to say is only this. This Bill is hurriedly brought in. As was remarked by some of the honourable members the constitution of our association is now not fully democratic. On the contrary, it is somewhat restricted, because it is divided into panels which means that the members in their individual capacity cannot govern the constitution, because the board is being elected only by 90 members, and any changes to be made have to be made by 90 members out of 400 or 500. So, naturally, as the years advance there is bound to be discontent and a desire to democratise this body, and some members who are in a majority have been saying for more than a year that their wishes ought to prevail, but they do not prevail because of these artificial panels, and therefore a fundamental change ought to be made in the constitution of this body, because some of the interests were not represented. As a matter of fact, the report of the Wiles Committee came to us about four months ago. In our opinion, the Bill might have been expedited a bit.

Mr. B. S. KAMAT: Do you support the minority view of the committee?

Mr. HARIDAS MADHAVDAS: I must say that as far as my association was concerned, it did not, but it has nothing to do with it, because the majority report recommends greater democratisation, and that is dealt with there—the election is given to the members as a whole, but not in the panels. But the majority of the members who are in our association themselves accepted the minority report when the Government asked for their opinion. So, it is rather difficult to say. But one thing is certain, that where we are now divided into nine panels, by this measure we will be divided into three panels. So, it is being democratised, and as this goes on for two or three years, the trade will be intelligent enough to have a broader constitution. Sir, I have no other remarks to offer.

Mr. W. G. LELY (Bombay Chamber of Commerce): Sir, I rise to support the first reading of this Bill. The honourable member who has

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just spoken has cleared a great deal of the ground, but it seems to me that some of the honourable members who have spoken in opposition to the Bill are labouring under considerable misapprehension. The honourable member who spoke first (Rao Bahadur Bole)—I think he was not very clear in his own mind on the point—gave me to understand that he is under the impression that this is a question of Government control. I think it has been made sufficiently clear by this time that it is nothing of the kind, and that this is a Bill by which Government merely seek to give the governing body control over the trade. The honourable member who spoke second (Mr. Jog) seemed to have an idea that dealings in the East India Cotton Association represent some form of big business, monopoly, and that Government want by this Bill to enable the Association to control all business in cotton for the purpose of making money. It is not a money-making concern; it is only a governing body, and, contrary to what has been suggested, its function will not be to hamper the small dealer or trader, but to encourage anybody who wants to do legitimate business in cotton.

The honourable member Mr. Gokhale appeared to me, while professing to deal only with the principles of the Bill, which I think is the point before the House, to roam in great detail over the other clauses of the Bill, and he again appeared to me to be impressed—obsessed, I would rather say—with this idea of Government control. Indeed the honourable member made such frequent reference to the Governor himself that I am not sure that he was not suggesting that the intention of the Bill is to provide a nefarious device by which His Excellency can protect his own operations in the commodity. He also, and other honourable members who addressed the House, seemed to be under a misapprehension as to the meaning of forward contracts. There is evidently some belief that a forward contract being necessarily to some extent speculative is therefore to be stigmatised as a gamble. In my opinion, all business is to some extent speculation. It seems to me that in this cotton business, though I know very little about it myself, you are able to conduct your business with less danger from speculation than in business in many other commodities. You have this form of hedge contract which, far from being a gamble, is a protection against gambling. A consumer, a millowner or whoever it may be, has to buy cotton for his mill. He may want to supply himself during the season with 2,000 bales of a particular variety of cotton and he may not be able to get it, unless he provides himself with the cotton many months ahead. At the same time he wants to guard against the possibility of a serious fall in the price of that cotton by the time he comes to use it, and therefore when he buys it he covers it with a hedge. That is not a gamble. In that way, I think the dealer in cotton is a great deal better protected than many other people dealing in other commodities. Take for instance tea or rubber, with both of which my own business is concerned. In either case one has to wait five or six years for one's bushes or trees to come into bearing. This means that when

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I plant in say 1931, I have to do so in the hope that when my gardens come into bearing in 1935 or 1936, prices will be sufficiently high to give me a profit on my money. That is a real speculation. I know of rubber which was planted less than five years ago, when the price was about 4s. 6d. per lb. The price today has gone down to 2½d. per lb. That is a gamble on a scale from which it seems to me that the cotton merchant is saved.

The sole question before the House at present, I submit, is the question of principle as to whether this trade is or is not to be regulated by a governing body. As I say, I have no personal interest in cotton whatever. I am not a buyer, a seller, a broker, a grower, or even a punter in futures. But as a businessman I am quite clear that anything of the magnitude of the cotton trade, with all its various ramifications, must have some controlling body to govern its procedure, or that procedure will fall into chaos. It seems to me equally fundamental that the control must be unified, and I suggest that the House at present has only these two points to deal with.

Some of the honourable members who opposed this Bill referred to two very prominent persons in the cotton industry, namely, Sir Purshotamdas Thakurdas and Mr. Chunilal B. Mehta. I have got here a cutting from the *Times of India* reporting on the extraordinary general meeting of the East India Cotton Association which was called to consider the Government Resolution on which this Bill is framed. It is reported that Sir Purshotamdas, who presided at the meeting, did not wholeheartedly express himself in favour of the Bill, but, after the meeting had agreed to approve it, he congratulated them on not having made a rash decision in a contrary direction. Mention of Mr. Chunilal Mehta reminds me, if I may digress, that the honourable member who previously quoted him made play with the fact of his admission that his deliveries of cotton through the Association's clearing house over some named period were nil, and he regarded this as throwing doubt on the utility of the existence of the Association. The honourable member who represents the Association has already explained how this might happen. A simpler explanation would appear to be that Mr. Chunilal Mehta is not, as I am advised, a merchant, or a dealer, but a broker. That being so, it would be a matter for surprise if he had deliveries of cotton to make. To revert to the press cutting from which I have already quoted, Mr. Chunilal Mehta moved the acceptance of the Government Resolution, and I read from the cuttings as follows :—

“ Mr. Chunilal B. Mehta then moved that ‘ Though the report is not fully satisfactory ’ the proposals contained in the Resolution of the Government dated June 9th, be approved.

In moving the resolution Mr. Mehta observed that many sections interested in the trade did not accept the conclusions of the Government. At the same time, in view of the fact that the new Act would come up for review at the end of a four year period, they might approve of them. If the proposals of Government were not accepted, he warned them that there would be dislocation of the cotton trade.”

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In view of the opinion of these experts, I think that the House may have sufficient confidence to pass the first reading of this Bill, and to refer it to a Select Committee.

The Honourable the PRESIDENT : Order, order. I have got in my hand a number of amendments. It is my duty to decide as to which could be taken at the first reading before the Bill is referred to the select committee. I think we have had a fair amount of general discussion on the principle. [*Honourable Members* : No, no.] I am not closing the discussion but for my purpose sufficient opinion has been expressed in the Council to enable me to come to a decision as to which out of these amendments in my hand should be treated as amendments of principle. I am inclined to fix that there is one principle, namely, the question of control or,—as the honourable member the Finance Secretary called it,—the unity of control of the cotton contract. On that there are a few amendments which I think should be treated as amendments of principle and the rest which more or less affect the constitution may be treated as amendments of detail. When the Bill goes to the select committee, the Chairman will have to give an open hearing on every one of these points which will be proposed in the select committee.

The Honourable Sir GOVINDRAO PRADHAN : Yes, Sir.

The Honourable the PRESIDENT : That being so, if I call upon those two or three honourable members who have their amendments down—amendments of principle—to speak, other honourable members who would follow them will have also that material before them for discussion. There is another consideration which we will have to keep before us. I understand a few of the honourable members who have given notice of amendments will be absent to-morrow. Therefore, I would call upon those honourable members whose amendments are down for discussion at this stage to move them, so that the discussion may follow as long as the House wishes or as long as I find that there has been sufficient latitude given for discussion on the first reading.

After the debate began, an amendment was placed in my hands by the honourable member Dr. Dixit. It strikes at the very root of the Bill. I would like to dispose of it first. I do not know whether I would call upon the honourable member to move it at all. The amendment proposed is that in the preamble delete the following words “control of” and substitute the words “to provide suitable markets for”. The preamble would then read :

“Whereas it is expedient to provide for the regulation and to provide for suitable markets for transaction in cotton—”

This is certainly a different thing entirely, and beyond the scope of the Bill. As a matter of fact there is Act No. XVII of 1927 to provide for the establishment of better regulation of cotton markets in the Bombay Presidency. Therefore, I rule that amendment out of order.

The other amendments which I could allow at this stage are three. They refer to clause 3 (f). One is by the honourable member

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Rao Bahadur Asavale and another by the honourable member Dr. Dixit, and still another by the honourable member Mr. Surve. They are about the same. The honourable member Mr. Surve suggests the addition of the words "any other association approved by Government." Rao Bahadur Asavale suggests the addition of the words "any cotton association founded in Bombay" and the honourable member Dr. Dixit suggests the addition of "and the Mahajan Association Limited." Therefore, I would call upon the honourable member Rao Bahadur Asavale to move his amendment.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I move—

"That 'association' means not the East India Cotton Association but any association founded in the City of Bombay."

My object in moving this amendment has been made clear by the previous speakers. Every member who has spoken on this Bill has suggested that the right of controlling the cotton business must be open to any registered association founded in the City of Bombay to deal in cotton; and that no monopoly should be given to any particular body. The proposal to give the monopoly to the East India Cotton Association will not be in the interest of the cotton growers or the small merchants who deal in cotton but it will be only in the interest of certain members and especially the members of the Board of Directors of that association. It is therefore essential that if cotton business which is intended to be controlled by Government to check heavy transactions of speculation in cotton trade to safeguard the interest of the cotton growers and the public at large it must be left to any association who has a right to deal in that commodity. If the monopoly is left to one association, they will frame their own rules for their own good and the good of their members and to the detriment of the cotton growers and small merchants such as brokers, etc. This has already been pointed out by many honourable members who took part in the debate and whereby it is quite clear that all of them have already given their heartiest support to my amendment to the Bill. Not only that the non-official members have supported my amendment but it has been supported by the representative of the East India Cotton Association who is specially nominated by Government who stated that the members of the Association also do forward business. What does that show? It shows that they deal in speculation. It has not been concealed by them that they speculate in cotton. It has also been stated by the same honourable member that in 1926 or 1927 one of the members went to such an extent in speculating in cotton that the poor gentleman committed suicide. I therefore say that as the members of the East India Cotton Association speculate the object of checking speculation does not hold good. The Honourable the Finance Member, while introducing this Bill said that the Bill was intended to control cotton and to prohibit speculation. Taking this into consideration, we find that the members of the East India Cotton Association are acting quite contrary to this principle. It has been proved that speculation is there amongst the members of that body and therefore there should be no prohibition for any other body doing the

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same business like that of East India Association. I am not against forward business. If forward business is stopped, the cotton growers will not be benefited. Limited forward business, though considered as speculating business, yet would help the growers because I can say that forward business is made not to give delivery of goods at the same time and day when the business is transacted, but it is made to give the delivery of goods contracted after a particular period. And therefore forward business means business which will come into operation after some months fixed at the time of contract. During that period if the merchant who has bought the cotton though he is actually not in possession can dispose it off if he gets higher price instead of taking delivery of the same and make a profit by receiving the difference. Similarly a merchant who has sold cotton can buy the cotton and make a profit if the price goes down and get difference. In the same way he has to pay the loss if the prices go below his buying price. Therefore, forward business is nothing but speculation. Owing to this speculation even the cotton growers sometimes do benefit and sometimes lose also. When there is huge speculation in a commodity, those who produce that commodity may also either benefit more or lose more and therefore I am of opinion that forward business may be allowed but to a limited degree. But, as I said, any one single association should not have a monopoly and any association founded in the City of Bombay should be permitted to have dealings in cotton which would on the whole benefit both the growers and merchants.

The Honourable Sir GOVINDRAO PRADHAN: Any association?

Rao Bahadur R. S. ASVALE: All associations recognised by Government, of course.

Question proposed.

Rao Bahadur D. R. PATIL: I want to move an amendment to the amendment with your permission. The wording should be "association approved of by Government." I want to add the words "approved of by Government."

The Honourable the PRESIDENT: That is Mr. Surve's amendment.

Rao Bahadur R. R. KALE: I just want the Chair to consider whether the amendment is really in order. In the Bill "the association" is defined as the East India Cotton Association. It is stated that the object of the Bill is to confer a monopoly on that body. The amendment proposed goes counter to the very principle of the Bill. I do not say it negatives the principle of the Bill; but it extends the principle. Now that you have decided that the principle is that there should be one body to control and regulate cotton transactions, I suggest that this amendment is extending the scope of the Bill, if not going outside the scope of the Bill. Any amendment which goes counter to the main principle or which instead of curtailing the principle extends the principle cannot be regarded as in order.

Mr. G. WILES: Sir, this amendment could not be accepted without subsequent amendments which the honourable member has not tabled,

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If this amendment were accepted by itself, the whole Bill would have to be changed. Take for example clause 5 which deals with the one particular association only. You must cut out that clause.

The Honourable the PRESIDENT: The principle involved in the Bill is the control of the transactions by a particular association called the East India Cotton Association. Now, if the House is willing to accept that, it will throw out any amendment which goes against that principle. I have allowed the amendment at this stage, because it cannot be allowed at a later stage. If the amendment is accepted in its present form, the result may be as the honourable member the Finance Secretary has pointed out. But the amendment can be considered on its merits.

The Honourable Sir GOVINDRAO PRADHAN: Sir, Standing Order V, 8 (2) says—

“An amendment may not be moved which has merely the effect of a negative vote.”

The whole Bill is based upon the assumption that there is going to be only one association and the Board of that association may make bye-laws to control and regulate these transactions. Every clause in this Bill is based upon that assumption. That is why I said that unity of control was the basic principle of this Bill. Upon that principle the definition of “the association” is given as being a particular body, and the board of that body is given certain powers. If there is to be an amendment which lays down that any association which may be formed shall be classed as “the association” and the board of that association can submit bye-laws for sanction to Government, then the whole Bill becomes useless. It negatives the whole Bill. They may vote against the Bill.

The Honourable the PRESIDENT: I am not yet ready to accept that. The Bill has been brought and it has been pointed out that it is based on certain principles. The main principle is stated to be that there should be unity of control and that unity of control, according to the Bill, is attempted to be centred in a particular association, the East India Cotton Association. Now that principle is before the House. They may accept the principle of unity of control, but yet they have a right at this stage to differ as regards the particular body which may have that control. If the amendment were, “delete the clause,” then it would be a negative amendment. It is not “delete the clause,” but it is to delete it and substitute it by another.

The Honourable Sir GOVINDRAO PRADHAN: I asked the honourable mover whether he meant any number of associations and the reply was “Yes.”

The Honourable the PRESIDENT: There are three amendments on the same point. If the amendment were to delete the clause, then I would have ruled them out under the Standing Order quoted by the Honourable the Finance Member. One amendment is to delete the clause and substitute it by another to the effect that “the association”

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means any cotton association founded in the City of Bombay. There is another amendment which says it should be an association approved by Government. Supposing the amendment is carried and it strikes at the very root of the Bill, it is open to the Honourable the Finance Member to withdraw the Bill and take it out of the consideration of the House entirely.

The Honourable Sir GOVINDRAO PRADHAN: That is not my point. We have given a definition of the word "association" and also of the word "board". We have said that "the association" shall be the East India Cotton Association and that the board shall be constituted in such and such a way. I pointedly asked a question of the honourable mover of the amendment whether he meant any number of associations and he said, "Yes". If the amendment means that any number of associations that may come into existence for trading in cotton should be considered as associations under this Bill, then the difficulty arises that there will be a number of boards and all those boards can prepare bye-laws and submit them to Government for sanction. We have all along stated that the principle of this Bill is unity of control; it is not merely control, but unity of control. Instead of defining "the association" as the East India Cotton Association, they may call it the West India Cotton Association or the South India Cotton Association, but there should be one body. If there is a multiplicity of bodies as proposed by the amendment, then the whole frame-work of the Bill will have to be changed. Such an amendment would amount to negating the Bill.

Mr. PESTANSHAH N. VAKIL: That objection would apply to Dr. Dixit's amendment at any rate. There it is sought to invest two distinct bodies with the powers which the Bill seeks to give to the East India Cotton Association alone.

Khan Bahadur A. E. PATEL: To my mind, Sir, if other associations are also to be included, it cannot be said to negative the Bill. It is only an amplification of the principle. It means that an association may be something more than what Government out of their sweet will propose.

The Honourable the PRESIDENT: The difference lies here. The honourable member the Finance Secretary said that the principle was unity of control. I put it differently. I said that there were two principles, namely, firstly that there should be control of cotton transactions, and secondly, if there should be control of cotton transactions, which should be the agency of control? These principles are before the House. Now, the agency is proposed by one member to be this, that or the other. Another member proposes a different thing; a third member a third thing. But the principle of agency of control is the principle before the House. If the amendment before the House is accepted by the House and they want to alter the Bill in view of that acceptance, that could be done. If Government do not want to accept that, they can withdraw the Bill. But the amendment does not offend

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against the Standing Order pointed out by the Honourable the Finance Member. It is not an amendment to delete the clause. I hold it in order.

Mr. PESTANSHAH N. VAKIL: Is the other amendment in order,—
Dr. Dixit's?

The Honourable the PRESIDENT: Yes.

Dr. M. K. DIXIT (Surat District): Sir, it is a queer position for me to occupy by your calling upon us to move this amendment at this stage—

The Honourable the PRESIDENT: There is one amendment before the House. If the honourable member is going to move his amendment as an amendment to that, then he would be in order.

Dr. M. K. DIXIT: I am speaking on the amendment that has been moved by the honourable member Rao Bahadur Asavale. The principle involved is this: Whether there shall or shall not be any control. That is one thing to be decided first. The unity or duality of control must come later on. So you have put us rather in an awkward position by calling upon us to move the amendments and asking Rao Bahadur Asavale to move the amendment, before the House has given its opinion on the issue of control. I reserve my right to oppose the Bill as a whole with a view to rejecting the first reading. I am opposed to the principle of control. That was my first amendment which you have ruled out of order. I bow to your decision regarding that amendment, but I beg to point out that my amendment was only to regulate trade and revenue control and to establish markets in the City of Bombay, not in the Presidency of Bombay. However, I do not press this point and I simply support the amendment moved by my friend Rao Bahadur Asavale. In this connection I beg to submit that Government is giving a monopoly to an institution which has been working this Act, and has been regulating and controlling the cotton business in Bombay for the past nine years. Now, the honourable member the Finance Secretary has given us to understand that the principle of the Bill is unity of control. This unity of control is meant, according to the Bill, to be given to only one association. He was the Chairman of the Committee which recommended this. I beg to submit that the Committee has recommended something that is not acceptable to this House. In the first place, I wish to submit that the committee which was appointed to examine the working of the Act that has been in existence consisted of fourteen members. I further submit that these fourteen members it appears to me were selected with a view to pack the committee. Out of the fourteen members that were appointed I am given to understand that eight members are members of the East India Cotton Association, and two are indirectly connected with its working. There is one—the honourable member the Finance Secretary who is a Government official and two members are to represent the interests of cotton growers of the Presidency.

The Honourable the PRESIDENT: I am very sorry. Will the honourable member kindly resume his seat and wait a moment?

(After an interval.)

The Honourable the PRESIDENT: The honourable member may proceed now.

Dr. M. K. DIXIT: While you were engaged in consultation, I was talking about the composition of the Committee—the Wiles Committee. I submitted that this Committee consisted of 14 members, 8 of whom are the members of the East India Cotton Association and two or three were indirectly connected with that Association. The Chairman himself is a Government official and 2 gentlemen who are alleged to be representatives of the cotton growers were nominated by Government. Now, of the two gentlemen who were appointed by Government to represent the growers' interests, I am told that one of them does not own an inch of land and is only a cotton broker. I wonder how a cotton broker could represent the interests of agriculturists. As regards the other gentleman (Rao Bahadur Bhimbhai), he is my colleague from Surat and I shall not say anything. All that I know of him is that he is a money-lender and a big landlord. So what I wish to submit is this: that the decisions arrived at by a packed committee of this nature which was appointed to examine their own work has to be taken with a certain amount of reserve. I do not mean to say that they have proceeded with their business in any spirit of partiality or dishonesty. But the mentality remains all the same. If I personally was called upon to sit in judgment over my own working, it is but natural that I should report in a favourable way. In the same manner this committee which was a packed committee was called upon to sit in judgment over their own working and they naturally reported in their own favour. It is no wonder that the first recommendation of this committee is that there shall be forward dealings and that all cotton transactions shall be brought under the control of a single body, that is their own association. They were unanimously of that opinion. That body has gone further in the matter of unity of control and has recommended that forward business should be transacted only through the members of the Association and that any transaction not done through them will be considered as illegal practice and should be made an offence punishable with fine. Here the cat is out of the bag. The East India Cotton Association does not want anybody's finger in their pie when they are controlling this business. The first recommendation is to make the action of any man dealing in cotton not through their agency, penal and liable to a fine up to Rs. 1,000. I will submit that there has been for some time a very keen rivalry between the East India Cotton Association and the Mahajan Association. Things went so far that the East India Cotton Association went the length of prosecuting and persecuting about 300 members of the Mahajan Association in a court of law. It did not stop there. When the magistrate decided in favour of the Mahajan Association, they went further; of course they stood the expenses, I am told, of the prosecution in the appeal. And on a very technical ground the member who was

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prosecuted as a test case was fined. However, the judgment distinctly states that if there was the slightest ground for believing that there was any contemplation of delivery of goods, this was no offence whatsoever. The cat which has come out of the bag is this that the East India Cotton Association does not want to recognise any other party that will come and interfere with the cotton business. Secondly, they want to have the sole monopoly so that they can manipulate prices in the bazaar in any way they like. I will go further in this matter and say that the East India Cotton Association consists of three or four interests. They are given all sorts of names, importers, exporters, sellers, buyers, brokers, jethawallas and so many other names. It is very difficult to say who are buyers and who are sellers—one who is buying today is selling to-morrow. The buyer of to-day becomes the seller of to-morrow. The importer of to-day becomes the exporter of the day after to-morrow. It is very difficult to find out who is the seller and who is the buyer. All the same, so far as I have been able to gather my information by reading the literature placed in our hand and to form an opinion, I have come to the conclusion that it is their business to see that the cotton is bought as cheaply as possible from the growers, and for that purpose, they have resorted to various devices. I submit, Sir, that those various devices are contained in the various rules and regulations and by-laws which have been adopted by them regarding their transactions. The first and foremost is the fixing of the unit at a very high pitch. Nobody can do any business under 100 bales. Now, Sir, it is commonsense that when a thing which is of a lower value is offered for sale, there will be many purchasers and many bidders and there will be competition regarding the transaction because the lower value of the article being within their means will fetch a larger number of bidders. Suppose a house worth Rs. 5,000 were held out for sale, there would be a number of buyers and the owner of the house would certainly get a better price than the price fetched when a man who has put up a house for sale which is worth Rs. 50,000 or a lakh of rupees; because the buyers would be few and there would be no competition with regard to the prices of the house which is of a higher value and as there would be no competition, the article would fetch a much lower price. In this way pitching the unit up at a higher level of 100 bales is one of the devices so that the smaller people cannot come in and commence dealings and thus competition is cut off. Secondly, there is no mutuality of contract in the by-laws that they have adopted. The purchaser in their contract is bound to purchase or to take delivery of goods when tendered, but a seller is not bound to give delivery. He can only pay up the difference if he chooses. This lack of mutuality of contract is a clever device to depress the price of cotton, and as far as one could see, this particular freedom is meant to give facility to the seller while the buyer is without that freedom, and is denied the facility which the seller enjoys. This facility is given in favour of the sellers with a view that inordinate and excessive sales could be effected by them if they chose to do so.

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The third device they have is freedom to tender any sort of cotton other than that contracted for. This results in lowering the prices. I submit in this connection that when there is freedom to tender any sort of cotton other than that contracted for, the tendency is to lower the prices. I will just explain how this occurs. If a man has sold 1,000 bales of cotton of a particular kind, and if he is not able to get that material because he has oversold the quantity that was likely to come into the market, he can tender any other quality and instead of the quality contracted for say Broach, he may tender Kumta or any other quality of that group other than that which was contracted for. If there was no freedom to tender any other material different from what was contracted for, the prices of this actual Broach would have gone up much higher and the grower or the cultivator would have certainly secured better prices.

Then, Sir, the members of this East India Cotton Association, resort to other tactics with a view to depress prices, they combine to sell and sell and sell. The buyer goes and sells, the seller goes and sells, the mill-owner goes and sells, because it is in their interests to see that prices go as low as possible. And the prices that will be paid by them when they buy cotton in the mofussil from the cultivators will also be low. The seller goes to the mofussil, the man who calls himself a seller goes to the mofussil and buys his cotton from the agriculturist. The buyer also goes to the mofussil and buys cotton in the mofussil. I see a number of European and Japanese merchants coming now to Surat and villages round about Surat to buy their own cotton.....

Rao Bahadur B. R. NAIK : On a point of information. Will the honourable member please say—

Dr. M. K. Dixit : I do not desire to be interrupted, Sir.

The Honourable the PRESIDENT : The honourable member does not yield.

Dr. M. K. DIXIT : There have been many such purchasers of cotton in the Surat villages seen by me and by several of my friends. These purchasers when in Bombay combine to effect forward sales and sales. Now the obvious effect of selling any commodity in the market would be to reduce the price. Suppose a big merchant like Sir Purshotomdas or my honouable friend Mr. Haridas Madhavdas went out to the market and sold 10,000 bales of a particular cotton. What would be the effect on the market ? Certainly, prices would fall. And the poor grower in the villages who depends upon the prices ruling in Bombay would come to grief. The prices in Bombay are brought down by a peculiar sort of combine in which the sellers sell, the buyers sell, the exporters sell, the importers sell, the brokers sell. This action on their part brings down the prices and it is to their interest to depress prices because thereby they can get cotton as cheap as possible, even the millowners who want to buy cotton for their own consumption, effect forward sales, with a view to depress prices.....

Mr. G. WILES : Will the honourable member say if he thinks that the absence of control is likely to inflate prices ?

Dr. M. K. DIXIT : I will come to that later on when I come to speak on the first reading. I suppose I will have an opportunity to speak, Sir. Now I am speaking on the amendment.

The Honourable the PRESIDENT : This is the first reading of the Bill.

Dr. M. K. DIXIT : I shall have the right of speaking on the first reading. I am now speaking on the amendment.

The Honourable the PRESIDENT : Yes.

Dr. M. K. DIXIT : In this way prices are artificially brought down to the utter ruin of the village growers who are forced to regulate their own prices according to the level of prices ruling in Bombay. The grower is thus obliged to give away his cotton much cheaper. He cannot afford to delay, and wait for the market to rise or until better prices prevail ; because as we know the agriculturist is always a debtor, he owes money to the *soukars* who trouble him for repayment of money lent, others are also troubling him for recovery of their money particularly the landlords, and moreover he has to meet land assessment and other charges, and in this way he tries to get as much cash, ready money, as he can for his cotton even if he has to lose in the bargain. This is how the prices are lowered down and the interest of the grower is sacrificed. This is the reason why the East India Cotton Association want to keep the control absolutely in their own hands and they do not allow anybody else to have any finger in their pie. It is a commandment "Thou alone shalt trade in cotton and nobody else. If thou disobey, a thousand rupees fine is ready for thee." It is, therefore, I submit that there should be a healthy competition amongst the associations that are going to control and regulate the cotton trade, and I submit that I have a good support from my honourable friends from this side.

The Honourable the PRESIDENT : I do not know whether there would be time enough for another speech this evening, as there are only five minutes to seven.

Major W. ELLIS JONES : The honourable member told us during the course of his speech, Sir, that he was speaking on the amendment and that he would speak again on the debate on the first reading. I should like to have that point made clear, whether he would have the right to speak again on the principle of the Bill on the first reading.

The Honourable the PRESIDENT : It has been ruled that if an honourable member gets up to speak on the amendment, he speaks at the same time on both, the amendment as well as the principle of the Bill. If the honourable member wishes to get a second opportunity to speak on the general debate on the principle of the Bill, he cannot get that opportunity unless he continues now.

Dr. M. K. DIXIT : I understood you to say, Sir, that as I was speaking on the amendment I could speak again on the general principle of the Bill on the first reading later on.

The Honourable the PRESIDENT : No. I am afraid the honourable member has misunderstood me, but I would not bar the honourable member if he wishes to continue and speak now.

Dr. M. K. DIXIT : In that case I will continue now.

The Honourable the PRESIDENT : As there is very little time now, I am afraid that cannot be done. However, I would allow the honourable member to continue his speech.

There is just one matter in connection with the point raised by the honourable member Rao Bahadur Kale. I simply wish to inform the House that I have support for the ruling I gave that the amendments I have allowed to be moved are in order, and curiously enough, the ruling that I relied upon and which I have quoted before in my previous ruling has arisen out of a point of order raised by the honourable member Rao Bahadur Kale himself. It was in 1923 when the Hereditary Offices Act Amendment Bill was before the House. The honourable member Rao Bahadur Kale said :

"The amendment does not go far enough. Under the ordinary law females inherit. There are females who are in the family and those who go out of the family."

He therefore says :

"The proposer of the amendment now wants that the right should be extended to the mother because she is as much a member of the family as anybody else."

Further he says :

"Hence it is logical to extend the principle of the Bill to its legitimate extent."

There was an amendment of course that was proposed. In fact it was an amendment of its own kind. It was :

".....The Council is of opinion that the Bill introduced is not satisfactory as it does not go far enough in investing the female members....."

The Honourable the President Sir Narayan Chandavarkar ruled thus :

"That is an amendment of the principle of the Bill. I have already explained it on previous occasions ; but I shall again explain that any proposal that traverses the principle of a Bill, or goes outside its limits, scope and frame-work by setting up an alternative case, scheme or a counter proposal to the Bill would be a proper amendment to the principle of the Bill. If such an amendment is agreed to by the Council, the motion for the first reading of the Bill stands rejected."

That is the principle I pointed out to the honourable House just now in allowing the amendment.

STATEMENT OF BUSINESS.

The Honourable the PRESIDENT : The Honourable the Leader of the House wishes to make a statement regarding Government business tomorrow and that was the consultation that the Honourable the Finance Member was having with me.

The Honourable Sir GHULAM HUSSAIN : Sir, we will proceed tomorrow with supplementary grants first, then with the Municipal Bill, and, if there is any time left, with this Bill.

As regards Saturday, I understand that some honourable members are going to Bombay tomorrow. If they like, on Saturday we may take up non-official work and postpone this Bill to Monday. We are

[Sir Ghulam Hussain]

entirely agreeable to any arrangement that the non-official members of this House desire.

Mr. J. B. PETIT: As the matter is fresh in our minds, I think we should go on with the present Bill and be done with it.

The Honourable Sir GHULAM HUSSAIN: Some of the members are going away.

Mr. J. B. PETIT: They may be induced to stay.

The Honourable Sir GHULAM HUSSAIN: Just as they like. Let them decide among themselves.

Mr. J. B. PETIT: I do not know why they should not stay on.

The Honourable Sir GHULAM HUSSAIN: I do not think even tomorrow this Bill will be over. I think there are a large number of honourable members who would like to speak on this Bill, and some of the important non-official members want to go away and desire that this Bill may be taken up later on.

Mr. L. R. GOKHALE: If this Bill is taken up the first thing tomorrow, some honourable members may go by the afternoon train. Let us first proceed with this Bill the first thing tomorrow and after that with the other Bills.

The Honourable Sir GHULAM HUSSAIN: There are several honourable members who do not agree. Tomorrow, Sir, we will proceed with supplementary grants, the Municipal Bill, and if any time is left, we will finish this Bill.

Then as regards Saturday, we will devote it to non-official business, and this Bill will be taken up on Monday.

Sardar BHASABHAI RAISINGHI, THAKOR of KERWADA: I think, Sir, that so far as the discussion has proceeded, it has dealt with the legal aspect and other considerations which have been placed before this House. I think there are many honourable members who come from rural areas and who represent *bona fide* agriculturists. I am afraid that if the discussion of this Bill is postponed to Monday, some of our Sindhi friends will be very much inconvenienced as they wish to leave for their country and it will be a great handicap to them.

The Honourable Sir GHULAM HUSSAIN: I will suggest another alternative. We will proceed tomorrow with the supplementary grants and the Municipal Bill, and this Bill, and then take it over to Saturday, if it is not over tomorrow.

The Honourable the PRESIDENT: It must be clearly understood that all this rearrangement was suggested by the Honourable the Finance Member in the interests of this House, because he came up to me—and that was why I was sorry to interrupt the speech of the honourable member from Surat—and said that he saw so many honourable members anxious to speak, some of whom might want to go away, and therefore he asked me whether an alteration in the arrangement of

[The President]

business should be made. Otherwise, the arrangement of Government business is fixed up. So, it is to the advantage of the non-official side that tomorrow the supplementary grants should be taken up first, then the Municipal Bill, and then later in the day the continuation of this Bill, to be continued again on Saturday, if necessary.

Dr. M. K. DIXIT : What will be the particular object in changing the order of business ?

The Honourable Sir GOVINDRAO PRADHAN : Those who have already spoken are going. Some of the others are also going and they want to speak. Well, I say let everybody have a say. I do not wish to hustle up this Bill.

Dr. J. A. COLLACO : Can the Honourable Member tell us how many members are going ?

The Honourable Sir GOVINDRAO PRADHAN : At least half a dozen told me that they were going. My honourable friend Mr. Petit got up and wanted to speak two or three times. But he has had no chance to do so up to now.

Mr. J. B. PETIT : I am willing to stay on.

The Honourable Sir GOVINDRAO PRADHAN : But he told me that he was going.

The Honourable Sir GHULAM HUSSAIN : So, tomorrow we will take up supplementary grants, the Municipal Bill, and then this Bill, and then, on Saturday we will again go on with this Bill, if it is necessary.

The Honourable the PRESIDENT : The Honourable the Leader of the House is correct that Government business is entirely their own business. They can arrange it as they like. So tomorrow we will take up supplementary grants, then the Municipal Bill, and, if there is time, this Bill, which will be taken over to Saturday if necessary.

The House is now adjourned to 2 p.m., tomorrow, Friday the 31st July 1931.

Friday, the 31st July 1931

The Council re-assembled at the Council Hall, Poona, on Friday, the 31st July 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ACHREKAR, Mr. A. B.
 ALLAHBAKSH, Khan Bahadur
 ASAVALE, Rao Bahadur R. S.
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, Sir SHAH NAWAZ
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JOG, Mr. V. N.
 KADRI, Mr. J. S.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.

KHUERO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MATCHESWALLA, Mr. G. E.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PETTIT, Mr. J. B.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUHAMMAD KAMIL SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Questions.

QUESTIONS AND ANSWERS

VICTORIA TERMINUS : THIRD CLASS BOOKING OFFICE.

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

(a) whether the Railway Passengers' Association has requested the G. I. P. Railway authorities to remove the 3rd class booking office at the Victoria Terminus as near to the platform as possible ;

(b) what steps the Railway authorities have taken to comply with their request ?

The Honourable Mr. W. F. HUDSON : (a) and (b) It is suggested to the honourable member that he should bring the matter to the notice of the representative of the Legislative Council on the Local Advisory Committee of the Great Indian Peninsula Railway with a view to its being brought up before that body, which has been specially constituted for the purpose of dealing with questions of this nature.

MUNICIPAL BOROUGHS : TENURE OF OFFICE OF PRESIDENT.

Khan Bahadur D. B. COOPER (Satara) : Will Government be pleased to lay on the Council table a statement showing how many Municipal Boroughs in this Presidency elected their Presidents and Vice-Presidents for a term of (a) one year, (b) two years, (c) three years under section 19 of the City Municipal Boroughs Act of 1925, ever since the formation of these Boroughs ?

The Honourable Sardar Sir RUSTOM J. VAKIL : The accompanying statement supplies the information required :—

Statement showing the terms for which the Presidents and Vice-Presidents of the Municipal Boroughs in the Bombay Presidency were elected since the passing of the Bombay Municipal Boroughs Act, 1925.

Name of Municipal Borough.	Term of President.	Term of Vice-President.	Remarks.
<i>Sind.</i>			
Hyderabad ..	1 year*	1 year*	* Ever since the Bombay Municipal Boroughs Act, 1925, came into force.
Sukkur ..	1 year (since 1928-29).	1 year (since 1928-29).	
Bhikarpur ..	1 year (since 1929).	3 years	† Previously the President and Vice-President were elected for a term of three years.
Larkana ..	3 years	3 years.	

Name of Municipal Borough.	Term of President.	Term of Vice-President.	Remarks.
<i>Northern Division.</i>			
Ahmedabad ..	3 years up to 1928 and 1 year there after.	3 years up to 1928 and 1 year there after.	President and Vice-President of the Ahmedabad Municipality were elected for three years in 1927. The persons who held these posts resigned in April 1928. Both the President and Vice-President are elected for one year since then.
Nadiad ..	3 years	3 years.	
Broach ..	1 year	1 year.	
Surat ..	3 years	1 "	
Thana ..	1 year	1 "	
<i>Central Division.</i>			
Ahmednagar ..	*3 years	*1 year	*The President and Vice-President were elected for a term of three years for the previous triennium.
Amalner ..	1 year.	1 year.	
Bhuseval ..	1 "	1 "	
Jalgaon ..	1 "	1 "	
Dhulia ..	1 "	1 "	
Nasik ..	1 "	1 "	
Poona City ..	†1 "	†1 "	†The President and Vice-President were elected for a term of three years for the previous triennium.
Poona Suburban ..	3 years	3 years.	
Lonavla ..	3 "	3 "	
Satara ..	3 "	3 "	
Sholapur ..	1 year	1 year.	
Pandharpur ..	3 years	3 years.	
<i>Southern Division.</i>			
Belgaum ..	1 year	1 year.	
Bijapur ..	1 "	1 "	
Dharwar ..	1 "	1 "	
Hubli ..	3 years	3 years.	
Gadag-Bettigeri ..	3 "	1 year.	
Ratnagiri ..	1 year	1 "	
<i>Bombay Suburban District.</i>			
Bandra ..	1 year	1 year	The Presidents and Vice-Presidents were elected for a term of three years for the previous triennium.
Kurla ..	3 years	3 years	The Presidents and Vice-Presidents were elected for a term of three years before the Municipality was formed into a Borough.

IRRIGATION CHARGES : BLOCK SYSTEM.

Khan Bahadur D. B. COOPER (Satara): Will Government be pleased to state—

(a) Whether they are aware of any hardships felt by the ryots owing to the imposition of irrigation charges in the Canal areas in this Presidency under the Block system?

(b) If the reply to (a) is in the affirmative, what relief Government propose to give to the irrigators of the Canal areas?

The Honourable Sir GHULAM HUSSAIN: (a) and (b) It is presumed that the honourable member is referring to the alleged grievances of the irrigators under the block system of irrigation. This question is at present under the consideration of Government.

POONA ELECTRIC SUPPLY COMPANY : LEVY OF KILOWATT CHARGES.

Mr. L. R. GOKHALE (Poona City): (a) Are Government aware that the Poona Electric Supply Company, Limited, levies a kilowatt charge on its consumers?

(b) Is this charge permitted under the terms of its license?

(c) Are Government aware that the company is now getting power direct from the "Tata Hydro-Electric Works" of Mulshi Tank of Messrs. Tata & Company and that it supplies the same to its consumers?

(d) Is the kilowatt charge leviable under the terms of the license in this changed method of recovery and supplying power?

(e) If not, do Government intend to take any action in the matter?

The Honourable Mr. W. F. HUDSON: (a) Yes. A kilowatt charge is levied by the Supply Company in the case of residential premises and religious and educational establishments.

(b) Yes.

(c) Yes.

(d) Yes. The terms of the license have not changed and the kilowatt charge is still leviable, irrespective of the way in which the supply reaches the Company.

(e) Does not arise.

BUILDINGS FOR GOVERNMENT USE, POONA.

Mr. L. R. GOKHALE (Poona City): (a) Is it a fact that the buildings in Poona in which the Deccan Herald Press and the hotel behind it were located have been acquired for Government use?

(b) If so, will Government be pleased to state what use they propose to make of these buildings?

(c) Will they also inform the Council what price was paid for them and how it was calculated?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) No.

(b) Does not arise.

(c) Does not arise.

GOVERNMENT PRINTING AND STATIONERY : TENDER FOR SEALING WAX.

Mr. J. S. KADRI for Rao Bahadur L. V. PARULEKAR (Ratnagiri District) : Will Government be pleased to state whether it is a fact—

(a) that in accordance with the advertisement inviting tenders for sealing wax Messrs. R. N. Joshi & Co. of Bombay submitted a tender to the Superintendent, Government Printing and Stationery, Bombay, at the rate of Re. 1-2-0 per lb. of superior red sealing wax ;

(b) that it was not accepted ;

(c) that a tender from the Bombay General Agency at the rate of Re. 1-4-0 per lb. was accepted, thereby incurring a loss of about Rs. 750 ;

(d) (i) that the tender of Messrs. R. N. Joshi & Co. was accompanied by a certificate about the good quality of the wax given by the Director of Industries and that no kind of certificate about the quality of the same accompanied the tender of the Bombay General Agency ?

(ii) Will Government be pleased to state why the tender of Messrs. Joshi & Co. was not accepted and the tender of the Bombay General Agency was accepted at a loss of Rs. 750 ?

(iii) Was the tender of the Bombay General Agency accepted on the ground of superiority of quality, and, if so, will Government be pleased to state what was the test that was applied for determining the respective qualities of the waxes of the two tenderers ?

The Honourable Sir GHULAM HUSSAIN : (a) to (c) Yes.

(d) (i) Yes, the Bombay General Agency also produced certificates of the good quality of their product.

(d) (ii) and (iii) In accepting the tender of the Bombay General Agency quality and suitability to requirements as well as the price were taken into account.

CENSUS : ENUMERATION IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District) : (a) Will Government be pleased to state whether it is a fact that the names of the coolies working on the construction of various Canals in Sind have not been recorded by the Census Officers in Sind ?

(b) Is it a fact that the "Daily Alwahid" of Karachi in its issue dated 4th March 1931 has complained about the negligence of census officers who have not enumerated the names of people living in Forests, Deserts and Mountains and even of coolies working in Sukkur District within the Barrage zone ?

The Honourable Sir GHULAM HUSSAIN : (a) No ; it is not a fact. The coolies have been duly recorded.

(b) Yes, but the allegation made is incorrect and groundless.

SUPPLEMENTARY GRANTS.

Conversion of the Dharwar Juvenile Jail into a Borstal Institution.

The Honourable Mr. G. A. THOMAS : Sir, I rise to make a demand of Rs. 10 as a token grant. The reason why this demand has to be made

[Mr. G. A. Thomas]

is explained in the last few lines of the printed note*. I do not think any further explanation is necessary.

Question put and carried.

Appointment of Backward Classes Officer.

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, I make a demand for Rs. 8,810 under the Head "Miscellaneous." The facts are very fully given in the explanatory note† and I would be very happy to answer any questions.

Question proposed.

Dr. P. G. SOLANKI : Sir, I rise to support this demand, but I would like to make certain suggestions to the Honourable Minister. Though the demand is for Rs. 8,800, I should say it is a very small and paltry sum in comparison to the population for which it is to be used. I may just mention here that the backward classes, according to the new nomenclature, would include the untouchables, the aboriginals, the criminal tribes and other wandering tribes who are known as other backward classes. Their number is about 40 lakhs. For this vast number of people only Rs. 8,800 is sanctioned at present. Looking to the stringency of finances I thank the Honourable Minister for sanctioning even this paltry amount and for having made a modest beginning. I hope the Minister will not stop there and that, in the next budget session, he will be kind enough to increase the grant and fulfil the promise which was given in the last session in this House.

Regarding the Assistant Backward Classes Officer, in the report there are two officers recommended, but looking to the present financial circumstances, even if one officer is appointed, it will do till the budget session next year. I would request the Honourable Minister to see that the officer to be appointed is put in charge of the Northern Division, because even in the recommendations of the report, it is suggested by all the members of the committee unanimously that one of these officers should work in the Northern Division as the condition of the depressed classes there is worse than elsewhere and the other officer should work in the rest of the Presidency. It may be asked why in the Northern Division the condition of the depressed classes is worse than in the Central and Southern Divisions, in spite of the fact that Gujarat is a prosperous and fertile province. Sir, the reason for that is bigotry and orthodoxy of the Gujarat Hindus who are more conservative than those in the Central and Southern Divisions. They are custom-ridden and bigoted. It is the Gujarat people who come in the way of the removal of the disabilities of the untouchables in every way they can. During the last four or five years I have been trying to bring to the notice of the authorities the disabilities and hardships of these poor untouchables and their children. But I have to confess with great regret that all the questions which I have asked and the enquiries I have made in this House have been replied to more or less in the negative. Even though I gather

* Appendix 8.

† Appendix 9.

[Dr. P. G. Solanki]

first hand information by going in the districts and finding out for myself their disabilities and hardships and I base my questions on these first hand facts, yet I get the reply "Information is not correct" and no further investigation is made at all in the matter by the departments concerned. I wish and hope that the Honourable Minister will come to the help of these depressed classes and appoint this Assistant Backward Classes Officer in the Northern Division, so that he will be in charge of all questions relating to the depressed classes. Honourable members coming from and representing the depressed classes of Gujarat, who speak in the Council on behalf of the depressed classes, will assist that officer in bringing all the facts to the notice of the particular officers concerned in different departments. This officer will be working as the officer solely in charge of the question of the untouchables particularly, and the aboriginals and others in general. I am sure a very sympathetic man of very kind heart and catholic spirit will be selected by the Honourable Minister himself, a man who will be above all prejudices against the untouchables and who will work whole-heartedly for these people all the time consulting and co-operating with the leading men of the untouchable communities in all the districts of Gujarat. I do not like to limit the choice, but the best man should be found out, preferably, he must be from the depressed classes. I would like to emphasise that the officer should be such as will not become unpopular in and unpleasant to the people amongst whom he will have to work. The question principally relates to the removal of disabilities of the untouchables. The aboriginals are not so much handicapped as the depressed classes and untouchables. The aboriginals can enter any school, can enter any temple, can enter any public place and can enter police service and other services. It was mentioned in reply to a question I put regarding the depressed classes, which according to the new nomenclature include the untouchables only, that 287 or 286 are engaged in the police. I am sure that these are drawn from the aboriginal tribes. That very thing shows that the aboriginal tribes are not handicapped in any way. Over and above that, the aboriginals are being helped to a very great extent by the agents of Mahatma Gandhi. When I was at Dohad and in Panch Mahals with the Starte Committee I came across *rashtriya shalas*, homes and hostels started for these aboriginals by Mahatma Gandhi's agents with the help of funds supplied by rich Hindus. Sir, I want to impress upon the minds of the honourable members of this House that if any community is more hampered and handicapped than any other, it is the untouchable community. I would request that special efforts should be made to help these people and to remove their disabilities and uplift them. Before concluding I request the Honourable Minister that the clerks and other staff in the office must be selected from the educated young men from the province of Gujarat because there would be language difficulty if a Deccani or a Karnataki is appointed. With these words I support the demand for grant.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I rise to support the demand. But I would like to know from the Honourable

[Rao Bahadur R. S. Asavale]

Minister whether this Assistant Backward Classes Officer will be a member of the forward community or a member of the backward community. I believe the latter will take more interest in the welfare of the backward classes. I would also like to know from the Honourable Minister whether the pay of Rs. 18 provided for the peons will be sufficient for their maintenance, or whether they will be given house-rent and clothing allowances in addition.

Rao Bahadur S. K. BOLE : Sir, I rise to support the demand. At the same time I would like to inform the Honourable Minister that I wish that the grant demanded was more than he has asked for. I hope that he will increase it next time. I fully associate myself with the remarks made by the honourable member Dr. Solanki and hope that the grievances referred to by him would be redressed. I think it would be better if the Assistant Backward Classes Officer was a person from the depressed classes themselves. There are qualified men amongst the depressed classes and any one of them may be appointed. With these words, I support the demand.

Mr. J. S. KADRI (Northern Division) : Sir, I rise to support this demand, for the grant is going to advance the interests of the depressed classes and the aboriginals. I have always taken great interest in the education of these classes. When I was Deputy Inspector of Schools in the Broach District, I took particular interest in starting central boarding schools for these classes and also for Bhils in the Mandvi Taluka of the Surat District prior to that time. Those schools have been so long prospering and have done a lot of good to the backward classes and conduced to their educational and economic uplift a great deal. Such sort of schools are wanted in Khandesh and other districts where there may be a large number of hill tribes and aboriginals. It is a very hopeful sign that Government have of late been taking much keen interest in the advancement of the education of these classes. I hope that more central boarding schools with agricultural and industrial bias will be established for the benefit of these classes. With these words, I support the motion.

Mr. A. N. SURVE (Bombay City, North) : Sir, I am very glad that the Honourable Minister has made a beginning in the matter of giving effect to the recommendations of the Starte Committee. Sir, the depressed classes have suffered long and much. I feel that the amount provided is rather disappointing. This is not a case for advancing slowly: this is a case for advancing doubly quick. If the depressed classes are to regain the position which they have lost on account of the neglect so long suffered, I think that the Honourable Minister should bring forward more liberal proposals. I can assure him that we on this side of the House will very gladly support them. Sir, I cannot, to mark my disappointment, move that the demand should be decreased or omitted, but I wish to suggest to the Honourable Minister that if Government go at this snail's pace, the depressed classes and those who take

[Mr. A. N. Surve]

interest in them will be very much disappointed. I do request the Honourable Minister to bear in mind what I have said to-day.

Rev. R. S. MODAK : Sir, I most heartily support the demand that has been made. I am sorry that we have still to use the word "depressed" in regard to these classes. With a good deal of experience of these classes, I can say that if these classes are afforded equal facilities with the rest, they will prove equally useful, if not more. In my humble opinion if we provide more grants of this nature, in the near future there will be no problem of the depressed classes of India.

I hope that this honourable House will wholeheartedly sanction this demand.

Question put and carried.

Expenditure under "5, Land Revenue."

The Honourable Mr. W. F. HUDSON : Sir, I make a demand for Rs. 4,01,000 under the head "5, Land Revenue".* I am sorry, Sir, that I have to make this supplementary demand, but circumstances over which I have no control, in combination with the keepers of my financial conscience, Mr. Wiles and Mr. Bell, compel me to do so. The House will doubtless have perused the rather lengthy explanation which I have circulated. I thought it desirable to give honourable members a chance of understanding the somewhat difficult position before this debate, and those who have had the opportunity of reading this note will have observed that the demand really consists of two parts—one a small demand and the other a considerably large one.

I will take the small one first, that is, the demand for Rs. 10,572 for temporary establishment in connection with the work of survey classification and assessment of woodland plots in the Thana District. The history of that is rather interesting. I will not go back very far, but in 1904, that is to say, a quarter of a century ago, it was decided to give what were supposed to be woodlands in the Thana District to the wild tribes and get them to settle down to a steady life and if possible to get them to preserve the protected forests. I have no personal experience of this, but I understand that to a certain extent the experiment has been a success. But, as always happens in these cases, certain mistakes were made and it has now been found that a portion of this land was not suited for the purpose for which it was set aside, that is to say, it is either too far from the forests to be of any use or it is land which is more suitable for ordinary cultivation than for forests. Government, therefore, decided that it would be a good thing to separate those areas which were not naturally suited for woodlands and convert them into ordinary cultivated lands. As a matter of fact, cultivation is going on in quite a considerable proportion of the lands already. For that proportion we must have a survey classification for assessment purposes and this work was actually undertaken about a year ago and financed from the grant which has been at the disposal of the Settlement Commissioner. Through a clerical error this was

*Appendix 10.

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not included in the Budget of this year and, therefore, I now have to ask for a grant of Rs. 10,572 in order to enable us to complete this work. It is obviously work which, in a year or two, will be remunerative, because it is clear that even if we put on a low assessment now, in due course the assessment will more than cover the cost. From the discussion in the Finance Committee it seems that some honourable members who are acquainted with this tract are anxious that nothing should be done to expropriate the tribes who are in possession of these lands. That assurance I am very glad to give. It is not our intention, of course, to expropriate anybody who is making any attempt to cultivate these lands, and if necessary we shall impose the non-alienable tenure and make some concession as regards occupancy price. I hope that the House will be satisfied with the explanation of this comparatively small matter which, as I pointed out, is going to pay us very soon a great deal more than we shall be spending on it.

Now I come to the more important part, that is to say, the remainder of the grant for which I am now asking. In doing this I am, of course, conscious that I am asking the House to do what no one likes doing, that is to say, to retrace its steps. It will be within the memory of the House that in the demands for grants in the last Budget session, on the motion of the honourable member Mr. Jog, this House decided to make a cut of five lakhs under the head "5, Land Revenue". I can assure the House that Government has done its very best to carry out the wishes of the House in that respect. We have gone through everything with a fine comb, and I now put it to the House that I would ask them just to reconsider once again as to whether they really wish that cut to be made in circumstances which are too obvious and which I do not propose to elaborate. In the first place, I want to remind the House that the land revenue budget was no bigger than it has been for the last four or five years. It is quite true that it appeared to be bigger,—about 8 lakhs bigger,—but that was not a true increase. That was simply because under a new system of accounting we had to show under "5, Land Revenue" items which formerly belonged elsewhere. If the honourable members will look to the second page of this note, they will see that our real budget was Rs. 50 lakhs, which was practically the same as it has been for years—since 1925-26. Therefore, I claim that the Land Revenue Department cannot be accused of any undue extravagance at a time when any such policy would be obviously unsuitable. On the contrary, I am obliged to say that we have failed to do one or two things, for want of funds, which were imperatively necessary, such as, for instance, the construction and repairs to the chavdis which, in many parts of the Presidency, are in a state which is a disgrace to any Government and on which I would like to spend lakhs of rupees. Then again, we ought to have spent considerable sums in the last two or three years on repairs to boundary marks and chavdis in Sind, for which we are admittedly responsible and for which we have not been able to spend a pie (I think I am right in saying) during the last three or four years. The condition of these also, I think, is a disgrace to any Government. And there are other important matters on which also we have resolutely refused to spend money, however obvious the necessity.

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Taking the Budget as it was, we have been through it as carefully as we could, and we have cut out, as honourable members will see on the front page of this explanatory note, expenditure amounting to Rs. 1,09,000. Personally, it is with the greatest regret that I have been obliged to agree to the omission of Rs. 40,000 for the construction and repairs of chavdis. When I was touring Gujarat last year, I could not help being struck by the terrible deterioration in the chavdis since I was last there and there is no doubt whatever that this is a matter in which we have neglected our duty. But still, in deference to the wishes of this Council, I have cut out that amount. That amount of Rs. 1,09,000 I have taken directly out of the Land Revenue Budget. The honourable member Mr. Jog will remember, I think, that when he was speaking on this motion for the cut it came out that "5, Land Revenue" and "General Administration" were very closely connected, and it was extraordinarily difficult to distinguish between the expenditure under one head and the expenditure under the other head. Therefore, I venture, in defence of the supplementary grant for which I am now asking, to invite the attention of honourable members to page 16 of the report of the Retrenchment Committee. At page 16 of the report of the Retrenchment Committee it will be seen that after considerable pressure from this Government and, of course, in response to the appeal of the Retrenchment Committee, various officers and departments, all of whom are closely connected with "5, Land Revenue," are prepared to surrender sums which amount to something like 3½ lakhs.

Mr. V. N. JOG : 2½ lakhs.

The Honourable Mr. W. F. HUDSON : I am including the departments at the top, such as the Finance Department, the Political Department, the Legal Department, the General Department and the Revenue Department, and my honourable friend the Finance Secretary tells me that all these departments come under the heading "General Administration," and if we add them all up together, we get about 3 lakhs and in addition to that there is the one lakh which we have agreed to cut under "5, Land Revenue," and it is no exaggeration to say that we have made a cut or are about to make a cut (because I understand all these savings are likely to be accepted), at any rate, of four lakhs, which I think the House will agree is a reasonable attempt on our part to meet with their wishes. The only alternative is to make retrenchment under permanent recurring expenditure, and I am not for a moment prepared to say that retrenchment under permanent recurring expenditure is not possible. What I do say is that, if we are going to do that, we ought not to retrench an establishment for one year and then restore it. That course is one which I am sure the House would not wish me to pursue. I am sure the House would not wish us to abolish the Collector of Bombay until the 31st of March and then reappoint him, or the Superintendents of Land Records for six months and then reappoint them. The permanent recurring expenditure, especially if established for many years, can obviously be only abolished after very, very careful consideration, and we now have in the Retrenchment Committee a body specially appointed

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to look into the question whether permanent recurring expenditure can be curtailed. Those honourable members who have read the questionnaire which the Retrenchment Committee has just issued will see that they are considering the possibility of very considerable retrenchment in the Land Revenue Department, and I can assure the House that any recommendations which come to us from them after their deliberations after this session will receive the most careful consideration. But I think it would be impolitic in the extreme for us to anticipate their recommendations, and therefore I venture to hope that the House will not insist upon our carrying out literally the cut which was passed at the March session. I would venture to remind the House that that cut was only carried by one vote, and although, of course, I know perfectly well that one vote, for the purpose of deciding matters in this House, is as much as 100 votes, nevertheless it does show that the feeling was closely divided on the matter, and I venture to hope now that on reconsideration the House will give me the money that I ask for. I will in turn give them the assurance that Government will give the fullest consideration to any recommendations which the Retrenchment Committee have to make as regards the reduction of permanent recurring expenditure under the head of 5, Land Revenue. Sir, I move.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to a point of order. I am referring to page 222, Council Manual, Rule 32 (1), which reads:

"An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year; or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year."

These are the only two cases in which a supplementary demand can be made. The first is that the grant is voted but is found to be insufficient and the second is that some new service which was not contemplated at the time of the budget grants has come into existence. Now, Sir, I request your attention to the following sentence in the demand in which the Honourable the Revenue Member says:

"A provision for the expenditure required in this case should have been made in the budget estimates for the year 1931-32 but was accidentally omitted."

This sentence, Sir, precludes the idea that the demand has fallen short and at the same time it precludes the idea that a new service has come into existence because the Honourable the Mover says that it was in contemplation at that time but through an unfortunate mistake that item was omitted. The mistake is very unfortunate, but as the proceedings of this House are to be regulated by the Rules and the Standing Orders, I submit that the supplementary demand under Rule 32 cannot be made in view of the statement made in this demand.

The Honourable the PRESIDENT: The part of the note for the demand that was read by the honourable member, I think, refers only to the amount of Rs. 10,000.

The Honourable Sir GOVINDRAO PRADHAN : That is so.

Mr. A. N. SURVE : It is a part of the entire demand. There are various items in this demand, but this particular part is open to the objection which I have placed before you.

The Honourable the PRESIDENT : May I refer the honourable member to page 222, Rule 32, paragraph (2) ? It reads as follows :

"An estimate may be presented to the Council for an additional or supplementary grant in respect of any demand to which the Council has previously refused its assent, or the amount of which the Council has reduced either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed."

Mr. A. N. SURVE : My point is this, that the demand which is made is a multiple demand consisting of various items. The paragraph to which you, Sir, have drawn my attention refers to one item that owing to the cut of 5 lakhs several things have come into existence, but my point is this, that this Mahalkari Establishment was in contemplation at the budget time but unfortunately it was not included in the budget. Therefore, I rely on that part of Rule 32 which I have read and say that that item was in contemplation but through some unfortunate mistake it was omitted. Therefore, the rule cited by me will come into operation and it being not a new service which was not contemplated, this particular item of Mahalkari Establishment cannot be granted by this House. That is my point.

The Honourable Sir GHULAM HUSSAIN : As regards the Rs. 10,000, if the honourable member opposite to me reads Rule 32 (1) (ii), he will see that it reads as under :

"A need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year."

This is quite a new service. It was not provided for in the budget at all. Therefore, we have brought it now before this House for sanction. As regards the rest of the items, as you, Sir, rightly pointed out, Rule 32 (2), which says "an estimate may be presented to the Council for an additional or supplementary grant in respect of any demand to which the Council has previously refused its assent....." covers them. Therefore, Sir, it is according to the rules as they stand.

The Honourable the PRESIDENT : It must be remembered that the cut made by the honourable House at the last budget session was to the whole demand for Land Revenue. The cut did not specify any branch of that demand. The Honourable the Revenue Member has given his reasons for asking the House to restore that cut. These facts have been mentioned by way of argument. That is one thing. Another ground has been given by the Honourable the Leader of the House, that as a matter of fact the very statement which the honourable member relies upon does make a confession that that item was omitted and was out of mind at the time of the budget, and therefore it was not a part of the last budget. It was not thought of, and therefore when they have thought of it now, they have come to ask for it as a new service, and there too the honourable member's point is met. I therefore hold that the demand asked for is in order.

Mr. A. N. SURVE : Sir, would it not be better for the Honourable Member to rely on Standing Order XI, 4, because the difficulty here is this—

The Honourable the PRESIDENT : The point of order has been decided.

Mr. A. N. SURVE : I am referring to another point. My point is this, that the Honourable the Finance Member could have obtained the certification referred to in Standing Order XI, 4.

The Honourable the PRESIDENT : I hope the honourable member is not serious, as one of the elected members of this Council, in advising that that step should have been taken.

Mr. A. N. SURVE : The difficulty is that we ourselves have made a cut of five lakhs of rupees, and we ourselves are required to restore it.

The Honourable Mr. W. F. HUDSON : Part of it.

The Honourable the PRESIDENT : Government have adopted a much better way of approaching this House by giving it an opportunity to discuss it and refuse or allow the grant if it thinks fit.

Mr. V. N. JOG (Dharwar District) : Sir, with regard to this supplementary demand I wish to have some information. The honourable member referred to certain sums tendered by certain district officers, and he also referred to the fact that some of the other departments also were willing to surrender certain sums, the total of which, including the items surrendered by the district officers, would come to nearly three lakhs of rupees. If that is so, I cannot understand why a supplementary demand of Rs. 4,00,000 is again made. If these surrenders have been made and if the Government are going to accept them, then there is no necessity whatsoever to make a fresh demand for Rs. 4,00,000. That shows that the Government have not yet made up their mind to accept these various surrenders. I think now, when the Retrenchment Committee has gone into the whole matter and when even their own officers are willing to give up these amounts, Government ought to accept the amounts, and if they could not meet the full amount of Rs. 4,00,000 from them, then they ought to have come forward with a fresh demand for only Rs. 1,00,000. Why should they wait till the full report of the Retrenchment Committee is out ? I submit that after accepting these surrenders of Rs. 3,00,000 which, on their own admission, their officers are willing to give up, the demand should be made only for Rs. 1,00,000. No doubt, the Honourable the Revenue Member has said that Government have tried their best to accede to the wishes of this House after the cut of 5 lakhs was passed in the last session, and with the assurance which he has given that they are still trying to see that expenditure is reduced, I do not want to press the proposition too far. But I wish to be satisfied that Government are accepting these cuts which Retrenchment Committee have suggested, and they should give us an assurance that before the next budget comes before this Council they will try their best to see that permanent expenditure also is reduced.

Mr. G. WILES : Sir, before the debate goes on, I wish to remove what I think is a misapprehension on the part of my honourable friend from Dharwar. If we take this cut of Rs. 5,00,000 as I understand was the intention of the honourable member when he moved his cut, either from 5, Land Revenue or General Administration—

Mr. V. N. JOG : When I referred to the figure of Rs. 18,00,000, it was with regard to District Establishment. That was the head I was referring to at that time, because there was a *plus* and *minus* entry, and I was particularly referring to Rs. 18,00,000 under District Establishment, which does not include the other Departments.

Mr. G. WILES : I accept the honourable member's correction—from the "District Establishments" which are included in the head "General Administration". Now, having made the assertion that he did not mind whether it came from 5, Land Revenue or from the District Administration under the head "General Administration", let us assume that the whole of Rs. 5,00,000 cut had been found possible in that part of the budget which refers to General Administration; still it would have been necessary for Government to come before the House to ask for the restoration of the five lakhs. The reason is that the expenditure from which you have made a cut was under the head 5, Land Revenue. Therefore, if we are not to exceed the budget grant under 5, Land Revenue, it must be restored. The only way it can be restored is by taking the savings which may be effected under General Administration and putting them under Land Revenue. That is, in fact, what we are doing now. The Honourable the Revenue Member has told us that the savings from the District Establishments amount to about Rs. 3,00,000. They are reported to be under the head General Administration, so that at least three lakhs finally must come back to 5, Land Revenue and must be restored. We have no authority to spend the money. The only authority which can restore this three lakhs is this House, and that is the demand which we are making now. But, instead of stopping at three lakhs, which is the amount of the savings we have been able to effect thus far, the honourable member has asked for a restoration of the entire grant, giving an assurance that such further cuts as may be possible during the year will be effected. But in the meanwhile we have to meet financial objections which will be raised regarding expenditure incurred under 5, Land Revenue in excess of the amount which has been sanctioned by the honourable House. The only way in which we can meet this financial objection is to restore the cut under 5, Land Revenue under the assurance that we will not spend the money as a whole. We promise to effect the cut of 5 lakhs but we cannot promise that it shall come under 5, Land Revenue. I hope I have made the point clear. We are not asking to restore the 5 lakhs. We only want to remove it and put it under 5, Land Revenue.

Mr. V. N. JOG : It does not mean that it is a substantial demand.

Mr. G. WILES : It is not a substantial demand. We have made cuts to the extent of Rs. 3,23,000 and Rs. 1,09,000. This comes to Rs. 4,32,000, which is the retrenchment actually effected so far as we know.

[Mr. G. Wiles]

The balance of the demand which is about Rs. 70,000 is being asked for now under the assurance that it will not be spent, if the retrenchment committee are able to suggest retrenchment to that extent.

Mr. V. N. JOG : If these three lakhs are not to be spent but as a matter of account they are put on to Land Revenue demand, then there should be a corresponding *minus* entry—

Mr. G. WILES : That can only be done when savings are reported at the end of the year by the Accountant General.

Mr. V. N. JOG : There must be a minus entry, otherwise it will be a substantial demand.

The Honourable Sir GOVINDRAO PRADHAN : It will be done.

Rao Bahadur D. R. PATIL (East Khandesh District) : Sir, I rise to support the demand made by the Honourable Mr. Hudson. I am satisfied that Government have done their best to retrench their expenditure as far as possible. I am very glad to mention as a member of the Retrenchment Committee that many Government officers were examined by that committee, and they have extended their hearty co-operation and have done their best to reduce the expenditure wherever it was possible for them to do so. I may assure this honourable House that the Retrenchment Committee would do their best to effect economy even in the matter of permanent retrenchment. Now all the members know that a questionnaire has been prepared and published. In respect of that, many officers have to be examined as witnesses and every possible attempt will be made in the direction of reducing the expenditure in the interest of this Presidency.

The Honourable Mr. W. F. HUDSON : I do not think, after the lucid explanation given by my honourable friend the Finance Secretary, I need add anything. I am grateful to the honourable member Rao Bahadur Patil for his acknowledgment of the efforts we are making, and I can assure the House that they will be continued.

Question put and carried.

BILL No. XXI OF 1931 [A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901, AND THE BOMBAY MUNICIPAL BOROUGHS ACT (1925)]

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, I introduce Bill No. XXI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir,

I move that Bill No XXI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925) be read a first time. This is a Bill which is virtually an omnibus Bill in which various

* Appendix 11.

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amendments dealing with different matters and suggested to Government from time to time, have been collected together. The opportunity is also taken to incorporate in the Bill certain verbal amendments. The statement of objects and reasons very clearly explains the effect of these various amendments. A careful perusal of the statement of objects and reasons will, I hope, convince the honourable House that all these amendments are not very important involving any important principle. I will go over the various amendments proposed making very brief observations on each of them.

Clause 2, sub-clauses (i) and (ii), deal with some verbal amendments with a view to make the phraseology more legal, even though the meaning is very clear now.

Clause 2, sub-clause (iii), has reference to disqualification of councillors on account of arrears. The disqualification which is now proposed already exists in the Municipal Boroughs Act of 1925 and therefore it is not a new principle but a principle which has been recognised by this Legislature. It refers to arrears of municipal taxes by municipal councillors. I suppose this honourable House will admit that it is a very pernicious practice to allow it to continue. The municipal councillors themselves should be the first to come forward to pay up their municipal arrears. If Government do not take steps to rectify this practice, it will certainly set a very bad example to the ordinary ratepayers.

Then clause 2, sub-clause (iv), refers to the election of the presidents of the municipalities established for the first time or reconstituted after dissolution or supersession. As the law stands at present there is always the retiring president of the municipality who is authorised to convene a meeting of the new councillors for the purpose of electing the president and vice-president. But there can be no president of the municipality which has been dissolved or which has been superseded. According to the present Act Government have got power to authorise the Collector to convene the meeting. But that is not a very satisfactory procedure, because Government have every time to issue orders to the Collector to convene the meeting. Therefore, it is proposed in this amendment that the Collector should be empowered to appoint a person whom he considers best to convene the meeting of a municipality which has been established for the first time or which is reconstituted after dissolution or supersession.

Then clause 2, sub-clauses (v), (vi), (ix) and clause 3, sub-clauses (i), (iii) and (v), enable the municipalities to charge fees for issue of warrants. Section 85B of the Bombay District Municipal Act and the corresponding section 108 of the Municipal Boroughs Act authorise municipalities to charge for warrant fees for distress made for the purpose of recovery of their dues. Recently the examiner of local fund accounts raised the question whether the levy of fee is legal where warrant has not been executed and the ruling has been that the municipality is not authorised to charge any fees in such a case. This is not fair to the municipality, because all the expense incidental to the issue of the warrant has been

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incurred already. It several times happens that the arrears are not paid until the warrant is presented. Consequently there is no need to execute the warrant, and all the expense incurred by the municipality goes to waste. I think this is a very necessary amendment which will enable the municipality to recover their fees in any case.

Clause 2, sub-clause (6), of the Municipal Act and clause 3, sub-clause (2), of the Municipal Boroughs Act refer to the question of remission of rates to houses which are not occupied. According to the present Act the house which is not occupied is free from municipal rates. But the definition of an unoccupied house is that it should not be furnished. We find that in hill stations almost all the houses are always furnished. Therefore, according to the strict interpretation of the Act these houses are liable to be charged. This hits the landlords very hard, because so far as the hill stations are concerned the season is very limited. I think it is but fair that even though the houses are furnished they must be exempt from payment of municipal taxes for the period during which they are not occupied.

Clause 2, sub-clause (viii), of the Bill has reference to the District Municipal Act and clause 3, sub-clause (iv), has reference to the Municipal Boroughs Act, and they refer to the regulation of washing places. Members of this honourable House are well aware that it is not desirable to allow washing to be done anywhere and everywhere in a city or a town. According to the present Act the municipality has the authority to prohibit the use of a place for the purpose of washing only if that place be a public place, but so far as private lands are concerned, the municipality has got no authority at all. Consequently, washermen are carrying on their trade indiscriminately in all parts of the town. This amendment contemplates giving authority to the municipality to set apart certain lands for the purpose of washing of clothes, and forbid at other places, even though they may belong to private individuals. I think that there can be no objection to authorise the municipality to have this power, because, as we know, it is these dirty clothings which generally carry all sorts of germs, and besides it is most insanitary to allow washing to be done everywhere for the simple reason that a lot of water will necessarily be accumulated in various parts of the town, leading to mosquito breeding and producing other insanitary conditions in the heart of the town. This authority, as members coming from Bombay know, is already vested in the Bombay Municipal Corporation, and these clauses are taken almost word for word from the City of Bombay Municipal Act.

These are the various amendments which are proposed to be embodied in this Bill, and I hope this honourable House will pass the first reading of the Bill without any great debate.

Question proposed.

Rao Saheb P. D. KULKARNI (Poona District) : Sir, in these days of democracy, the interests of the public must necessarily be protected. I wish to speak particularly with reference to two provisions unnecessarily made in this Bill. The first is as regards the provision empowering the

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Collector to appoint a person to preside at the meeting called for the purpose of an election of the Chairman. When the municipality is composed of a majority of elected members, the person who is to be appointed to preside at the first meeting must be one of the elected members. There are many competent persons available even in the rural areas who can be conveniently appointed to preside over such a meeting. That provision is essential to safeguard the interests of the public.

Another provision to which I take objection is about the disqualification of members who fail to pay any arrears due to the municipality. In connection with this provision, I am very sorry to note that neither in the marginal note nor in the statement of objects and reasons, attention has been pointedly drawn to the nature of this provision. There are marginal notes to other clauses relating to washing places, etc., but there is no marginal note to this clause [sub-clause (iii)]. In the absence of a marginal note, a reader will not get a clear idea at a first glance that there is any such disqualification clause in this Bill. In the statement of objects and reasons relating to this sub-clause also, only a reference is given to a similar section in the Municipal Boroughs Act, but that does not give a clear idea to the reader that this disqualification is sought to be imposed. In towns, governed by the Municipal Boroughs Act, such a disqualification may perhaps be justified, as the representatives of the people there are more cultured than those of rural areas. But in rural areas, where the representatives are more backward than in urban areas, some leniency ought to have been shown. I do not advocate the cause of people delaying or avoiding payment of the municipal arrears due from them. But there are independently competent provisions in the District Municipal Act for the recovery of those arrears. In their presence, to debar them from continuing to be members of district municipalities will really be an infliction of great hardship on them. Such a step will be most unjustifiable as regards the members of the district municipalities, where the representatives are not as much advanced as they are in city municipalities. The ordinary rules of recovery of the dues are surely sufficient to remove the difficulty of the arrears. To meet that want there is no necessity of this particular provision. These defects should be considered by the Honourable the Mover of the Bill who should be liberal to remove them just now.

Mr. A. N. SURVE (Bombay City, North): Sir, my interest in this Bill refers to a very small point, and that is the question of providing washing places and charging the washermen for them. I have read this Bill very carefully, but I have not been able to find out whether it is a revenue Bill or a Bill for improving sanitation. The reason given for bringing the washermen under the Bill is that their calling is a nuisance in the sense that it leads to the breeding of mosquitoes. Now, in rural areas, especially in district municipalities, I am perfectly sure that the washerman is not the only offender in this respect. There are various other offenders who give rise to the breeding of mosquitoes. Take, for instance, the railway lines near municipal towns. Near these railway

[Mr. A. N. Surve]

lines water accumulates and mosquitoes are bred. Then, even in small towns we have now oil engines working, most of which require big tanks of water, and these tanks afford breeding places for mosquitoes. Even the municipalities themselves are sinners in this respect. They employ contractors for carrying out constructional works and these contractors dig up the earth and leave the place unfilled for days together, and mosquitoes are bred there when the trenches are filled up with rain water. So, there are many other sinners in the field. I do not know the reason why the poor washermen are singled out and penalised. If this is really a sanitary measure then all the sinners must be simultaneously penalised, but what do we find in the present instance? Here the other agents are left out and the weakest of the lot is taken to task. For that reason, I urge that this is really not a measure for sanitation but it is a measure to tax the poor washermen. I do know that there is a provision for taxing trades and professions in the municipal Acts for revenue purposes. But have any trades or occupations been taxed so far? Are the municipalities going to make a beginning by taxing these poor washermen? I think on this ground also the measure is most undesirable.

Then, Sir, it has been stated that the district and city municipalities have gone to Government with a request to enact such a measure because they have no power and control washing places. I assert that it is not correct. If the tank or well is a public place, then the Bombay District Police Act, section 61, clause (1), provides:

"baths or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the district or other person having lawful authority in that behalf."

Now, if the municipality considers that a particular washerman or a number of washermen are really a danger to the public health, that body can ask the District Magistrate to exercise his power under section 61 and stop the nuisance at once. But that is not done. On the contrary, municipalities are being invested with power for revenue purposes; and the analogy given is that of Bombay City Municipality. Now, Sir, the analogy does not apply. In the case of Bombay a large capital is sunk for providing a washing place. That washing place is at Mahaluxmi and acres and acres of land are set apart for this purpose. The washermen do their washing in an enclosure and the rest of the land is reserved for drying clothes. But all the washing is done inside the enclosure. The Bombay Municipality has also its own water works which have cost crores of rupees whereas in the case of the district municipalities I am sure the washermen do not get the water supply from the municipalities from their water works. They have to carry out their occupation by the side of some well, tank or stream which is not municipal property so far as the water in the tank or well is concerned. If a building is built as the Bombay Municipality has done and a supply of water is given out of municipal water works, then

[Mr. A. N. Surve]

there would be some justification for the levy, but if that is not going to be done, I submit it will be very unfair to the poor washermen to subject them to the levy. After all, what will the municipalities do? If there is a pool of water, they will say: "Here we have provided a place for you to go to and wash your clothes. Now you pay us the tax". The water is nature's water. It is not provided by the municipality at its cost and yet it may ask the washerman to pay for using nature's gift. I think that would be quite unfair. For these reasons I think that either the clause must be deleted or if it is not deleted, the poor washerman should not be subjected to payment.

Dr. M. K. DIXIT (Surat District): Sir, the amendments suggested by the honourable mover of this Bill are, to my mind, of a very trivial nature and I give my general support to it, because, after all, the points that have been urged against the Bill are two, firstly, that which has been raised by my honourable friend Rao Saheb Kulkarni about disqualifying a member if he fails to pay to the municipality the arrears within three months after a special notice has been served on him. The honourable mover has already told the House that a similar section exists in the Borough Municipalities Act. But the only point that has been raised against this by the honourable member Rao Saheb Kulkarni is that every member of a district municipality is not likely to be of the same calibre or culture and that this would be a hardship on the members of the municipality. I am afraid I cannot agree with that. The clause only says that if he fails to pay the arrears within three months after a special notice has been served on him he should be disqualified. As a rule the demand notice is served out to the tax payer and after that demand notice is served, I suppose two or three months easily elapse more often than not before the actual payment is made. And if a man fails to pay his dues within that period then a special notice is to be served on him and after the expiry of three months of the issue of the special notice then he is to be disqualified. Is there any member worthy to be called a member of a district municipality who, after the receipt of a special notice, fails to pay his arrears within three months? If he does so, he had better not be a member. He should be disqualified rather than be allowed to continue as a member. He as a councillor should set an example to the other tax payers by paying up his arrears as early as possible rather than taking advantage of the latitude of receiving a special notice. I do not think that is a very great point and I support this wholeheartedly.

Then comes the washerman's business. This is more a hardship on the municipality than on the washerman. It is only an enabling clause giving the power to the municipality. The municipality may serve a notice on the washerman. It is not therefore obligatory on the municipality to serve a public notice on the washerman prohibiting him from washing his clothes at a certain tank or well. It is only an enabling clause. If the municipality thinks it desirable it may serve a notice. But what is obligatory on the municipality is that it should

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provide a special place for washing purposes whether a public notice of prohibiting washing is given or not. So the clause works a hardship on the municipality more than on the washerman. Even after providing a suitable place for the exercise by washermen of their calling, it is not necessary for the municipality to tax the washermen. The municipality may or may not tax them. It is quite optional. Of course in the case of small towns where the municipality cannot get a suitable place to allot for washing purposes and where there are no water works, this clause will be more or less a deadlock. It will be making a sort of whitewash or a nominal arrangement—keeping two stones near a well or pond and just complying with the requirements of the Act and yet allowing the washerman to wash his clothes anywhere. However, this is a minor point not worth opposing and I give my support to the Bill that has been presented.

Dr. M. D. GILDER (Bombay City, North): Sir, it is very seldom that I have to confess that I differ from the opinion of the honourable member who represents my constituency. Evidently our constituents are of the same mind and send to the Council two people more or less thinking similarly; and at any rate when we do differ we do not wash our dirty linen in public. [*Laughter.*] I am sorry; however, that on this occasion I have to differ from the honourable member who represents my own constituency (Mr. Surve). As has been pointed out by the honourable member from Surat (Dr. Dixit), the clause is permissive only; it is not only permissive, but it says definitely that the owner of a place can have a washerman in his place to wash his own clothes and the municipality cannot object. The washerman can wash his own clothes in his own house without objection. It is only when the dhobi gets everybody's clothes and washes the miscellaneous collection in the exercise of his calling that this clause applies. Now, the Honourable Minister has brought forward the reasons that such practice may breed malaria. But I may point out to him instances, of course not from this country, but from other countries, where the unregulated exercise of this calling of washing clothes has brought about an epidemic of typhoid fever in the town. There is no reason why, for instance, if the sullage from the washing place runs into a river during the time of an epidemic of cholera, and if the river water is used by other people for bathing, drinking and washing purposes the epidemic should not spread like wildfire. This condition, therefore, from the point of view of public health, is an essential condition. This clause has worked in Bombay and it has not inflicted any hardship on the dhobis. As regards the argument of the honourable member that there are sinners in the field and that therefore one sinner the more makes no difference, it is an argument which answers itself. As to the argument that the municipality can stop the nuisance through the District Magistrate, it really is a very circuitous course for a municipality to follow especially when an epidemic is present in the town. It would be much better to follow the shorter course in such cases. As regards the payment, I do not think any

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municipality would try to earn money from washermen. Most probably they would try to recoup what expenses they have incurred in providing the necessary facilities. I support the first reading of this Bill.

Rao Bahadur D. R. PATIL (East Khandesh District): Mr. President, I rise to support the first reading of this Bill. Many of the provisions which are inserted in this amending Bill are not of a controversial nature. They are quite necessary for the proper administration of the municipalities.

My honourable friend Rao Saheb Kulkarni stated that a non-official elected member should be asked by the Collector to preside at a meeting which is held on the dissolution of a municipality. If we look to the wording of clause 7B, it is clear from that clause that the Collector is empowered to appoint even an elected member to preside if he chooses to do so and there is no prohibition by which the Collector will be prevented from recommending any non-official member who is an elected member to preside at such meeting.

As regards the washerman, I submit that it is the duty of the municipalities to look after sanitation also. We want power from officials. If that is so, when there is local self-government (and a municipality means local self-government), why should it not have the power to manage its own affairs in connection with sanitation and why should the municipality go to the Collector and ask for redress? I think we want that power and that it is necessary in the interests of sanitation.

If we look to sub-clause (2) of proposed new section 133A, we find that it reads as under:

"The municipality shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it."

From this it will be seen that a municipality can charge some fee only when a site is given by it to a washerman. If a municipality does not give water to a washerman, I do not think it will charge the washerman for water. Again no fee is prescribed by the Bill. Discretion is given to a municipality in the matter of charging fee. A municipality will charge such fees as will be quite reasonable looking to the site which will be given to the washerman. From all these points of view, I submit, Sir, that all the amendments are quite reasonable and they are not of a controversial nature, and therefore it would be proper for this honourable House to accept the first reading of the Bill.

Dr. J. ALBAN D'SOUZA (Bombay City, South): Sir, I rise to support the first reading of the Bill. I was a bit alarmed to hear the honourable member Dr. Dixit characterising the provisions of the Bill as trivial. In my opinion, even if there were not so many provisions in the Bill but only one provision regarding the washermen, the Bill would still deserve the whole-hearted support of the whole House.

I am of the opinion, Sir, that the provisions sought to be introduced are in one way or another very necessary in the general interests of the public. The first provision gives facilities for the calling of a meeting

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of a municipality which is reconstituted after dissolution or supersession and is very necessary for the progress of the municipality. The second provision which enables a municipality to reimburse itself for expenses incurred by it is just and correct. As stated in the statement of objects and reasons, there are ways in which people are able to get round the fees, and it is but right that a provision of this kind should be introduced enabling the municipality to reimburse itself to the extent to which it is out of pocket. The concession given to owners of bungalows furnished but untenanted is a step absolutely in the right direction.

I now come to the most important point, namely, the washermen and the places where it is intended to segregate them, and the tax sought to be imposed upon them for facilities given to them. I do think this provision is most necessary. I will give the honourable House my own experience of what has happened in this regard at the Bombay city municipality. A reference was made to section 297 of the Bombay Municipal Act by the honourable member Dr. Dixit, which empowers the Bombay City Municipality to make the dhobis wash their linen in particular restricted areas only. My honourable friend Dr. Dixit did not see any danger in dhobis being allowed to wash their clothes in any place without restriction. The danger in regard to cholera has been pointed out by my honourable friend Dr. Gilder. It is indeed a great and a real danger. In regard to malaria I am speaking from personal knowledge because we have got in Bombay what is called Malaria Control. What this Malaria Control has done for the city of Bombay can be seen in the reduced malaria illness and malaria mortality. The malaria mortality is far below what it used to be in the days before the Malaria Control was given to the Bombay Municipality. There is one definite point with regard to this malaria control which I must incise into the mind of this honourable House. It is generally believed that dirty water is the water in which the malaria mosquito thrives. Such is not at all the case. The malaria mosquito, it has been proved, thrives in clear limpid and running water and this is exactly the water the dhobis are using. I can give you more instances than one where during the malaria campaign for the control of malaria we came across small pools near washing places which were breeding centres. These sufficed to give malaria to an area a quarter to half a mile round about them. I am not exaggerating in the least when I say this. My honourable friend Mr. Surve felt alarmed over the proposal to tax the washermen. I can inform the honourable member Mr. Surve that now the Bombay Municipality have got a special department known as the Licensing Department. Several industries and callings have been brought under the operations of the Licensing Department for the purpose of being taxed. If the municipalities concerned are going to be out of pocket for providing facilities or conveniences in the form of sites water, etc. to the washermen, the municipalities are justified in reimbursing themselves in some way and the right given them to do so is only just and proper.

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Another point is that all professions and callings are liable to be taxed. It is but just that the dhobis also should submit themselves to a reasonable levy, if they are working as "professional" dhobis. Private dhobis who work for private owners on private grounds are going to be exempted from this tax.

I am particularly keen on the question of washermen and malaria and I have tried to inform the House of the close connection between the injurious and nefarious activities of washermen and the health of a town or city. The provisions of the Bill are intended to put a check to the washermen's propensity to propagate disease and epidemics in towns and cities.

With these few remarks, I support heartily the first reading of this Bill.

Rao Saheb B. G. DESAI (Kaira District): Sir, I rise to support the first reading of Bill No. XXI of 1931. The Bill supplies a long-felt want which those who are members of district municipalities and of municipal boroughs have been experiencing since a long time. As an ex-President and member of the Nadiad municipality, I am able to testify to the difficulty which is experienced by municipalities in coping with this washermen problem. The washermen in towns and cities have often encroached upon public convenience and have at times proved to be a veritable nuisance, so much so, that the rate-payers have raised strong complaints calling for strong and prompt action in the matter. But the municipalities have felt themselves helpless and unable to take any action in the absence of specific statutory powers enabling them to control and regulate the washermen's trade. It is therefore to enable the municipalities to exercise effective control and supervision over the washermen's trade, that the present Bill is brought. The nuisance which the washermen often-times cause to a town or a city is too patent to need special mention. It has been condemned by the general public which wants to move with the times in the matters of sanitation and hygiene. It cannot be denied that the time has now come when municipalities should be armed with the powers which are sought to be given to them under this Bill. It is but in the fitness of things that the Honourable the Minister of Local Self-Government has come forward with a measure of this kind and he deserves our thanks for it.

I was surprised to see some of the objections that were raised against some of the provisions of the Bill by some of my honourable friends. For instance, the provision as regards the levy of fees on washermen has been taken exception to. If the municipality has to provide a site or water or other facilities and conveniences to the washermen to enable them to carry on their calling and if, in that process, the municipality is put to expense as it is bound to be how is a municipality otherwise to reimburse itself? I am sure that the Honourable the Minister for Local Self-Government has a strong case in favour of his Bill. Besides, the levying of fees has not been made compulsory by the Act. It is merely optional and is left to the good sense of the standing committee to which I think we can safely entrust that duty. Therefore, the Bill is a step in the right direction and I hope the honourable House will carry it through.

Rev. R. S. MODAK : Sir, I rise to support most heartily the first reading of the Bill. The clause in this Bill with regard to washermen has made a strong appeal to me because I too am interested in this question. I do admit that the washerman of to-day is a very important member of society and it is but right that we should seek to take care of him by municipalities providing him with proper water and washing facilities in their areas. From my experience of Ahmednagar, I can give instances where I have seen clothes being washed even in gutter water. In one case I actually saw a washerman washing clothes in a purgatory. I asked him why he did that and he said to me there was no other place because there was no proper site where water was available and where he could go and wash his linen. I think to that extent he was right. I think for this reason some such Bill as is now before the House is a necessity. I am not a doctor and therefore I cannot say anything with authority, but I have been a patient suffering from malaria and I know what that means. Therefore, I think that if a provision like this is supported by the honourable House and if municipalities take benefit of such provision, a very important and beneficial change will be effected and the washermen will be prevented from injuring the health of cities or towns and in this way sanitation and public health will be safeguarded.

I know that in some countries people do not use mosquito nets because they do not need them because of the absence of malaria-carrying mosquitos. I have seen people who have got enough money to buy mosquito nets but not buying them. But in India, in spite of the poverty of the people, they have got to spend money on the purchase of mosquito nets because they cannot do without them.

It is possible of course that municipalities may derive some income from the levy of fees. But I do say this much that if they make money in this way, they are safeguarding public health and sanitation. In Ahmednagar, until some time ago there was no fixed market place and things used to be sold in dirty places. The Ahmednagar Municipality then erected a market place and commenced to charge a small fee to the sellers who took advantage of that market. At first there was some opposition against that small charge. However, after some days, both the sellers and the buyers were satisfied that that was a far better arrangement than before and immediately gave up their opposition to the fee and willingly paid it.

Therefore, Sir, I feel that in the near future, when this Bill is passed, the municipalities will take measures to stop the washing of clothes by washermen wherever they like. Therefore, I hope that this honourable House will willingly support this Bill.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City) : On a point of information, may I with your permission request the Honourable Minister for Local Self-Government to enlighten us on one point ? What is the provision in the Bombay Municipal Boroughs Act regarding the appointment of a president in the case of a superseded municipality which has been restored to its privileges ? Because, I find that in section 19 (2) which makes provision for the appointment of president and vice-president

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to continue to carry out certain duties until their successors take over charge there is nothing mentioned to provide for the case which I have just mentioned. For instance, the Surat municipality will be restored to its privileges in the near future. In that case, what is the provision for the appointment of president and vice-president ?

The Honourable the PRESIDENT : How does that question arise ?

Mr. PESTANSHAH N. VAKIL : Because this is exactly the point which has been sought to be made clear in the case of the district municipalities. The amendment is to be made in the District Municipal Act, whereas, to my mind, an amendment like that was needed in the case of the borough municipalities as well.

The Honourable the PRESIDENT : I am waiting for the Minister to clear up the point. I have asked how this point arises. If the Honourable Minister has a reply pointing out that such a provision does exist in that Act, then he can point it out.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : A provision similar to the one contemplated in the amendment does not exist in the Municipal Boroughs Act. But there is in the Act a provision which enables the Collector to call a meeting—

The Honourable the PRESIDENT : That is the latter part of that clause ?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Yes, Sir.

The Honourable the PRESIDENT : The honourable member is referring to the first part of it.

Mr. PESTANSHAH N. VAKIL : I was referring to section 19, whereas what the Honourable Minister refers to is section 23. Section 19 provides for the continuance of the office of president and vice-president in cases where the new municipality has not yet taken over charge of the office.

The Honourable the PRESIDENT : What is the difficulty of the honourable member ?

Mr. PESTANSHAH N. VAKIL : I say that an amendment precisely similar to the one which the Honourable Minister proposes in the case of district municipalities is also necessary in the case of municipal boroughs.

The Honourable the PRESIDENT : That cannot be taken up under this Bill.

Mr. PESTANSHAH N. VAKIL : I merely wanted the Honourable Minister to enlighten me on the point whether there is any provision for it in the existing Municipal Boroughs Act.

The Honourable the PRESIDENT : I do not think that is relevant. The honourable member wants to know as to why similar provision was not thought to be necessary in the Municipal Boroughs Act.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : My reply is that it is not necessary that the provision in both the Acts must be introduced simultaneously and at the same time. There is in section 23 of the Municipal Boroughs Act a provision which authorises the Collector to call a meeting. But the honourable member Mr. Vakil is correct in saying that it might perhaps be advisable to introduce a similar provision in the Municipal Boroughs Act also. But I have not considered this matter, and probably, in the near future, a similar provision will be introduced in that Act.

Mr. J. B. PETIT : I beg to move, Sir, that the question be now put, because I think the question has been discussed thoroughly so far, and, as far as I can see, there is general approval of it in the House.

The Honourable the PRESIDENT : I accept that very good proposal.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, after the general approval to the Bill, I do not think it is necessary for me to make a long speech. However, I think it would be advisable to remove some misapprehension which seems to exist in the minds of one or two honourable members who have adversely criticised the amending clause in regard to the power given to the Collector to nominate a person to preside at the meeting. I may inform the honourable members that the man whom the Collector will appoint in such cases has very unimportant work to do. He is present at the meeting where a chairman is appointed. The president is not appointed at that particular meeting when the person appointed by the Collector is present. Only a chairman is appointed. That is not a very important matter in the first place, and secondly, there are very few occasions when necessity to take recourse to this action would arise, and I hope there will be very few such occasions, because this applies to cases where municipalities are either superseded or dissolved. There are one or two important objections to appointing a person who is a councillor as the person to preside. The principal objection is that sometimes local conditions, like communal or party factions may make the appointment of a councillor undesirable, because he will always be a man with some bias, and I think that it would be ever so much safer to leave the appointment of the person to the discretion of the Collector.

I must confess, Sir, that I was rather grieved to find the honourable member Rao Saheb Kulkarni protesting against a provision being made which would discourage a very evil practice, namely, allowing the collection of arrears to hang on even in the case of a municipal councillor himself. I do not think that many will support that view. It is a very pernicious practice, and I think that this provision is absolutely necessary.

Then, my honourable friend Mr. Surve used these words : " Washerman is not the only offender." That is in itself an admission that washing dirty clothes in the public is really a nuisance, and I am very glad to find that so many honourable members who have followed him have come forward to repudiate that argument. The same honourable member remarked that a similar provision does exist at the present moment in

[Sir Rustom Jehangir Vakil]

the District Police Act. That is hardly relevant, for this reason. In the first place, why should a municipality, an absolutely independent body, be at the mercy of the police to take action in a matter which is entirely within their own province? Secondly, the section which he quoted from the District Municipal Act does not empower the Police Department to set apart places for washing purposes. I think his main point was that fees should not be charged, but that is left entirely to the discretion of the municipality, and if they in their discretion find that fees should not be charged in any particular district or in any particular area, they are at liberty to do so.

With these few remarks, I commend the Bill for the acceptance of the House.

Bill read a first time. Question, "That the Bill be read a first time," put and carried.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: May I have your permission, Sir, to move the second reading?

The Honourable the PRESIDENT: Yes.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I move that Bill No. XXI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925) be read a second time.

Second reading. Bill read a second time. Question put and carried.

Bill read clause by clause.

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

Clause 2 (*Amendment of Bom. III of 1901*):

In the Bombay District Municipal Act, 1901—

(i) In sub-section (2) of section 11 for the words "this section" the word, figure and brackets "sub-section (1)" shall be substituted;

(ii) In sub-section (1) of sections 12 and 13 and in sub-section (5) of section 22, after the word, letter and brackets "clause (c)" the words, figure and brackets "of sub-section (1)" shall be inserted;

(iii) after clause (e) of sub-section (2) of section 15, the following shall be inserted, namely:—

"(f) fails to pay any arrears of any kind due by him to the municipality within three months after a special notice in this behalf has been served upon him";

(iv) in section 23,

(a) in the proviso to sub-section (7A), for the words "in the case of a new municipality constituted under this Act" the words "on the constitution of a new municipality after the general election" shall be substituted;

(b) after sub-section (7A), the following sub-section shall be inserted, namely:—

"(7B) On the dissolution of a municipality otherwise than on the expiry of its term of office and after a general election or on the re-establishment of a municipality under section 179 after its supersession or when a municipality is constituted under this Act for the first time, the Collector shall call a meeting for the purpose of an election under clause (c) of sub-section (2) and shall appoint a person to preside at such meeting until the municipality elects its own chairman for that meeting. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The meeting shall then proceed to elect the new president."

(c) In sub-section (10), before the word "when" the following shall be inserted, namely:—

"Except in the cases provided for in sub-section (7B)."

(r) In section 46,

(a) in item (i) before the word "execution" the words "issue and" shall be inserted;

(b) in proviso (b) for the words "Governor General in Council" the words "Governor in Council" shall be substituted;

(vi) in sub-section (4) of section 69, after the word "section" the following shall be inserted, namely:—

"(a) a dwelling-house within the limits of a municipality notified by Government as a hill-station municipality shall, if otherwise unoccupied, be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it; and

(b)"

(vii) In section 85,

(a) for clause (b) the following shall be substituted, namely:—

"(b) every warrant issued under sub-section (1) of section 83 or distress made under sub-section (4) of the said section, and"; and

(b) in clause (c) for the words "the said sub-section" the words and figures "sub-section (4) of section 83" shall be substituted.

(viii) After section 133, the following section shall be inserted, namely:—

"133A. (1) *Regulation of washing of clothes by washermen.*—The municipality may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the municipality, except for such person himself or for the owner or occupier of such place.

(2) *Washing place to be provided by the municipality for washermen.*—The municipality shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it.

(3) The municipality shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby, a list of washing places proposed to be provided under sub-section (2), together with a notice specifying a date on or after which the list will be taken into consideration; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified."

(iz) In Schedule C, after the words "For service of notice....." the words "For issue of warrant....." shall be inserted.

Rao Saheb P. D. KULKARNI (Poona District): Sir, I move:

"That in clause 2, sub-clause (7B), in line 10, after the words 'shall appoint a person' add the words 'from amongst the elected councillors'."

I have already expressed my views at the first reading of the Bill regarding the necessity of this amendment. Looking to the right of the public and the educational advance of the district it is essential that the elected members should have the chance of the chairman. There should not be any undue official control on the meeting at the outset. Though such occasions are very rare, this provision is unnecessary. We are told that on very rare occasions the Collector is to use this power and that too with care and caution. I do not see any strong ground in not showing such a liberality of mind. Why do you not allow the members to preside at a first meeting? They are to really rule the destiny of the town and from among them the president and vice-president are to be elected for a period of three years. The excuse of communal feelings is always brought in to defeat the weak side, but I do not see there is any substance in such excuses. Because, the president will have to be elected from the party that supports him. There should not be any opportunity of undue influence exercised by the man appointed by the Collector to preside

[Rao Sahēb P. D. Kulkarni]

over that meeting. The matter is considered trivial it seems by those honourable members who have no experience of the rural areas. From my own experience I can say of the rural area that the matter is not so trivial as it is considered here to be. At the time of electing the chairman of the meeting there comes an importance to the post because the power of giving of the casting vote to the president is invested in him and the election of that chairman mostly depends upon the inclination of the mind of the man who is called upon by the Collector to preside over that meeting. As this is a matter of much importance it ought to be left to the free will of the people. No discretion should be left to the Collector in this case. The Collector is not debarred from appointing an elected member to preside over that meeting. There is every probability that the Collector is to appoint an official to preside over that meeting. To avoid this if the Honourable Minister is willing to incorporate in the clause that a non-official man will be appointed to preside over that meeting, that will satisfy our need. That has not been done. Looking to the requirements of the rural area, we want that the man who is to preside over the meeting to elect the chairman must be an impartial citizen and there should not be any chance of exercising any influence by him. If the man appointed by the Collector to preside over the meeting exercises his influence, he will try to give the chance of the chairman who will vote at the time of electing the President to the side which may not really represent the views of the town independently. Now Government admit that such occasions are rare, why should then they not be prepared to restrict the choice of the Collector in the matter of appointing the man to preside over the meeting for the election of the chairman? Why should he not be from among the elected members? I am not pressing that the appointment must go to a particular community. He may be from any community the Collector thinks fit. But my point is that he should be from elected members. That is the sole sum and substance of my amendment. With that view in my mind, I have moved this amendment. When the parties are balanced, influence exercised by the official appointed by the Collector would lead to upset the well intended arrangement of the public. In order to avoid that danger, I am particularly requesting the representatives of the people in this House to support my amendment, which is a very modest one. I think to demand this much from you is very natural. With these words, Sir, I request the representatives of the people to support me and vote in favour of my amendment.

Question proposed.

Mr. M. H. MEHTA (Panch Mahals District): Sir, I rise to support this amendment of the honourable member Rao Sahēb Kulkarni. The Honourable Minister said that a doubt is likely to be created as to the inclination of the Collector if an elected member is appointed to preside at the first meeting. Whatever it may be, the elected member is there present even if he is not so appointed by the Collector, and he will have every opportunity to influence other members if he so likes. I think it is better that no outsider is allowed to have anything to do with the

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election of the president of the municipality, and if an elected member is appointed there is nothing wrong. Therefore, I whole-heartedly support the amendment.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, I rise to support the amendment. I do not see any reason why the Collector should appoint the president of the municipality. The taxpayers elect their representatives and the elected representatives of the taxpayers should elect their president.

The Honourable the PRESIDENT: The honourable member has misunderstood the whole clause. The Honourable the Finance Member may be good enough to explain to the honourable member the clause as to what it means.

[*The Honourable Sir GOVINDRAO PRADHAN explained in Marathi the purport of the clause and the amendment.*]

Mr. V. A. SURVE: As Government know, there are two parties at the time of an election. The chairman who is appointed should be an independent man. Therefore, I support the amendment moved by the honourable member Rao Saheb Kulkarni.

The Honourable the PRESIDENT: The honourable member cannot support the amendment if that is his view. The position may be explained to the honourable member.

[*The Honourable Sir GOVINDRAO PRADHAN explained in Marathi the amendment moved by Rao Saheb Kulkarni.*]

Mr. L. R. GOKHALE (Poona City): Sir, I rise to oppose the amendment. The object of the Bill is this. In a municipality there is sometimes an equality of votes: ten of the members say that A should be the chairman and the rest ten say that B should be the chairman. In these circumstances, it is very difficult to select a chairman even for the time being. Such a situation has occurred many a time. This is simply an arrangement made until the members present elect their own chairman. The person selected sits in the chair until the permanent chairman is elected. This is to avoid the difficulty of electing a temporary chairman. Such difficulties have occurred. The Bill is essential, and I do not think the amendment should be accepted.

Rao Saheb P. D. KULKARNI (Poona District): Sir, if the Collector appoints an official to preside at the meeting, of which there is every possibility, the official appointed is sure to influence the election of the chairman. The presence of an official at the meeting of a rural municipality will create embarrassment among the councillors at the time of giving their votes. In the rural areas there are many members of municipalities who hold positions of a semi-official nature, such as kulkarnis and patils. And when a person, who is their official superior, presides over the meeting, they will have to bow to his wishes.

Rao Bahadur G. K. CHITALE: Why do you not cite your own instance?

Rao Saheb P. D. KULKARNI: There are many instances in rural municipalities of the said nature. In order to avoid this danger, I suggest that the Collector's choice in nominating a chairman should be restricted. He should select a person from among the elected members. Absence of an official from the meeting will be a great relief to the members. That is my experience and the experience of many members of other District municipalities. Moreover, under the excuse of a communal tension Government may manage to influence the voting in their favour by appointing an official. At the time of nominations to these municipalities, enquiries are generally made as to how many members are likely to side with the public and how many with the officials. And the nominations are made in the light of such enquiries. Under these circumstances, if an official is appointed to preside over the meeting called to elect a chairman, some members of the municipality may not be able to exercise their right of voting freely. To avoid this unpleasant thing, my amendment is that an elected non-official member should be appointed by the Collector. This is a most reasonable amendment. Whether it appeals to the representatives of the people or not is to be judged by their decision. I have done my duty in bringing the exact state of things to your notice in clear terms.

Question put and lost.

(After recess.)

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move the amendment standing in my name:

"In clause 3, omit sub-clause (riii)."

In support of my amendment, I beg to draw the attention of the House to the notes on this clause in the Statement of Objects and Reasons. The very first sentence reads as follows:

"It has been represented to Government that the washing of clothes by washermen is at present being carried out in all quarters of towns and cities with the result that the practice breeds mosquitoes and that municipalities have no powers to regulate the washing places.....etc."

Now, Sir, may I know by whom has this representation been made to Government? Has this power been asked by any of the municipalities? No information on the subject has been placed before the House. If it has not been asked by the municipalities but if Government has been moved by the so-called experts who advise Government, then I must confess to want of confidence in the advice given by them. Sir, Government acting on the advice of their experts have done many things and to our great misfortune we have in a great many cases found that the advice of the experts has ruined the Presidency and that it is better to avoid such advice. My submission is that the municipalities themselves do not want this. No case has been made out for inserting this clause in the Bill placed before us.

[Mr. A. N. Surve]

The second point is that it has been stated that the practice of washing clothes breeds mosquitoes. As to that, may I tell this House that there are mosquitoes and mosquitoes. There are several kinds of mosquitoes. Not all mosquitoes breed malaria. It is only one particular species of mosquito that is an enemy to health. So there is no assurance that only mosquitoes which are enemies to public health are going to be brought under the control of the municipalities.

Sir, I have the honour to be the honorary divisional secretary—

The Honourable the PEESIDENT: Washerman's mosquito does not breed malaria?

MR. A. N. SURVE: Yes, Sir. It is only one kind of mosquito which breeds malaria. Mosquitoes breed in still water, but, the washerman by his operation does not allow the water to remain still and naturally therefore mosquitoes cannot breed in water used by him. I have been placing before this honourable House my own experience. I have been the Honorary Divisional Secretary of the National Baby and Health Week Association, and in that connection I have seen several presidents of municipalities and urged them to employ health propaganda for the advancement of public health. I must confess to my disappointment that these big gentlemen in the rural areas hardly have any notion about their own duties in this matter or any sympathy with the man who goes out to them to ask their co-operation. The municipalities in the mofussil are so much divided by party wranglings that they hardly have any inclination to give their attention to this problem.

Another point I would like to bring to the notice of this honourable House is the experience of the Bombay Municipality which followed the advice of experts. In Bombay it was supposed that private wells served as breeding places of mosquitoes and therefore if they were closed by filling them up, malaria would disappear in Bombay. What has been our experience in Bombay? We have closed almost all the private wells and malaria has not yet disappeared.

Another point is that the washerman is not the only enemy of public health. There are so many trades and callings which are injurious to public health. Take for instance, the black-smith, the copper-smith, the grinding mills—all of them pursue their avocations which are injurious to public health. What steps have been taken to control these occupations?

It was urged by my honourable colleague who is not in his seat now (Dr. Gilder) that washing clothes has led to certain epidemics. I am very glad he was very cautious to confine his remarks to epidemic periods and has not contradicted me generally but on a particular ground, viz., that if there is an epidemic, then there is great danger to public health to allow washermen to wash clothes in public wells and rivers. He has stated that if the washerman takes the clothes of a cholera patient, there is the danger of cholera spreading in the area. But I say that washerman is not the only person who uses the public tank. Private

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persons are not debarred from washing their clothes there. In poor families who wash their own clothes they have to go to the tanks even during a cholera epidemic. Therefore the danger mentioned by my honourable friend is still there even if the washerman is prohibited from using the public tank. Therefore if a provision has to be made in the case of an epidemic, then it should be general and not particular, as against washermen only. I have quoted clause (1) of section 61 of the Bombay District Police Act. You have there power whereby the Magistrate can issue a prohibitory order and it is of a permanent nature. But even apart from that provision which is actually on the Statute Book, if there is an epidemic, I think there are some other provisions to meet emergencies arising out of epidemics. The municipalities can have recourse to these statutory provisions. For these reasons, I urge that I am not convinced that this is a measure which is based on sanitary considerations alone. If it were to be a measure for the advancement of sanitation, I would be the first person to come forward to say "let the municipalities have the power." Therefore I submit that the real nature of this provision in the Bill is not from the point of view of sanitation but the object seems to be to supply a source of income to the municipalities. I have already said that if the municipalities are not out of pocket for making any provision for the washermen, it is hardly fair that they should claim any payment from these poor people. With these remarks, I place my amendment before this honourable House for its acceptance.

Question proposed.

Mr. PESTANSHAH N. VAKIL (Ahmedabad District): Sir, when our friend Mr. Surve was waxing eloquent on the futility of measures to combat malaria nuisance, I was wondering whether we were living in the year of grace 1931 or in the year 1831. I think we need not take our friend very seriously. If an honourable member is determined never to be in the wrong, it is no use convincing him by means of arguments which are not likely to appeal to him. We have members of the type of the honourable member Mr. Surve on our own municipality also, and whenever measures to promote hygiene and sanitation are brought forward, objections very similar to those advanced by our honourable friend are adduced on the floor of the Gandhi Hall, and I believe similar must be the experience of gentlemen hailing from other places. [Interruption.]

Now, Sir, after the chorus of approval accorded to the relative section, dealing with the nuisance created by washermen, I should have thought that my honourable friend was going to withdraw his amendment. But no, he must needs stick to his guns. Well, as regards this nuisance, I think without any fear of digression I should relate what happened in the case of the Ahmedabad Municipality. In the city itself any pool of water is good enough for a washerman—any pool by the roadside. He collects his linen and starts his operations there, and whatever the

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condition of the water, it is good enough for his purpose. The result is that the clothes are impregnated with all sorts of germs and what about the poor men—woe be to the owners of the linen who have entrusted the washerman with their cleaning. He is afflicted with all sorts of skin diseases and that is a nuisance which has not been so far referred to by any honourable member. Our honourable friend Dr. Gilder has alluded to another danger—a much more serious danger—and that alone should have convinced our honourable friend Mr. Surve that it was no use pressing his amendment after hearing the honourable member Dr. Gilder. Now, that is in regard to the nuisance in the heart of the city. Ahmedabad is situated on the banks of the river Sabarmati. The flow of that river is anything between four and five miles an hour. The current is very strong, considering the shallowness of the waters of the river. The washermen carry on their calling on the banks of the river. But certain places are now set apart for these washermen. My honourable friend asks, “Whom did the objection come from?” I reply that it came from the caste Hindus, from people who objected to bathing in a river whose waters were polluted by washermen and dyers, and the Ahmedabad Municipality recently passed, if I mistake not, a by-law under which dyers and such like people are not permitted to wash clothes on the eastern bank of the river, but they have got to go to the opposite bank except in the monsoon when the current is too strong to allow people to ford the river. Such is the state of affairs as regards the nuisance created by washermen, and I supposed that the honourable member Mr. Surve, with his very great experience of municipal affairs, would be the first man to shower his blessings upon the Honourable Minister for bringing forward an amendment which in my opinion was overdue.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I wonder if my honourable friend Mr. Surve has understood the other aspect of his suggestion and the effect his amendment is going to have on the poor washerman to his detriment. At present, the washerman has got to use his wits in finding out a place where he can wash his clothes. Here in this Bill there is a clear provision made that the municipality should reserve places for the washermen where they can wash their linen. The washerman will to that extent be benefited, because the municipality will be expected to keep the water in very good condition and to keep enough water for the use of the washerman. The municipality will also have to take care that the water which the washerman uses for washing clothes is of a very good kind.

Mr. A. N. SURVE (Bombay City, North): Sir, my honourable friend to my left has practically proved my case. He has actually admitted that in the Ahmedabad Municipality, without there being any legal provision, they have prevented washing by a resolution. So, he has practically admitted my case. I have all along been urging that if a municipality can enforce its resolution in other ways, why have such a statutory provision?

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The second point is the pollution of water to which he has referred. Pollution of water is a crime under the Indian Penal Code and if anybody pollutes a watercourse or the source of water, he can be prosecuted.

I am not at all convinced of the soundness of the arguments which have been advanced by the two honourable gentlemen who have opposed my amendment. I therefore press the amendment for the acceptance of the House.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I have only one remark to make. The honourable member Mr. Surve said that the "municipalities are too much engrossed in their party wrangling to devote any time to sanitation." These were the words uttered by the honourable member Mr. Surve. According to him they are incapable of looking after their own interests, particularly in such an important matter as sanitation. Does it not therefore follow that Government must come to their rescue and do that part of the work which they seem to neglect?

In the same breath, the honourable gentleman obviously seemed to attach the utmost possible importance to the opinions of those bodies which he himself has discredited and he asked me whether this legislation has been undertaken at the instance of any municipalities. The Bandra Municipality was the first municipality which wanted this legislation and afterwards Hyderabad, Larkana and Shikarpur. The opinions of other municipalities have been invited by the local officers and we are not yet in possession of the views of other municipalities, but this information should suffice for the purpose of convincing the honourable gentleman that this legislation has been introduced at the instance of the municipalities themselves. Even if that were not the case, I think that in the interests of sanitation generally, Government would certainly be very well advised in undertaking this amendment. I hope that, in view of the explanation which I have given, the honourable Mr. Surve may be yet induced to withdraw his amendment.

Question put and lost.

The Honourable the PRESIDENT: I wish to draw the attention of honourable members to a very small matter, namely, the mode of address, particularly when they refer to honourable members in this House. I have repeatedly heard honourable members speaking of other honourable members of this House as "The Honourable Mr. So and So;" for instance, the honourable member Mr. Surve has been referred to as "the Honourable Mr. Surve". That is not the correct way. When an honourable member is referred to as "the Honourable Mr. So and So," it only refers to the seven Honourable Members of the Cabinet of the Government on the front bench, *e.g.*, the Honourable Sir Rustom Vakil, the Honourable Moulvi Rafiuddin and so on, but, if the speaker intends to speak of any other honourable member besides these seven, I mean Members and Ministers of Government, he should say "the honourable member So and So." "the honourable member Mr. Surve"—

[The President]

not "the Honourable Mr. Surve". That has been pointed out before by previous Presidents also, because that is the proper manner of referring to other members of the House.

Does the honourable member Mr. Surve wish to move his second amendment?

Mr. A. N. SURVE: Yes, Sir.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move my amendment to clause 2 which reads as follows:

In sub-section (2) of proposed new section 133A, in sub-clause (viii), clause 2, omit the following sentence:—

"and may require payment of such fees for the use of any such place as shall from time to time be determined by it."

My reasons for placing this amendment before this House are that the municipalities are not going to be out of pocket, and that being so, it is but natural and right that they should not collect any tax from the washermen. The honourable member for Ahmedabad Mr. Pestanshah Vakil has admitted in this House just now that in Ahmedabad the washermen use the water of the river Sabarmati. That is Nature's gift. That is not water from the municipal water-works and the municipality does not provide anything. He said that the washermen use polluted water but the river water may be as polluted as the water from any other place. If someone pollutes the source of water, then the washerman will naturally use the polluted water for washing his linen. Therefore, he has practically admitted that, as far as his own municipality is concerned, it does not supply the washermen pure water. On these two points I submit that the amendment as placed before the House is a reasonable one. Municipalities should not tax these poor washermen on these flimsy grounds. There are big trades and occupations which they can certainly tax. Why tax this poor man's earnings? With these few remarks, I place my amendment before the honourable House for its acceptance.

Question proposed.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I oppose the amendment of my honourable friend to my right. He appears to have very wrong notions of taxation. He asks us to pass a legislative measure for the benefit of the general public health which requires the municipality to spend some money—it will have to be a decent sum—for providing decent places for washing clothes, and he seriously asks that these poor people should be allowed to go without the least taxation. I should think that he would do well to realise the seriousness of the whole problem of taxation, not only municipal taxation but also all other taxation. My honourable friend was suggesting that all the municipalities are rich enough to supply funds. I am sure that when the municipalities have now elected members to the extent of about four-fifths and if they find that this tax is not necessary, the Bill provides that in that case they may not put such a tax, but in places where it is possible not to do it, it will be in the interests of the general ratepayers,

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and I warn all honourable members that they would not be doing their duty properly if they were to say that these local bodies shall not tax and collect funds for necessary purposes of sanitation. I can understand this that the washermen may perhaps find it hard to pay the small tax. But I know that even in the mofussil the washermen have not only doubled but quadrupled their washing charges. Therefore, I do not think that a small fee which may be considered necessary should not be charged by municipalities or other bodies which provide special facilities to the washermen for carrying on their calling. I am absolutely against this amendment at least.

Mr. A. N. SURVE: I have no reply to make, Sir.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, the honourable member Mr. Surve seems to have based his argument on the assumption that the municipalities are not going to be out of pocket by anything at all in providing facilities for the washing of clothes, but he ought to know that a river, if one exists in a particular area, is not very convenient so far as the whole town is concerned. I can give him an instance of the place from which I come, namely, Ahmedabad. It is about two or three or four miles and even five miles from certain parts of the city which are very thickly populated. The municipality therefore may not have to refer all the washermen to the river, but certainly in the majority of the cases, the municipality will have to make provision for water and that will cost them a great deal. Moreover, it is open to the municipality whether to charge any fees or not. If they feel that fees should not be charged, it is absolutely left to their discretion. Under the circumstances, I feel that this amendment is not going to operate harshly so far as the washermen are concerned.

Question put and lost.

Clause 2 ordered to stand part of the Bill.

Clause 3 (*Amendment of Bom. XVIII of 1925*) ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I move that Bill No. XXI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925) be read a third time and passed.

Question proposed.

Mr. A. S. R. MACKLIN: Sir, I move a formal amendment:

"That the figure '1' be added to the figures '193' in clause 1."

Question put and carried.

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

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

BILL No. XX OF 1931 (A BILL TO PROVIDE FOR THE REGULATION AND CONTROL OF TRANSACTIONS IN COTTON IN BOMBAY).

Question again proposed :

" That the Bill be read a first time."

Dr. M. K. DIXIT (Surat District) : Sir, yesterday I was speaking about the amendment moved by the honourable member Rao Bahadur Asavale, and in supporting it I referred in detail to various devices which were taken advantage of by the East India Cotton Association for depressing the prices. I only refer to it with a view to point out that that is a statement coming not from me or an ordinary person, but that is what has been stated by a member of the East India Cotton Association, not an ordinary member but a man who once occupied a very responsible position, namely, a seat on the Board of Directors, and he has put that down in black and white.

Sir, I certainly oppose the first reading of the Bill, because I consider it is absolutely wrong in principle and very unfair and unjust. It suppresses the smaller trader and is detrimental in effect to the interests of the agriculturists, the toiling millions, on whose behalf mostly the great political struggle has been carried on recently. Referring to the word "control", we have been told that control is necessary. Now, Sir, I submit that controlling any trade is very undesirable. I can understand Government controlling the trade in certain commodities which are sources of revenue to them, or which are deleterious in their effects on society in general. Government can control the trade in toddy and liquor, opium, bhang and ganja and cocaine, and things of that kind. But trade in commodities the control of which does not bring in any revenue to Government, or which is not injurious to society should be free from any Government control.

We are told that there is no control by Government. But, Sir, I submit that the present Bill, if it becomes an Act, will be born, as we know, out of the ashes of the Cotton Contracts Control Act of 1922, which in itself was born out of the ashes of the Cotton Control Act of 1919. And what was the Act of 1919? It was nothing else but a sort of reprint of the Control Act which was passed by rules under the Defence of India Act, purely as a War measure. Really speaking, this Act is nothing else but a revised and an enlarged edition of the Act which was made by rules under the Defence of India Act. It is said that they have handed over the control to another body. All the same, that body exists because of the Government control. The rules, regulations and bye-laws of that body will have to be sanctioned by Government, and, as one honourable member remarked yesterday, in almost every clause at least in majority of sections of the Bill as it is before us the blessed words "Governor in Council" and "Government Gazette" occur. So, I submit, Sir, through the agency of some body Government is exercising its control over the cotton trade, which is undesirable. One honourable member on the opposite side (he is not to be seen in the House now) said that one of the honourable members on this side appeared to be obsessed with the word "control". Naturally, honourable members on this side are afraid of the word

[Dr. M. K. Dixit]

"control", and if one is obsessed by that idea of control situated as we are I think it is but human nature. Now, Sir, that control which was put on the cotton trade in the years 1918 and 1919 was put distinctly on the understanding that it was going to be a temporary War measure, because there was the War and war conditions were prevailing then, and the control was put in simply because the prices of cotton had gone up to very giddy heights, and for certain other reasons Government took over control then. But now the conditions are different. Those extraordinary circumstances do not exist to-day. There is peace and prices instead of being very high are, I am afraid, very miserably low, and that is the reason why control is not now necessary. But my honourable friend Mr. Kamat wanted control because it was a world commodity. Sir, there are so many commodities in this country which are world commodities—silver, oilseeds, rice, wheat and so many others. He does not advocate control for these commodities, but he wants control for cotton alone; and in doing so he referred to the control that is exercised in other parts of the world. He mentioned New Orleans, Liverpool, New York and places of that kind. But I am afraid his information is rather inaccurate. But supposing for argument's sake that there was a Government control of cotton in those countries, I may submit that those countries may well have Government control as their governments are national. In this country the Government is not national; it is what we have always called an alien government, and our interests are bound to be divergent and not running parallel in the same direction at this stage. It is therefore submitted that there should be no Government control of this commodity. I may believe in regulation, I may believe in control that will evolve itself from the Association, but not in the control that is contemplated by this Bill. Let the Association build up a reputation of its own, let them create confidence in the traders. Those people who have confidence in the working of the Association will go in and trade, but to get control and power to regulate through an extraneous agency like Government I do not think is very desirable.

We were told by the Honourable the Finance Member that the principal object of the Bill is to check gambling and speculation as far as possible. Certainly a very noble object, but how are they going to achieve this object? They are going to entrust this task, with certain help from Government, to a body like the East India Cotton Association, the majority of whose members are very big speculators. To entrust the task of putting a check on speculation, to big speculators and big gamblers—I do not use the word in any undignified or slighting way—is not the right thing to do. This task is going to be entrusted to them and to what extent? There is another body which is in trade and which is to be suppressed—they may be gamblers and speculators themselves—but they are to be suppressed, and the task of checking speculation is to be given to one body alone, so that they alone can speculate with any other speculators to any extent they like. While I am referring to this, I do not mean to maintain for a moment that the members of the Shri Mahajan Association are angels in any way.

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They may be as good or as bad speculators as the members of the East India Cotton Association, but that association is to be suppressed with a view to checking speculation, and the powers of supervision and control are to be given to a body whose members are big speculators. This, I am afraid, is not a thing which this House should allow. We are asked to pass this Bill. I ask the honourable members on this side of the House, on what moral grounds can we support this Bill? Government contemplate to give away the monopoly of doing this business and confining the trade to one association. There is another association in existence with a membership of no less than 640. They are bound hand and foot, and to be handed over to an association whose membership is very much less. What will be the effect? These 640 members will be sacrificed to that association and their business will be sacrificed and they will be at the tender mercy of the East India Cotton Association. These 640 members will be thrown out of their business. So, I submit there is no moral justification and no moral ground on which this Bill can be passed by this House. It will be like handing over a large body of small merchants to a small body of big merchants and millowners. This is not a desirable thing to do on this part of the House who are guided more by democratic principles; and we cannot allow these 640 men to be sacrificed for the benefit of a small number of big merchants.

But, Sir, my chief objection is this. If this Bill passes its first reading, what becomes of the poor agriculturists? The other day myself and some honourable members were talking about the artificial depression of prices with a view to purchase cheap cotton at as low a price as possible and what this depression in prices means to the agriculturist? What are wages to mill-hands, Railway-shop workers and Factory workers? So are prices of agricultural products to the agriculturist. And they cannot afford to have prices depressed. I submit that the East India Cotton Association will have a board of directors the constitution of which according to this Bill will be 16 members—four will be from the buyers, four from the merchants, six from the general body and two will be nominated members from the Central Cotton Committee. Now, Sir, we find that on this board, there is not a single genuine member from among the agriculturists. We are told that there are two members nominated by Government from the Central Cotton Committee. One member who was on the Wiles Committee is likely to be on this board and that is my honourable friend Rao Bahadur Bhimabhai Naik. He takes great interest in agricultural matters but he will pardon me if I say that he is there as a nominated member and not as an elected member. My view is that if a man is nominated by Government, he becomes favourably disposed to the body that appoints him. I have known of cases where the same man shows different mentalities as an elected member and as a nominated member. His mentality absolutely differs. Some members on the opposite side may not agree. The mentality of an elected member is quite different from that of a nominated member. [Interruption.] That is our experience on this side of the House. I do not want to refer to individuals on this side, but times without number

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we have seen that members who opposed when they were sitting on this side of the House as members of the opposition as elected members took up a different attitude as soon as they were nominated and transferred to the Government benches. We see the change in the attitude and in the mentality. So, I submit there is not a single genuine member to represent the agricultural interests in that board.

The Honourable the PRESIDENT: Does the honourable member refer to the present constitution? It must be in the articles of association.

Mr. G. WILES: He is referring to the proposed constitution.

Dr. M. K. DIXIT: So, these two gentlemen do not represent the agriculturists' interests so long as they are nominated by Government. They only represent the authority that nominates them, that is Government. I submit further that the cotton trade consists of two parties—the consumer and the grower. If this Bill is to be enacted, then the growers must have as much representation as the trade. It will not be too much, if 50 per cent. of that board consists of agriculturists. When I say agriculturists, I do not mean that necessarily they must be men who walk behind the plough in their fields and twist the tails of the bullocks if they are elected by the farmers. I mean members who are elected by the agriculturists. They may be from the district board and so on. They must be directly elected from the agriculturist electorate.

The Honourable Sir GOVINDRAO PRADHAN: How?

Dr. M. K. DIXIT: The Honourable the Finance Member asks me how that is possible. It is not possible immediately at present to have an agriculturist electorate. I think it is a difficulty, but the difficulty can be easily overcome. If electorates can be formed to elect members to the Council—rural electorates, I do not think there will be any difficulty to get electorates from the cotton growers' associations which have been formed in cotton growing districts. If you elect one member from each cotton growing district you will have a sufficient number of members to be on the committee to guard their interests. I would certainly wish to have elected members to represent the growers and not members nominated by Government. I do not think the difficulty is insurmountable, Government have a ready machinery. If they have not one they can create one very easily and overcome this difficulty. Sir, this is not done. The cotton trade will go on looting the agriculturists. The poor agriculturists are already looted by Government, the patel, talati, police, the schoolmaster, the Brahmin and others. [An Honourable Member: Do not forget the politician.] There will be one more agency the East India Cotton Association to loot the agriculturists. [An Honourable Member: The doctor.] All agriculturists do not come to the doctor, only those that fall ill. So he does not loot them. He often treats them in a spirit of charity. The agriculturists have already the Government, the teacher, the Brahmin, the Sowkars, landholders and all the people, tailor, barber, blacksmiths, etc. residing in the village to loot them. One honourable member referred to politicians. [Interruption.] Then, I will not say a word about it.

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Then again, Sir, I do not know why the Honourable the Finance Member should be in a hurry to pass this measure. Why should he be in a hurry? There is now trade depression and in a few years' time they will have a new constitution for the Council whose members will have a softer corner for the interests of the agriculturists. If he waited for two years or more it would not matter. There has been already an Act in operation which has been rather indecently prolonged. There will be no further indecency in prolonging it for a year or two more. Let this be considered by the new Council. It will have a different constitution from the present one. Let them have the credit or discredit of passing such a measure as this and let not the present Council be responsible for it.

There is just one point. There are members in the House who are not in favour of having more than one association to regulate or control the trade though they are against any sort of Government control. Control is the principal factor. Whether it is unitary control or dual control is a secondary matter. If they are against control of any sort, I ask them to vote for this amendment and help in throwing out the Bill.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, I beg to support the first reading of the Bill. As far as I am able to see, the principle involved in it is exceedingly simple, namely, whether there should be any control of the cotton trade, and if so, whether it should be confined to one authority. So far as the question of imposing control is concerned, this honourable House has already adopted it—I admit as a temporary measure—when it accepted the principle underlying the present Act and passed it into law more than 10 years ago. So far as the second part of it is concerned, namely, as to whether it should be confined to one authority, or, in other words, whether the control should or should not be unitary, even there this House has committed itself to a certain extent by the constitution of the present Act. But in any case, that to my mind is the main principle involved in the Bill; and if the House is agreed upon these two points, namely, that there should be control and that it should be vested only in one authority, then I feel that the House would be justified in passing the first reading of this Bill and in referring the rest of the provisions to a select committee for consideration and report in the light of the discussion that has taken place.

I am sure, Sir, that it will be readily conceded by this House that, throughout the world, where international commodities like cotton are concerned, it is usual in the interest alike of the producer, the dealer and the consumer, to impose some sort of control, laying down the conditions under which that commodity may be marketed and trade in it carried on. As every one knows, the prices of cotton, owing to the fact of its being a world commodity, are, even ordinarily, subject to very heavy fluctuations, not only in consequence of weather and crop conditions which, from their very nature, are in themselves most uncertain, but also in consequence of the varying trade and industrial conditions that may be prevalent for the moment throughout the world. To these uncertainties may be added, in the case of cotton, the harmful and pernicious effects of speculation which is usually being conducted in this commodity throughout

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the world on a scale which does not prevail in any other commodity. For these reasons the principle of control resulting in some sort of method and uniformity in the trading and marketing of this commodity has been recognised by almost all the countries dealing in it and particularly so by the countries producing it. There is control in Liverpool; there is control in New York; there is control in Bremen; in short, there is control in all the principal centres of the world where cotton is either grown or marketed on a large scale. The benefits of such a system are obvious. The principal of these may be summarised as follows: it puts an effective check on wild speculation; it ensures the uniformity and standards of the different qualities of cotton; it encourages all factors which make for healthy trading; it promotes the interests of the cultivator, the trader and the consumer. It stands to reason that when a cultivator has picked his cotton and is ready to sell it off at the end of the season, he should expect to have its proper value. That such value should be guided by weather and crop conditions is natural. They may be high; or they may be low. They may benefit him or put him to a loss. But, these natural uncertainties are inevitable, and the cultivator is usually prepared to take his chance by marketing his produce at the best obtainable rates when he is ready with his stocks for sale. As a rule he is unable to hold out long, even if and when conditions are adverse, and has naturally to suffer a loss in such an eventuality. But, to expect him also to suffer losses in consequence of artificial depressions brought about by speculation, is both unfair and deplorable. Such conditions are not rare by any means to-day, and are certainly numerous where no control exists. And it is to protect him against such calamities that control is usually imposed and insisted upon. If in theory the principle of control is once accepted, then the question naturally arises as to whether such control should be exercised by a number of bodies, differently constituted and with different interests, pulling one another in opposite directions; or whether it should be unitary and should be exercised by only one competent and fully representative body. The control that is being exercised in all parts of the world is unitary and vested in one single association usually created by a charter, and fully representative of all the different interests involved. It works in the full blaze of light under a proper and well-regulated constitution and gives satisfaction to all the interests concerned. Such a representative body exists in Bombay, which is the largest cotton emporium of the country, in the person of the East India Cotton Association. This body has already functioned for the last ten years with a certain measure of success, as is evident from the report of the Wiles Committee. This committee has, however, pointed out certain defects in its constitution and has also made certain other suggestions for widening the scope of its activities. The Bill before us proposes to embody these in a new enactment; and it is to this that the assent of this honourable House is now being invited. I think it is a very fair measure and ought therefore to be accepted. Most of the suggestions that have been made by the various honourable members who have

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spoken on this question do not relate to the principle underlying the Bill; but are all of them, I submit, matters of detail and can be considered and effectively dealt with in the Select Committee. The Honourable the Finance Member has already agreed to do so and has promised to consider every such suggestion most carefully. Then what remains?

So far as the opposition is concerned, there are only three or four arguments advanced against the measure, which appear to have some semblance of reason on their side. One of them is that there is no commodity in this country which is similarly controlled and that therefore there is no reason why cotton should have such special treatment. The answer to this is very simple. It appears to be forgotten, however, that no other article of trade which is in the nature of a world commodity is being dealt with in the manner and to the extent that cotton is; nor is there any other commodity which is subject to such severe fluctuations as the result of speculation as cotton is. It is therefore, Sir, that I contend that cotton stands on a special footing of its own which requires special treatment. It has also been urged by those who are opposing the measure that such control as is proposed to be imposed by this Bill does not exist anywhere else in the world. This statement, as I have already said before, is also inaccurate, as such control does exist in almost all the principal centres of cotton in the world, and in some of them, even under Government supervision. The third point advanced by the opposition is that if there is to be control it should not be vested in one body but should be vested in a number of bodies. The disadvantages of this proposal, if accepted, are so obvious that it is hardly necessary to contradict it. I have already partly answered this point; but I hope you will permit me, Sir, to add that if more than one body is given the power to regulate the cotton trade and to exercise control over it, it would not only create conflicting factors but also cause confusion rather than give relief, and would thus create conditions which would have the effect of defeating the very object which the measure is intended to promote. There is only one more point which requires to be answered and that is, that Government should not be mixed up with this measure. This argument also is both feeble and unconvincing. If there is to be control and if it is to be effectively carried out, it must be vested in one unitary body. That body must therefore have ample authority to deal with the situations that may arise from time to time, and to enforce its decisions thereon. It must therefore exercise very wide powers. But, like all human institutions, it is possible that it may, on certain occasions, misuse the authority vested in it, or that the exercise of such authority by it may lead to dissatisfaction owing to a combination of reasons which, though justified, may yet not be understood or appreciated. For these and other cognate reasons, which can more easily be imagined than described by a House consisting of practical men of the world, it is necessary that there should be a certain amount of check and supervising control vested in some detached authority which may be able to exercise it in case of need, without fear and without favour, and bearing in mind the interests of the different conflicting elements existing

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in the association. In whom should such authority be vested ? In the different conflicting interests engaged in the trade ? In the consumers ? In the growers ? It is clear that in such an eventuality none of these can be expected to give universal satisfaction. It is therefore that it is provided in the Bill that Government should, on certain occasions and under certain eventualities, exercise a sort of supervisory control. As will be noticed from the Bill, no new regulations and rules can be made without their consent. Such and certain other powers are reserved under the Bill to the Government who are expected to step in in the event of certain incidents happening. I think it will be conceded that if there is to be any such supervising power, it should be vested in a detached and independent body outside the association and not in any one of the conflicting interests composing it ; and further, that nobody is better qualified than the Government to hold the scales evenly between the different conflicting interests collected in the association, in the remote contingencies contemplated in the Act. One word more, Sir, and I have done. It has been repeatedly said in the House during this debate that this measure has been brought forward with some sinister motive ; that it is being promulgated in the interests of the capitalists and the millowners or other rich consumers ; and that the poor and down-trodden cultivator is going to be sacrificed and is bound to suffer under its provisions. How all this is going to happen no one has cared to show or prove. Without meaning any offence to anyone, I beg to submit, Sir, that there is not a particle of truth in this statement, and that there is absolutely no foundation for this fear. The imaginary methods which some members (as for instance my honourable friend Dr. Dixit) said, would or are likely to be employed to attain this end, namely, the gain of the capitalist or consumer at the expense of the poor cultivator, are purely the result of their imagination. On the contrary, the Bill, with all its safeguards and other provisions, is sure to prove a measure of great benefit and advantage to the grower, rather than to any other party that is likely to be affected by the measure.

For all these reasons, I have great pleasure in supporting the first reading of this Bill and I trust that the House will pass it.

Rao Bahadur B. R. NAIK (Surat District) : Mr. President, as a member of the committee known as the Wiles Committee, with your permission, I wish to make some personal explanations in order to clear certain misapprehensions and misunderstandings that exist in the minds of honourable members. During the last ten days, in the lobbies, I was spoken of by some as a member of the East India Cotton Association, by some as a cotton broker or jobber, by some as a cotton dealer. Sir, I possess none of these qualifications. I wish to assure honourable members of this House that I have no connection with the East India Cotton Association nor do I know any of its members except one or two and that in my whole life I have not bought or sold a single bale of cotton either ready or forward. I have only sold the *kapas* (unginned cotton) that I grow in my own fields. I have no connection with any cotton association either in Bombay or any part of the Bombay Presidency.

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Now, Sir, my honourable friend Dr. Dixit gave me some compliments to-day, and I must thank him for it. But both the honourable member Dr. Dixit and the honourable member Mr. Gokhale (who is not in his seat now) referred to the constitution of the Wiles Committee and said that there were no real representatives of cotton growers in it and that one of them does not own an inch of land and that he is a cotton broker. I will deal with my own position later. The honourable member Dr. Dixit very definitely asserted that Rao Saheb Shirhatti did not own an inch of land. That is not a correct statement. Not only does he own land, but he cultivates it himself adopting modern agricultural methods. He is chairman of the Cotton Sales Society of the Southern Division, Dharwar, and he is chairman of the Agricultural Association of Dharwar. In this way he is connected with every agricultural association of his district. If a person who is so closely connected with agriculture is not entitled to speak on behalf of the growers, I venture to submit that lawyers and doctors who reside in the cities, with due respect to their intelligence, their knowledge of human affairs and powers of oratory and political instinct, are much less entitled to speak on behalf of the growers. My honourable friend Mr. Gokhale said yesterday that the two representatives of growers in the committee were fictitious growers. But Dr. Dixit said to-day that the growers' representative to be elected on the East India Association need not be a person who handles a plough. If he accepts that, then I wish to assure him that not only do I grow cotton myself on a small scale but I have got 150 tenants in my fields in different villages. If I am not a grower, I would like to know the definition of a grower from my honourable friend.

Now, I come to the main point, namely the principles of the Bill. As a member of the Wiles Committee I owe a duty to honourable members from the mofussil to explain the attitude I have taken in this matter. I know, Sir, that there is strong opposition to this Bill especially from the members representing the mofussil. It is, therefore, I say that I owe it to them to explain the reasons which prompted me to adopt the attitude I have taken. One of the honourable members who opposed the Bill (Rao Bahadur Bole) said that speculation should be prohibited altogether. He said that if a Bill was brought before the House to do that, he should have been only too glad to support it. But the honourable member Rao Bahadur Asavale, who also opposed the Bill, said that speculation was in the interests of the grower. I hold, Sir, that over-speculation cannot be in the interests of the grower. But when speculation is there, and if forward business is carried on, it has to be regulated by some set of rules sanctioned by this honourable House. Then, it was said that speculation could never be stopped. If it cannot be stopped, it should be the aim of this honourable House to check it as far as possible. How can it be checked except by regulation and some sort of control? There is no denying the fact that some features of speculation do lie in forward transactions and I say also that possibly forward business is necessary in the interests of the growers. But it

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should be so regulated that there should not be over-speculation which may react upon the grower.

It has been said that if there be competition in speculation, it will be in the interests of the growers. I cannot follow that theory. If over-speculation is to be allowed without any rules or regulations or without any check, the crisis comes and adversely affects the grower ultimately. I may here submit that I do not agree with all the clauses of the Bill. But I generally support it so far as the principles of the Bill go. Bombay is the largest Cotton Centre in India which handles 35 lakhs of bales of ready cotton from the whole of India—cotton worth about 50 crores of rupees even at the present low market rates. Is it not necessary that the control of such a commodity should be regulated by some set of rules passed by this Council, if possible? So far as forward transactions are concerned, I am prepared to concede the principle of this Bill, but I am opposed to the clause which seeks to control the transactions in ready cotton also. Ready cotton should not come under the Bill. So far as I understood, and from the proceedings of the Wiles Committee, I was all the time under the impression that ready cotton was not going to be touched, so that the non-members can deal in ready cotton when they like. I therefore request the honourable the mover of the Bill to remove this misapprehension on this side of the House about ready cotton transactions. The honourable the mover has distinctly given a promise to this honourable House that in matters of detail he will give all facilities to the members of the select committee to move any amendments. I ask those honourable members who say that a free forward transaction will do a lot of good to the farmers—I ask, sincerely and earnestly—if free unauthorised, unregulated speculative transactions are going to do a lot of good to the agriculturists, then if these transactions are to be regulated by a set of rules in the drafting of which the representatives of the growers will have a hand, how is such a procedure going to harm the agriculturists? I am informed that about $3\frac{1}{2}$ million bales of ready cotton are handled by the East India Association in Bombay and about ten to fifteen times of that quantity are dealt in by the members of that association in forward business. If you take the other associations, perhaps the forward transactions are taking place in thousands of millions of bales. When such a large amount of business is carried on in Bombay for forward business, is it not advisable in the interests of the growers and also in the interest of trade that this business should be transacted and conducted under a certain set of rules—statutory rules—which will be sanctioned by this honourable House?

Mr. G. WILES: May I interrupt the honourable member for a minute, Sir? The honourable member spoke about transactions in ready cotton. I did not quite follow what he said. I think he wanted some assurance. Will he kindly let me know what he meant?

Rao Bahadur B. R. NAIK: I said that ready cotton should not be encroached upon.

Mr. G. WILES : I am perfectly prepared, on behalf of Government, to assure this honourable House that Government have no desire to control ready cotton. I will explain it when I come to explain the details. I can only say now and give the assurance that Government have no desire to control dealings in ready cotton.

Rao Bahadur B. R. NAIK : It has been made perfectly clear now that ready cotton is not going to come under this Bill.

It has been said that no such association under the control of Government exists in other parts of the world. I say it is not quite true. Such associations do exist in other parts of the world under the control of the Government. Take the instance of New York. There is an association there which is controlled by the executive order of the Government. In Germany it is the same thing ; in Italy it is the same thing ; in Liverpool it is the same thing. The associations have sanctioned certain sets of rules for them which work under the control of the Agricultural Departments of those Governments. The Agricultural Department of each and every country I have mentioned looks after the association—sees whether those rules are adhered to and the transactions are carried out under the rules sanctioned by the associations. It is true that in all these countries there is no statutory control, but in Italy and Russia there is statutory control. I will read a paragraph showing how the cotton is controlled in Russia (An honourable member : Soviet Government). It is not true to say that there is no executive control of Government over the associations of this nature throughout the world—in Alexandria, in Egypt and in every country where cotton is produced in appreciable quantity there is control and regulation in one form or the other.

Now, my another reason for supporting the regulation of forward business is this : out of 6 million bales of cotton produced in this country ; only 2½ million bales are consumed in the whole of India and more than half—3½ millions—are exported to other countries. Is it not in the interests of the cotton growers and producers that a stable, steady and a regular market should exist in a central place where most of the cotton of the country comes, in order to create confidence in exporters, in foreign purchasers, in investors and in consumers ? I think it is absolutely necessary that a stable, steady market should exist. Now, what is the other advantage in having a regulated forward transaction ? There is a clearing house to be established—I believe it is already in existence—where the differences on account of forward transactions will be settled. What was the system formerly ? Cotton forward transactions used to take place for 8 to 12 months' delivery and no difference used to be paid during the interval. So gambling or speculation was going on on a larger scale than now. I will give you an illustration. I sell 5,000 bales of Broach cotton to my honourable friend Rao Bahadur Patil at Rs. 200. Within a fortnight the prices go down to Rs. 190. Then Rao Bahadur Patil has to pay me 10 rupees difference per bale at the clearing house. Then, again, if the price goes up to Rs. 210 after another fortnight, then I have to pay the difference to Rao Bahadur Patil. This will check

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speculation to a great extent because when the prices come down the buyer has to pay and if they go up he will get the benefit.

It has been said that the prices are to be fixed and determined by the East India Cotton Association. Sir there is nothing of the sort, so far as I understand it. I say most respectfully, with due deference to the intelligent study of my honourable friends, that the prices are not to be fixed by the East India Cotton Association. The prices will go down and go up, the difference will have to be settled during the interval. There has been a misapprehension on the part of many honourable members who said that the prices are to be fixed by the East India Cotton Association. But this is not the case. The price of Rs. 200 remains and ultimately I will have to deliver the cotton to Rao Bahadur Patil or have to settle the last difference, whatever it is. Now, Sir, is it not in the interests of the growers of cotton that such large forward transactions should be kept uniformly under control? If any honourable member gets up and convinces me that this regulation of forward transactions by a set of rules passed by this honourable House is not in the interest of the growers, I am prepared to change my mind and support him. But so far I have not been convinced by the speeches of the honourable members. Sir, sentiment plays an important part in human affairs, sometimes it is inevitable. But as practical men, in business you have to face hard facts; you cannot work on sentiments in such a large amount of business. Cotton is the main commodity on which many of the cultivators depend for their livelihood. It is the principal commodity produced by agriculturists in this Presidency as a money crop.

Now, Sir, I come to the most controversial point, the monopoly of the East India Cotton Association. I must submit that I am not in favour of giving any monopoly to any individual or any body of men—if it is a monopoly in the real sense of the word. I do not know the members or the directors of the East India Cotton Association except one gentleman about whom I have heard so much. With all due deference to the honourable members who mentioned his name, I must say that I have been working with this gentleman in the interests of cotton growers for the last eight years. I have heard his speeches, I have seen his actions and he is as good a nationalist as any honourable member of this House. I also know the interest he takes for the growers.

The Honourable the PRESIDENT : I suppose the honourable member is referring to something which has been discussed outside the House ?

Rao Bahadur B. R. NAIK : I am saying that I do not know anything about the directors of the Association. They may be speculators ; I do not know them personally except one or two as I said. But I am not in favour of giving the monopoly to one body and as the honourable the mover has given the assurance that he is prepared—[*Interruption.*]

The Honourable the PRESIDENT : Order, order.

Rao Bahadur B. R. NAIK :—that he is prepared to allow the Select Committee to evolve a scheme by which other existing associations

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and all interests including the interests of growers can be brought in by reducing if possible the qualifications of membership of this Association which will be able to win the confidence of the general public interested in the cotton trade.

An Honourable MEMBER : His word only ?

Rao Bahadur B. R. NAIK : It is the word of the Honourable the Mover who has introduced this Bill. If the Honourable the Mover does not carry out his word, then it is certainly open to the House to throw out the Bill at the second reading.

An Honourable MEMBER : What about the rules ?

Rao Bahadur B. R. NAIK : The rules may be framed by anybody in Bombay, and if they are framed by the East India Association in particular where is the harm, as ultimately the rules will have to be finally passed by this honourable House and they will have to be first placed on the Council table ? [Interruptions.] You may make that recommendation to the select committee, just such a recommendation was made to the select committee on the Cotton Markets Bill. The Honourable the Mover of that Bill then objected to that and said that the rules could not be made subject to the sanction of this House, but we, the honourable members on this side of the House, stood firm and got Government to change their attitude and so we had made it a condition that the rules should be placed on the table of the House for its sanction. What is there to prevent us from adopting the same attitude now ? I therefore say that the amendment of my honourable friend Rao Bahadur Asavale, though it looks innocent on its face, is not so innocent as it looks—

Sirdar BHASAHAB RAISINGHI, THAKOR of KERWADA : When my honourable friend Rao Bahadur Naik says that an assurance has been given by the Honourable the Mover of the Bill as interpreted by the honourable member Rao Bahadur Naik, and when the same thing is meant by the amendment of my honourable friend Rao Bahadur Asavale, where is the difference between the two ?

The Honourable Sir GOVINDRAO PRADHAN : No, no. That is not so.

Rao Bahadur B. R. NAIK : This amendment seems very innocent on the face of it. It seeks to include all associations existing at present in Bombay and those that may hereafter come into existence. To-day there may be a few associations trading in cotton and in a short time, say a year, half a dozen more associations may come into being for the purpose of trading in cotton. The set of model rules is to be passed by this honourable House and is to be sent on to the different associations which are expected to carry on their business under those rules. This is all very innocent on the face of it, but I ask my honourable friend who has moved this amendment "who is going to supervise and control and see whether these rules and bye-laws are properly enforced and carried out" ? Therefore, I say there must be a controlling body. I am not enamoured of the name "The East India Cotton Association" and would

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be perfectly willing if you were to change it to, say, The West India or South India Cotton Association. I hold no brief for anybody, I hold no brief for the East India Cotton Association. Even if there are a dozen associations which are allowed to carry on the cotton business under a particular set of rules which are sanctioned by this House, I shall have no objection, but my question is, "Who is going to supervise the working of these associations?" and "Who is going to see that these rules are properly carried out?" Government will have to appoint inspectors—

An Honourable MEMBER : They will take bribes.

Rao Bahadur B. R. NAIK : The complaint is made that they will take bribes. Instead of that, I suggest that the same purpose of efficient control will be served by a formula evolved by members of the select committee and which formula may make it possible for representatives of the interests of the growers to be amalgamated with the representatives of the other interests. Thus it will be possible to have one controlling body to regulate the cotton business. You may call that body by any name you like, and where is the harm if the East India Cotton Association were to be democratized on that line? Where is the harm in accepting this suggestion? Is it not more practicable and more feasible than the one contained in the amendment before the House? If you say that no controlling association is required, that Government themselves should prepare a set of model rules and get them sanctioned by this House and that then they should be sent to various bodies trading in cotton, in that case where is the necessity of this Bill? You may as well ask that the Bill should be withdrawn. Why do you want a Bill of this kind simply for the purpose of enabling Government to draw up a set of rules and to have those rules passed by this Council and then to send those rules on to the different associations trading in cotton? As I said before—and I say it again at the risk of tedious repetition that in New York, the Department of Agriculture supervises every transaction—

The Honourable the PRESIDENT : Honourable members have been referring to foreign countries and the systems obtaining there, and they are being contradicted by others. I think it would be very much better if authorities were quoted.

Rao Bahadur B. R. NAIK : The authority will be given by another speaker who will follow me. I am speaking with some knowledge of the existence of such a state of affairs. [Interruption.]

The Honourable the PRESIDENT : Order, order. Honourable members should not interrupt the honourable member who is addressing the House. A well reasoned speech like that should be patiently followed.

Rao Bahadur B. R. NAIK : When I say "controlling body" I should not be understood to mean only the East India Cotton Association. You may call that controlling association by any name you like. That body may be evolved by some scheme or measure to be suggested by

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the select committee. What will happen if there is no controlling body ? There is a Government of India Act known as the Ginning and Pressing Act under which every bale of cotton that is ginned and pressed has to be marked with the name of the ginning and pressing factory, the name of the place from which it comes, the number and the year. If there is no controlling authority who can examine and find out whether the provisions of the Act are carried out ? That Government of India Act was enacted in order to check the fraudulent practices being resorted to by the cotton trade in various ways such as the damping of cotton by watering, mixing of seedlings with the cotton and so on. I will give you the instance of some cotton which came from Sind and which was sent to Liverpool. It was as the result of the entries kept in the records of the East India Cotton Association that it was possible to trace the name of the original owner who pressed and ginned the cotton. The complaint about this cotton came from Liverpool and was traced by the East India Cotton Association. If there was no controlling authority, whether Government authority or authority appointed by the members of this House or by the representatives of the growers or other interests—I do not mind—who could have detected this cotton and rejected it and traced the owner of the cotton ? I say there must be some body who could supervise the working of the trade under rules and by-laws sanctioned under this Act.

Another thing is that the forward transactions have to be checked. My honourable friend seems to think that forward transactions should be allowed to take place in the ordinary course and that they should be left to take care of themselves. Now, suppose I am in Gujarat from where I wire a broker in Bombay to purchase for me 5,000 bales of Broach cotton. If there is no controlling body under rules and regulations and if no books or records are kept what may happen is this : In the morning the rate may be Rs. 200. In the evening it may come down to Rs. 190. The broker will debit me with the higher rate of Rs. 200 though he may have actually bought the cotton at Rs. 190. Without provision in the by-laws what can prevent him from doing it ? If there is an association or controlling body, that body will actually keep a record of the names of the parties and the time when the cotton is bought and the rate prevailing at that time. Thus the Bombay broker will find it rather hard to cheat me who am in Gujarat. *Vice versa* if I want to sell. Say I sell 5,000 bales of Broach cotton. The broker would go not to the East India Cotton Association but to the unregulated, unchecked, uncontrolled market which is operated without any rules or by-laws and even if he is able to get a price of Rs. 210, he will give me credit for only Rs. 190. How can I find this out ? If there is a controlling body, that body will keep a record of the actual price at which the broker sells my cotton and the time at which he sells that cotton and gets that price. In this manner, with the assistance of a properly constituted controlling body the upcountry *bona fide* cotton trader can find out just what price he has to get and he will thus be protected. There will be no room for any cheating by the Bombay broker.

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Do we want the cotton trade of Bombay to thrive or not? Do we want genuine investors to come into the cotton trade or not? If we do, then it is up to us to devise some means whereby genuine investors and capitalists would be induced to enter the cotton trade.

Sirdar BHASAHEB RAISINHJI, THAKOR OF KERWADA: Let them invest in gold.

Rao Bahadur B. R. NAIK: My honourable friend the Thakor of Kerwada who comes from Broach seems to think of nothing else but gold. I am not concerned with gold. If he wants to invest in gold, I do not mind. But I say, Sir, that if the House wants to draw foreign as well as Indian investors to concern themselves with the cotton trade, which is in the interests of the growers, then it is necessary to provide for a stable and steady market governed by rules and by-laws approved and sanctioned by Government and by this House by a statutory measure.

My honourable friend Dr. Dixit yesterday mentioned about the necessity of establishing the regulated cotton markets in the interest of growers. Today he says that by the passing of the present Bill the poor agriculturists who are to be benefited by the markets created under the Cotton Markets Act, will be ruined. Is there any difference between the two? I do not see much. It is only in the volume of trade and the nature of transactions. The trade done in the mofussil cotton markets is comparatively small while that which may be done in Bombay under the supervision of the controlling body to be created by this legislation will be large. One will be in ready transactions, while the other in forward transactions. In 1927 the Cotton Markets Act was passed making it feasible for all growers, traders and other interests to bring their cotton to that market and not to sell it outside. A set of rules under that Act were passed by this House laying down that within certain miles of the market no other market was to be established. What does this measure aim at? You can deal in forward cotton, but there will be one controlling body. I do not mean to suggest that it should be the East India Cotton Association as at present constituted because I know that there is considerable opposition to that association. I know the reason why there is this opposition, it is because it is not a democratic body. This side of the House wants that body to be democratised and if it is done then there will be no opposition to it and the Honourable the Member in charge has repeatedly given us that assurance and therefore I do not want to touch upon that point. Under the Cotton Markets Act also a supervising and controlling body is to be elected from the various interests concerned.

Now I will come to the details. My honourable friend yesterday referred to the fictitious nature of growers' representation on the Wiles Committee. If you will read the report and other proceedings of that committee, you will find that at the very first meeting I pressed upon the committee to translate the questionnaire into the vernaculars of the Presidency so that many associations which have a direct interest in the growers will come to know of it. You will find it on the first page

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where it is said that Rao Bahadur Bhimbhai Naik said that this questionnaire should be translated in the vernaculars of the Presidency. This is what appears on the first page of the Minutes of the meetings of the committee :

" Rao Bahadur Naik proposed that it should be sent also in vernacular so as to reach Village Agricultural Associations and Taluka Development Associations and the like.

It was finally agreed that the Press Note should be sent to all Registrars of Co-operative Societies and the Directors of Agriculture in Provinces interested in growing cotton ; the Provincial Co-operative Institute."

On page 17 of the Minutes you will find the following :—

" Rao Bahadur Naik pleaded that the committee should safeguard the interests of the growers."

I pressed hard and strongly on the attention of the committee that there should be sufficient representation of the growers. But, unfortunately I was overruled. The opinion expressed was that it was not possible at this stage to form a panel of growers in the country, and therefore it would not be possible to get proper representation of the growers by election. Well, Sir, I was in a minority there, and though I was satisfied with the proposal that the growers should be represented, I was not satisfied that that representation should be by nomination by the Indian Central Cotton Committee. My suggestion then was that there should be a panel of district local boards of the Presidency of those districts which grew cotton consisting of those members who were growers of cotton, and from among them they could elect representatives to the association. That was my suggestion in the committee and I again place the suggestion before this honourable House. In the absence of any available ready scheme it was suggested that the Indian Cotton Committee should nominate two growers' representatives. However, that is a matter of detail and can be decided in the select committee.

An Honourable MEMBER : How much representation do you want for the growers ?

Rao Bahadur B. R. NAIK : My honourable friend asks me how much representation I want for the growers. I would be satisfied with 25 per cent. representation for the growers for the present.

In this connection, I was told that meetings of the East India Cotton Association are called almost every day and sometimes at a moment's notice, and the question was how it would be possible for up-country persons to come every day to Bombay to attend the meetings. I admit that is a difficulty, and it will have to be considered. Then, Sir, this association at present requires a member to deposit Rs. 20,000 *plus* Rs. 1,500,—admission fee—*plus* Rs. 200 annual fee. But the poor growers will not be in a position to deposit such a large sum of money. I am not satisfied with the present representation of the growers on the association. It must be at least 25 per cent., if not more. The present arrangement suggested by the Wiles Committee is that the two growers' members should not have to pay a single farthing to East India Cotton Association for being directors on the Board and they should have the right of voting in the general meeting of the East India Cotton Association also. Some

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of the honourable members want 50 per cent. growers' representation on the Board. Now the members of the Association will say, unless we change the constitution of the East India Cotton Association, how can the honourable members be justified to ask for 50 per cent. representation for the growers, without their paying a single pie? Would it be just and equitable? But, Sir, if the constitution, as I have said, is evolved in such a way that qualifications for membership of the East India Cotton Association are reduced for the growers' representatives by fixing small fees which they can pay and get the right of membership, then I say we will be in a position to ask for more representation for them. But whether they reduce the fees for membership or not, I must say that I am not satisfied with the representation for growers being restricted to two members only, nor am I satisfied with the method of representation, namely, by nomination if a feasible solution for election is found. I would be pleased if a scheme is evolved, a method is found out by which some sort of representative institution should be allowed to elect the growers, and their number on the directorate of the Association should be at present fixed at 25 per cent. of the total number of members. Sir, when I speak about growers, I must admit that growers alone cannot exist without the traders and consumers, neither can the traders and consumers exist without the growers. These two interests are essential to each other. My honourable friend Dr. Dixit was quite right when he said that the vital interests involved in the Bill are those of the consumers and growers of cotton and therefore these two interests should predominate the directorate of the East India Cotton Association. But I have a greater authority than the honourable member. I refer to my friend Rao Saheb Dadubhai Desai. He is an authority on the interests of growers and when he opposed the Bill on the subject in this House in 1922 he said that he would not mind if the consumers and the producers, being interested parties are eliminated altogether and if the Board of Directors consisted of brokers only. On going through the debates at that time I found that my friend Rao Saheb Dadubhai Desai advocated that the directorate should be formed only of brokers, who in his opinion were colourless.

Sirdar BHASAHEB RAISINHJI, THAKOR OF KERWADA : I rise to a point of order, Sir. The honourable member is quoting from what he purports to be a speech made by an honourable member who is not here to reply. Would it not be proper for him to read out what was actually said?

The Honourable the PRESIDENT : That would certainly be better ; but if the honourable member can rely on his memory and refer to a speech made by a member of this Council, he may do so.

Rao Bahadur B. R. NAIK : I was only making a passing reference to it, Sir. Therefore, I say, here is an authority who wanted the Directorate of the East India Cotton Association to be that of brokers only. Now, Sir, if it is suggested that 50 per cent. of the members should consist of growers and the rest of the consumers, it should be remembered that business cannot be done without the brokers—the millowners

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and exporters also put their business through the brokers. The up-country trader has also to do his business through the commission agent and the broker. My honourable friend Mr. Petit who is a millowner does his business through his broker. I say therefore you cannot do without the middlemen in this sort of business.

Now, I strongly oppose that part of the resolution which has been issued by Government rejecting the majority recommendations of the committee about the formation and constitution of the Directorate of the East India Cotton Association and accepting the minority. The majority decided that the election of the directors should be made by the general body, one member to have one vote. That was the recommendation of the majority, but some members were in favour of election by panels, and as a compromise their majority agreed that all members should be elected by the general body, but looking to the present state of things for some years the seats for buyers and sellers were to be reserved but the election was to be by the general body. That recommendation of the majority has not been accepted by Government. They have come forward with a recommendation that the minority proposal should be accepted. Well, I think if honourable members on the other side of the House want to oppose the suggestion of the majority they are quite at liberty to do so. At one stage they want to democratise the institution and at another stage they want to make it into compartments. How can the two things be consistent and be reconciled with each other? Here, this side of the House wants that the Association should be as liberal and democratic as possible, and I personally want that the growers should be represented to the extent of 25 per cent.; and they should be elected. But this is also a matter of detail which I need not have touched at this stage, and if the Bill is committed to a select committee, the majority recommendation can be discussed there.

Before I conclude, I say that I am just as opposed to any sort of control by a Government agency as any other honourable member of this House, if Government is going to interfere in the real sense of the word at every stage. Sir, there were two bodies of a similar kind in Bombay, the Cotton Exchange and the Cotton Trading Association or some such body—I am open to correction—before 1919. These two bodies tried to amalgamate themselves and tried to evolve a scheme, without Government interference, by which they could regulate the cotton trade of Bombay. But, Sir, unfortunately they did not come to any agreement. There was rivalry between the bodies, with the result that these two bodies came up to Government and said "We cannot agree between ourselves, and therefore seek your assistance, and you must assist us in the interest of cotton trade". In 1919, this control was established as a war measure, but so far as I have read the proceedings of the year 1919, it is not totally correct to say that a permanent measure was not then contemplated. Member after member got up and said that till a permanent measure was evolved and that could only be done if all cotton trades interested in Bombay formed one strong representative association. This measure would be put on the statute book as a

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temporary measure, with a few nominated and a few elected members to control the trade. After that I believe the East India Cotton Association Ltd. was found. In 1921 the war measure expired. In 1922 the Cotton Contract Bill was passed and a charter was given to the East India Cotton Association. After the expiry of three years for which period this Act was passed it was the duty of Government to come to this House for its extension, but they did not do that. Under the extraordinary power of extending the Act by notification, they extended it up to the year 1932.

The Honourable Sir GOVINDRAO PRADHAN: That power was given by the Act.

Rao Bahadur B. R. NAIK: Yes, they had that power.

Now, Sir, I will sum up. As far as the principle of controlling and regulating forward business in Bombay City is concerned, I am in favour of it. As far as giving a monopoly, which I do consider a monopoly, to the governing body as it exists is concerned, I am not in favour of it. As an assurance has been given by Government that the Bill will be sent to a select committee, I hope the constitution of the Board will be democratised in the way the members of the select committee choose.

The Honourable the PRESIDENT: I do not know whether that is a correct statement. It has been emphatically stated that the control shall rest in the East India Cotton Association. That is the principle of the Bill—that the agency shall be the East India Cotton Association and no other.

The Honourable Sir GOVINDRAO PRADHAN: The constitution of that body can be democratised.

The Honourable the PRESIDENT: I think the honourable member is speaking differently. He just now stated, as I understood him, that he is with the Government in the matter of one part of the principle of the Bill and that is the control of the trade, but he is not with Government in the matter of lodging that control with the East India Cotton Association.

Rao Bahadur B. R. NAIK: I say I am in favour of the control and the regulation of the trade, but I am not in favour of handing over the control to the East India Cotton Association as at present constituted. That is my point. The Association shall have to be reconstituted on a more democratic basis and then I will have no objection to recognise that body as a controlling body. [Interruption.] I say that I am in favour of regulating and controlling forward business in the City and Island of Bombay. I am not in favour of bringing under control ready business. Secondly, there must be unitary control; that also I am in favour of, but the control should not be given to the East India Cotton Association as at present constituted. Unless the constitution of the Association is democratised on more democratic and liberal lines as suggested and as advised by the members of the select committee so far as possible, I would not be in favour of handing over control to the body

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as it is now constituted. Thirdly, I am in favour of more representation being given to growers. Fourthly, the constitution of the Association should be so framed that other associations can also be included as their members. A scheme or formula should be found out for bringing together the rival associations and also bringing together the merchants and members of the Shri Mahajan Association and the East India Cotton Association. Let me tell you, Sir, whether it is Mahajan Association or East India Cotton Association, it makes little difference. There is one thing which I am not in favour of. Why should there be any penal clause by which you penalise the existing associations carrying on business at their risk? Whether the trade be subjected to the control of the East India Cotton Association or any other control, that will come in time. For that why should you bring in a penal clause? Those who have confidence in the existing associations, in spite of their speculative character, let them go there and do business and speculate. It is no business of the Government to say that it should be fined Rs. 1,000. This too is a matter of detail. Regulating and controlling the contract is the principle.

Then the most important point is the forward business.

The Honourable the PRESIDENT: Is the honourable member likely to take more time?

Rao Bahadur B. R. NAIK: I will take 10 minutes more, Sir.

The Honourable the PRESIDENT: The honourable member has already taken one full hour. I will give him a chance for a few minutes to-morrow.

STATEMENT OF BUSINESS.

The Honourable Sir GHULAM HUSSAIN: To-morrow we will take up this Bill, as there are a large number of honourable members who wish to speak. The time that will be left to-morrow will be too short for any other Government business. On Monday, non-official business will be taken up.

The Honourable the PRESIDENT: Government business will go on to-morrow and on Monday private business will be taken up.

The House is now adjourned to 10-30 a.m., to-morrow, Saturday, the 1st August 1931.

Saturday, the 1st August 1931

The Council re-assembled at the Council Hall, Poona, on Saturday, the 1st August 1931, at 10-30 a.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur

ABERCROMBIE, Mr. J. R.

ACHREKAR, Mr. A. B.

ALLAHBAKSH, Khan Bahadur

ASAVALE, Rao Bahadur R. S.

BANGI, Mr. A. K. J.

BELL, Mr. R. D.

BHUTTO, Sir SHAH NAWAZ

BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH

BOLE, Rao Bahadur S. K.

BOWERS, Mr. P. L.

BRANDER, Mr. J. P.

BRISTOW, Mr. C. H.

BROWNE, Mr. D. R. H.

BULLOCKE, Mr. A. GREVILLE

CHIKODI, Mr. P. R.

CHITALE, Rao Bahadur G. K.

CLAYTON, Mr. H. B.

COLLACO, Dr. J. A.

COLLINS, Mr. G. F. S.

COOKE, Mr. G. H.

DHALUMAL LILARAM, Mr.

DESAI, Rao Saheb B. G.

DESAI, Mr. S. B.

DIXIT, Dr. M. K.

D'SOUZA, Dr. J. ALBAN

EWBANK, Mr. R. B.

GARRETT, Mr. J. H.

GHULAM HUSSAIN, the Honourable Sir

GHULAM NABI SHAH, Khan Bahadur

GOKHALE, Mr. L. R.

GOVER RORA, Mr.

HARIDAS MADHAVDAS, Mr.

HARRISON, Mr. C. S. C.

HUDSON, the Honourable Mr. W. F.

JAM JAN MAHOMED KHAN, Khan Bahadur

JAN MAHOMED KHAN, Khan Bahadur

JOG, Mr. V. N.

JONES, Major W. ELLIS

KADRI, Mr. J. S.

KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHHO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PETIT, Mr. J. B.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.

VAKIL, the Honourable Sirdar Sir RUSTOM JEHangIR

VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

QUESTIONS AND ANSWERS.

✓ APPLICATIONS AND APPEALS TO GOVERNMENT OFFICERS : REJECTION.

Rao Saheb P. D. KULKARNI for Mr. L. R. GOKHALE (Poona City) : Will Government be pleased to state—

(a) whether they are aware that hundreds of applicants and appellants go to the civil court on account of Government's giving replies to their applications or appeals, such as "application is rejected", "appeal is rejected", "The sees no reason to interfere with the order passed by the" etc., etc. without stating any reasons for such replies ;

(b) whether Government intend to issue orders to the officers to the effect that they (the officers) should state the reasons as to why the application or appeal is rejected or why the order of the lower officer cannot be interfered with ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) No.

ADEN : CIVIL ADMINISTRATION.

Major W. ELLIS JONES : Will Government state the progress made in the consideration of the question of the transfer to the Government of India of control over the Civil Administration of Aden and indicate the attitude which they propose to adopt with regard to it ?

The Honourable Sir GHULAM HUSSAIN : In reply to a question put by Mr. Husseinbhoj Laljee in the second session of the Bombay Legislative Council, 1929, on the subject of the transfer of Aden control he was informed as follows :

"The question of the transfer has been mooted and is under discussion with the Government of India. While no decision has been arrived at regarding it the Government of Bombay consider that from the point of view of the administration of Aden and of the finances of the Presidency the scheme has considerable advantages."

Since then the Government of Bombay have been in correspondence with the Government of India on the subject. The administrative difficulties with which the Resident at Aden and the Government of Bombay have been confronted are summarised in paragraphs 2 and 6 of the memorandum on the Civil Administration of Aden, copies of which have been supplied to the members of the Legislative Council, the Press and certain public bodies in Bombay. A copy of the memorandum is now placed on the Council table.

After consideration of various alternatives, the Government of Bombay have come to the conclusion that the most direct and satisfactory solution of the difficulties arising from divided control is that Aden while retaining its special connection with the Bombay Government to whom it would look, as in the past, for a supply of officers and administrative personnel, should cease to form part of the Bombay Presidency, and should be formed into a Chief Commissionership under the direct control of the Government of India.

Before taking definite steps in this direction it was considered desirable to place all the implications of the position before the public specially interested in the matter and to that end the memorandum on Aden referred to above was prepared and issued to the Press, to all Members of this House and the Associations and bodies concerned both here and in Aden. Apart from the administrative difficulties which the present arrangement entails, and which are discussed in the memorandum, one of the main considerations for the Government of Bombay at the present time is dictated by the extreme financial stringency which makes it difficult to view, with equanimity the probability of an extra two lakhs or more of expenditure being transferred almost immediately from Central to Provincial Revenues under the existing constitution. The delay in placing the full facts before the House has been mainly due to the fact that Aden has no separate budget and that it has been found necessary to prepare special *pro forma* accounts for the purpose.

Now that the financial position has been clarified the Government of Bombay, supported, it is hoped, by all responsible opinion in the Presidency, propose to press for the transfer of Aden at once under the powers vested in the Governor General in Council, with the approval of the Secretary of State, under section 59 of the Government of India Act.

MEMORANDUM ON THE CIVIL ADMINISTRATION OF ADEN.

1. *Introductory Remarks.*—Some years ago considerable excitement was aroused in political circles in India by the rumour that the connection between Aden and India, which began in 1839, was to be severed by order of His Majesty's Government and that the control of Aden affairs was to be transferred to the Colonial Office. Assurances were consequently given both in the Legislative Assembly at Delhi and the Bombay Legislative Council that no change in the position affecting Indian interests would be made until an opportunity had been given for discussion of any project which might be under consideration.

2. The connection between Aden and British India began in 1839 when an expedition under Major Baillie took possession of what was then only a barren rock, and founded a Settlement there. This was treated as part of British India and included for administrative purposes in the Presidency of Bombay. But since the Settlement commanded the harbour, which is the natural centre of trade for the adjoining parts of Arabia and Africa, it was impossible for its affairs to be conducted without relation to the Arab tribes dwelling in the hinterland. The Resident at Aden consequently entered into relations with these tribes and with the rulers of remoter places such as Makalla and Shehr, Socotra etc. To the tribes of the hinterland were extended guarantees of favour and protection in return for reciprocal undertakings. In those days Turkey claimed sovereignty over nearly the whole of the Arabian Peninsula and the development of relations between Aden and the adjoining peoples and rulers consequently brought His Majesty's Government into contact with the Turkish Empire. As a result of prolonged negotiations a joint Anglo-Turkish Boundary Commission was appointed and in 1904-05 the boundary

of the Hinterland or Protectorate, as it now began to be called, was demarcated. It was agreed on the one side that the Aden authorities should have no dealings with any indigenous ruler under Turkish suzerainty beyond the boundary then fixed, and on the other, that the Turks should not concern themselves with affairs inside that boundary. Matters continued thus until the outbreak of the Great War in 1914, when the Turks invaded the Protectorate and endeavoured to blockade the Settlement. For strategic reasons the direction of operations against this menace was transferred from Army Headquarters in India to the London War Office in 1917 and control of political relations with the Aden tribes and rulers necessarily accompanied this strategic transfer. The civil administration of the Settlement as part of the Bombay Presidency was in no way affected by this change. After the war it was suggested that this too might be transferred, but the Indian Government objected and the project was dropped. Matters remained there, until 1927, when after much correspondence about the incidence of Aden expenditure, the arrangements of 1917, originally adopted as a war measure, were confirmed, and administrative as well as strategic control of the units composing the Aden garrison was also vested in His Majesty's Government. The present position, therefore, is:—

- (1) the Aden Settlement to which Indian interests are confined, remains part of British India, included in the Bombay Presidency,
- (2) the affairs of the Protectorate, in which India is not concerned, are dealt with by the Resident, who is also chief executive officer of the Settlement and Commander-in-Chief of the forces, under orders from the Colonial Office in London,
- (3) administrative and strategic control of the military and air forces in Aden is under the War Office in London.

The Resident is consequently under three authorities, namely:—

- (1) the Government of Bombay,
- (2) the Government of India, and
- (3) His Majesty's Government in London,

an arrangement which makes smooth and efficient working very difficult.

3. The area of the Settlement of Aden is 75 square miles, the population in 1921 was about 53,000. The racial composition of the population is as under:—

Arabs	..	..	..	..	..	31,612
Indians	..	..	..	..	..	5,594
Jews	..	..	..	..	..	4,408
Somalis	..	..	..	..	..	6,551
Miscellaneous	..	..	..	..	..	4,867
Total	..	..	..	..	..	53,032

The Island of Perim has an area of about 45 square miles and a population of 2,075. The Aden Protectorate comprises an area of about 9,000 square miles and has an estimated population of 656,400.

4. *Administration.*—The chief executive officer (i.e. the Resident and Commander-in-Chief) has under him three Assistant Residents, the first and the third being officers of the Indian Political Department, and the second, an officer appointed by the Colonial Office in London, who is also the Protectorate Secretary. Judicial work is performed by a Judicial Assistant who is a member of the Indian Civil Service and is an Additional Sessions Judge. The Police are under the control of an officer of the Indian Police Service. The Island of Perim is also under the administration of the Resident. The civil administration generally follows the lines in force in India.

5. *Finances.*—Until 1900 the entire civil and military expenditure in connection with Aden was borne by India, although as early as 1886, the Government of India urged the propriety of the expense of Aden being divided between Great Britain and India. In 1895 the Welby Commission was appointed to examine the question. They recommended that the equity of the case would perhaps be met if the United Kingdom were to contribute one-half of the military charges. As a result of these recommendations His Majesty's Government made with effect from the 1st April 1901 a net annual contribution of £72,000 to Indian revenues towards the military charges of Aden, which continued up to 1927. With effect from 1st April 1927, His Majesty's Government have become responsible for the whole of the political and military expenditure of Aden, subject to an annual contribution of £250,000 from the Government of India for the first three years, to be reduced thereafter to £150,000 or a third of the total cost whichever may be less.

Civil expenditure in Aden is borne partly by the Government of Bombay and partly by the Government of India. The figures of revenue and expenditure (Provincial and Central) are as follows :—

(a) *Provincial.*

	Accounts		Revised Budget		Average
	1927-28	1929-30	1929-30	1930-31	
	Rs.	Rs.	Rs.	Rs.	Rs.
Receipts	4,29,900	4,73,100	5,20,000	4,78,000	4,75,300
Expenditure	3,74,000	4,78,400	4,94,400	5,22,400	4,67,300
Surplus	55,900	— 5,300	25,600	— 44,400	8,000

(b) *Central.*

Receipts	3,16,600	6,12,700	6,29,600	5,54,600	5,28,400
Expenditure	9,95,200	7,44,600	6,72,600	8,75,900*	8,22,100
Deficits	6,78,600	1,31,900	43,000	3,21,300	2,93,700

* Includes Hospital Scheme not in budget.

In the above figures "Interest on Ordinary Debt"—Central—has been excluded, and due allowance made for pensionary liabilities accruing against Government and for its share of expenditure in 1930-31 sanctioned after the Budget was passed.

The Provincial expenditure includes a sum of Rs. 2.26 lakhs (roundly) on police, in addition to which His Majesty's Government have agreed to contribute a sum of £8,000 per annum and the Government of India a sum of Rs. 42,000 per annum towards the reorganised police force. This point will be adverted to later.

The expenditure charged under "Central" includes at present certain heads such as Education, Medical, Public Health and General Administration. These items are being booked under the head "29—Political". The amount involved in these items varied approximately from Rs. 2,25,920 in 1927-28 to Rs. 3,65,000 during the years 1927-28 to 1930-31. The propriety of debiting to the Central Government items of expenditure which are really "Provincial" in nature is under consideration, and the adjustments which may become necessary will convert the small precarious Provincial surplus to a substantial deficit varying from 2 to 3 lakhs or more.

6. *Difficulties of the position.*—As already explained the relation of the Resident to three different authorities leads to delay and diffusion of energy. Moreover the strategic and political importance of Aden renders it obligatory from an imperial point of view that a high standard of civil administration should be maintained there. It is necessary to spend on the Police, in view of the isolation of Aden from the rest of India, and its peculiar geographical position, considerably more than would have been required had Aden been on the mainland of India. A contribution towards this expenditure has no doubt been secured from His Majesty's Government and the Government of India, but the administration of the force involves unnecessary correspondence, as the Resident has often to obtain the sanction of three different authorities. Proposals for aid from Central Revenues are constantly put forward and although the Government of India are convinced in some of these cases that there is justification for regarding a portion at least of the expenditure as of Central rather than Provincial concern, difficulties arise under the present constitutional arrangements as the Government of India cannot incur expenditure on provincial subjects. Experience has shown that the overlapping of responsibilities and functions under the present system can only lead to delay and has resulted in what one authority called "the stagnation of Aden". It is unfair to expect the Government of Bombay, whose interest in Aden arises largely out of historical association, to spend their provincial revenues for the improvement of a distant outpost and raising its administration to a standard befitting a nodal point of the Empire. The present small surplus which the Government of Bombay secures from Aden is doubtful and is likely to be converted into

a substantial deficit as a result of the investigation into the classification of some of the items of expenditure now charged to Central Revenues. With the growing demands of Aden, Aden is therefore bound to become an increasing burden on provincial revenues.

COTTON CONTRACTS : THE WILES COMMITTEE.

Rao Bahadur D. R. PATIL (East Khandesh District) : Will Government be pleased to state—

(I) whether they appointed any Committee to examine the working of the Cotton Contracts Act with particular reference to the constitution of the East India Cotton Association Ltd., and to consider whether any of the bye-laws made by the Board and sanctioned by the Governor in Council have acted to the detriment of the trade or any section of the trade ;

(II) if the answer to (I) be in the affirmative how many and which of the members of the Committee referred to in (I) were directly associated with the East India Cotton Association Ltd. ;

(III) whether it is a fact that the members of the East India Cotton Association Ltd., formed the overwhelming majority on the said Committee ;

(IV) whether the said Committee made its report, and, if so, whether that report has been published ;

(V) if the report referred to in (IV) is published, did that report specify any, and, if so, which of the bye-laws, as having acted to the detriment of the trade ;

(VI) whether the said Committee invited any statements or opinions and recorded any evidence ;

(VII) if the reply to (VI) be in the affirmative :—

(a) whether the statements, opinions or the recorded evidence have been published ;

(b) if the answer to (a) be in the negative why they were not published ;

(VIII) whether the Committee recommended that its proceedings be not published, but kept secret ;

(IX) whether the Government have been approached with a request that the statements and evidence referred to in (VI) should be published in order to enlighten the members of this Council on the real grievances of the cotton trade ;

(X) if so, the nature of the request made to Government and what action Government propose to take in the matter ;

(XI) whether Government are aware that the cotton trade in general has not been at all satisfied with such *ex parte* inquiry, and that the trade insists upon an inquiry by an independent Committee composed from among the members of the Legislature ;

(XII) what action, if any, do Government propose to take on the said report ;

(XIII) whether it is a fact that various members of the trade offered to give evidence before the Committee with a view to showing how the constitution and the bye-laws of the East India Cotton Association had acted to the greatest detriment of the trade ;

(XIV) the amount of costs sanctioned for the " Wiles Committee " ;

(XV) the amount expended by the Committee ?

The Honourable Sir GOVINDRAO PRADHAN: The attention of the honourable member is drawn to the Press Note of 17th June 1930 referring to the appointment of the Committee referred to. The Committee submitted its report in December last and it was published. Copies of the Report and Minutes of the Proceedings of the Committee are placed upon the Council table.* Most of the honourable member's questions will be found answered in the report.

The Committee contained representatives of the millowners, exporters and importers of cotton, jethavalas, brokers and growers of cotton, a representative of the Banking Community and had an official Chairman. Since the East India Cotton Association is constituted of all these interests except the growers and bankers, naturally a majority of the committee were also members of, or connected with, that association.

The written evidence submitted to the Committee has not been published. The committee made no recommendation in this respect. The papers are very bulky and the publication would be costly. Government have not been approached to publish them, and do not intend to do so, unless there is a general demand for it.

It is not known whom the honourable member refers to as " the Cotton Trade in general ". There is a consensus of opinion from all the recognized associations consulted that action should be taken on the general lines of the report. A Bill has accordingly been introduced in the current Sessions of the Council, and full opportunity will be given to the legislature to decide upon its course of action.

No particular sum was sanctioned for the cost of the Committee. There were no costs except the travelling allowance to the growers' representatives, payment of stenographers and the cost of printing, which amounted together to Rs. 1,700-4-0.

BILL No. XX OF 1931 (A BILL TO PROVIDE FOR THE REGULATION AND CONTROL OF TRANSACTIONS IN COTTON IN BOMBAY)

Question again proposed :

" That the Bill be read a first time."

Rao Bahadur B. R. NAIK (Surat District): Sir, with your permission, I will now deal with the forward business in cotton—as I understand it—that is done in Bombay and which is going to be affected by the Bill under consideration. It has been argued that if there is a control on forward business in cotton, the market will be depressed and the growers will suffer. I fail to understand this theory. The common sense viewpoint is that the interests of investors lie in depressing the

*In the Council Library.

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market if possible when cotton crop becomes ready for marketing and then to raise the price to profit them. Moreover, it does not always mean that forward business tends to keep prices high. There are two sorts of operators in forward business, bullish and bearish. It happens many a time that persons who are bulls this week are bears the next week. I may give an illustration. If I believe that in the course of the next few months the market is going to rise, I may buy to-day 10,000 or 20,000 bales; but if I find later, after a few weeks, that the market is going down and is likely to go down still further, I will become a bear and sell. So, forward business cuts both ways. If the speculators have the capacity to raise the market, they have also the capacity to depress the market in their own interests. Therefore, any regulated control on forward business is not going to depress the market. I will describe what happens—I am open to correction as I am after all a layman in this line. Forward business is done in three ways. One is hedge contract; second speculative contracts in which some actual delivery takes place but mostly settlement is made by paying the differences; and the third is Teji-Mandi contract. Hedge contract is a genuine necessary contract. As every honourable member of this House is aware, millowners and spinners, in order to cover their contracts for forward deliveries in cloth and yarn, make forward contracts for supply of the cotton required for their cloth and yarn. They purchase cotton sometimes six months, sometimes twelve months ahead. That is to protect themselves from any loss on account of the fluctuations of the market. Then, Sir, there are some genuine growers who are inclined to sell their growth on forward delivery. If I feel that when my cotton is ready and comes into the market, I may not get its full price locally, and I am inclined to sell my produce forward in Bombay. Say I have got 150 acres and I expect to get fifty bales out of it in next May, and I get advice that the rates in August for May delivery are favourable, so I sell in Bombay in August for delivery in May. When the time comes I deliver my goods in Bombay. As anticipated by me the market has gone down. What would be my position if there is no regulation or control of the transactions in Bombay? You know, Sir, how these cotton merchants have their organisations in Bombay. I am an up-country man; I have not got the influence or the experience of the cotton trade. When my fifty bales come into the Bombay market, the prices have gone down. The buyer will say: "Your cotton is not up to the sample, it is damp and watered. Therefore I am not going to accept it unless you accept Rs. 10 less per bale." Under the regulations, therefore, there is a blind survey to be provided and also a board of appeal in order to give a fair chance to the up-country man and other dealers. If this is not provided I am sure that I will be a loser, because my broker in Bombay will have greater sympathies with the Bombay buyer with whom he is in closer touch than with me, an up-country man. If he is going to say: "I am not going to accept your fifty bales at the rate agreed upon" I can say: "Let us have a blind survey." A surveyor is to be appointed by the

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East India Cotton Association on a high pay; blind survey means survey by an expert who is not connected with the cotton trade and who does not know the names of the parties who have sold and bought. He has to open the bales in the presence of two officers of the East India Cotton Association and then to survey whether my cotton is up to the sample or not, and if there is any variation, up to what extent. If I am dissatisfied with that, there is a board of appeal to which I can prefer an appeal. On this board will sit members of the East India Cotton Association who will have no connection with forward business, that is, independent persons who will have no connection with forward transactions in cotton. Therefore the up-country grower will have the chance to get justice under these rules and regulations. This is not only my own opinion; it is supported by the opinion of the highest authority on agriculture, namely, the Royal Commission on Agriculture. I will refer honourable members to page 394, paragraph 334, of the Commission's Report. I have the report but I do not want to waste the time of the House by reading it. It has been very greatly emphasised by the Royal Commissioners that the only defect in the Indian cotton market is that they have no surveys and no arrangement for settlement of disputes and they recommend that a board of arbitrators should be established in places where there are cotton markets. If the honourable members are not satisfied with what I have said, let them refer to page 394, paragraph 334 of the report. Therefore I say that it is in the interests of growers and up-country traders that some regulations for controlling the market and to enable the farmer to get the full value of his produce, are necessary.

I have already dealt with the way in which prices fluctuate in forward contracts. I can understand honourable members objecting to regulations for controlling ready cotton transactions. If there is going to be a bullish market in forward cotton, the prices will rise and so much difference will go to the pockets of the Bombay dealers. This will not affect ready cotton. Ready cotton can be purchased in large quantities and those who have got money can invest it and buy cotton if they like. Healthy competition in ready cotton does good to growers.

There is another reason why I consider it necessary to regulate this forward business. I have already discussed this point and I again repeat it. Not only is it necessary that there must be a regular established market for the most important commodity which is the largest money crop in India, but it is also necessary that the quality and the purity of the cotton should be preserved. And for that purpose an Association—by whatever name you call it—is necessary as a controlling body whose duty it will be to see that the quality and purity of the cotton is preserved and the fair name and reputation of Indian cotton is maintained in the world. And for my authority I will quote the report of the Royal Commission on Agriculture in India. They have said that there is no doubt that there is a lack of cotton markets all over India and there is also a lack of keeping and preserving the purity and quality of the cotton produce and that thereby the Indian

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growers are the greatest sufferers. Therefore they say that there must be cotton trading associations which should help as much as they can in order to preserve the purity of the cotton. I refer to page 402 of the Agricultural Commission's Report. The East India Cotton Association may be composed of jobbers, jethawallas, or perhaps the great millowners, but so far as the purity of cotton is concerned, they say that by introducing the system of allowance the growers of India have benefited and the purity is preserved to some extent. My honourable friends ask me how it affects the growers. It does affect the growers. It should be understood by every man. I will give you an instance. Navsari cotton, which is one of the best cottons not only in India but in every part of the world by reason of its long staple, used to fetch Rs. 80 "on" on Broach two years ago. I will explain to the honourable members what the word "on" is. Suppose the rate of Broach is Rs. 250, then you add Rs. 80 to that and the price at which Navsari and Surat is sold will be Rs. 330. The gin owners and up-country merchants are no more friends of the agriculturists than the cotton merchants of Bombay. What do they do? They have their gins in the Surat district, they mix the Navsari with an inferior cotton and to-day the price of Navsari has gone down to 45 to 50 "on" on Broach. I ask my honourable friend the Thakor of Kerwada to go and find out whether what I say is true or not.

An Honourable MEMBER : May be due to depression.

Rao Bahadur B. R. NAIK : Depression and malpractices also. My point is supported by the Royal Commission on Agriculture and also by the fact that whenever there is a mixture or any other sort of malpractice, it is bound to depress the market and affect the grower. I therefore think that an association is essential to control such malpractices.

Now, Sir, I was challenged by some honourable members who said that in the cotton trade of the country of America the Government does not interfere. There, even the grading of cotton is controlled by the Agricultural Department of the State. Hemp (from which Manila ropes are made) is not allowed to be exported unless the hemp is graded under the authority of the Agricultural Department in New Zealand and Phillipines. I refer honourable members to page 402 of the Agricultural Commission's Report. Not a pound of cotton or hemp is allowed to be exported from these countries without grading being done under the authority of the Government. That will be found in the same chapter and same paragraph. I quoted Russia yesterday but I do not wish to tire the House with quotations.

Coming to the next important question, I admit that here is an alien Government which, it has been alleged and probably rightly, is acting as if it was charged with the duty of protecting and encouraging the interests of the foreign merchants. It is equally true, as has been pointed out by my honourable friends, that our own countrymen who are cotton merchants, millowners, exporters, brokers and so on, have been exploiting the growers to some extent. If this is admitted, then we are in between

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two evils and when one finds oneself between two evils, one does well in choosing the lesser evil. We also know that at present the growers are not properly organised into one powerful body. Until the growers are strong enough to have their own body which could face the combined and organised onslaughts of the trade organisations, would it not be better in the interests of the growers themselves to entrust the duty of protecting their interests to a body which works under Government supervision? Government, by themselves, are not trading in cotton and have no private interests opposed to those of the growers. Of course, they may try to aid foreign merchants engaged in cotton trade to a certain extent, but all things considered, would it not be better to choose the lesser evil and choose Government and leave them to look after the growers' interests also until the growers are organised? Once the growers are organised, no association will be able to exploit their interests. My honourable friend yesterday said that the growers are being exploited by the cotton merchants who go to the villages to buy cotton. Is that not the greater reason why we should put more faith in Government and in a body the constitution of which is to be democratised and which will be under the control and supervision of Government? The word "control" here is, in my opinion, a misnomer. I would prefer to use the word "supervision" which is intended to minimise over-speculation. Otherwise everyone is free to deal in forward transactions subject to the condition that those transactions have to be carried on under the rules and agency of a particular association. If you will go through the constitution of the East India Cotton Association (which association I mention only as an instance), you will find that out of 365 members there are 197 brokers. Whether in Bombay or elsewhere, you cannot deal directly with the trade, and you have to employ brokers and sub-brokers. Even my honourable friend Mr. Jehangir Petit has to employ a broker for his cotton transactions. My honourable friend Mr. Jones is a broker of Sir Ness Wadia. There is no control as a matter of fact, everybody and anybody can go in for forward transactions and indulge in speculation on a restricted scale, i.e. restricted to the condition that those transactions must be passed through some agency like the East India Cotton Association with a recognised constitution working under rules and bye-laws approved by this Council and Government. I have no brief either for the East India Cotton Association or for the Mahajan Association and I do not say that you should favour the one or the other, but I cannot do my business without the help of some recognised body in Bombay. Nobody can do it. The rules will be passed under a statute of this honourable House. I would even go so far as to say that "instead of the Governor in Council" you may substitute "the Legislative Council of the Governor of Bombay"; it is all the same to me so long as I know that the rules will be ultimately passed by this House.

Another important aspect of the matter which affects the growers is the question of the unit. You will find in the proceedings of the Wiles Committee that I have placed this point also before them. At present the unit is 100 bales. I pressed for its reduction to 25 bales, but as a

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compromise the Committee by a majority adopted 50 bales as the unit in order to give a chance to large growers. I have studied the question of the holdings in the Surat district and I can tell this House that there are very few holders in Surat district who can grow cotton which will be 25 bales. Out of 8,000 holdings in Chorasi Taluka of the Surat district only 15 holders own 500 acres of land and over. In the Bardoli taluka, out of 17,000 holdings, only 16 holders own land more than 500 acres—nearly 80 per cent. of the holdings are small holdings. I have studied Dr. Mann's Atlas carefully and I know what I am talking about. I may not be in a position to deal in forward contracts, but to give an opportunity to those who wish to deal in forward transactions, I said the unit should be 25 bales, and in this I think I am supported by the honourable members of this House.

The next question of great importance is the question of *teji-mandi*. If you will look up the proceedings of the Wiles Committee, you will find that on this point also I have distinctly told the Committee that I do not understand the intricacies of this trade and I am not prepared to give my assent to it. It is after all a forward transaction which means a speculative transaction and some delivery is being done, I am told. I will bring to the notice of the House one very strong and cogent argument which was advanced by the members of the Wiles Committee from Bombay as regards *teji-mandi*. They say that *teji-mandi* (known as option business) cannot be checked. If that is so, is it not then advisable to bring it under the control and regulation of a controlling body by which the effects of the *teji-mandi* transactions can be minimised? I am not giving my own opinion when I say that *teji-mandi* cannot be checked. That is what they (the members of the committee) say and what they say is that *teji-mandi* transactions should be brought under the control of the governing body and all their transactions should pass through the clearing house. So that, when these people have to pay cash on every clearing day for the differences very few people will indulge in this sort of speculation, and it will therefore be a check on *teji-mandi* business. That was the argument advanced by them. But whatever they may have said, to me it is a transaction of a speculative nature. I therefore purposely did not vote on the point in the committee, and I am quite prepared to do away with *teji-mandi* business if honourable members are prepared to support me there.

I think I have taken up a great deal of the time of the House, and that I should not weary the House any more, but before I resume my seat I wish to make my position clear. It is most unfortunate that two honourable members coming from the same district should differ, and one honourable member said that members from the mofussil should oppose the Bill. If I have differed from them on one essential point, namely whether there should be unitary control or not—as most of them accept the necessity of control—I might assure honourable members that I have no self-interest in doing so. As I said yesterday, I am not at all connected with the cotton trade, but I honestly believe that some sort of control on forward transactions in cotton in Bombay is in the interest

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of the growers and that can be efficiently done by one democratised body. Sir, my opinion may be wrong ; I am not prepared to say that I am always right—I may be wrong—but at least I hope I will not be charged by my honourable friends that I am supporting the principle of regulating the trade in cotton in Bombay city to serve any self-interest. Honourable members can take it as my word from the floor of this House that my only object is to safeguard the interests of the growers according to my belief and nothing else.

I thank you, Sir, for giving me this indulgence, and in conclusion I would say that I favour allowing this Bill to be passed in its first reading and then referring it to a select committee, keeping my mind open for the second reading as to the line of action I should take after seeing the report of the select committee.

The Honourable the PRESIDENT : Evidently, the idea of monopoly seems to be uppermost in the mind of honourable members, but I hope they will not assume the monopoly of speeches.

Sardar Davar T. K. MODI (Surat City) : Sir, it is unfortunate that the Honourable the Finance Member should have moved the first reading of the Bill without explaining to us why it was necessary to extend and amplify the existing Act. Instead of leading the debate on right lines, he has referred us to the speech that the honourable member the Finance Secretary will deliver some time in the course of the debate. May I, Sir, be permitted to say that he has done so because he did not want to argue against his own conviction ? - Whatever that may be, this Bill is of an unusual character. It is of an unusual character, because it proposes to interfere with the freedom of trade. Ordinarily, Government do not interfere with trade, and if Government propose to interfere with the freedom of trade, it is for Government to make out a strong case for such interference. Instead of doing that, we have to stand up here and show cause as it were why this Bill should not be passed.

Sir, the case of Government has been ably put by the honourable nominated member from Poona (Mr. Kamat). He told us rather dogmatically that he was convinced that there should be unitary control, and that such control was in the interest of the agriculturist, but he has adduced no reasons whatsoever for saying so, and therefore I am not at all convinced how it is in the interest of the agriculturist and why there should be a unity of control. The second advocate of Government has been the honourable member for Surat District (Rao Bahadur Naik) : I shall deal with his arguments later on. Now, the honourable nominated member from Poona exhorted us to come into line with other countries, and gave us to understand that in New York and Liverpool the associations were statutory bodies, but the honourable member who represents the East India Cotton Association has admitted that the New York Association is not a statutory body.

Rao Bahadur B. R. NAIK : I said executive authority.

Sardar Davar T. K. MODI : I know that the honourable member for Surat District quoted something from a book, but I have not been able

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to follow what his authority was. He quoted from some report or something like that, and what he told us was that in America jute is controlled, but he has not told us that the New York Cotton Association is a statutory body. On the other hand, we have the authority of the honourable member who spoke on behalf of the East India Cotton Association and we have also the authority of Sir Purshotamdas Thakurdas who in his speech in 1922 admitted before this House that those bodies were not statutory bodies. If I am wrong, I shall be glad to be corrected on that point, but I think I am right in what I have said. So far as the Liverpool Cotton Association is concerned, I have hunted in the Library for any statute governing it. What I have been able to find is that there is an Act called the Cotton Statistics Act, passed in 1868, which imposes a duty on every importer to give information as to the quantity of cotton imported into the United Kingdom. Except for that there is no other statute. It may be suggested that the Liverpool Association holds a Royal Charter. If that is so, my submission is that the name of the association would certainly have indicated it.

Now, Sir, whilst admitting that the Liverpool Association and the New York Association were not statutory bodies, the honourable member representing the East India Cotton Association frankly told us that the sense of discipline in those countries was far greater than in our country, and therefore those bodies were able to exercise unity of control and control the trade in general because of that. Therefore, it comes to this, that in the city of Bombay the sense of discipline amongst the traders in cotton is so small that they cannot carry on the trade without legislative sanction behind them, and this House is asked to pass this Bill on this ground. Now, Sir, at the present moment we are all demanding Swaraj. At the present moment we are put up before the bar of public opinion in Great Britain to prove our fitness to govern India. At such a moment if you pass this Bill, what will you prove to the world? You will prove to the world that the sense of discipline is so small in India that even a small body of traders like the cotton traders of Bombay are not able to govern themselves, unless they are kept in leading lines by statute. You will certainly furnish this as an example of your unfitness to govern India. Therefore, Sir, I leave it to the House to determine whether they are to sanction this Bill on that ground. But that is not the real ground. I do not admit that it is the real ground. In the year 1919, the times were abnormal and the Government came to the rescue of the cotton trade. The Act of 1919 was passed as a war measure and as a temporary measure. In the year 1922, even at that time, the market was abnormal and the cotton trade rushed to Government to come to their assistance. Government thought that the trade would not be able to stand on its own legs and they very generously came to its assistance and passed the Act of 1922 for a period of three years. Under the emergency powers vested in them, they extended that Act. Instead of making any reference to this House they extended the Act three times and perhaps this is the 9th year of the life of the East India Cotton Association under its emergency power. That is a side issue with which we are not

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concerned. But the consideration for the House is whether it should not be jealous of giving such powers in the hands of Government.

At present, what is the state of affairs? The trade has remained in leading strings and has been walking on clutches and it is very nervous that if this protection is taken away it will not be able to stand on its own legs. Our effort must be to make every individual and every association self-dependent and able to manage its own affairs. Instead of fostering that spirit, we pass such bill as this Bill making them more and more dependent on other's help. I am quite against, on principle, to pass such grandmotherly legislation which seeks to give protection either to individuals or associations. The East India Cotton Association should no longer be in leading strings. It has passed the stage of tutelage and it must be able to stand on its own legs without the control of cotton trade in Bombay. If on account of competition, if it goes to wall, it will not deserve the sympathy of anybody.

Then the larger question is: If we withdraw protection, such an important trade as the cotton trade of Bombay will go to dogs, in case the East India Cotton Association is not able to hold its own without legislative sanction. To that my simple answer is: How did the cotton trade of Bombay go on up till the year 1919? At that time there was no assistance given. The trade was not interfered with either by statute or any order of Government. I am confident that, even now if we do not interfere with it, it will be able to hold its own, because it has got to maintain its credit in foreign countries. The people who are controlling the trade are public-spirited men, who know their own business.

So far as the agriculturists are concerned, my friend the honourable member from Surat city has argued before us in a masterly manner but in a complicated manner. So, I have not been able to follow him. Just as he is a grower of cotton, I am also a grower of cotton. I grow cotton to a considerable extent. It gladdens my heart when speculation goes on in Bombay and the price of cotton goes up. It brings into my pocket a little more money. As a cotton grower I do not go to the Bombay market to sell my cotton. I do not know what the East India Cotton Association is doing. If I find the price is suitable I sell the cotton to the local broker. If I do not do that, I go to the town to a ginning factory and there are men who will sell my cotton.

Mr. J. B. PETIT: How many bales of cotton do you sell?

Sardar Davar T. K. MODI: I do not understand what bales mean. I am an agriculturist.

Mr. J. B. PETIT: How many Khandis do you sell?

Sardar Davar T. K. MODI: I know, Sir, I am not such a large grower of cotton as my honourable friend from Surat District said he was and who said that in the Chorasi taluka there are 14 people who hold lands extending over 500 acres each. I am a humble agriculturist and I speak as a humble agriculturist. I am quite content with

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that. When I say that I am a humble grower of cotton my case is strengthened as on this side of the House we are concerned with small growers and not large growers who will be able to hold their own.

Rao Bahadur B. R. NAIK : I never said that I am a big grower of cotton. I said I grow some cotton and that I have got my tenants who grow cotton also.

Sardar Davar T. K. MODI : I do not agree with that. I speak, Sir, from the standpoint of the small agriculturist who is more interested in having a local market and a board which will regulate the local market. An Act was passed in 1927 for establishing cotton markets. The honourable member who spoke on behalf of the agriculturists and the effect the East India Cotton Association will have on the agriculturists has not seen his way as President of the District Local Board of Surat to establish a local cotton market. But I say it does not affect me in any way. He should have taken steps to establish a market in Surat for the benefit of the agriculturists.

Rao Bahadur B. R. NAIK : As to why a market has not been established in Surat, I refer the honourable member to the report of the Bombay Provincial Banking Enquiry Committee.

Sardar Davar T. K. MODI : I have not been able to follow a single word of what he said. He said something about banking. I do not know what he said.

He also said something about the purity of cotton. That is a big issue. The question of purity of cotton does not touch this Act. So far as this association is concerned, I can see how it will affect the agriculturists. If what we call monopoly—I do not know whether it is a real monopoly—if the trade is vested in the East India Cotton Association, it would adversely affect the agriculturists in this way. It is composed of consumers and exporters and consumers and exporters are both interested in keeping the prices down. The answer to that would be that it is also composed of importers. But the cotton that is imported is of a different variety from what is grown in India. Whatever the price of the imported cotton is, the interest of the importer could not be to push the price of Indian cotton. But the predominant interest of the East India Cotton Association is to keep down the prices as low as possible, whereas the interest of the agriculturists is to sell at as high a price as possible. On these grounds I think it my duty to oppose this Bill. Still I have an open mind. If I am convinced by the arguments on this side of the House that this Bill is really in the interest of the cotton trade of Bombay and of the agriculturists of this Presidency, I may be inclined to support it.

Mr. G. WILES : Sir, I apologise if my delay in speaking has led any honourable members to form opinions adverse to the Bill. My reason was this. It is not a new principle we are introducing in this Bill. There is a statute, passed nine years ago by this honourable House. Practically, the only difference in the Bill which is now before you is in the constitution of the body which is in charge of the trade. Now,

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many of us may have been bewildered by the mass of propaganda which has been poured on to us during the last fortnight. Some of us have been well coached by propagandists in the lobbies, and we have seen the effect of it in some speeches made to us. Others seem to be suspicious of the intentions of Government; perhaps some of us are suspicious of the aim of Government when Government do anything. Others have a genuine misapprehension about the effect this Bill will have on the cultivators, whose interests we are here to protect.

May I start by making a plea that we shall form an independent judgment, based solely on the arguments which have been or may be put before us? There never has been any Bill brought before this House more free from politics than this Bill. Yet some members have even drawn the Round Table Conference into the discussion. It is perfectly amazing that anybody can hold the idea that "India will be proving its incapacity for self-Government by attempting to set its house in order" and regulating the cotton trade. There is only one object in the Bill, and that is the good of the cotton trade and of the cotton grower. Let us then put aside any bias; let us not introduce into the discussion the question of rich and poor, or capitalist against cultivator. Put out of your minds any views you may have on the personalities of the present Governing Body, which have got nothing to do with the present Bill.

Let me explain the exact meaning of Government control. I said the other day that the control of Government was in the interests of the public. We are in effect by this Bill giving a charter to a body established by the cotton trade itself. It is not a body which is being established by Government. In response to a demand from the cotton trade that a charter shall be given to an association which they have themselves established, Government have consented to bring this Bill. Government retain control, naturally. If you are giving statutory powers to anybody, Government must retain power to see that that authority is not abused. That is in the interest of the agriculturist as well as of the small trader. "Why," asked the honourable member Mr. Gokhale, "have Government selected cotton?" Government have not selected. It was the cotton trade, as I said, that came and asked for this power. Bombay is one of the great markets of the world, and the sole interest of Government lies in seeing that that great market has an authority regulating it, which is worthy of it and which will continue to merit the confidence of other parts of the world. That authority we have in the East India Cotton Association. The risk, then, before us is the risk of shaking the confidence of the world in the Bombay market.

Let me also remove another misapprehension that this is a war measure, which Government, for some reason or other, has extended. It is not a war measure; it never was a war measure in its present form. When Government first took action in 1918, it was a war measure; for several years there was direct Government control, in that there was an officer of the Bombay Government who was actually the president of the board that administered the cotton trade. As soon as possible, as soon as the

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trade asked it, that control was removed, and my honourable friend to my right (Mr. Haridas Madhavdas) has told you what immediately happened. Within six months, the Association came to us and said that they could not manage their affairs yet and that they should have Government control for a short time more. If Government had any intention of continuing control, was not that their opportunity? They could have continued that arrangement. But Government never had that intention. As soon as the East India Cotton Association was properly constituted they withdrew their control, and in 1922, the powers which the East India Cotton Association sought to exercise were given to them. It was not the intention, as I understand, of this honourable House at that time that the control should be removed at the first opportunity. I am unaware of any such intention. The chief object of making the Bill a temporary one was that the constitution of the body which controlled it might come up for investigation. Government did not, therefore, use extraordinary powers in extending the old Act. There was the power which was deliberately given to Government in the Bill itself. And the reason was not that the measure should be temporary, but that if there was a desire in the trade itself to alter its constitution, the remedy should be in their own hands. Now, again at the request of the cotton trade of Bombay, an investigation has been made and certain proposals have been put before Government for the reorganization of the body which is controlling the trade. These are the matters which are now before this honourable House.

Why should there be unity of control? Well, perhaps I might give you, to start off with, a list of the associations and bodies whom we have consulted on this matter. The report which I signed as chairman of the committee of investigation was sent to every association interested in Bombay City, and the committee themselves, as already stated by the honourable member Rao Bahadur Bhimbbhai, sent their questionnaire to practically every body in the whole of India interested in cotton. It cannot, therefore, be said that we are proposing a measure without consulting anybody. Unity of control is insisted on by the following authorities: the Indian Central Cotton Committee, the Bombay Chamber of Commerce, the Bombay Cotton Brokers Association, the Marwari Chamber of Commerce, the Indian Merchants' Chamber, the Millowners' Association and the Bombay Cotton Merchants and Muccadums Association. The one body that is inclined to object is the Shroffs' Association of Bombay. I omit, for reasons which I may perhaps explain to you later on, from this list the mushroom growth, the Shri Mahajan Association.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA): Have they consulted any cotton growers' association? To my knowledge they are in existence.

Mr. G. WILES: The committee of which I was the chairman, as the honourable member Rao Bahadur Naik has told you, consulted every Registrar of Co-operative Societies and every Director of Agriculture of every province. We are not acquainted with cotton growers' associations

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in other presidencies. The cotton growers' associations in the Bombay Presidency were all consulted, and not one of them has objected to unity of control.

Mr. L. R. GOKHALE: Are they all Government servants, or are they any private bodies?

Mr. G. WILES: Presumably they are private bodies.

Mr. L. R. GOKHALE: Directors of Agriculture?

Mr. G. WILES: We had to consult them naturally through official agency. As has been already hinted by me, the Bombay cotton market is a world market, and you will never get any body in other parts of the world to have confidence in the Bombay market unless they are sure that there is one control, unity of control. The welfare of the Indian cotton grower depends upon the export trade. The honourable member from Gujarat said that he was not interested in what happens in Bombay. I think he has perhaps said more than he meant. Cotton prices in India follow world prices, and you cannot have an immense business like the Bombay cotton trade run by any body of men in whom the rest of the world will have no confidence. Do not destroy that confidence. The foreign trader as well as the cultivator desires to be assured that he will have a fair deal. There must be unity not only of contract, but of classification of cotton and of other conditions of trade such as survey and arbitration. If you do not have one body whose rules can be communicated to other parts of the world, how can any outsider have confidence in the Bombay market? The control, Sir, which this Bill seeks to institute is rather, as was said when the last Bill was introduced in 1922, a sort of local self-government. You cannot have two bodies in any one town trying to run the government of the town. Rival parties you may have perhaps, but they cannot function simultaneously.

Some confusion seems to have arisen over the use of the word 'monopoly'. Now, the East India Cotton Association is not a trading association. Therefore, the word 'monopoly' cannot be suitably used. There is no monopoly, and competition will remain absolute and uncontrolled in regard to trade. Arising out of this, I may also reply to another misapprehension, which has already been answered by Rao Bahadur Bhimbhai, a very common misapprehension, that the East India Cotton Association has any power to fix prices. They have no power whatever to fix cotton prices. Prices are fixed and determined by economic causes, and ordinarily no controlling body has power to affect them, except by taking action which is not contemplated by this Bill. Again, the East India Cotton Association, as an association, has no interest in reducing the price of cotton. The East India Cotton Association, as an association, is unaffected by high prices or low prices. The members individually have of course an interest, because they are traders. But this has nothing whatever to do with the Bill, which deals with the control of the trade or the regulation of the trade. Is it not better, in order that the cotton traders may know where they stand and the growers may know where they stand, to have a single regulating body rather than

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have a number of bodies? There is no such thing as healthy competition between two controlling bodies. You can no more have a healthy competition between two regulating bodies than you can have two municipalities trying to run one town. Why did we select the East India Cotton Association for this purpose? I have already implicitly answered that. The reasons are historical. The East India Cotton Association has arisen through the union of all other associations who ever tried to control the trade in Bombay. There were, before 1918, for a short time two bodies trying to control the cotton trade in Bombay. That was one of the reasons why the trade came to the Bombay Government and asked them to control the trade, because they found that the existing two bodies, each trying to run the trade, must lead the trade to chaos. Historically, then, the East India Cotton Association, as far as Government was concerned, was the cotton trade in Bombay. There was no other body in Bombay at the time when the East India Cotton Association was formed which had any interest in the cotton trade in Bombay. The Shri Mahajan Association is a mushroom growth, which was established after the East India Cotton Association was formed. The Shri Mahajan Association has been doing a great deal of propaganda, but as that association's affairs are not an essential matter of principle, I would much rather deal with it, if necessary, at a later stage. I prefer now to speak on the main principle of this Bill.

The honourable member Rao Bahadur Asavale's amendment, as has already been pointed out, is a direct negation of all the principles of the Bill. I think it will be clear why that is so. If by "any association" he means "any number of associations," that is the negation of control. Even if we had a number of bodies all following the same model by-laws, it would still be impracticable to have a uniform administration. The administrations must differ. You would have different rates. You would have gambling, straddling between two rates in different markets, with disaster to the prices of cotton. In the opinion of Government, therefore, the East India Cotton Association is the only possible association to whom the control of cotton can be handed over.

Now, just one or two words about its constitution. The Honourable the Mover has already explained that the constitution of the Association is not an essential matter of principle and he is willing that this should be referred to the select committee. I would, therefore, only say a few words in order not to take up the time of the House at this stage—just a few words of caution. It must not be forgotten that the East India Cotton Association is a voluntary association. All we can say, therefore, is, "If you are prepared to mend your constitution in certain ways, then we will give you powers." That is the only way in which we can bring pressure to bear. As I say, this Association has been formed from the trade itself and Government do not wish to force on the trade an Association which is not made up by voluntary association. I suggest also, in order to avoid misapprehension, that there is possibly a dangerous misuse of analogy in talking about democracy in connection with an association of this sort. My own opinion is that in a matter of

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this sort representation of interests is of more importance than representation of individuals. As the honourable member Rao Bahadur Naik said, if you give individual representation in the Association, it will become an association of brokers. That was the origin of the curious system of panels, which, at first sight strikes the outsider as being curious. The institution of panels was the only thing which enabled the East India Cotton Association to be formed in its original shape. There would have been no unity, no agreement, among the various interests in Bombay unless they got representation on the main body consonant with what they considered to be their interest and stake in the trade. That was why the panel system was devised which divided the trade into various compartments and sent representatives according to compartments, not individual representatives. I would ask, before this House throws away this system which has worked really quite well, that it should be considered very carefully.

I hope the House will give me some time to deal with some more important points. There has been misapprehension about the nature of the control. The Bill provides that forward business, that is to say, all speculative business in cotton, shall be done through the members of one Association. Now, at first sight, it seems most improper that any law should take away the right of anybody to trade. But you will notice that together with this clause goes another clause which, in effect, removes from any control trading in ready cotton. There has been some misapprehension which I tried to dispel yesterday with regard to the control of ready cotton. It was not the intention of Government in this Bill,—it is not the intention of the East India Cotton Association,—to retain control—in the way in which it is understood—of transactions in ready cotton. But there are obvious conveniences to cotton growers and cotton traders outside Bombay if the whole of the ready cotton trade follows certain rules and regulations. Every trader and grower outside will then know exactly what the main trade terms mean. That is the only control which was ever intended by this clause. If the honourable House thinks it is going too far to proscribe by law the contracts which do not follow the by-laws, I for one should have no objection to removing the clause from the Bill. But I can assure you that the only object of putting in this clause was the convenience of the small trader and cultivator outside Bombay. You will confirm what I have said if you study the by-laws of the East India Cotton Association and read the clauses relating to ready business. Most of the control which is exercised in forward business does not apply to ready cotton at all. The honourable member Rao Bahadur Naik gave a very lucid explanation of the cotton business. It is a very difficult matter to understand, as all of us know. Rao Bahadur Naik, a practical man who grows cotton and knows something of the business, recommends that this control is essential for the benefit of both parties. If I may do so without any illfeeling, I would like to contrast the honourable member's speech with that of his near neighbour, whom I must also congratulate on the lucid way in which he stated his brief.

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I might explain now the reason why we have put the penal clause in the Bill. That is another point which has exercised the minds of honourable members. The reason was that the lawyers told us that you cannot prevent a body of men associating themselves together to do acts which are void at law. Therefore, the unity of control of cotton trade in Bombay has not really been effective. That was the sole object of putting in this new clause. It is for the honourable House to consider whether the object should be attained or not. You can prevent the formation of an association to carry out an illegal object, but you can have an association to do trading, which cannot be enforced in a court of law. I would request honourable members to get rid of the curious idea that it is good for the cultivator to leave speculators to do their speculation. Speculation—call it speculation or call it gambling—is essential for the prosperity of trade. But if it is abused, it cannot but result in damage to the cotton grower. Speculation by two or three bodies vastly increases the risk of ill-effects of speculation. You have two side by side, one lot of gamblers gambling against the other.

While I am speaking on this point, I would like to refer to the demand on the part of this House for representation of cultivators on a trading institution—an institution for the regulation of trade. I can only pity the poor cultivators, placed in the middle of the board of directors who are running an immense world trade. You know how difficult it is for ourselves to understand the technicalities of the trade.

Rao Bahadur B. R. NAIK : May I inform the honourable member the Finance Secretary that it is the recommendation of the Provincial Banking Enquiry Committee that growers should be given representation on the East India Cotton Association ? The recommendation was made before the Bill was drafted.

Mr. G. WILES : Do not let the honourable member misunderstand me. I strongly favour the representation of the cultivators, but when the honourable member suggests that half the number of the Directors should be representatives of cultivators, then I think he is going too far. By all means have representation on this body which is going to regulate the cotton trade.

An Honourable MEMBER : What percentage ?

Mr. G. WILES : I don't mind—1 or 2 per cent. or more will in fact be the same. If they have representatives there, they will be in a position to put the point of view of the cultivators before the board, but they cannot understand the intricacies of the trade. If they find any rule or by-law affecting the cultivators adversely, those representatives will be in a position to put their point of view before the directors of the trade.

I will now deal only with one other point. We are told that we are going to increase speculation by permitting the association to control business in options. It is not strictly true, as I tried to point out yesterday, that this Bill will legalise options. Certain options are already legal and certain other options are illegal. There is no doubt about it. There are two different kinds of options. The sole point at issue is whether

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the option has cotton behind it or whether no delivery is contemplated, in which latter case the option is illegal under the gambling law. If there is cotton behind the option and delivery is contemplated, then it is a legal contract. The proposal now is to control these legal contracts because the evidence given before my committee was that they could not be suppressed. That was the point made by everybody except one gentleman who gave evidence before my committee, that those transactions could not be suppressed. It was therefore considered much more advisable that they should be brought under control and put on a cash basis.

I hope, Sir, I have shown that the interests of the cultivators and the control of cotton in Bombay are not mutually destructive. The regulation of the cotton trade in Bombay can only work to the advantage of the cultivator. It is a very difficult question to understand, as various honourable members have admitted. May I then plead with those who admit that they do not understand it, to accept the advice of those who have studied the question and who do think they know a little about it? As regards those who have opposed the measure, may I plead with them to consider the possibility of their being mistaken? Let us not run the risk—at any rate it is a risk—of producing chaos in the cotton trade of Bombay.

Sardar BHASAHEB RAISINHJI (THAKOR or KERWADA) (Gujarat Sardars and Inamdars): Mr. President, I rise to offer a few remarks in connection with the Bill which has been discussed by the honourable House for the last so many days. I should first like to draw the attention of the House to the circumstances which led the Government of the time to introduce the Cotton Contracts Act. Today it has been repeatedly said that this Act was intended to protect the interests of the cultivators. I say that it was intended to give protection to some of the big merchants of Bombay who, as the after-effects of the War and owing to the fluctuations in prices of cotton then, were seized with the instinct of speculation and who were therefore gambling in cotton and it was with a view to save them, not the agriculturists, that this Act was introduced and passed into law. That was a time when I think the instinct to speculate spared nobody, not even the then Government of Bombay of whose speculative transactions the Bombay Development Scheme is an instance and a living monument. As admitted by the honourable members who spoke on behalf of the East India Cotton Association, it was at their instance and at their request that special legislation of this kind was sought, and I have been able to gather from the proceedings of this Council relating to the introduction of this Act that it was distinctly made plain to those who opposed it that that was a measure of a temporary nature only and that after a time it would be repealed. I would refer to the speeches of the then Honourable Members of the Executive Council—I mean Sir George Carmichael, Sir Ibrahim Rahimtoola and Sir Cowasji Jehangir (Jr.)—and if you will also look up their speeches you will find that there was no intention at that time on the part of Government to continue the Act permanently

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or even for a longer period than what was laid down in it. Therefore, I am rather surprised to-day to be told by some of our honourable members that this measure is intended for the protection of the agriculturists. I challenge them to show a single word throughout the whole of the proceedings when this measure was introduced which will show that it was then intended to give protection of any kind to the agriculturists. I for one do not find any —

The Honourable Sir GHULAM HUSSAIN: Did the honourable member himself not vote for that Bill?

Sardar BHASAHEB RAISINHJI: I did not vote because I was not a member of the Council on that occasion, but I can point out honourable members who now occupy the official benches or who since occupied the official benches. I refer to the Honourable Minister of Agriculture, Dewan Bahadur Kambli, and the ex-Minister Mr. Jadhav who was for a long time a very distinguished member of this House and who twice held the responsible position of Minister, and I will remind the House that both these members, in their non-official capacity, voted against that measure. I can point out the instances of other honourable members who then voted against that measure. Now I make a special appeal to those honourable members who are interested in agriculture to bear in mind not only the then circumstances and conditions but also, with due respect for the Cabinet which was then in existence—I yield to none in my respect for the distinguished Members of the Cabinet which then existed—that the Cabinet which was then in power was largely composed of commercial interests. Under those circumstances this measure came into existence. I am surprised to hear from my honourable friend Rao Bahadur Bhimbhai Naik and the other honourable member who represents the East India Cotton Association that according to them this measure is meant to benefit the agriculturists. It does nothing of the kind, so far as I can see. I am not a lawyer and therefore I may be wrong in inviting the attention of this honourable House to clause 4 which seeks to give the East India Cotton Association power to frame rules. I refer to sub-clause (e) of this clause 4. It reads:

“(e) determining and declaring the market rates for cotton of any and every description which rates shall be binding for all purposes upon every one dealing in cotton;”

I think my reading of this is correct —

Mr. G. WILES: It is incorrect. May I explain, Sir, that determining and declaring the market rates is quite a different thing from the fixing of the price of cotton? It is merely to ascertain what the market rate is for the purpose of the clearing house.

Sardar BHASAHEB RAISINHJI: Fixing.

Mr. G. WILES: Where is the word “fixing”?

Sardar BHASAHEB RAISINHJI: I may be wrong, as the honourable member the Finance Secretary points out. However, what I want to point out is that my honourable friend tried to make out that the East India Cotton Association is simply to regulate the cotton trade.

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It is not so. The members are all merchants, brokers and buyers. We have to bear in mind that this is the very body which it is proposed to invest with the power of control and which body is composed of persons who are interested in buying cotton for export or consumption. With all due deference to them, I must submit that their interest therefore does not lie in increasing the prices but it always lies in keeping the prices at the lowest possible level which can never be to the interests of the agriculturists. I hope, Sir, I have made my point clear, namely, that the East India Cotton Association being a body directly and largely interested in keeping the prices at the rock-bottom level, it will hardly be right or safe to invest that association with the power to keep prices down as this power will not work to the advantage but to the detriment of the agriculturists, the growers of cotton. I am very glad to hear from the honourable members who represent the East India Cotton Association that that association purchases cotton to the tune of 30 crores or something like that in a year—

Mr. HARIDAS MADHAVDAS: No, no.

Sardar BHASAHEB RAISINHJI: Whatever may be the number of bales or the value of cotton purchased in this Presidency, I may say—

Mr. HARIDAS MADHAVDAS: The East India Cotton Association does not buy or sell any cotton at all.

Sardar BHASAHEB RAISINHJI: I mean the members composing the East India Cotton Association buy cotton. Do they not? The district from which I come alone sends cotton to Bombay to the extent of 5 crores annually, and from the growers' point of view I may venture to tell this honourable House that even a slight difference affects the grower to a considerable extent. If the price is a little higher, the grower gets that much more profit. If the price is a little lower from any cause whatever, the grower loses that much. If you were to scrutinise the figures of the prices that have prevailed since the control came into existence and since the control has been handed over to that Association, I am quite sure that you will find that the prices of cotton have been kept down to the lowest possible limit, and this condition cannot in any way be beneficial to the interests of the cultivators.

It is a matter of commonsense that if there are more than one buyers of a commodity like cotton, the cultivators are likely to be benefited by it due to the existence of healthy competition, but on the contrary if the power to sell is restricted to a particular group of persons, whatever may be the name of the association, the tendency would be to obtain the cotton at the lowest possible rate, at least lower than if there existed a rival institution offering fair competition which fair competition would no doubt be to the advantage of the cultivators.

Another argument is that they are not objecting to ready cotton sales, that it can be sold anywhere without any control. Whatever may be the intricacy of the Cotton Trade the fact remains that this Bill intends to give power to the dealers in cotton in direct violation of the Contract

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Act, which means that there is an idea in their minds that there is some sort of corruption in making a contract outside the Association. For, if a contract is made with a party who is not a member of this Association, the contract is null and void in the eyes of the law. So, if one has to make a contract of that nature, then one has to go to one of the members of this Association. What is the consequence of that? In case the other party is not able to fulfil the contract—supposing the contract is made for Broach cotton—that party can go and substitute any stuff which may be lower in price. That, I think, from the business point of view, instead of securing greater stability of the trade, tends to lower the credit of everybody concerned, inasmuch as it encourages the making of contracts which are not genuine. For this reason, it is said that this Association has developed the tendency to come forward and protect the agriculturist. As against that I can say that before the present Act came into force, things had been going on very nicely and smoothly, and I do not think the imaginary crisis ever came, except in one or two cases where they lost on account of heavy gambling. I very much admire the enthusiasm of those who want to do away with gambling in cotton by this legislation, but many of my honourable friends and I have very grave doubts whether we can ever succeed in doing away with it in this way. Do they mean to say that in direct violation of the Act they do not gamble to a certain extent within their own Association? Can they tell us that they are not gambling in violation of the regulations? They cannot say that they are not doing it. Then, Sir, it was stated that these gamblers incur heavy losses and that has to be prevented, but their number is small, and after all the consideration that ought to weigh with us is the greatest good of the greatest number. Here we have to take into consideration the interests of the millions of poor cultivators who toil and labour in the fields. A chance of making a few rupees more per *khandi* means a benefit to them. On the other hand, it appears we have all developed a solicitude for the rich merchants, to see that some of them do not ruin themselves by speculation. Outside that, there is no other point in this Bill. Sir, I am sure the honourable member representing the Bombay Millowners' Association will admit that he also is interested in securing the best cotton at the lowest possible price and he will perhaps get up after me and make a learned speech—I understand he has already spoken—in support of the Bill. But I am certain that he agrees with me that by artificial legislation you cannot do away with such evils. In this connection, I refer to the speech he made in connection with the Children Bill. There he wanted us to believe that by artificial legislation you cannot do away with those evils, but on the contrary they will increase. Here, because it suits his purpose—his mill wants to buy cotton from the poor cultivators at the lowest possible rate—he says legislation of this nature is absolutely necessary.

Well, Sir, we are very grateful to the honourable member the Finance Secretary. He has tried to make things very clear. We are also grateful to the honourable member Mr. Kamat for his very lucid speech, but if we look to the sum total of his speech we find that he supports the Bill

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but says that he objects to election to the board by the existing panels as it would amount to what is called a monopoly or corner of the trade. My honourable friend Rao Bahadur Bhimbhai Naik who must be complimented on his very deep study of a matter of such great intricacy, went so far as to favour some sort of regulation, but with so many big provisos. So, I think both the honourable members have supported the Bill with reservations, as the Bill in its present form is not to the interest—I emphasise the word “interest”—of the cultivator and grower. I hope my honourable friend Major Ellis Jones will admit that they have come to this House to legislate—to force this legislation—because the rival associations cannot arrive at a settlement between themselves. I entirely sympathise with them that they cannot exist without external aid. But we, the representatives of the masses, know that the agriculturists are not in any way benefited. The only object of the Bill appears to be that some odd gamblers might gamble and the prices of cotton may go down. Sir, in 1918 I was the owner of a ginning factory. Some ginning factories then suffered losses. I can take the typical year when prices went up to Rs. 450 and the poor cultivator had some chance of making money.

Then, Sir, is this legislation for the good government of the Presidency? I do not think so. It is to safeguard the interests of the rich people and make them richer than they are to-day at the cost of the poor agriculturists who will be made still poorer. Sir, the honourable member the Finance Secretary said that we must give a charter to the East India Cotton Association to govern the cotton trade of the Bombay Presidency. I must say it is very interesting, but under present conditions I do not think the House will accept the proposal, unless they restore confidence among the public. Sir, I know that there is the official *bloc* with whose assistance Government may be able to carry this Bill through. But my humble submission to the Government is that they should not use that official *bloc* in a measure of such vital importance which affects every poor cultivator in the country. I do not say, drop this legislation entirely. Let Government bring it up at the next session with suitable amendments on the lines indicated by some of the honourable members. I offer my sincere thanks to those honourable members who have expressed sympathy for the agriculturist, and supported this legislation to protect the rich, but it would be much better for those who have extended this sympathy to keep it to themselves without extending it to us. I say, on the lines indicated by some honourable members, without giving a monopoly to one association they can frame rules and by-laws which would permit of any association willing to abide by them being formed.

Sir, the first time that there was control over the trade it was successful, it did not do very much harm, because it was direct control by Government. There was a Government officer who was not interested, except to the extent of seeing that nothing went wrong. But here we are asked to give a charter in perpetuity to a particular Association, a monopoly

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of the trade for ever. With these few observations, I oppose the first reading of the Bill.

Major W. ELLIS JONES : Sir, I waited to hear the speech of the honourable member the Thakor of Kerwada, before rising to support the Bill before the House, as I wanted to hear from him, as a cotton grower, in what manner the Bill was likely to injure the interests of the cotton grower. But I have been disappointed ; the honourable member has paid, I am afraid, a great deal of attention to the literature that has been circulated outside this House and very little to what is available in the House. If he had read the minutes of the " Wiles Committee " on the working of the Cotton Contracts Act, he would have found that every section of the cotton trade of Bombay, in supporting the proposal for unitary control, were actuated by one motive only, namely, the effect such control would have on the cotton grower.

Sir, the opposition to this Bill has been based on one argument in the main, that this Bill would create a monopoly, which would give the East India Cotton Association power to control prices, with a view to depressing prices in the interest of the exporter and the millowner.

Sir, I am a broker and, as my income is determined by the price level, I am in favour of high prices. Am I, therefore, likely to support a body that will depress prices and thereby lessen my income ? In my own interest alone, I would be bound to oppose such a Bill. But what are the facts of the case ?

Originally, the Bombay cotton trade was under the dominance of the Bombay Cotton Trade Association ; this Association was composed almost entirely of European exporters. Early in the century, some of the Indian merchants felt that the time had arrived when Indians should be associated with the control of the trade, but as the Bombay Cotton Trade Association would not agree to this, a new body known as the Bombay Cotton Exchange came into being ; but this new body was only effective to a small extent in controlling the trade, and then, only when there was a difference of opinion between conflicting speculative interests, and once the period of manipulation passed, the dominance again became that of the Bombay Cotton Trade Association. It was thus that the cotton trade was exposed to the vagaries of speculators, and with the war, the interruption of the cable services caused speculators, who had previously operated in the American markets, to turn their attention to the Bombay market.

Under the conditions then existent, it was found that the interests of the cotton grower, the consumer and the financial stability of Bombay were in jeopardy by reason of the manipulation of speculators ; and Government, in the interests of all, were compelled to intervene and create the Cotton Control Board. This board functioned for three years and in 1922 Government handed over the control to the cotton trade of Bombay under the title of the " East India Cotton Association " with a proviso that the bye-laws and rules were subject to the approval of the Governor-General in Council.

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Since 1922, the East India Cotton Association has carried out its task, with little or no difficulty except for the occasional arising of parasitic growths of small bodies, which were more interested in the question of speculation and price differences than in the economic marketing of the Indian cotton crop. These parasitic growths contented themselves with manipulating prices, dependent for success upon the stability of the forward market created by the East India Cotton Association.

The soundness of the forward market created by the East India Cotton Association has given the smallest merchants opportunities for trading, which formerly were available only to large capitalists, and with the support of the forward market, all traders have been able to enter into competition in up-country markets as buyers and have, as such, secured to the grower, a higher level of prices than would have been available had there been no forward market in Bombay.

The records of prices since the creation of this so-called monopoly will show, that not only the prices paid to producers have been higher than those existent in Bombay, but that the prices to consumers have been lower. This seeming anomaly is due to the stability of the Bombay market, which encourages competitive buying in India and competitive selling abroad, thus facilitating the marketing of the Indian crop.

If this Bill is rejected or tampered with in principle, you will not, as many honourable members think, remove a monopoly; you will merely transfer the control from an association whose interests are primarily marketing, to a number of associations who are primarily interested in price differences, which may arise from time to time. Whether you pass this Bill or not, cotton control will remain; only instead of it being in the hands of men who are sound in trading knowledge, it will pass to speculators, who will in turn, once their operations have culminated, leave the cotton market to be exploited by the large capitalist to the detriment of the producer. If honourable members will refer to page 17 of the report of the Wiles Committee, they will find the opinion of a representative of a large firm of exporters. What does he say? "As far as his firm is concerned, it would not be much affected if the forward market in Bombay disappeared entirely."

This was the position before the East India Cotton Association came into existence. There were then two or three big houses who entirely dominated the up-country cotton markets, buying on account of their financial capacity on much more advantageous terms than could the small Indian merchant. With the consequent reduction in buying competition the prices secured to the grower were comparatively poor.

In regard to the export trade of cotton, the position would be the same. Under the protection of the East India Cotton Association, the small Indian shipper has been able to compete with the big foreign shippers and the Indian trade reports will show how the large shippers no longer secure the same proportion of the export trade, but that the smaller Indian merchants are now able to participate in this trade and to a growing extent.

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If you destroy the stability of the forward market in Bombay, you will be hitting the small Indian merchants who are endeavouring to do a small and sound business with a minimum amount of capital to handle the export trade of their own country.

There appears to be some difficulty regarding the term "HEDGE CONTRACT". The purpose of hedge contract is to give to the buyer, the grower of cotton and also to the consumer a contract that will protect them from market fluctuations and at the same time give them facilities for handling the actual cotton with the greatest possible freedom and enable them to use their knowledge of the commodity to their great advantage. The grower does not know exactly what the condition of his cotton will be when he is marketing his crop, he has no idea as to what the class of the cotton will be; all that depends upon the weather. But with a hedge contract he can sell at a reasonable price forward; that contract may be taken over by a speculator or it may be taken over by a consumer under the pledge, that when the cotton comes to the market to be delivered, it will be in line with the standard. But it may be something very much better or very much worse than the standard upon which forward trading was based. What takes place then? If the cotton is better than the standard, the grower or merchant can sell it at a better price than his hedge and buy back his hedge contract; if it is worse, he then buys back this hedge contract and at the same time sells the actual cotton for what it is worth. But if the seller was compelled to deliver his cotton, he would be penalised, as he would have to make allowances if his cotton was short of the standard, whilst he would never get the full benefit for his cotton, if it was better than the standard. That I want this House to understand is the function of a hedge contract and not of necessity to enable delivery.

Now, Sir, on the question of two associations, I shall give an instance of what happens in the Bombay market at present. We have got the East India Cotton Association whose contracts are recognised. There is another association whose contracts are questionable in law, and who open their market an earlier hour and close it later. Between these two markets, the transactions show a difference of from 8 annas to 2 rupees per candy in price, which is due to the big operator, taking a view against the smaller operator, towards the end of the week, when it is necessary to adjust accounts—in order to make his profit—the big operator (the small man has no part in it)—entering into the East India Cotton Association and buying or selling sufficient quantities of hedge contracts, affecting the price at the particular time that he needs to secure his profit from the other Association. That is what takes place; this is what happens and will continue when you have two rival associations. One must exploit the other. The East India Cotton Association consists of merchants who are interested in marketing the cotton grown in India and their profits are dependent more upon their knowledge of the commodity than entirely on guess work as to how prices will fluctuate. The genuine cotton trader only operates to the extent of his knowledge of the quality of cotton and on the value of this to the consumer. These facts require

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study, but can become open knowledge to any one. But if you bring into the market a wave of speculation by men who are only interested in the market movements, you put a definite check on all genuine dealings, as the cotton merchant is trading on actual values and not sentimental values which may swing round at any moment. One honourable member pleaded for stopping all speculation. The speculator in the market is a very necessary factor in assisting in the sound marketing of cotton, but he must be subject to control.

Prior to the Civil War in America there was a movement among cotton merchants in Liverpool to create a market which would reduce the risks of price movements and the futures market with speculation was introduced for this purpose. Members are aware that cotton crop moves quickly into market and within four months about five million bales of cotton in India are pressed for sale, and consumers are not in a position to absorb this cotton at once. Here is the role played by the speculator ; he enters the market as a buyer with his eye on the future where the consumer must be and the speculator thus prevents an unnecessary slump in prices, and similarly when the consumer enters the market he sells and thus checks the advance, which would bring no benefit to the producer but would distinctly militate against the consumer. Thus the speculator assists in maintaining a price equilibrium.

I hope honourable members have taken the trouble to note the price levels of the last ten years ; they will see that with the exception of one or two years the price of cotton has slowly advanced during the marketing period, this action is entirely due to the speculator.

I find that on account of the way in which the term "IMPORTER" has been loosely used, there is some misunderstanding and it is not very difficult to understand how one honourable member said that importers bring cotton from other countries. An importer is the term used to apply to merchants who bring cotton from up-country in Bombay.

Exactly what representation should be given to the various interests is a very difficult point. Many honourable members desire to give greater representation to growers. The representation given to the commission agent who buys cotton up-country and brings it into Bombay, and is known as an importer, represents to some extent the cotton growing interest. In view of the various remarks in the Wiles Committee I would say, the growing interest is well protected, but here the Honourable the Finance Member is willing to leave this, together with the constitution of the Association, in the hands of the Select Committee, and in view of this undertaking, I would request honourable members to accept the first reading of the Bill and remit the Bill to a Select Committee.

A great deal has been made of the fact that an amount of Rs. 20,000 has to be deposited by any one who wants to become a member of the East India Cotton Association. When the Association was started in

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1922 the figure fixed was Rs. 10,000 with Rs. 5,000 to be paid and Rs. 5,000 to be paid when called, because it was felt that at that time it was to the interest of the trade to get as many people in Bombay engaged in the trade as possible to enter the Association, and it remained at that sum up to 1926. There have, since that year, been but few applications for membership. One or two entries have been made by people who were only interested from the speculative side of it, and one or two foreign consumers. These latter are only admitted as members on a deposit of Rs. 50,000. These deposits are merely a security which earns interest, and act as a protection from undue rash speculation. Surely that cannot be said to be any hardship. For example, we have got a case at present before the trade. A certain individual speculated in cotton and he lost, he assigned all his assets to his brother under a perfectly valid legal document. Now, we are not able to recover any of the amounts due by him to members of the Association, although his brother has recovered certain of the amounts due to him from members of the Association. Now, if you had a deposit of Rs. 20,000 all members would be inclined to think twice before they speculate rashly, because under the system of trading in the market, it is possible for each individual member to decide what interest he will engage in with another member. If the trader's credit is not what may be called normal, he will be able to operate only a hundred or two hundred bales, but certainly not very much more, and any trading beyond that limit will be carefully watched by the other members. As security for his liabilities there would be this Rs. 20,000. Therefore I do not think that any attempt should be made to reduce that sum. The subscription to the East India Cotton Association is only Rs. 200 per year, and I think if a man is not able to recover that sum, it is far better he stayed out. To the honourable member Rao Bahadur Bole I would cite the instance of a millhand who has become a sub-broker. He knew something about cotton and he was able to make money by acting as a broker through a member of the Association. The statistics of the cotton market will show that since the establishment of the Association the smaller merchants have done more business than before. If you take the statistics of the port of Bombay and the port of Karachi you will find that the export business has also increased.

I have left the question of statutory control in other parts of the world, such as America, entirely out, because the speculative propensities of the people there are more or less controlled either by the Government or by the nature of the people themselves. The markets of America can only exist on the authority of the Secretary of Agriculture, and the Secretary of Agriculture in America at various junctures has interfered with the markets in the interest of the cultivator. The interests of the cultivator of cotton in America are very little different from those of the cultivator in India. About 75 per cent. of the holdings in America are under ten acres, and the American cotton grower is very much like the Indian cotton grower in most respects.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA): Is it intensive cultivation or extensive cultivation ?

Major W. ELLIS JONES: The system in Egypt is rather different. There, it is a statutory body ; in fact there are two statutory markets, one for speculative trade and the other for ready delivery. One who wants to deal in the speculative market is not allowed under any circumstances to handle actual cotton, and the actual cotton merchant must operate through the speculative market if he wants to hedge. The system we have in our market is very much better, for the ready merchant can operate as he will and how he will. If he is a member of the Association, he can himself operate in the market and make his hedge. And it is hedging that has brought the price of the Indian cotton very much above its normal parity. In nine out of the last twelve years, Indian cotton has sold above its parity level, and that has been entirely due to the benefits conferred on the trade by this Association. Only during three years out of twelve Indian cotton has sold at a lower level than its parity. You will find the confirmation of this from the statistics of the imports of cotton. American cotton comes into this country because it is cheaper than Indian cotton or because Indian stocks are insufficient to meet the requirements of the Indian mills. That Indian cotton has been able to sell above parity is a very distinct gain to the Indian cultivator.

I do not think there are any other points I have to clear up. This is an exceedingly technical matter, and no amount of discussion in the lobby will help to clear the matter unless honourable members are prepared to study marketing very seriously. Honourable members have been under the impression that the East India Cotton Association have enjoyed a monopoly. There is no monopoly. What the East India Cotton Association contends is a perfectly reasonable contention. "We are here a body of men who trade in cotton ; those who wish to come and join us can do so after complying with certain conditions." There is nothing unique in this. If I am to become a doctor, I have to pass a particular examination, and I am not allowed to practise until I pass that examination. You have got the same thing in the profession of law and in other lines. There is no monopoly to any one here in the East India Cotton Association.

An Honourable MEMBER: Is there any standard of examination prescribed for membership of the East India Cotton Association ?

Major W. ELLIS JONES: The only condition is that the man should be interested in the cotton trade and engaged in the cotton trade and should deposit a sum of Rs. 20,000 as security that he will be able to meet his obligations and pay his subscription fee to the association. I have been connected with the association ever since its inception, and we have rejected only one man, and that because he was not interested in cotton ; he was entering into the cotton market purely as a speculator. When he was refused admission in the cotton market, he turned his attention to the share market, and within six months he was declared a bankrupt. There can be no monopoly in this trade. If honourable members will make enquiries in their districts, they will find that since

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the inception of the association, the upcountry cultivator has got a better price for his produce than he got before.

And now there is one more point I should like to make in regard to this Bill. I do not want the House to think that the trade is absolutely unanimous in regard to this Bill. There are differences of opinion, but the trade has accepted it as a compromise in the interest of the whole of the cotton trade. When I speak of the cotton trade, I speak of the cotton trade from the grower to the consumer. There is, I find, a certain body of opinion for more representation of the agriculturists on this association. The day may come, and I think it will come, when it may be possible to get a greater percentage of agriculturists on this association. But at the present juncture it is impossible to get a real representative of agriculture. When we were dealing with the cotton markets upcountry this honourable House insisted that they wanted a certain proportion of agriculturists on the market boards. But we find now that that Act cannot be enforced because we cannot get the agricultural interests to send their representatives.

I would warn this honourable House again that it is not a question of giving control to the East India Cotton Association, but whether the control shall be by a body of persons interested in marketing the Indian cotton crop or by a body of men who are interested in price fluctuations. Every interest is concerned with the growers and, if the proceedings of the Wiles Committee are carefully studied, I have no doubt whatever that you will support the Bill in its entirety and send it to a select committee.

Rao Bahadur S. K. BOLE : On a point of information, Sir. May I know from the honourable member whether the jobber mentioned by him in his speech has become a director of the East India Cotton Association ? Is there any guarantee that he would not become a pauper to-morrow ?

The Honourable the PRESIDENT : Order, order. I have got two other amendments here. The honourable member Dr. Dixit has a small amendment. He has spoken on the main principles and the general aspects of the Bill. He may move his amendment formally, if he likes. I may even allow the amendments to be moved one after another. The debate, of course, is almost the same ; the principles are the same. I would allow the honourable member from Surat (Dr. Dixit) to move his amendment to add the words "The Mahajan Association," but I do not think he need speak at length on that point at all. If he is agreeable, I will give him a chance. Similarly, the honourable member Mr. Surve has not yet spoken on the first reading. Then he might move his amendment and speak on it, but I think we must now curtail the debate particularly as many aspects of the question have already been discussed. Each speech must, therefore, be limited. Is the honourable member (Dr. Dixit) ready to move his amendment formally ?

Dr. M. K. DIXIT : As there is one amendment, I am not very keen in moving my amendment. I was on the contrary going to propose that the question be now put.

The Honourable the PRESIDENT: Is the honourable member Mr. Surve anxious to move his amendment, or like the honourable member Dr. Dixit, does not wish to move it?

Mr. A. N. SURVE: Sir, I have certain suggestions to make. If these suggestions are acceptable, then I think it may be worthwhile to move my amendment.

The Honourable the PRESIDENT: Nobody can give that assurance before the speech is made. But the honourable member can speak on the first reading of the Bill: at the same time it is left to him, if he chooses to move his amendment, to move it now. He will get only this chance.

Mr. A. N. SURVE: Perhaps you can, Sir, give me a ruling just now. I have certain suggestions to make and it will take some time for both sides to consider what I have to say, and if the House thinks one way or another and I consider that it is worth my while to move my amendment, then I may be allowed to reserve my right to move my amendment without any speech; otherwise the effect of my moving my amendment would be that I would be accepting the principle of the Bill. That I do not want to do.

Sir, on this momentous Bill I claim the attention of the House for reasons, namely, that the Cotton Green is situated in my constituency (Bombay North): the second is that I have been a resident of Bombay and have observed the growth of the cotton trade throughout my life extending over 48 years. Therefore I think I have a claim to place my views before it and to ask that they be considered seriously.

Sir, I start with the proposition that control in cotton trade is necessary in the interests of the welfare of the Presidency. I start with this proposition: Why is control necessary? Control is necessary because you know that cotton is a world commodity. The second reason is that cotton is a staple product largely exported and also largely used in the textile industry of Bombay and moreover it is of national importance. I may go so far as to say that the revenue of the Bombay Presidency is very largely, if not entirely, drawn from cotton. As this commodity is so important, it is necessary that it should be under control. There is an additional reason also and that is that it lends itself very easily to gambling. Anybody can gamble in cotton. As a concrete instance I will give you some figures. During the last three years the total deliveries of cotton bales—only Broach cotton—amounted to 87,800 and its value in money amounted to Rs. 1,75,00,000. But think of the gambling that was indulged in this particular kind of cotton. The differences that were actually paid or received amounted to about 17 crores of rupees. The commodity was worth only Rs. 1,75,00,000 and on this ready cotton the gambling amounted to 17 crores of rupees. So those honourable members who think that control is not necessary may kindly consider the figures which I have quoted. They are called upon to discharge a very responsible duty to their Presidency and before they exercise it, let them exercise it with due caution.

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Now, Sir, why do I suggest that this commodity should be under control? I may be asked: are there not speculations in other commodities? I admit that there are speculations in other commodities. Take for instance Government securities, stocks and shares of companies, grain and bullion. Everybody in Bombay knows that speculation in these articles is going on openly. But though there is speculation in these commodities and though that speculation is not officially controlled, I advocate the control of cotton—by what machinery I shall discuss later on. But I do maintain that control of cotton is necessary for the reason that the speculation in other trades is kept within bounds by their respective associations. But in the case of the cotton associations which have been dealing in this commodity, they have been unable to keep their gambling under control, with the result that the stability of trade used to be greatly disturbed. For that reason I say that control is necessary.

Then there is the other point, namely, that when speculation goes beyond control, one cannot destroy that article as easily as one can the cotton. When the gambling goes out of control, the easiest thing to do, is to ask some one to throw a lighted match or a lighted *bidi* on the cotton bales, set up an instantaneous flare and conflagration of cotton, for stabilising the prices. But one cannot burn bullion or the Government securities and stocks and shares, but the cotton can be burned easily. Cotton is stored in the open on the Cotton Green where it is open to the danger of incendiarism. For that reason cotton must be kept under control. From some of the speeches that I have heard, I think that some of the honourable members have been under the impression that cotton has been without control altogether, but so far as my information on that point goes, I think they are mistaken. Since the year 1892 cotton has been under control, albeit the control was of private associations. Cotton merchants need their own associations. I have stated that the grain dealers or stock brokers are governed by their own associations and speculators in those commodities cannot enter into those associations unless they obey the rules and by-laws of those associations. Similarly, cotton was also under control of its own association or associations. Unfortunately, during the war time the gentlemen belonging to those associations indulged in gambling which practically involved them in great difficulties and they had to run to Government to come to their rescue. So, those honourable members who are thinking that cotton was not under control are labouring under a mistake. Cotton has always been under control since the year 1892. In Bombay cotton has been exported not only for the last 40 or 50 years, but it was exported I think since the East India Company settled itself there and from that time cotton is being exported from Bombay. At that time the volume of trade was small, there were no gamblers, all the transactions were ready cash transactions, therefore naturally in those ancient times when the volume of trade was small and there were no gamblers, there was no outside control over them, official or non-official, but the moment cotton trade grew in volume, the idea of control came in and all these dealers who had a tendency to speculate had to submit themselves to

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non-official control. Therefore, I think I have made myself quite clear on this point that control of cotton by some machinery has been in existence for a long time and is necessary.

I shall very briefly mention the effects of gambling. When the prices are depressed under the operation of speculation, naturally the agriculturist suffers. Therefore, our idea should be this, when we think of control we should be on our guard to see that as the result of these speculations the prices do not fall. If we do not take care of that fact, I warn this House that the agriculturist will suffer if there is only a bearish element or that element which depresses the prices and that element gets the upper hand, the agriculturists are sure to suffer. On the other hand, even if the prices rise, still the whole of the Presidency will suffer because when the cotton rises in price, though the agriculturists will be benefited, the general consumer will have to bear the consequences in the payment of higher prices of cotton articles. For that reason, I say that unbridled speculation must be kept under check if the well-being of the people as a whole has to be taken care of. If we cannot escape from speculation, then that speculation must be kept under control. Therefore, I appeal to this side of the House, is it in the interests of the Presidency as a whole to allow the cotton speculation to go on without control and unbridled? If you permit that, you will have to face the consequence, namely, that the whole Presidency will be involved in great trouble.

Having stated my view about the necessity of control, I come to the question of the machinery of control. What machinery of control is proposed by the Bill? The Bill proposes one kind of machinery which I thoroughly disapprove, because it smacks of the character of a monopoly, and I certainly think that Government is derogating from its duty as administrators if it countenances the sanctioning of a monopoly. What is the experience of western countries, especially of the legislation to suppress rings in America? Are we going to throw away the lesson taught by that legislation? What were the abuses to which the Americans were subjected? Through the formation of rings, the entire population suffered, therefore I must warn the benches opposite that when they are countenancing the grant of a monopoly to a body, they are taking very grave risk upon themselves. Then again I think that the notion of a monopoly is antiquated and it is out of date. Are we still in the sixteenth century? Are we in the sixteenth century when an English monarch gave monopoly or charter as it was called to the East India Company? Are we in those days now? Do you want to revive those old items? I do not think that Government have any idea of that kind, namely, to give a charter to any particular association of its selection.

Then, Sir, I must state my reasons why I disapprove of the machinery selected by Government. What is the machinery of this unitary control as it is called? That unitary control we are told is to be exercised by one association, the East India Cotton Association. Now, Sir, I ask the

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Honourable the Mover of this Bill only four or five questions as a test of the character of this association. First of all, I ask the question, "what is the membership of this association? Is it showing an upward tendency or any increase in the number of its membership or is there a decline?" The life of an association or its popularity is to be gauged by the number of members on its rolls. From the information which I have collected, I will give certain figures which are of course subject to correction if they are wrong. I have collected my information from sources over which I have no control of checking, and therefore I shall be glad to be corrected if I am wrong. When the Cotton Contracts Board was in existence in 1919-1920, there were 614 members. You know that that Board was Government machinery. After that came the East India Cotton Association, and when it was inaugurated, its membership consisted of about 500 members and its membership to-day is only 331. From 614, it has dwindled down to-day to 331. That disposes of one question of popularity. As the membership of the East India Cotton Association is on the decline, in popular imagination the transactions of that association cannot be said to command the confidence of the entire mercantile community. The second question is, "how many new admissions have there been since its inauguration?" A very few will be the answer. The third question is (and this is a very important question) "what was the volume of orders from abroad for forward delivery? What was the volume when the East Indian Cotton Association was inaugurated and what is it to-day?" This point is very important, because when we receive orders from abroad our cultivators in the rural areas go to their fields and grow more cotton. Therefore, the number of orders received from abroad for cotton will show whether the cotton trade is healthy. But information in my possession is that the number of orders from abroad has fallen considerably since the East India Cotton Association has come into existence. That means that cotton growing is suffering from some malaise. What that malaise is I ask the Honourable the Mover to find out. It would be in his interest to do so because he has the finances of this Presidency under his charge and therefore I appeal to him to find that out.

The next point I should like to touch upon is the importation into Bombay of cotton from outside areas. When the East India Cotton Association was formed, the cotton which was imported into Bombay from rural areas was owned by Indians to the extent of 75 per cent. and that imported by other agencies including foreign agencies which imported cotton into Bombay from the mofussil amounted to only 25 per cent. But now this proportion is reversed. The Indian-owned cotton which is imported into Bombay is only 25 per cent. and that imported by foreigners into Bombay is 75 per cent. Then, the test of soundness of a thing is to be judged by the people who are affected by it. Might I ask the Honourable the Mover of the Bill if the Indian commercial bodies recommend the giving of monopoly to the East India Cotton Association?

Mr. G. WILES: Yes.

Mr. A. N. SURVE: Has the Indian Merchants' Chamber recommended it?

The Honourable Sir GOVINDRAO PRADHAN: They have. The honourable member Mr. Wiles read out the names of those bodies which recommend it.

Mr. G. WILES: Yes.

Mr. A. N. SURVE: But there are other associations also who do not favour that idea.

Mr. G. WILES: I have already pointed out that every association in Bombay except one has approved of it.

Mr. A. N. SURVE: I am very much thankful to the honourable member for his correction, but still the other points which I have mentioned are hard to be answered and still remain to be answered. Therefore, I submit that the East India Cotton Association is not such a desirable body as has been tried to be made out. They have admitted this.

Then I come to the next principle, whether the control should be unitary or multiple. If unitary control could be well managed, it would be an ideal thing, but in our everyday experience, Sir, we find that ideal things fall very short of our expectations in everyday life. Therefore, though the control should be unitary, it is hardly likely to be of an ideal character, and we have to face practical matters. Therefore, in control I draw this distinction, the control may be unitary, but it should be unitary not as regards its agency but as regards the method of its enforcement. That is my suggestion. What I mean is this. If you entrust the control to the East India Cotton Association, it will be unitary control as regards the agency. I do not favour that. What I favour is unitary control as regards the method of enforcement. I shall explain what I mean. The Government may draw up rules but before I go to that point, I will cite certain instances. Take for instance our banking business or our insurance business or our joint stock company business. All these businesses are associated with danger to the progress and the welfare of our country but nevertheless Government has been compelled to admit that every Indian must have the liberty of starting a banking business or an insurance business, and therefore what Government has done is not that there should be no company or no bank or no insurance company—the Government have not taken that attitude. What it has done is that it has passed certain laws governing the operations of banking houses and insurance companies and the limited liability companies. They have laid down certain rules for public safety. All those persons who want to go into any of those businesses are required to comply with those conditions and Government gives them permission if they comply with those conditions. Similarly, in this case Government may undertake legislation if that is possible or if that be not possible, then there is another remedy for the consideration of the Honourable the Mover of this Bill. There are only two points, first of all let the rules of the association which shall have the machinery of control be

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approved by this House. That is the first point. The second point is, let the operation of the Act be limited to a certain number of years, i.e. let the duration of the Act be limited. Let it come up periodically before this House for examination to see how the control has worked. In this connection I have to bring to the notice of the House that Government tried to keep the power in its own hands. We know the present Act was intended only for three years, from 1922 to 1925. After 1925 up to the year of grace 1931 we know how it has been kept alive by mere Government notifications. Sir, these are the days of democracy. Government professes that it wants the co-operation of the people in the administration. That is hardly a fair way of dealing with the aspirations, the rising aspirations of the Indians of to-day. I think that the Government should limit the duration of the Act say, to two years, and after two years if it finds it necessary to extend the operation of the law, let it come before the Council again. The Council will then sit in judgment, see how the Act has worked, whether the interests of the agriculturists are advanced or have received a set back and all such matters. If this suggestion is accepted there is no reason why this House will oppose the wishes of Government as embodied in the present Bill. Therefore I request both sides of the House—those who suggest that there should be no control and also the other side which suggests that the control should be handed over to the East India Cotton Association to take into their serious consideration the points I have mentioned. Let them see if what I have suggested in my amendments which are laid on the table is all right and meets the needs of the present requirements. If I have an assurance from both sides of the House, then only I shall move my amendments. Otherwise, I do not think I shall be safe in moving them. Subject to these reservations, I oppose the first reading of the Bill.

The Honourable the PRESIDENT: We must understand clearly. The views of either side of the House cannot be ascertained until the matter goes to vote. Therefore, it is left to the honourable member himself to choose.

Mr. A. N. SURVE: At the very outset of my speech I had stated that I shall move my amendments, without speaking on them, if I feel it my worth while to do so.

The Honourable the PRESIDENT: There is no such latitude as "subject to reservations" at all.

The Honourable Sir GOVINDRAO PRADHAN: If the honourable member wants to move his amendments, he has got to do it now. If he does not move them now, he loses his right of moving them. I hope that is the position, Sir?

The Honourable the PRESIDENT: Yes.

Khan Bahadur M. A. KHUHHO (Larkana District): Sir, I hope the House will no doubt agree with me that it is a very important Bill. I wish to make my position quite clear at the very outset, as to why I am

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interested in this matter. Sir, I come from a province which is largely an agricultural province. I represent undoubtedly the interests of agriculture there, and I am myself an agriculturist. Therefore, my interest lies with the growers so far as this measure is concerned, as it concerns the agricultural production alone. I have endeavoured during the last two or three days to follow the debate and go through the material that has been supplied to us by all the interests concerned in this measure, and so far as my conclusions go at present I think that the measure is not in the interests of the agriculturists as it is made out by some of the speakers to be.

Sir, the Wiles committee which is regarded more or less as an expert committee in this connection and which was set up by Government—the committee should ordinarily be considered as an independent or disinterested committee—is divided in its recommendations. There is a majority view and a minority view. But, Sir, so far as both these views are concerned, they do not go very far to satisfy the interests of the agriculturists. In the first place, the panels which are proposed to be set up in order to maintain control over the cotton trade in Bombay city are panels more or less entirely representing one interest, namely that of the business men. For instance, take the electoral panels which are quoted in paragraph 5 of the report, viz., the millowners, the exporters, the importers, the commission agents, the merchants, the jethawalas and the brokers. Now, the millowners are the purchasers for their own mills. The exporters and importers are also purchasers; the commission agents and merchants are interested in purchase, because they want custom, and the jethawalas store the cotton which is often purchased by them or they get commission for it. The brokers are also interested in it, and they would like to encourage purchasing just to earn their commission and secure work for themselves. They would consequently like to earn the goodwill of the purchasers rather than that of the growers. Therefore, the brokers' interest more or less lies with that of the purchasers. So, I say that these panels that have been formed represent one view. —So far as the growers are concerned, the only concession which has been shown and which is recommended is the nomination of two representatives for them. The honourable member the Chairman of this committee (Mr. Wiles) while speaking this morning said that there is no question of large representation for the growers in this matter, and that 1 per cent. or 2 per cent. will do just as well, because they will put forward the case of the growers and they have to be listened to. But I know, not at present as a grower of cotton but as a grower of wheat to a large extent, that whenever there is a dispute between the purchaser and the grower and whenever a board of arbitration is appointed to settle that dispute, both the sides are equally represented on it. But the East India Cotton Association will be represented largely by the interests of the purchasers, and how can it possibly appoint a board of settlement which will be equally fair to the side of the growers. The 1 or 2 per cent. that may be on the board will not go very far to influence the decision of the arbitrators.

† Mr. HARIDAS MADHAVDAS : May I correct the honourable member ? In an arbitration board the parties themselves choose the arbitrators out of the members.

Khan Bahadur M. A. KHUHRO : Exactly, but I personally should have very little faith, as a grower, in the members of the association itself who do enter into the business themselves and are directly or indirectly concerned as purchasers. I am going to show how these members are being appointed, but that will be later on. At present I am dealing with the question as to how the influence of the growers will work on the association. I have seen that when there is a great difference of opinion between two interests, generally the matter goes to voting, and when two interests are so deeply interested, I maintain that it is bound to go to voting. In that case, I do not see how the voice of the 1 per cent. or 2 per cent. growers is going to carry any weight in the association.

Mr. G. WILES : Their representation is 2 out of 16.

Khan Bahadur M. A. KHUHRO : I am replying to the point of the Chairman of the committee who said that 1 per cent. will do as much as 50 per cent. I agree with the view maintained by the Thakorsaheb of Kerwada in this matter that there should be adequate representation and I would go so far as to say that it should be about 40 per cent. at least, of the growers on this board. I do not agree that the two nominations will serve any useful purpose. There was one suggestion made yesterday in a very lucid speech by my honourable friend Rao Bahadur Bhimbbhai Naik, that district local boards that represent the mofussil should also have a sort of representation.

Rao Bahadur B. R. NAIK : May I correct the honourable member ? I said that a panel of the district local boards should be formed to elect members on the East India Cotton Association board.

Khan Bahadur M. A. KHUHRO : I was also going to say in the same way I do not want nominations but what I would urge is that let the panel be formed of the district local boards which are affected by this Bill, and give an adequate representation to the growers who are District Local Board members in large numbers, through this panel. But that should not be the only source of giving representation to the agriculturists. In addition, associations like the zamindari associations might be recognised by Government as associations that might be made to form a panel to send their representatives to the board. There are also agricultural development associations in certain places and they will also be able to form a real and useful panel for the purpose. Representation through all such bodies will positively safeguard the interests and represent the interests of the agriculturists. But as the Bill stands only five or six panels are sought to be formed which, in one way or another, represent only one view, which is that of the purchasers. So I suggest that three or four panels of the agricultural interests can be formed to represent adequately the views of the agriculturists. I do not see that it is in any way difficult to adopt election for the representation of the growers on the board of East India Cotton Association, almost on the lines indicated by me.

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Now, Sir, I come to the constitution and the formation of this association. The constitution, as it stands or as it is recommended to this House, is very defective and harmful to the interests of the agriculturists. Sir, there is no door open to the poor agriculturist to enter this body, however much it may be desirable, because the restrictions are such that they are almost insurmountable so far as the agriculturists are concerned. In the first place, the admission fee is prohibitive since one has to pay Rs. 2,500 as admission fee and in addition to deposit Rs. 20,000 as well. Those honourable members who hold the view that admission under this restriction is necessary hold that view fundamentally on this consideration that those members of the association will be dealers in cotton directly and indirectly, as the forward contracts will all be transacted through them, therefore they should have an adequate deposit with the association. But, Sir, I say, when this honourable House is being assured that this association is only a governing body, it is only an administrative body, then why are the members of the association individually being given permission to enter into sales and purchases, and why are they directly or indirectly allowed to enter into forward contracts? If that is allowed, then you cannot call it a purely administrative body, as you definitely give it power to enter into business. It must therefore be a largely self-interested body, interested on the side of the purchasers. So, the constitution, in the first place, is greatly defective. The two functions are mingled up together and there is no discrimination. If Government wish to set up this control in the interest of the growers, then I have no objection to that, provided it is on different lines and is kept immune from all these temptations. I hold that in certain cases control may be good. But control in the manner and shape that is being suggested to-day is extremely detrimental to our interests. I therefore would even suggest that this body should be split up into and thus there should be a separate body or association for the purpose of purchasing and there must be a separate body for the purpose of administration. The body for the purpose of administration should be pure from all these temptations and that body must be adequately represented by the agriculturists. So, the argument that the fees should be prohibitive in order to maintain the soundness of the association falls to the ground, for when you make it administrative, you should not have this restriction.

Mr. G. WILES : Does the honourable member suggest the payment of salaries ?

Khan Bahadur M. A. KHUHRO : Do you pay salary to the president of the district local board ? Do you pay salary to the president and members of the taluka agricultural associations which are a non-official body ? You always find honorary workers. If you think it necessary, you can pay them fees for attending meetings. A small levy is made on cotton under the Government of India Act which is distributed for the development of cotton area. Similarly a small tax can be levied on the purchaser for the purpose of maintaining efficient control. The cotton

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that is stored in Bombay can be made to pay something to meet the expense. That is not a great objection that should be taken seriously.

The first thing I wish to make out is that this body should be definitely democratic, in the sense that there should be adequate representation of the growers on it. I do not think that the Bill as it is can be acceptable to this House. It is held out by honourable members who supported this Bill that the defects can be removed in the select committee. I do not think it is an easy matter to rectify and radically change a Bill which is defective at the very root in the select committee.

Another important point is the framing of rules. Rules are the chief thing which governs this matter. The authority is given to the association to frame the rules. The rules will be framed by a body whose interests are opposed to those of the growers. So, it can in no way be said that these rules will be impartial and beneficial to both sides. When I perused this Bill I noted these points. It is directly harmful so far as the interests of the agriculturists are concerned.

Another point to which I object is clause 2 of the Bill which gives power, although it is said that this Bill will continue for three years, to the Governor in Council to extend the provisions of this Act by notification for as much time afterwards as he chooses. It is absolutely a novel principle and it is not beneficial in any way. It thereby gives an unprecedented power to Government to continue this measure even if it proves unpopular, as it is bound to be.

Although at present this Bill does not directly apply to the province of Sind and affects only the city of Bombay, but Bombay is of course the market controlling the price for the whole of India. We have besides got to be far-sighted in this matter. Lloyd Barrage is about to operate soon. We will then certainly have much more cotton in Sind. My honourable friend the Chief Engineer will tell you how anxious he is to increase, and so the entire Government machinery to increase, cotton crops in Sind. At present we of course grow less cotton. So, I look at it from that point of view. We have therefore got to look ahead in this matter; and I frankly say that it has created an apprehension in our minds that if we pass a defective legislation like this, on the same analogy a similar defective legislation will be passed for Sind. The representatives of the agriculturists of Sind should in no way be happy because it affects Bombay and they are immune from the effects of its operation. I, for one, think that this measure requires redrafting. The main point that I have emphasised is that the constitution of the body should be absolutely democratic, and it should have adequate representation of the growers on it and it should have limitations of powers which should be defined and controlled by the Legislative Council. Then the agriculturists will have their safeguards. From the debate which has been going on during the last few days, I have seen that *bona fide* representatives of the agriculturists are opposing this Bill and the representatives like my honourable friend Mr. Petit, who represents the millowners, are supporting it. So, it is obvious that the purchasers' interest is for it and

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the growers' interest is against it. I have now put the whole thing in a nut-shell before the House. I do think that the Government will be well-advised to take the agriculturists into their confidence just as they have done in the case of millowners, before bringing a measure like this.

Mr. J. B. PETIT : I propose, Sir, that the question be now put. It has been sufficiently discussed.

The Honourable the PRESIDENT : The question cannot be put until and unless the mover of the amendment and the mover of the Bill have spoken. That cannot be done within ten minutes.

Mr. M. M. KARBHARI : I want to speak.

The Honourable the PRESIDENT : There are honourable members who wish to speak. I saw the honourable member Rao Bahadur Chitale rising to speak several times. Before him I saw other honourable members also. Under these circumstances, I think Government business will be carried on to Monday.

The Honourable Sir GHULAM HUSSAIN : The discussion of the Bill can be carried on to Monday and, if there is time left, private business can be taken up.

The Honourable the PRESIDENT : Remaining Government business ?

The Honourable Sir GOVINDRAO PRADHAN : That is the only remaining Government business.

The Honourable Sir GHULAM HUSSAIN : This Bill may be continued on Monday, and, if any time is left, private business may be taken.

The Honourable the PRESIDENT : The House is now adjourned to 2 p.m., on Monday, the 3rd August 1931.

Monday, the 3rd August 1931

The Council re-assembled at the Council Hall, Poona, on Monday, the 3rd August 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ABERCROMBIE, Mr. J. R.
 ALLAHBAKSH, Khan Bahadur
 ASAVALE, Rao Bahadur R. S.
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, Sir SHAH NAWAZ
 BHUTTO, WADERO WAHIDBAKSH ILLAHIRAKSH
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 BULLOCKE, Mr. A. GREVILLE
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HARIDAS MADHAVDAS, Mr.
 HARRISON, Mr. C. S. C.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JITEKAR, Mr. HAJI IBRAHIM
 JOG, Mr. V. N.

JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUATO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MATCHESWALLA, Mr. G. E.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAYLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.

VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

QUESTIONS AND ANSWERS

ABDUR TAKIO BUND BREACH: ASSESSMENT IN AFFECTED AREA.

Khan Bahadur ALLAHBAKSH (Sukkur District): Will Government be pleased to state the rate of assessment charged for Rabi Khas and Dubari in the area affected by the breach of the Abdur Takio Bund?

The Honourable Mr. W. F. HUDSON: A statement furnishing the information required is placed on the Council table.

Statement showing settlement rates of assessment for Rabi Khas and Dubari in the area affected by the breach of Abdur Takio Bund.

Group	Sailabi and Bosi	Dubari		Remarks
		Ploughed	Unploughed	
		Rs. a. p.	Rs. a. p.	
	<i>Sukkur Taluka.</i>			
I ..	4-4	0 12 0	0 8 0	
II ..	4-0	0 12 0	0 8 0	
III ..	3-12	0 12 0	0 8 0	
	<i>Garhi Yasin Taluka.</i>			
I ..	3-12	0 12 0	0 8 0	
II ..	3-8	0 12 0	0 8 0	
III ..	3-4	0 12 0	0 8 0	
IV ..	2-8	0 12 0	0 8 0	
	<i>Shikarpur Taluka.</i>			
	Sailabi	Bosi	Other crops	Pulses
I ..	3-14	3-12	1-0	0 6 0
II ..	3-4	3-0	1-0	0 4 0
III ..	3-0	3-0	1-0	0 4 0

Khan Bahadur ALLAHBAKSH: What were the rates of assessment charged for Khas Rabi in the affected areas in the Thar Parkar and Jacobabad (Upper Sind Frontier) districts?

The Honourable Mr. W. F. HUDSON: I want notice of that. I do not carry these rates in my head.

Khan Bahadur M. A. KHUHRO: Why are the higher rates charged in those districts?

The Honourable Mr. W. F. HUDSON : I want notice.

TURKISH BATHS : BOMBAY CITY.

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

(a) the number of Turkish Baths in the city of Bombay ;

(b) whether the proprietors of these baths are required to take licenses from the police ;

(c) whether these baths are inspected by police officers at any time ?

The Honourable Mr. G. A. THOMAS : There are no properly equipped Turkish Baths in Bombay. If the honourable member refers to the establishments which advertise themselves under various names such as "Electric Bath", "Venetian Bath" etc., the answers are :—

(a) Twenty-three.

(b) No.

(c) The Police have no authority to inspect baths unless they suspect the commission of a cognizable offence.

Rao Bahadur S. K. BOLE : Are young girls employed in some of these baths ?

The Honourable Mr. G. A. THOMAS : I do not know ; I have not visited them.

Mr. SYED MUNAWAR : In answer to (c), it is stated that "the Police have no authority to inspect Baths unless they suspect the commission of a cognizable offence." If prostitution is found to exist in these Turkish Baths, are the police empowered to visit them and to bring the bath keepers to book ?

The Honourable Mr. G. A. THOMAS : It has been found that the Prostitution Act is inadequate to deal with such cases. But I may say for the information of the honourable House that Government have under consideration legislation in order to deal with these cases.

PHOTOZINCO OFFICE, POONA : MANAGER AND ASSISTANT MANAGER.

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

(a) whether the incumbent of the post of the Assistant Manager, Government Photozinco Office, Poona, is an Indian or a European ;

(b) his educational or technical qualifications ;

(c) whether he holds any diploma or degree ;

(d) the salary he is getting ;

(e) the salary that the Manager is getting ;

(f) the qualifications of the Manager ?

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

(b) Mr. Coombs has passed the Senior Cambridge Examination. He served as an apprentice in the Photozinco Office for three years (1915-18), has sixteen years' practical experience, and has worked in all departments of that office. He studied the latest processes of photography, offset printing and photogravure in England at his own expense for one year (1926-27).

(c) No.

(d) Mr. Coombs is at present drawing Rs. 480 in the grade of Rs. 450—30—660 *plus* Rs. 100 as personal pay.

(e) The Manager is at present drawing Rs. 530 in the grade of Rs. 500—30—800.

(f) Mr. D. K. Pradhan, the Manager of Press, is a B.A., B.Sc. (Bombay). He served as an apprentice in the Photozinc Office from June 1924 to January 1926 and was then sent to England for further training at Government expense. He studied Photo-Engraving and Lithography at the Bolt Court School and holds a diploma in Photographic and allied processes of the Leeds Technical College. He had further practical experience in the Photozinc office from January 1929 till his appointment as Manager in July 1930.

APPLICATIONS AND APPEALS TO GOVERNMENT OFFICERS: REJECTION.

Mr. V. N. JOG for Mr. H. R. DESAI (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) whether they are aware that hundreds of applicants and appellants go to the civil court on account of Government's giving replies to their applications or appeals such as "Application is rejected", "Appeal is rejected," "The.....sees no reason to interfere with the order passed by the....." etc., etc., without stating any reasons for such replies;

(b) whether Government intend to issue orders to the officers to the effect that they (officers) should state the reasons as to why the application or appeal is rejected or why the order of the lower officer cannot be interfered with?

The Honourable Sir GHULAM HUSSAIN: (a) and (b) The honourable member's attention is invited to the reply given to a similar question by Mr. L. R. Gokhale which has been given during the current session of the Legislative Council.*

COURTS IN SURAT DISTRICT: EXPENDITURE ON ESTABLISHMENT.

Dr. M. K. DIXIT (Surat City): (1) Is it a fact that though the budget grant for the purpose was exceeded, leave was continued to be sanctioned to certain members of the staff in the Surat District Judge's Court and other courts subordinate to him?

(2) Is it a fact that frequent transfers have been ordered by the District Judge of Surat and that thereby Government had to incur expenditure on travelling allowance, which could have been avoided?

(3) Is it a fact that persons of the higher grade were ordered and allowed to work in the posts of lower grade and were allowed to draw higher grade pay in the Surat district judicial courts?

(4) Is it a fact that some clerks in the Surat District Judge's office have been put in the higher grade and given efficiency bar grade certificates, without testing their efficiency?

The Honourable Mr. G. A. THOMAS: In the absence of any indication as to the period for which the information is required it is given for the last financial year:

(1) During that year the budget grant for pay of establishment including leave salary was not exceeded.

(2) No.

(3) In one case a higher grade clerk who was in bad health was allowed to work in a lower grade post. This arrangement was temporary and the clerk is now doing the work of his proper grade again.

(4) No.

LAND REVENUE AND TACCAVI: THAR PARKAR.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District): Will Government be pleased to state—

(a) whether it is a fact that a majority of zamindars of Thar Parkar have been reduced to poverty by continuous calamities, viz., unprecedented heavy rains and floods of 1927, havoc caused by frost and locusts of 1928, heavy rains and floods of 1929, and slump in prices during 1930 and 1931, and that consequent thereupon taccavis and land revenue amounting to over 50 lacs of rupees have fallen into arrears against the zamindars;

(b) if so, whether Government have considered the advisability of remitting 50 per cent. of these arrears;

(c) if not, whether Government are prepared to consider the question now?

The Honourable Mr. W. F. HUDSON: (a) Excluding the current year's demand the arrears in Thar Parkar are:—

	Rs.
Takavi	15,98,000
Land Revenue	3,26,000

(b) and (c) Government have, after full consideration, remitted 40 per cent. of current year's land revenue in five talukas and 25 per cent. in seven talukas. They are not prepared to remit 50 per cent. of the arrears, but postponements will be allowed when necessary.

BACK BAY RECLAMATION.

Mr. L. R. GOKHALE (Poona City): (a) Will Government be pleased to state what is the present position with regard to "Back Bay Reclamation"?

(b) Has further work on the scheme been abandoned?

The Honourable Sir GHULAM HUSSAIN: (a) and (b) By the decision of the Legislative Council in the budget session in March 1927, the work in connection with the Back Bay Reclamation Scheme was restricted to the reclamation and development of blocks 1, 2 and 7, and the reclamation, without development, of block 8 with a connecting road between blocks 2 and 7 along the existing foreshore. Dredging operations finally

terminated in March 1929 when the wet filling of block 2 was completed. The dry filling and topping of block 1 was completed in October 1929 and that of block 2 is very nearly complete. A layout plan for blocks 1 and 2 was approved by Government and published for general information in May 1930. The reclamation of block 7 is restricted for the present to an area of about 28 acres only at its east end out of a total area of about 135 acres. With a view to facilitate the laying of a siding to block 7 and also for sanitary reasons Government approved the dry filling of a small triangular portion at the south-east corner of block 6 measuring about 39,800 square yards. Work on the restricted portion of block 7 and the small portion at the south-east corner of block 6 was completed during the last financial year. The reclamation of block 8 was completed in May 1929 and the block excluding a 100' strip along the sea wall reserved for a road way was handed over to the Military authorities with effect from 15th October 1929. An area of about 30 acres out of block 1 has been reserved for recreation purposes. The grassing of this area is in progress. The area is expected to be ready and fit for use in 1932. The parapet wall along the sea wall in blocks 1 and 2 is practically complete. In view of the present financial situation, the actual construction of the proposed roads in the reclamation area has been postponed for the present. Some of the roads will merely be lined out and kerbed for the present so as to enable prospective buyers to have a clear appreciation of the layout. The actual construction of the roads will be carried out by the Bombay Municipality at the cost of Government when the financial situation improves.

JAIL OFFICIALS AND CIVIL DISOBEDIENCE PRISONERS.

Mr. L. R. GOKHALE (Poona City): (a) Will Government be pleased to state whether any Indian jail officials in this Presidency have been punished either by reduction in salary or dismissal, or otherwise, on the ground amongst others that some of the civil disobedience prisoners released under the Gandhi-Irwin agreement of March 5, 1931, who were relatives of such officials, sought temporary shelter under their roofs?

(b) If so, will Government be pleased to give full information on the subject?

The Honourable Mr. G. A. THOMAS: (a) No.

(b) Does not arise.

POONA-BANGALORE ROAD : HUBLI-DHARWAR SECTION.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(i) whether they are aware that the road between Hubli and Dharwar on the Poona-Bangalore Road is in a very bad condition;

(ii) Is it a fact that Government contemplate asphaltting this road in the near future?

The Honourable Dewan Bahadur S. T. KAMBLI: (i) Yes.

(ii) The question of asphaltting certain miles of the Hubli-Dharwar Section of the Poona-Bangalore Road is under the consideration of Government.

Mr. V. N. JOG : When will the work of asphaltting be taken up ?

The Honourable Dewan Bahadur S. T. KAMBLI : Probably soon after the programme is sanctioned by the Road Conference at Simla and soon after the monsoon.

CROPS IN KARNATAK.

Mr. V. N. JOG (Dharwar District) : (1) Will Government be pleased to state whether they are aware that Ryot sabhas were held in various places in the four districts of the Karnatak viz., Dharwar, Belgaum, Kanara (North) and Bijapur ?

(2) Are they aware that ryots petitioned to the proper authorities to grant remission of land revenue for the current year on account of the partial or total failure of crops and also considerable decreases in the prices of grain, cotton, etc. ?

(3) Has the attention of Government been drawn to the condition of crops in Sirsi and Siddapur Talukas of the Kanara District and Kalghatgi and Hirekerur Talukas in the Dharwar District ?

(4) Are Government aware that complaints were made in Hirekerur and Kalghatgi Talukas regarding the valuation of crops made by the officials ?

(5) Have the district authorities adopted any measures to give any relief to the ryots in these four talukas ?

(6) Has any attempt been made to meet the ryots and to understand their condition ?

(7) Will Government be pleased to give the rates of the staple crops (viz., Jawari, Cotton, Wheat, Ground-nut, Paddy, Cocanut, Betel-nut, Cardamom, Pepper) in the four districts during the last five years ?

(8) Will Government be pleased to give the valuation of crops in Sirsi, Siddapur, Kalghatgi and Hirekerur Talukas during the last three years ?

The Honourable Mr. W. F. HUDSON : (1) Yes.

(2) Yes.

(3) Yes.

(4) The annewari of the crops was made through village Committees according to standing orders. No objections were raised against the annewaris within the prescribed period.

(5) Yes. In the Sirsi and Siddapur talukas the time within which the second instalment of land revenue was to be paid was extended from 5th April to 15th May to enable khatedars to get better prices for their produce. Recently Government have granted suspensions of about Rs. 8,000 to poor khatedars in the Sirsi taluka and of about Rs. 12,000 in the Siddapur taluka. No past year's arrears were ordered to be collected in the Kalghatgi and Hirekerur talukas. Besides this the relief given in the latter taluka was as under :—

(a) automatic remission of land revenue of 1927-28 in 7 villages amounting to Rs. 4,388 ;

(b) full water rate remission in 96 villages and half water-rate remission in one village amounting to Rs. 45,649 ;

(c) half suspension of land revenue for the revenue year 1930-31 in 2 villages amounting to Rs. 1,266 ;

(d) the suspension of soil assessment on Tari and Bagayat land Rs. 42,000. No relief was found necessary in the Kalghatgi taluka as the annewari of the crops was six annas and above.

(6) Yes.

(7) A statement showing the rates of staple crops prevailing in the four districts during the last five years is placed on the Council table.

(8) Anna valuation of crops during the last 3 years ranged from 6 to 12 annas in the Sirsi and Siddapur Talukas, from 7 to 10 annas in Kalghatgi Taluka and from 4 to 9 annas in Hirekerur Taluka.

Statement

Name of District	Year	Rates of —						
		Jowari		Cotton		Wheat		Ground-nut
		3		4		5		6
1	2	3		4		5		6
		S. Ch.		S. Ch.		S. Ch.		
Dharwar	1926	8	8	14	0	4	8	....
	1927	8	2	12	0	3	12	....
	1928	8	1	13	0	4	14	....
	1929	9	3	13	0	6	8	....
	1930	12	0	19	0	6	0	....
Belgaum	1926	9	1	....	....	4	13	....
	1927	8	7	....	....	5	0	....
	1928	9	15	....	....	5	13	....
	1929	9	11	....	....	7	2	....
	1930	12	3	....	....	7	15	....
Kanara	1926	....	....	....	....	....	....	....
	1927	....	....	....	....	....	....	....
	1928	....	....	....	....	....	....	....
	1929	....	....	....	....	....	....	....
	1930	....	....	....	....	....	....	....
		Seers		Per maund of 3,200 tolas		Seers		
		Mini-mum	Maxi-mum	Mini-mum	Maxi-mum	Mini-mum	Maxi-mum	
				Rs.	Rs.			
Bijapur	1925-26	8½	10½	29	42	4½	5½	....
	1926-27	9½	11½	20	32	4½	6½
	1927-28	8½	10½	27	48	4½	6½
	1928-29	10½	13½	27	38	6½	8½
	1929-30	9½	12	20	31	7½	9½

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of prices.

per Rupee					Remarks
Paddy	Cocoanuts per 100	Betel-nut	Cardamom	Pepper	
7	8	9	10	11	12
S. Ch.	Rs. a.	S. Ch.	S. Ch.	S. Ch.	
6 4(Rice)	....	....	....	....
5 13( " )	....	....	....	....
5 15( " )	....	....	....	....
6 8	....	....	....	....
6 9	....	....	....	....
4 11(Rice)	....	....	....	....
6 12( " )	....	....	....	....
11 2	....	....	....	....
11 3	....	....	....	....
12 1	....	....	....	....
10 3	8 6	1 6	0 3	0 13	
10 3	7 12	1 9	0 3	0 11	
10 3	8 0	1 9	0 3	0 11	
11 6	6 12	1 9	0 3	0 9	
13 0	6 9	2 4	0 3	0 12	
....	
....	
....	
....	
....	

EXCISE DEPARTMENT, MUHAMMADAN OFFICERS.

Mr. J. S. KADRI (Northern Division): Will Government be pleased to state the present number of Muhammadan officers in the Excise Department and how many of them were recruited during the last three years, stating the posts to which they were appointed.

The Honourable MOULVI RAFIUDDIN AHMAD: The present number of Muhammadan officers in the Excise Department is 45. Out of these six were recruited during the last three years ending 31st March 1931, one being appointed as Superintendent of Excise, one as Inspector and four as Sub-Inspectors.

Mr. SYED MUNAWAR: Out of a total of how many officers are these 45 Muhammadan officers?

The Honourable MOULVI RAFIUDDIN AHMAD: I believe out of 300 and odd.

RETRENCHMENT: DISCHARGE OF GOVERNMENT SERVANTS.

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(a) from what offices, hands were discharged on account of retrenchment from January 1930;

(b) the number of hands employed in such offices with their castes, designations, pay and period of service;

(c) the number of hands discharged with their castes, designations pay and period of service to their credit at the time of discharge?

The Honourable Sir GOVINDRAO PRADHAN: As retrenchment is in progress and must still go on, Government consider that it would serve no useful purpose at present to gather the information, which would involve a great deal of time and labour.

PATASTHAL ASSESSMENT, ARE TARF PARALI.

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

(a) whether a petition signed by some 40 khatedars of Are Tarf Parali, taluka Satara in Satara District, was sent in May 1927 and again in May 1929 and lastly in April 1930 to the Collector of Satara stating that the *Pat* (water course) by which half the villagers used to get water for their lands has ceased to exist for the last 30 years (since 1900) and requesting therefore that the Patasthal assessment on their lands should be abolished;

(b) why no reply has yet been received by the villagers;

(c) whether an enquiry was made by the Sub-Divisional Officer about 18 months back;

(d) what steps Government intend to take in the matter?

The Honourable Mr. W. F. HUDSON: (a) In all two applications—one dated 29th October 1926 and the other dated 21st May 1929—were received by the Collector from the villagers of Are Tarf Parali in the matter.

(b) A reply was given to the villagers by the Collector on 9th April 1931.

(c) The District Deputy Collector, C. D., Satara, inspected the bandhara personally on 30th January 1930.

(d) Does not arise.

Rao Bahadur R. R. KALE : The applications were made first in 1926 and then again in 1929. Then the Deputy Collector visited the place in January 1930 and the reply was given in April 1931. Can Government explain this extraordinary delay in the disposal of these petitions ?

The Honourable Mr. W. F. HUDSON : I am sorry I am not able to give an explanation. The cause was official slackness.

Rao Bahadur R. R. KALE : May I ask whether any enquiry will be made as to the delay and what steps have been taken on the petition ?

The Honourable Mr. W. F. HUDSON : I can tell the honourable member what steps we are taking. We are giving remissions for this year. I am looking into the matter myself and we shall decide what assessment should be recovered in future.

Rao Bahadur R. R. KALE : The rules are that when applications are made the matter should be investigated, but we find that these matters take such a long time to decide and grow more and more serious.

The Honourable Mr. W. F. HUDSON : I am quite conscious of that. But I think this is rather an exceptional case.

The Honourable the PRESIDENT : Next question.

IRRIGATION WORKS : FINANCIAL RESULTS.

Mr. B. S. KAMAT : Will Government be pleased to place on the Council Table a statement based on administrative accounts, Public Works Department Irrigation Branch, showing under the following heads the financial results for the year 1929-30 of outlay on all Irrigation Works under the budget head 55-Construction of Irrigation, etc.—

Total capital invested to end of 1929-30
on A-Irrigation Works.

Percentage of net revenue
on capital invested
for 1929-30.

(i) Total, productive works ..

(ii) Total, unproductive works..

Grand total ..

The Honourable Sir GHULAM HUSSAIN : A statement containing the information required is placed on the Council Table.

Statement showing financial results of Irrigation Works.

Total capital invested to end of 1929-30 on A-Irrigation Works.		Percentage of net revenue on capital invested for 1929-30.	Remarks.
Rs.			
<i>Deccan and Gujarat.</i>			
Productive works	1,57,969	1.16	
Unproductive works	10,23,51,092	1.28	
Grand total	10,25,09,061	1.28	
<i>Sind.</i>			
Productive works	1,94,16,324*	10.63	*Exclusive of Rs. 13,79,37,276 invested in the Lloyd Barrage and Canals Construction Project.
Unproductive works	2,54,93,565	†	†The net revenue is a minus figure, hence no figure of percentage has been given.
Grand total	4,49,09,889	3.58	

MUKHTYARKARS: MUSLIMS AND NON-MUSLIMS.

Khan Bahadur M. A. KHUHRO (Larkana District): (a) Will Government be pleased to state the number of acting Mukhtyarkars in Sind;

(b) How many of them are Mussalmans and how many non-Mussalmans?

(c) Are Government aware of the scheme framed by Mr. P. R. Cadell, C.S.I., C.I.E., I.C.S., late Commissioner in Sind with regard to the recruitment of qualified Mussalmans in Sind direct as Head Munshis, with a view to increase the proportion of Mussalmans in Revenue Department?

(d) Under what conditions were these Head Munshis recruited?

(e) What period of time was specified for their training before they were appointed as Mukhtyarkars?

(f) For how many years was this scheme given effect to and how many were appointed under this scheme?

(g) Will Government be pleased to state how many of these have been since promoted to the grade of Mukhtyarkars?

(h) If none, when Government propose to raise them to the grade of Mukhtyarkar as specified in the original scheme?

(i) Will Government be pleased to declare their policy with regard to the continuation of this scheme?

(j) Will Government be pleased to state whether they intend to revive this scheme and if so, from what year?

The Honourable Mr. W. F. HUDSON: (a) 32.

(b) Mussalmans	..	..	..	7
Hindus	..	..	..	23
Others	..	..	..	2

(c) Yes. The scheme was sanctioned by Government and published in a Press Note dated 31st March 1927.

(d) and (e) The Honourable Member's attention is invited to the Press Note. It was placed on the Table in connection with the reply given to his question printed at pages 741-742 of Volume XXIX of the Bombay Legislative Council Debates and is again so placed.

(f) The scheme was sanctioned experimentally for five years, that is to say, till the candidates in the third batch complete their probationary term of service. The number of candidates appointed since 1927 is 21 in 3 batches of 7 each.

(g) Of the 7 in the first batch, one died and another was declared unfit for appointment as Mukhtiyarkar without further experience. The remaining 5 have been appointed to act as Mukhtiyarkars. The candidates in the second and third batches have yet to complete their probation.

(h) Does not arise.

(i) and (j) The working of the scheme during five years (1927-1932) is to be examined in 1932 when the candidates in the third batch recruited in 1929 should complete their three years' probation. Till then nothing can be said about the continuance or otherwise of the scheme.

PRESS NOTE.

In pursuance of the policy of bringing about a fair representation of Musalmans in the Public Service of Sind, Government in 1918 adopted a system of making direct appointments of Musalmans to the grade of Mukhtiyarkars to the number of four a year. In 1921-1924 no recruitment was possible owing to reduction of establishment caused by retrenchment and the necessity of absorbing the men already appointed, but in 1925 three appointments were made.

Experience has shown that the system of direct recruitment to the grade of Mukhtiyarkars has several disadvantages. In the first place, men appointed direct do not possess sufficient experience to perform efficiently the difficult and varied duties of a Mukhtiyarkar's post and in consequence the interests of both Government and the public suffer and undeserved discredit is brought on Musalman officers in general. Moreover although the number of Musalman Mukhtiyarkars is increased by the system of direct appointments, the number of Musalmans in the Taluka offices tends to decrease since Musalman graduates try for direct appointments as Mukhtiyarkars and do not accept lower places as no special facility is given them to rise from the lower ranks. It has also been found that Musalman graduates do not accept quite good posts in other departments because they prefer to wait for the chance of being selected for the Mukhtiyarkars' appointments.

Government have given the subject their careful consideration with a view to devising a fresh scheme which would be of greater benefit to the administration as a whole and to the Musalman community in particular. Before adopting the scheme described below, Government have taken the opportunity of consulting Musalman opinion, which has been found to be in favour of the scheme.

Under the scheme in each of the seven districts of the Province an appointment will be provided each year in the grade of Rs. 85-5/2-100, to which a Musalman graduate will be appointed by direct recruitment. The total number of appointments made in this way will be limited to 21, which number will be reached by the end of three years. A Musalman graduate appointed to any of these posts will serve for the first six months as second Munshi in a Taluka office, after which period he will be made a Taluka Head Munshi. He will then be sent for a course of training and will be required to pass the qualifying examination within three years from the date of his first appointment. In

default he will revert as an ordinary graduate clerk. After completing the period of three years of training and after passing his qualifying examination the selected candidate will be tried as a Mukhtiarkar in an acting vacancy as soon as this is possible looking to the state of the cadre, etc., and if found fit, will be confirmed in due course. Qualified Musalmans already in the grade of Rs. 85—5/2—100 are to have the same claim for promotion in the Mukhtiarkars' cadre as the new recruits, and Musalman graduates already in the grade of Rs. 30—5/2—80 will be held eligible for direct appointments under the new scheme. Once the maximum number of 21 appointments has been reached, further direct recruitment to these posts will take place as vacancies occur by the appointment of previously recruited Musalman graduates as Mukhtiarkars.

It will be seen that the new scheme provides for a considerably larger number of Musalman entrants into the Public Service, the number of posts held by directly recruited Musalmans being raised from an existing maximum of four to a constant figure of 21. It also gives security of tenure to such entrants, since men appointed under the new scheme who fail to be confirmed as Mukhtiarkars will simply revert to a clerical appointment instead of, as at present, being discharged from employment altogether. Finally the men who are appointed as Mukhtiarkars will have had training, discipline and experience during their service as Head Munshi, so that the general efficiency of the service will be increased.

No. 7440/24.

REVENUE DEPARTMENT.

Bombay Castle, 31st March 1927.

Forwarded to—

the Commissioner in Sind (with a request that the Press Note may be translated into Sindhi and that printed copies may be distributed to the Editors of Sindhi Newspapers in Sind),
the Commissioner, N. D.,
the Commissioner, C. D.,
the Commissioner, S. D.,
the Commissioner, Bombay Suburban Division,
the Commissioner of Settlements,
all Collectors in Sind, including the Deputy Commissioner, Upper Sind Frontier,
the Director of Information,
the Private Secretary to His Excellency the Governor,
the Director of Public Instruction,
the Accountant General,
the Oriental Translator to Government,
the Educational Department,
the Finance Department,
the Home Department,
the Editors' Tables,
the Editors of Newspapers, and
the Secretary to the Legislative Council (for the Reading Room for members of the Legislative Council).

By order of the Governor in Council,

A. S. V. ACOTT,

Deputy Secretary to Government.

Khan Bahadur M. A. KHUHRO: May I know why those Head Munshis who have had two years' training are not being given a chance?

The Honourable Mr. W. F. HUDSON: Three years is the time of training.

Khan Bahadur M. A. KHUHRO: In view of the fact that the number of acting Mussalman Mukhtiarkars is very low compared to the non-Mussalman Mukhtiarkars, can Government not reduce the period of training?

The Honourable Mr. W. F. HUDSON : I cannot reduce the period of training which was laid down after very careful consideration. Government must also take into account the vacancies.

Khan Bahadur M. A. KHUHRO : Will Government take into consideration the claims of Muslims for future vacancies ?

SYED MIRAN MAHOMED SHAH : Is it a fact that Muslim clerks are excluded from these posts ?

The Honourable Mr. W. F. HUDSON : I am certainly not aware of that.

Khan Bahadur M. A. KHUHRO : There are many actually acting Mukhtiarkars, and why are not Muslim clerks being allowed a chance of being promoted ?

The Honourable Mr. W. F. HUDSON : I am not aware of that. If the honourable member will quote any cases, I will look into them.

Khan Bahadur M. A. KHUHRO : When the scheme was sanctioned for five years, why was the recruitment made only for three years ?

The Honourable Mr. W. F. HUDSON : That was part of the scheme.

LAND ASSESSMENT RECOVERIES : GUJARAT.

Mr. M. H. MEHTA (Panch Mahals District) : (1) Will Government be pleased to state what the recoveries of Land Assessment in the five Districts of Gujarat namely, Ahmedabad, Kaira, Panch Mahals, Broach and Surat, respectively, were by the 15th of February 1931 and what was the percentage of the realization to the total assessment due ?

(2) In how many cases were Government obliged to attach the lands or other properties of the agriculturists and sell by auction to realise the assessment ?

(3) How many acres of lands have been forfeited on account of defaults in payment of the assessment and how much out of them have been auctioned away.

(4) Are Government aware that many agriculturists in Kaira and Surat Districts left the British territory owing to Police Repression ?

(5) If so, will Government state what steps they have taken to induce them to return ?

The Honourable Mr. W. F. HUDSON : (1) A statement containing the required information is placed on the Council Table. It is presumed that the Honourable Member is referring to the revenue year 1930-31 and the information given relates to the current demand of this year.

(2) Property was attached in 357 cases, out of which it was sold in 129 cases.

(3) 1,419 acres and 28 gunthas have been forfeited of which none has been sold. Lands were however forfeited and sold on account of arrears of the year 1929-30.

(4) and (5) There has been no police repression. Some of the agriculturists from the Surat and Kaira Districts had voluntarily gone on hijrat but have now returned.

Statement showing the recoveries of land assessment in Ahmedabad, Kaira, Panch Mahals, Broach and Surat districts by the 15th February 1931.

Name of district.	1st instalment.		2nd instalment.	
	Recoveries.	Per cent.	Recoveries.	Per cent.
	Rs.		Rs.	
Ahmedabad ..	3,86,229	60	33,063	7
Kaira ..	9,98,245	87	1,31,979	13
Panch Mahals ..	2,58,418	95	55,367	33
Broach ..	24,393	20	17,576	1
Surat ..	4,18,571	30	2,555	2

LIQUOR SHOPS : KARACHI CITY AND OTHER TOWNS IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) the number of the new liquor shops opened in Karachi city and other towns in Sind in 1930 ;

(b) the locality in which those shops have been opened ;

(c) whether the owners of the gutas (liquor shops) in Karachi city have been permitted by the District Magistrate, Karachi, to sell liquor at their homes and in other places in addition to the gutas at any time during the night ;

(d) the names of the places where the sale of liquor has been specially allowed even after the fixed hours ;

(e) the reasons for this special permission ;

(f) the period for which this permission is to last ?

The Honourable MOULVI RAFTUDDIN AHMAD : (a) and (b) No new liquor shops were opened anywhere in Sind in the year 1930.

(c) Sale at approved places other than a licensed shop was permitted as explained in the answer to clause (e).

(d) Karachi City and Cantonment, Mirpurkhas town, Sukkur District, Hyderabad town and Cantonment, Nawabshah, Shahdadpur and Tando Adam.

(e) In order to provide reasonable facilities for the sale of liquor in areas where liquor shops were severely picketted and where the molestation and intimidation of customers amounted to undue interference with civil liberties and freedom of trade, Collectors were given discretion to allow a relaxation of hours of sale between 6 a.m. and 10 p.m. and to permit sales at approved places other than a licensed shop.

(f) The relaxation of excise restrictions is no longer permitted in any of the places mentioned.

RELIEF FUND DISTRIBUTION : SUKKUR.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether it is a fact that the Supervising Tapedar of Circle Mahamudabagh, district Sukkur, has been accused by people of

having exacted from them annas eight per head from the Relief Fund distributed by him ;

(b) whether it is a fact that the people of Amil and Yari Nehr and Mahamudabagh villages in Sukkur District have made applications to the Collector and the Mukhtiarkar in that connection ;

(c) if the reply to (a) and (b) is in the affirmative, what action was taken by the authorities in the matter ?

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

(b) Yes.

(c) An inquiry was held by the Deputy Collector, Shikarpur, into the allegations which were found to be false.

AGRICULTURAL LAND : EXECUTION OF DECREES BY COLLECTORS.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to supply the following information in a tabular form for the last five years :—

- (1) Year.
- (2) Name of district.
- (3) Number of civil court decrees for the auctioning of agricultural land forwarded to Collectors for execution.
- (4) Number of cases for which postponement was granted.
- (5) Number of cases in which sanction for execution of decrees was granted.
- (6) Total area auctioned in each district.
- (7) Total amount realised from these auctions in each district.

The Honourable Mr. G. A. THOMAS : The information required by the Honourable Member is not readily available and to collect it would involve an amount of labour disproportionate to the value of the results.

Mr. SHAIKH ABDUL MAJID : I want to know in how many cases Collectors of various districts have shown consideration to the zamindars and how do you say that the labour involved would be disproportionate to the value of the results ?

The Honourable Mr. G. A. THOMAS : To collect the information Government would have to employ a special staff.

Khan Bahadur M. A. KHUHHRO : Have Government issued any instructions to the Sind Civil Administration to take into consideration the present economic distress prevailing in that province while issuing or effecting execution of decrees against the agriculturists ?

The Honourable Mr. G. A. THOMAS : That does not arise out of the question.

• LAND REVENUE APPEALS : DISABILITIES OF ZAMINDARS.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether it is a fact that in appeals made by zamindars in Land Revenue matters to the Collector the zamindars are not shown and cannot get the copies of the reports or the statements made by the subordinates of the Revenue Department ;

(b) whether it is a fact that in such questions the zamindars do not possess the right of engaging a pleader to advocate their cause ;

(c) if the replies to (a) and (b) are in the affirmative, whether Government propose to take any, and, if so, what steps in the matter ?

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

(b) Yes.

(c) No.

SYED MIRAN MAHOMED SHAH : What are the reasons for not giving certified copies of the reports or statements made by the subordinates of the Revenue Department ?

The Honourable Mr. W. F. HUDSON : Surely the honourable member is aware that copies of official correspondence are not given to private persons under any circumstances.

SYED MIRAN MAHOMED SHAH : Is it not right that they should be enlightened on these matters so that they may be given a chance of refuting the arguments in the reports or statements of the subordinate officers ?

The Honourable Mr. W. F. HUDSON : That is a matter of opinion.

SYED MIRAN MAHOMED SHAH : Why is it that they are not given the aid of legal advisers in the revenue courts ?

The Honourable Mr. W. F. HUDSON : That is a matter of law. If the honourable member wants the law to be changed, it is for him to bring forward a Bill in this House.

Khan Bahadur M. A. KHUHHRO : What is the remedy for these people then ?

SYED MIRAN MAHOMED SHAH : Is it not a fact that when anybody wants extracts from the Revenue Department he is charged always for the certified copies and also for the true copies and thus he has to pay double fees ?

The Honourable Mr. W. F. HUDSON : I want notice. ✓

GOVERNMENT DEPARTMENTS IN SIND : CORRUPTION.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether it is a matter of common knowledge that corruption is rife in Sind in almost all the departments of Government ;

(b) if the reply to (a) is in the affirmative, whether Government have employed C. I. D. officials in every Department to report cases of corruption to Government ;

(c) if the reply to (b) is in the negative, whether Government have taken any other steps to put a stop to corruption in consultation with the representatives of Sind ?

The Honourable Mr. W. F. HUDSON : (a) Government are not aware that corruption is rife in Sind. If the Honourable Member refers to *cher*, *rasai* and *lapo*, he is informed that every effort has been, and is being, made to stop these practices.

(b) and (c) Do not arise.

Mr. SHAIKH ABDUL MAJID : I wish to draw the attention of the Honourable the Revenue Member to the report of the Cattle Lifting Committee in which responsible and important officials of Government have made statements that corruption does exist in the subordinate ranks ; and how does the Honourable the Revenue Member say that Government are not aware that corruption is rife in Sind ?

The Honourable Mr. W. F. HUDSON : The honourable member merely draws my attention to it.

The Honourable the PRESIDENT : In view of that report, how is it that that fact is now denied ? This is what the honourable member means.

SYED MIRAN MAHOMED SHAH : Does corruption exist now ?

The Honourable Mr. W. F. HUDSON : That was not the question which the honourable member Mr. Majid asked.

SYED MIRAN MAHOMED SHAH : What steps have been taken to stop that corruption ?

The Honourable Mr. W. F. HUDSON : The reply has already been given that if the honourable member refers to *cher*, *rasai* and *lapo*, every effort has been and is being made to stop these particular practices. If, however, the honourable member means the ordinary practice of bribe-taking, which does exist in every country of the world, then this Government takes the same steps as every other Government ; when a case comes to light the offender is prosecuted.

SYED MIRAN MAHOMED SHAH : Do Government employ members of the Criminal Investigation Department to inquire into allegations of corruption ?

The Honourable Mr. W. F. HUDSON : Certainly if any serious case is brought to the notice of Government, Government would employ the C. I. D. if it was considered suitable for their investigation.

DACOITIES IN SUKKUR : PROSECUTIONS.

SYED MIRAN MAHOMED SHAH (Hyderabad) : Will Government be pleased to state—

(a) whether their attention has been drawn to the articles in Muslim local papers complaining about the organisation set up by the Hindus for the purpose of prosecuting Mussalmans charged with rioting and committing dacoities in Sukkur in August last ;

(b) if the reply is in the affirmative, whether Government have taken any steps in the matter ;

(c) if so, the results thereof ?

The Honourable Mr. G. A. THOMAS : (a) The attention of Government was not drawn to articles of the nature referred to. It, however, came to the notice of the Commissioner in Sind that both Hindu and Muslim papers were publishing provocative articles.

(b) A press note was issued by the Commissioner in Sind in which he appealed to the publishers and editors of all papers to refrain from giving

publicity to any matter likely to cause bad feeling. The District Magistrate, Sukkur, also interviewed the editors of all Sukkur papers and obtained their promises to stop publishing provocative articles. A copy of the Press Note referred to is placed on the Council table.

(c) There was a great improvement in the tone of the Press and the tension that existed between the two communities relaxed considerably.

No. 736-C/XLVIII.

Karachi, 8th/9th September 1930.

PRESS NOTE.

The Commissioner in Sind has noticed with deep regret that a number of editorials, letters and statements have been lately appearing in the press on the subject of the recent riots and dacoities, which are calculated to excite the feelings of one community against another. The allegations so made are often of the most exaggerated and inflammatory character and can serve no useful purpose. The Commissioner in Sind therefore appeals to the publishers and editors of all papers in Sind to refrain from giving publicity in future to any matter which is likely either to make the task of investigation into the crimes that have been committed more difficult or to intensify the tension which is now existing between the Hindu and Moslem communities.

G. A. THOMAS,
Commissioner in Sind.

SYED MIRAN MAHOMED SHAH: Does any such organisation exist against which complaints have been made by the papers?

The Honourable Mr. G. A. THOMAS: The attention of Government has not been drawn to any such papers.

SYED MIRAN MAHOMED SHAH: I think the attention of Government has been drawn to these papers and I want to know whether they have enquired as to whether there existed any such organisation which assisted the prosecution of Mussalmans.

The Honourable Mr. G. A. THOMAS: I refer the honourable member to the first part of my reply to the effect that the attention of Government was not drawn to articles of the nature referred to.

Khan Bahadur M. A. KHUHHRO: Is it not a fact that some Hindus of the town of Sukkur made false complaints to the Enquiry Officer named Khan Sahab Sukhia?

The Honourable Mr. G. A. THOMAS: Not to my knowledge.

CRIMINAL CASES: CINEMA ACTRESSES, BOMBAY.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether their attention has been drawn to the various newspaper reports regarding various alleged acts of conspiracy, blackmailing and deception on the part of some of the "film stars" during the last five months;

(b) whether their attention has been drawn to the articles in the *Evening News of India* disclosing the fact of there being regular organisations to decoy girls of respectable families to lead vicious lives as prostitutes;

(c) whether any specific complaints or representations have been made to Government by individuals or institutions against such actresses and other persons concerned ;

(d) if so, the steps taken by Government to bring such offenders to book ;

(e) the number of criminal cases pending in the courts of law in Bombay City and the Suburban District against persons of the types mentioned above and the names of the accused in such cases ?

The Honourable Mr. G. A. THOMAS : (a) No.

(b) They have seen one such article.

(c) No.

(d) Does not arise.

(e) None in Bombay City. In the Bombay Suburban District, there are three cases pending in the Courts. The names of the accused in these cases are :—

Case No. 1—

(1) Fatma Begum, daughter of Ijiatkhan.

(2) Sultana Jillani, daughter of Fatma Begum.

(3) K. V. Acharya.

(4) Saleh Mahomed Ismail.

(5) Kazi Abdul Latiff Londay.

Case No. 2—

(1) Sultana Jillani, daughter of Fatma Begum.

(2) K. V. Acharya.

(3) Sorabji Ardeshir Talathi.

Case No. 3—

Same as (1) to (5) in Case No. 1.

(6) Sayad Zaimul Abedin Sayad Valuddin.

Mr. SYED MUNAWAR : If there was no case pending against film actresses at the time the answer to the question was prepared, may I know whether the attention of Government has been drawn to the *Times of India* dated 30th July which contains the caption "Well Known Film Actress Sues for Maintenance" ? In that report of the court proceedings it is stated that coercion and fraud were practised. Has the attention of Government been drawn to this ?

The Honourable Mr. G. A. THOMAS : The article in the paper appeared after the honourable member had asked his original question and after the reply to it had been prepared and printed. Notice should therefore be given of a new question.

SUKKUR RIOTS : MURDERS.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) whether it is a fact that 30 murders of Hindus were committed by Muhammadans at Sukkur during the last Sukkur riot in August 1930 ;

(b) how many murder cases were challaned before any competent Court ;

(c) were all murder cases challaned; if not, what are the reasons therefor;

(d) how many persons were convicted or discharged or acquitted in each of the cases?

The Honourable Mr. G. A. THOMAS: (a) No. The number of Hindus so murdered was 19.

(b) Six.

(c) No; in the other cases there was insufficient evidence.

(d) Four cases involving ten persons were withdrawn by the District Magistrate on the advice of the Public Prosecutor when it was clear that the evidence was insufficient to proceed further. In one case two persons were acquitted by the Sessions Court. In one case two persons were convicted by the Sessions Court and were acquitted on appeal.

Khan Bahadur M. A. KHUHRO: With regard to reply (d), is it not a fact that the Public Prosecutor on whose recommendation cases against ten people were withdrawn was a Hindu gentleman?

The Honourable Mr. G. A. THOMAS: Ten cases were not withdrawn; only four were withdrawn. I do not see how the supplementary question arises.

SHAHDAKOT TALUKA: SEPARATION FROM UPPER SIND FRONTIER DISTRICT.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) whether it is a fact that the Hindus and Muhammadans of Shahdadkot Taluka in Upper Sind Frontier District have protested and sent a representation to the Commissioner in Sind requesting that their taluka be not detached from Upper Sind Frontier District;

(b) if the answer to (a) be in the affirmative, what steps have Government taken in the matter?

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

(b) The Deputy Commissioner toured in the taluka and after discussing the proposal with a great many zamindars and with the Shahdadkot *panchayat* found that there was scarcely any opposition to the transfer.

GOVERNMENT SERVANTS: REDUCTION OF SALARIES.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state whether it is a fact that the Indian members of the Retrenchment Committee of the Bombay Presidency are of opinion that retrenchment should be made from the top commencing with the officers of the Imperial service downwards?

(b) Has there been a difference of opinion between the Indian and European members of the aforesaid Committee?

(c) What are the reasons for not starting the retrenchment from the higher officers in the Bombay Presidency?

(d) What steps have Government adopted to see that the retrenchment in the service and the salaries is made throughout the whole service from the top to the bottom?

The Honourable Sir GOVINDRAO PRADHAN: The honourable member is referred to the report of the Committee.

**BILL No. XX OF 1931 (A BILL TO PROVIDE FOR THE
REGULATION AND CONTROL OF TRANSACTIONS IN
COTTON IN BOMBAY).**

Question again proposed :

"That the Bill be read a first time."

The Honourable the PRESIDENT: I think the discussion has gone on for a sufficiently long time on this Bill, and if I at all give more honourable members a chance to speak, it will be to a limited number and for a very short period. The honourable member Rao Bahadur Patil.

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, I rise to oppose the first reading of this Bill for the simple reason that it indirectly encourages speculation, and speculation is nothing but gambling and speculative business has ruined many persons and will ruin many more. Of course, if you, Sir, look to the provisions of the Bill and to the discussion that has gone on for the last few days, you will find that the interests of the agriculturists are at stake because if honourable members encourage forward transactions, these will have an indirect effect on the prices of cotton which is grown by the agriculturists. Therefore, the interests of the agriculturists are to be considered. From this point of view, I may submit that the views of the agriculturists ought to be invited as they are the growers of cotton. The Wiles Committee did not invite the opinions of the agriculturists but only those of the Director of Agriculture and the Registrar of Co-operative Societies. The honourable member Mr. Wiles has stated in his speech that the members of this honourable House should not throw out the Bill in a hurry. I think it has got some force, but may I tell him in return that the Government also should not proceed with the Bill in a hurry? Therefore, I submit that the Government should be pleased to invite the views of cotton growers who form the bulk of the agriculturists, and I think it will be better for the honourable members of this House to examine the *pros* and *cons* of the Bill after knowing the views of the agriculturists. I do not think, Sir, that anything will be lost if the consideration of the Bill is postponed to the next session. Now, the Act which is sought to be amended by this Bill will cease to operate in the year 1932. Therefore, I do not think there is any hurry to proceed with the Bill. So, if the Government is pleased to postpone the consideration of the Bill to the October session, and in the meantime invite the opinion of the agriculturists, it will be very much better in the interests of the cotton growers. The question will arise, how are we to know the views of the agriculturists? The views of the agriculturists can be ascertained through the district local boards and agricultural development associations which contain a very large agricultural element. Therefore, the views of these various bodies should be invited, and unless and until this is done, I submit that this Bill should not be proceeded with in this session. As

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for myself, I am firmly of opinion that there ought to be freedom of trade, and I do not require any control on cotton trade as control destroys competition, and in the absence of competition naturally agriculturists will suffer by not realising the better prices which they would get when there is healthy competition. From this point of view, I am opposed to the principle of control. I may submit, Sir, that the trade has been going on for a long time, and for years and years together there was no necessity for such a measure, and thus there was no necessity to control the trade. Simply because during the War the prices of commodities increased abnormally, Government control was necessary. It is only under such exceptional circumstances, in my opinion, that Government should interfere. I know that Government are actuated with the best of motives. They have no self-interest whatsoever in proceeding with this measure. They are doing so at the instance of the traders. But then, why should the Government not consult the wishes and views of the agriculturists as well in the way I have indicated?

In conclusion, I submit that the Government would be well advised in not proceeding with the first reading of this Bill at this session. They can do that very well at the next session. Then we shall be in a position to know the views of the various district local boards and agricultural development associations. With these few remarks, I conclude my speech.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, we have been listening to this debate for a pretty long time, and all that could be said on both sides has no doubt been said. But the mental condition of the average member of this House is almost the same as described in Charles Dickens's novel, wherein one character cries out "that Codlin is my friend and not Short." The point is, who shall be our friend? My position, Sir, is this. I have considered this Bill to the best of my ability. I should think that the fact must be boldly faced that the farmers and the agriculturists come in a very small way as far as the consideration of this Bill is concerned. After looking into the Bill itself, it appears to me that it is conceived more for regulating the trade amongst cotton merchants and others who are interested in the trade. I think the various operations from the point at which cotton is sown until it is marketed must be put before the House. I must say, Sir, that the Cotton Markets Act, for the better regulation of cotton markets in the Bombay Presidency, which was enacted in the year 1923, is allowed to remain a dead letter as far as the Bombay Presidency is concerned which, I should think, is a very great mistake. If these cotton markets were properly regulated as expected under that Act, the grievances of the common farmers would disappear, and all these committees can join together in the interest of the growers themselves. No doubt, Sir, the traders have to do with this trade from the very beginning. They finance the trade. Here credentials may be asked for, and I will give my credentials. As chairman of a co-operative central

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bank for over 20 years which makes advances both to the traders and the agriculturists on this, what is called, the money crop, and out of which the debtors usually pay their debts, I know that the agriculturists borrow and, as a matter of fact, pledge their crop in advance, and they take money either from the village sowcars, or from the district sowcars or, for the matter of that, from bigger interests. They borrow large amounts of money and their method is to pledge the crop at so much per khandi, to be delivered when the crop is ready. There are various abuses by which the merchants cheat these farmers. There is short weight. As a matter of fact, sometimes a *palla*, which is 120 seers, is calculated at the rate of 130 seers, and there are so many abuses by means of which the farmer is mulcted. There is that grievance. Before the cotton comes to the market—I am speaking from a knowledge of certain facts—anywhere between 60 per cent. and 70 per cent. at least will be found to have changed hands, and is more or less the property of the traders. There are very few genuine agriculturists who can, as a matter of fact, afford to keep their goods for a very long time. As I have said, they are financed from the very beginning by the traders; their crop is pledged, and therefore they have nothing to do with the prices themselves ruling on any day, except the prices which would be given to them by the traders, local or otherwise. After the cotton once goes into the hands of the traders, the traders themselves are concerned and I am sure that out of about 35 lakhs of bales in Bombay every year, not even 5 per cent. will be found to be owned by borrowers. And may I tell this honourable House that, in the last two years, when prices have been falling, it is the agriculturists who have benefited and it is the traders who have suffered losses. ?

An Honourable MEMBER : Question.

Rao Bahadur G. K. CHITALE : Yes, the agriculturist has benefited, because in the first year when the prices began to fall the agriculturists got the prices which were ruling when they pledged their crops; and those prices were higher than the prices that obtained when they gave delivery in November or December and April or May; therefore, they secured better prices than the traders themselves who had to wait. Under those circumstances, if these facts are correct, I should think that the present representation which is intended to be given to the growers, namely, one-eighth, may perhaps be a little inadequate, but I do not think that it is so inadequate as to justify us in throwing out the Bill. On the other hand, the trade no doubt, as at present organised, has infused credit in mercantile circles, through the business principles of this association. As a matter of fact, there is no doubt that it can be improved upon having regard to all the interests, but still the point remains that so far as the European and Indian interests which at one time up to 1892 were divergent in which our Indian traders felt that their self-respect was wounded has been healed and now Europeans and Indians are rubbing shoulders in building up a world trade. It is certain and clear to my mind that the East India Cotton Association, if it is improved on a proper

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basis, will be my first love. Therefore that is the basis on which we ought to build. Under these circumstances I have decided to support the first reading of this Bill.

The Honourable the PRESIDENT: I should like the honourable member to state why he thinks that the Cotton Markets Act is a dead letter.

Rao Bahadur G. K. CHITALE: It has not been enforced.

Mr. R. D. BELL: A cotton market has been opened in Dhulia.

Rao Bahadur G. K. CHITALE: That was only last January and a solitary instance.

Rao Saheb B. G. DESAI (Kaira District): Sir, I rise to oppose the first reading of Bill No. XX of 1931. In the first place the question is whether it is at all expedient to undertake such a legislation as this. The Honourable the Finance Member and the honourable member Mr. Haridas Madhavdas who represents the East India Cotton Association have told us that the principle of the Bill has been accepted by this House by placing on the Statute Book Act No. I of 1919 and Act No. XIV of 1922 for nine long years and that the present Bill is nothing but the amplification of the said Acts on the same lines. But from the proceedings of the Council when these Acts were passed into law it will clearly appear that the Act I of 1919 was passed against great opposition and the Act XIV of 1922 was passed only by a very narrow majority. It will thus give the House a clear idea as to the conditions and circumstances under which the principles were accepted and the said Acts were passed. There is therefore no justification or reason for this House to perpetuate the principles of those Acts any longer by sanctioning the present Bill.

The Honourable the Finance Member while presenting the Bill to the House, has informed us that the main object of this Bill was to prevent speculation. If we now look into the debates on Act No. I of 1919 and Act No. XIV of 1922, we have the authority of Sir Purshottamdas who said that it was very difficult to draw a line of demarcation where genuine business ends and where speculation begins. In the light of that statement made by a responsible person like Sir Purshottamdas Thakurdas, I would ask this House to say whether it is possible at all to stop speculation,—where it is obviously difficult to distinguish it from genuine trade without affecting the very trade itself. Let us consider whether the East India Cotton Association, which was established with the object of preventing speculation, has been able to stop speculation since its inception. Instead of preventing speculation, its members are known to indulge in all sorts of speculative transactions much more than before under their present character. Even the Honourable Sir Cowasji Jehangir and the honourable member Mr. B. F. Madon have declared during the debates in this very House that no act of legislation can prevent gambling and speculation. It would thus be entirely futile to attempt to check speculation by any legislative enactments beyond the existing law which declares all wagering and gambling transactions as illegal and void.

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Another ground on which the Bill is objectionable is the sole monopoly of trade it intends to hand over to one single association, namely, the East India Cotton Association. The East India Cotton Association has hardly justified its existence during the last nine years of its career. It will appear beyond doubt from the discussions that have taken place on the floor of this House that it has not inspired confidence in the mind of the public by its working and control of trade in the public interest. The violent protests that the honourable members of this House representing the Presidency have raised against the working of the East India Cotton Association for the last nine years, leave no manner of doubt that the working of the association was neither successful nor beneficial to the various interests of cotton trade. Therefore the object of the Bill to vest the monopoly in a handful of members of the East India Cotton Association cannot be accepted or the principle underlying the Bill cannot be allowed any longer lease or trial for it has had sufficient trial and experiment already.

Then, Sir, the Bill is objectionable on the ground that it empowers the East India Cotton Association to fix the prices of all classes of cotton for all purposes of trade. It has already been pointed out by the honourable member the Thakor Saheb of Kerwada that this form of fixing the prices should not be vested in the East India Cotton Association. But in reply to the said argument it was pointed out by the honourable member the Finance Secretary that the power of fixing the prices is not given to the association. But on comparison of the wording of similar sections in Acts of 1919 and 1922 with the wording of the present clause in the Bill before the House, it will clearly appear that the wordings in the said sections are "Fixing and declaring the market rates" while in the present Bill the words are "determining and declaring the market rates". I ask the honourable member the Finance Secretary to point out what difference if any he can draw between the aims and objects of these provisions? I for myself do not see any difference in the phraseology of the old Acts and that of the present Bill, so far as the question of fixing the prices of cottons is concerned. Then, it is provided in the Bill that the rates so fixed should be binding on the members of the Association. It may however be observed here that there are no doubt very wide powers that the Bill aims at investing the East India Cotton Association with. Such a delegation of powers to rule the prices of cotton all over the country is unknown and has no parallel in the cotton exchanges of the world. Again we are told that the East India Cotton Association have always abused their powers in their own interests in the past and raised and lowered the prices of cotton as it suited their selfish interests, regardless of the interests of the agriculturists and the upcountry traders and even the general interests of cotton trade of the country as a whole. Genuine trade cannot countenance monopolies of any kind, but means only free and healthy competition and cannot tolerate any restraints on private rights and freedom of contract such as the one the present Bill seems to advocate.

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Then, there is a clause which makes void and illegal any transaction entered into except through one or the other member of the East India Cotton Association. Now as is well known to all the honourable members of the House the East India Cotton Association is composed of buyers, consumers and exporters and the agriculturists have no adequate representation on that body. It will be remembered that the Act I of 1919 and the Act XIV of 1922 were both vehemently opposed on the ground that they did not safeguard the interests of the agriculturists whose interests as sellers do conflict with and are diverse from those of the purchasers. Besides the constitution proposed in this Bill for the formation of the central board of control is highly detrimental to the interests of the agriculturists and hence the Bill is objectionable. It was stated that it is not possible to find a suitable panel for the election of agriculturists on this Board. But it may be pointed out that there are many agricultural associations. I do not know much about Surat district, but in the Kaira district there are various agricultural associations and organisations established all over the district. If these bodies are taken as the constituency, it is easy to bring in elected representatives of agriculturists to represent them on the board of the East India Cotton Association. Thus the principle of the Bill so far as I can see is that it gives a monopoly into the hands of the East India Cotton Association which consists of buyers and merchants who are interested in keeping down the prices as low as possible in order to purchase cotton at the cheapest rate from the growers, which is surely objectionable and no one regardful of the interests of the growers and producers can assent to. Again the Bill is objectionable inasmuch as it proposes to legalize transactions known as the so-called *teji mandi* options. What are these transactions but mere speculation? In legalizing these transactions, the Bill is legalizing nothing but speculation which it is its ostensible object to curb and prevent. Again, the dealings in the so-called Hedge Contracts are equally objectionable and are a mere device to secure profits to a coterie of monopolists of the East India Cotton Association who possess vested interests in the trade. It is also quite well known to the House that all previous measures, namely, the Indian Cotton Control Committee established under the Defence of India Act as a temporary war measure of emergency for six months only as well as the subsequent Acts No. I of 1919 and XIV of 1922 which took its place were meant in the first instance to remain in force only for a particular period but were subsequently extended for a period of nine years not at the request of the agriculturists, nor at the request of other trade associations, but at the request of the East India Cotton Association, who were anxious to retain their monopoly of the trade as long as they could conveniently secure it in their own selfish interests. At any rate the honourable member Mr. Haridas has not been able to make out a good case for the East India Cotton Association, and has failed to carry the House with him nor has the honourable member Rao Bahadur Bhimbhai who has talked more as a dealer than as an agriculturist throughout his speech has carried the House with him in favour of the East India Cotton Association.

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Now I come to the various provisions of the Bill. The Bill is generally objectionable on account of its penalising clause as well as the wide powers that the Bill proposes to leave to the East India Cotton Association for making its by-laws. Besides the constitution of the Board of Directors in whose hands the active control of the cotton trade is sought to be placed is too narrow and gives preponderance to only one set of trade interests to the exclusion of the agriculturists and the upcountry trade associations who are directly concerned. It is proposed to give two seats only to the agriculturists on the board and that too by nomination by some institution known as the Indian Central Cotton Committee which is hardly known to the agriculturists and cannot be regarded as really representing the agricultural interests of the growers and producers of cotton in this Presidency.

Therefore taking all these points into consideration, I do not see any reason why the East India Cotton Association should be invested with the legal powers to monopolize the entire control of cotton dealings, by the instrumentality of legislation sanctioned by this House, to the exclusion and annihilation of the noble institutions like the Bombay Cotton Trade Association and the Bombay Cotton exchange, which have functioned successfully and efficiently since over half a century past and against whom even the numerous and sturdy supporters of the East India Cotton Association have not been able to say even a word, and I am confident that the House will leave the various cotton trade associations in this presidency to evolve a well disciplined and finest cotton exchange worthy of the name and reputation of the Presidency, by voluntary and private arrangements and settlement of petty differences amongst themselves and thereby work its own salvation and refrain from taking this most unusual step of interfering with the freedom and independence of trade by legislation as had been promised in unequivocal expressions in the past by the very responsible Honourable Members of this House, the Honourable Sir Carmichael, the Honourable Sir Cowasji Jehangir and the Honourable Sir Ibrahim Rahimtoola, who were in charge of the Bills that have resulted in Acts No. I of 1919 and No. XIV of 1922, and I trust that the House will abide by the same. With these remarks, I oppose the first reading of the Bill and trust the House will throw it out.

Mr. V. N. PATIL (East Khandesh District) : Mr. President, coming as I do from a cotton-growing district, naturally I am anxious to see that the agriculturist, that is the grower of cotton, gets a good price for his produce. We all know that when in certain years the agriculturist gets a bumper crop the price for his produce is comparatively low. Last year, when the cotton crop was satisfactory, as the ruling price was very low, the agriculturist instead of being in a better position was in a worse position. Now, Sir, the attitude of the representatives of the rural areas to this Bill will be decided by the effect that they think this Bill will have on the price of cotton.

According to the Bill, the control over transactions in cotton in Bombay will be in the hands of the Board of Directors of the East India Cotton

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Association, and the Board will consist of sixteen members, four representing the buyers, four representing the sellers and six representing the brokers, and only two representing the growers. That goes to show that the grower is not sufficiently represented, and the whole control of this institution is in the hands of buyers, sellers and brokers. The suggestion made by the honourable member Rao Bahadur Naik that fifty per cent. of the members of the Board should be representatives of the agriculturists was ruled out of order by the Wiles Committee. I think, Sir, any institution which deals with the welfare of the people must have a majority of the people on its controlling board. The only justification, if there is any justification, for the existence of this association is that it is for the welfare of the growers. If that is so, naturally the growers must have a substantial representation on the body which is to control the affairs of the association. If Government do not want to give substantial representation to the growers, then, Sir, I do not understand why Government should seek to give any representation to the buyers and sellers. Let the board consist only of brokers, as in foreign countries. If buyers and sellers are given any representation, it seems to be reasonable and fair that the growers should be given substantial representation on the board of directors of this association. We all know the plight to which the agriculturists are reduced at present. Therefore if Government want to give preference they should give preference to the agriculturists. But this Bill will do quite the opposite. This Bill seeks to perpetuate the dominance of certain vested interests in this association, the board of which, as constituted as present, consist mainly of exporters and millowners. When we look to the character of the business of the so-called buyers and sellers of this association we find that the nomenclature "buyer" and "seller" is misleading. Buyers and sellers of this association mean one and the same people; they are mostly millowners and exporters. Naturally, these people want to buy as cheaply as possible. The brokers can be independent persons, but obviously they would be in the hands of these big people. So, when it is in their interests to buy cotton as cheap as possible, it is their interest to see that the price of cotton is kept as low as possible. I admit that this association cannot keep prices permanently low, because prices in the main are determined by world conditions. But all the same, I think there is a great deal of force in the contention that they can manipulate the prices temporarily, and this power of manipulation is likely to be grossly abused. Therefore, Sir, there must be an assurance from Government that the board of directors of this association will be completely overhauled and that the agriculturists will be given substantial representation on it, amounting to as much as 50 per cent. as was urged before the Wiles Committee. The honourable member Mr. Wiles smiles! But Sir, I have already submitted that the only justification for an institution of this kind is that it is working for the welfare of the growers and that as the growers themselves can look after their own interests better than others, it follows that they should have a large representation on that institution. There must therefore

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be an assurance from Government that there will be substantial representation of the growers.

It seems to me that the bye-laws of the association and the articles of association pertaining to the constitution of this association should be placed before the Council for sanction. That is a very important thing.

The question as regards control—whether there should be control, and, if so, who should exercise that control, whether control should be unitary or not has been dealt with by the honourable member Rao Bahadur Naik. He has clearly shown the necessity for control of cotton transactions and for unitary control.

Now, Sir, there is some misunderstanding as regards the word 'control'. This Bill does not seek to give control to Government but to one association which is called the East India Cotton Association. Instead of Government exercising the control directly, they are to get it done by the association. Government is to sanction the rules and regulations of this association, but that does not amount to control by Government. If that is called control, then every honourable member of this House can be said to be under the control of Government, because he comes to this honourable House as a result of Government legislation. Government will have power only to sanction the bye-laws and rules and regulations, and it is obvious that that does not amount to control. The honourable members Mr. Kamat and Rao Bahadur Naik have explained why unitary control is necessary. To me it is absolutely necessary, if there is to be control, that control should be unitary. For the better regulation of transactions and for stopping over-speculation, it is absolutely necessary that the control must be vested in one single association.

There is also another misunderstanding. Some of my honourable friends seem to think that the East India Cotton Association is something of a monopolistic combination—something like the trusts they have in America or the cartels in Germany. The character of the East India Cotton Association is quite different from those monopolistic combinations. Here there is no restriction of trade whatever with regard to the individual members of the association: the various components of this body are independent as regards their trade. Here it is not a single combination which is controlling any commodity. The East India Cotton Association does not itself trade. It is the members of this Association who trade and they are quite independent. Therefore the question of giving monopoly by this Bill to the East India Cotton Association does not arise. The sellers and the buyers come together in one Association just for the proper regulation of the trade. Their powers of trading are not restricted in any way by such an Association.

Now, Sir, some of my honourable friends think that if there are more associations, it will be better for the growers. But to me personally it appears that one single institution like this—if Government accept the suggestion that the board should contain a suitable number of growers' representatives—where the growers are represented to the extent of

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50 per cent., is a far better institution than various institutions controlling the trade where the farmers and growers are not represented at all. There is nothing to prevent these different associations—when they come to find out that they are losers by working independently—from coming together, and if they come together the grower has no remedy. But this is an institution where the grower will be substantially represented and where his interests will be properly looked after by the representatives of the growers. But I must say that the present system of unitary control is worse than no control, because the association at present is dominated by interests that are not quite friendly to the grower, because they want to buy the cotton as cheaply as possible.

There is a great controversy between the East India Cotton Association and the Mahajan Association. Various allegations have been made by these bodies one against the other. We need not go into details with regard to these accusations. What we want for our purpose, is a large body of cotton dealers who will compete with one another in a healthy spirit of rivalry and who will owe allegiance to a common authority. The only difference, as far as I can find out, in the constitution of these two bodies is that in the East India Cotton Association a member has to pay a deposit of Rs. 20,000 while in the Mahajan Association he has to pay Rs. 4,000 and the unit of trading is 100 bales in the East India Cotton Association while it is 10 bales in the Mahajan Association. If this institution, i.e., the East India Cotton Association is democratised, it is quite possible to bring all the Associations under one association. At present the interests of these two associations as against the growers are not divergent from each other. They can combine with one another any time to the detriment of the grower. Rather than let these two associations combine against him, it is better for the grower to have one single association where he will be substantially represented. However, I have my own doubts as regards the future constitution of the East India Cotton Association. I do not think that Government would be willing to accede to the wishes of the non-official members on this side and give representation to the growers to the extent of 50 per cent. In that case I do not think it would be advisable to support this Bill. I think it would be better if the Government will withdraw the Bill and bring in a new Bill after considering all the suggestions and after framing a constitution which will properly represent the grower. If they do that, the next Bill would be palatable to this side of the House.

Mr. C. N. PATEL (Kaira District) : Sir, I rise to oppose the first reading of this Bill. In the first place, I must say that legislative sanction for control is not necessary. The trade should so organise itself as to engender a feeling of security among its members and make it impossible for rival institutions to exist altogether. Much has been said here about there being control in other countries. I submit that there is no control in Liverpool, New York and other places. I can give the examples of these countries because I have procured the books relating to cotton

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industries in various countries. There is no such control in other countries which is sought to be thrust upon the cotton trade in Bombay. The articles of Association of the Liverpool Cotton Association provide for entering into partnership with rival institutions. So the very fact that rival institutions can exist gives a deathblow to the arguments that have been brought forward as regards unity of control.

As regards the argument that speculation ought to be prevented as far as possible, instead of controlling speculation, impetus has been given to speculation by the Cotton Contracts Act of 1922. One of the terms of reference to the Wiles Committee was to enquire into the working of the Cotton Contracts Act and I submit that the Wiles Committee have failed to do that. Examination into the working of the Cotton Contracts Act would mean an examination into the working of the East India Cotton Association. But looking to the constitution of the committee, it was not possible, because most of the members of the Wiles Committee were members of the East India Cotton Association and as such they could not be expected to do justice to the question. Had that question been gone into, we should surely have established a case for doing away with the East India Cotton Association, an examination into the working of the East India Cotton Association would have shown that the Act has been used to give benefit to the purchasers of cotton at the expense of the agriculturists. Prices have always been kept low, that being in the interests both of millowners and exporters who constitute the majority in the East India Cotton Association and its board of directors. Transactions are entered into not with a view to take actual delivery but merely for speculative purposes. It has seldom been heard that delivery of cotton has been taken in forward contracts. Persons who want to buy cotton thus manage to keep the prices low by speculation and then go to the cotton districts and make purchases there. The East India Cotton Association should put their own house in order. Their members have not been observing the by-laws laid down and we are asked to give them more power so that they can go on breaking their own by-laws. The by-laws are honoured more in the breach than in the observance. There was a fixed time limit for trading and, as the report of the Wiles Committee will show, the members never observed these rules. On the other hand, speculation is going on at all hours of the day.

Then, again, the transactions in new crops which are generally done in the month of May are begun at a much earlier date and there also the by-laws of the East India Cotton Association are violated; many of the members knowing full well that the transactions in Katcha Khandi and other wagering contracts are against the by-laws, are still carrying on the transactions. Many members and even directors indulge in speculations. The East India Cotton Association is controlled by muccadams and brokers who have their own separate associations and they set up rival institutions and conduct them in ways best suited to themselves.

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It has been said by the honourable member Rao Bahadur Naik that his constituency (Surat District) is in favour of the Bill. I think, you, Sir, have received various representations from different parts of the Presidency and amongst them there is a protest sent in by the agriculturists and merchants of Surat district on the 9th July 1931 which clearly shows that the honourable member's views are not shared by his constituency. There were numerous such protests and they all go to show that if anybody is in favour of the Bill, it is the members of the East India Cotton Association alone.

Rao Bahadur B. R. NAIK : May I interrupt the honourable member for a moment, Sir ? May I know the names of the signatories to that protest from the Surat district ?

Mr. C. N. PATEL : Patel from Surat district. He is himself a cotton grower and supervisor of the Cotton Sales Society of the district. I doubt if my honourable friend is in a better position to speak for the growers than that gentleman.

Rao Bahadur B. R. NAIK : [*Inaudible.*]

Mr. C. N. PATEL : I submit that it is fully representative and that protest has much more backing than my honourable friend's views have.

It has been suggested that there ought to be unity of control. As regards the unity of control, I submit that it should not be vested in the East India Cotton Association because that Association has failed in discharging its duties properly. It has kept down the prices arbitrarily, which has acted to the detriment of the growers.

Prior to 1918 there was no such control and the law of the land was quite sufficient and strong enough to put down all wagering transactions. All forward transactions, according to the law then existing, where in no actual delivery was contemplated, were void and they were not enforceable in a court of law. What happens at present is that no actual delivery is contemplated ; only differences are paid and speculation is going on. The figures quoted by the honourable member Mr. Surve of the differences paid during the period of the working of the East India Cotton Association from 1921-22 to 1929-30 will show that the amounts of cotton transactions in that Association are very huge as compared to the actual deliveries of cotton. In 1921-22 the differences paid on the exchange of that Association amounted to Rs. 12,19,94,565 whereas actual bales delivered were 1,32,000 and odd. This would show that when most of these transactions are entered into actual delivery is not contemplated and therefore they are purely speculative and wagering transactions. Such speculation under the aegis of the East India Cotton Association is not to the interest of the growers and we should not perpetuate an association of this type.

The honourable member Rao Bahadur Bole quoted the name of an influential member of the East India Cotton Association—Mr. Chunilal Mehta—a member and director dealing in thousands and thousands of bales per year without ever contemplating actual delivery of a single bale. Then what about ordinary members ? Are we going to perpetuate by this legislation a system and an association which encourages

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speculation on such a huge scale? I submit, Sir, that it is we, the non-official side of the House, who represent the growers of cotton in this Presidency and we think that to pass this bill in its present form would not be in the interests of the poor agriculturists.

As regards unitary control, if any control is necessary, then it should be placed on the lines of the Liverpool Exchange or some other Exchange. There, there is no statutory control but the control is exercised by the members of the cotton trade themselves and it is voluntary control. Such voluntary control ought to be developed and no monopoly should be given by means of a legislative measure. Moreover, by eliminating other associations dealing in cotton, you will be throwing out a large body of persons on the streets because they will lose their employment and in this manner you will only be adding to the existing economic distress. Gambling in cotton will not be stopped but will go on under the aegis of the East India Cotton Association. We should give a free hand to those who desire to deal in cotton. Let us give them all a chance and see how that works. We have seen the working of the East India Cotton Association for nine years and no good has been done by it. Let us now give a chance to all the people concerned to carry on free trade and let all those institutions that want to do business in cotton have an opportunity of doing so for a year or more, and let us see how that works; let us see whether that works to the benefit of the agriculturists. After all, our primary duty here is to look after the interests of the agriculturists and if we find that after a year or so the agriculturists suffer as the result of free trade in cotton, then we can think of imposing some kind of control for which of course at present there is no necessity.

Now, I would appeal to the Government benches and ask them one question—is it the interests of the East India Cotton Association which they want to protect by this measure or is it the interests of the agriculturists—as suggested by the honourable member the Finance Secretary, which they want to promote by bringing forward this Bill? I submit that the agriculturists and the growers are best represented by us, the non-official members, and we are convinced that this measure would work a considerable hardship on the growers. I would request the Government benches to refrain from voting on this Bill when it is put to the first reading, and this procedure will give the House an idea of how exactly the non-official side feels about the provisions of the Bill. I am sure that if my suggestion is accepted, the verdict of the representatives of the rural areas will go against this Bill and if in spite of that the Government decide to use their official votes and to get the Bill passed, then that will prove that it is in the face of the opposition of the representatives of the rural areas that Government carry through this measure. If Government have the slightest care for the opinions of the representatives of the people, they should abstain from voting and they should give an opportunity to us to show whether we would or would not have a measure of this kind.

With these few remarks, Sir, I oppose the first reading of this Bill,

Rao Bahadur R. R. KALE (Bombay University): Sir, a point has just struck me which does not appear to have been taken into account in framing the provisions of this Bill which, however, says something of options in transactions. As a matter of fact the outline of the Bill is so scanty and meagre that there are many things which require to be filled up, and in fact the opposition speeches show that there is a great deal of room for numerous provisions to be introduced, so much so that if the Bill is taken to a select committee, it will emerge from the deliberations of that committee in an almost revolutionised state. The Bill as it stands now seeks to legalise option contracts. This option contract is at present doubtful or illegal. When therefore by this legislation you are going to legalise optional contracts, then I would suggest to the Honourable the Finance Member who is the mover of this Bill to admit some provisions by which such optional contracts can be taxed. For this purpose I can refer him to an enactment in America which is given as an appendix to a book called "Organised Produce Markets" by Mr. Smith. In that appendix you will find that a tax is imposed of 20 cents a bushel on every bushel involved in a contract of sale for future delivery. It also provides for hedge contracts and other protective measures in the interests of the growers. That is the objective of a control legislation, to minimise speculation and to keep it down. Whatever is in the interests of the legitimate protection need not be taxed and just as in the case of betting there is a betting tax, I do think that this point may be considered in the select committee if at all this option business is going to be legalised.

Mr. C. W. A. TURNER: I move the closure, Sir.

The Honourable the PRESIDENT: I accept it.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I do not want to take much time of the House now because for the last two days the subject has been fully discussed and I shall therefore confine myself only to my own amendment and show why it has been moved by me. It is only for this reason that I am fully convinced that there should be no monopoly given to any particular body in this trade. It has been amply demonstrated in this House by almost every non-official honourable member who has spoken while opposing this measure that if monopoly is given to the East India Cotton Association by legislation, the result will be a great loss not only to the agriculturists but to a large number of small merchants throughout the Presidency, and also to the Government. By giving monopoly to one particular association which is the East India Cotton Association mentioned in this Bill, what will you achieve? You will only add to the large number of suicides by prominent merchants which we have already witnessed, and you will bring about considerable unemployment among the small merchants who have been thus far indulging in cotton trade. The responsibility for such a state of affairs will be on the shoulders of the Government if such a big havoc results from the passing of this legislation.

I acknowledge that there should be some kind of unitary control, but I contend that that control should not be left in the hands of a particular association or even the Governor in Council but it should be left to such an association as would be approved by the Legislative Council. The

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framing of constitution and rules must rest with the Legislative Council. If the Honourable the Finance Member gives a promise that he would allow this thing to be arranged and to consider what sort of an institution should be given the power to exercise unitary control, then I would have no objection to the proposed measure being carried at the first reading.

It has been argued here by those official and nominated members that the East India Cotton Association mentioned in the Bill has done a great thing in the interest of the agriculturists, the cotton growers but from the speeches made in this Council in the year 1930 at the budget time when there was a token cut on 34-Agriculture, it has been brought to our notice what good has been done by that association for the agriculturists. I shall quote from a speech of one member of the East India Cotton Association itself, Khan Bahadur Vakharia. That will prove the kind of association the East India Cotton Association is. At the time of speaking on 34-Agriculture and on the motion for token cut moved by the honourable member Mr. Deshpande, Rao Bahadur Vakharia said (Vol. XXVIII, page 999) :—

“Some of my honourable friends made remarks about the East India Cotton Association. I am sorry I am one of the members of that association.

The Honourable Mr. B. V. JADHAV: If the honourable member is sorry, let him resign his membership.

Rao Bahadur P. R. VAKHARIA: I cannot help it: I have to do business and, if I am not a member, I cannot do business with them. It is their monopoly. Before the formation of the East India Cotton Association, there were two cotton associations in Bombay, the Cotton Exchange and the Bombay Cotton Traders' Association. They were managing very well. But at the time of the War, this East India Cotton Association was constituted. In the East India Cotton Association they have introduced hedge contracts, and the system of hedge contracts is beneficial only to those cultivators who can deal with this association, but there is not a single representative of the cultivators in this association. There are six panels in this association, viz. the exporters, the millowners, the brokers, the mukadams, the commission agents and the importers. Well, Sir, the commission agents and mukadams look after the interests of the sellers, but these people have to work with the exporters and millowners and all the others, who also take the side of their party, whichever it may be. But owing to this association, I say with certainty, that the cultivators are suffering heavy losses in prices. Some four or five days ago, we were Rs. 42 below parity and today we are about Rs. 30 to Rs. 32 below parity. Since the last two years the parity has remained between 24 and 42. This year it was the highest, we were Rs. 42 below parity. In this way, that burden also falls on the shoulders of the agriculturists.”

I will now draw the attention of the honourable members to page 1015 of the same Volume XXVIII. A question was put to the Honourable Mr. Jadhav, the then Minister of Agriculture, as regards the East India Cotton Association and see what he replies :—

“The East India Cotton Association had to face a very serious indictment from one who is a member of it. As the wearer knows where the shoe pinches, and as I am perfectly ignorant of the affairs of the East India Cotton Association, I accept what has been said on the floor of this House—that the East India Cotton Association is a body that is robbing the poor cotton cultivator of some of his profits. Of course I am open to correction and I should like to hear the views of other members who are interested and think it their duty to justify the existence of that association.”

Then the present Honourable Minister of Agriculture, Dewan Bahadur Kambli, who was then a non-official member, asked :—

“Am I to understand that early steps will be taken to abolish that body ?”

to which the Honourable Mr. Jadhav replied :

“It is for this House to decide. I am entirely in the hands of this House,”

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whereupon the then honourable member Rao Saheb D. P. Desai said :

" Bring in a repealing bill. All the representatives of the agriculturists opposed that bill when it was brought in this Council "

upon which the Honourable Mr. Jadhav observed :

" They were not in a majority unfortunately "

when Rao Saheb D. P. Desai said :

" They were beaten by one vote "

which remark was followed by one from the then honourable member Mr. B. G. Pahalajani who said :

" Sir Ibrahim's vote "

I need not quote further. I feel that I have made out a very strong case for the refusal of any monopoly to the East India Cotton Association or any other association which is not approved by the Legislative Council. I would only remind this House of what the Honourable the Finance Member said when introducing this Bill, viz. that the main object of Government in presenting this Bill is to prevent speculation and gambling. But, Sir, what has been proved by the speeches of the honourable members in this House for the last two days ? It has been proved that not only there is speculation going on in cotton trade in the city of Bombay amongst other persons other than the members of the East India Cotton Association but it is carried on to a greater extent amongst the members of the East India Cotton Association and it has not been pointed out or made clear to this House that any steps as provided in their constitution were ever taken against such member or members. The representative of the East India Cotton Association who has been called out here as an expert admitted that one of the members once had speculated very heavily and he had to commit suicide. There are so many other persons in Bombay who have been ruined by heavy speculation.

Mr. HARIDAS MADHAVDAS : I never said that anybody committed suicide.

Rao Bahadur R. S. ASVALE : I would ask him whether Mr. Umar Sobani, who was a member of the Association, did not commit suicide. He has also admitted that speculation is going on among the members of the body which is empowered to control the trade. On account of the monopoly of control given to this body, they speculate to a larger extent, and the growers and the sellers of cotton, the agriculturists, are being ruined on this account.

Sir, it has also been stated that the representatives of the exporters, importers, brokers, muccadams and millowners should be on the body by a majority. But these are all one and the same ; they do not belong to different interests. The exporter sends his men to the districts to buy cotton for him and when he brings the cotton into Bombay he is called an importer, the same way is the case of broker and muccadam. The exporter or an importer can have his own man as a broker or a muccadam when he is a member of this Association. Even some of the millowners can have a member on the body of the East India Cotton Association, a broker or a muccadam of his own and thus can have a

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monopoly of the trade of cotton. Therefore, Sir, I ask whether such association can work satisfactorily in the interest of the cotton growers or small merchants who are not the members of this East India Cotton Association.

The Honourable the PRESIDENT : The honourable member is repeating arguments now.

Rao Bahadur R. S. ASVALE : Sir, I am not going to repeat ; I am going to conclude my speech. So, I have made out a very strong case that a monopoly to such an association should not be given. The control should be with an independent body which has no connection with the cotton trade whatsoever.

The Honourable Sir GOVINDRAO PRADHAN : Mr. President, various speeches have been made in this House in favour of this Bill and against it, but I was surprised to hear from some of the honourable members that they think that the Wiles Committee was a nook and corner affair. Certainly, it was not. That a committee representative of various interests and bodies was going to be appointed was actually made known to the whole public. The committee prepared a *questionnaire*, and it was wrong to say that the *questionnaire* was not sent to agricultural associations. The honourable member for East Khandesh (Rao Bahadur D. R. Patil) stated that the agricultural associations and development associations and co-operative credit societies should be consulted. I say they were consulted. Not only were they consulted, but the *questionnaire* was sent to them, to every body, to every person who was connected with the cotton trade, to every person who was connected with the growers, to every such association.

Rao Bahadur D. R. PATIL : On a point of information. Were the district local boards consulted ?

The Honourable Sir GOVINDRAO PRADHAN : The district local boards have got nothing to do with it. The agricultural development associations are the bodies which ought to be consulted. What has a district local board got to do with the growing of cotton ? Do the district local boards grow cotton ? Are there any representatives of cotton growers on those bodies ?

Rao Bahadur D. R. PATIL : Oh, yes ; there are.

The Honourable Sir GOVINDRAO PRADHAN : I must differ from the honourable member. Members of district local boards are certainly not growers of cotton. There may be exceptions, but it is not a qualification—that a grower of cotton will be a member of a district local board. [Interruption.]

Mr. SHAIKH ABDUL AZIZ and the THAKOR of KERWADA rose.

The Honourable Sir GOVINDRAO PRADHAN : If every blessed member is going to get up, I am not going to yield.

The Honourable the PRESIDENT : The honourable member has certainly been excited by the attitude of honourable members opposite ; but the word "blessed" is unparliamentary.

[The President]

It must be known to honourable members by now, as they have read the Standing Orders over and over again, that while an honourable member is addressing the House if another honourable member stands up to say something, the honourable member addressing must show whether he yields. If he does not yield, the honourable member interrupting must resume his seat.

Dr. M. K. DIXIT: Are we blessed members, Sir?

The Honourable the PRESIDENT: The Honourable Member was not right in saying so.

The Honourable Sir GOVINDRAO PRADHAN: So, Sir, as I was saying, the *questionnaire* was prepared and it was sent to everybody concerned. Then the committee went on sitting day after day. Then the report of the committee was made public. Then the Bill was prepared, based upon that report. That Bill was sent for opinion, and after the opinions were collected, this Bill has been brought into this honourable House.

Rao Saheb R. V. VANDEKAR: How many agricultural associations were consulted?

The Honourable Sir GOVINDRAO PRADHAN: Whatever agricultural associations were known to Government were consulted. I have said that.

Rao Saheb R. V. VANDEKAR: What was their number?

The Honourable Sir GOVINDRAO PRADHAN: I do not carry the number in my head, nor do I know how many such associations there are in the Presidency. So, all such associations were consulted; if anybody says that they were not, it is wrong.

Then, Sir, it was said that the two members appointed were not really representatives of the growers. One of them (Rao Bahadur B. R. Naik) is sitting in this honourable House. He has told this House that he was really a grower of cotton. He does not dabble in the sale of cotton as a trader. Of course, he has got to sell his own cotton, but that does not mean that he is a cotton trader. Because I have got to sell my paddy, that does not make me a paddy trader. Rao Saheb Shirhatti, the second member of the committee, is also a grower of cotton. It is the unanimous opinion of the committee that there should be control of the cotton trade and there should be control by one body. That is the unanimous opinion of the whole committee, including the two representatives of the growers.

Now, Sir, what is the principle of this Bill? I have all along been saying that the only two principles of this Bill are whether there should be regulation and control of the cotton trade or not, and if that is accepted, whether that control should be exercised by one body or by more than one body. Those are the only two principles of the Bill.

The Honourable the PRESIDENT: I must correct the Honourable Member; the third principle is that if there is to be control by one body, that body shall be the East India Cotton Association.

The Honourable Sir GOVINDRAO PRADHAN: Yes, I am coming to that. I made it perfectly clear that the East India Cotton Association was a body which came under the Act of 1922, but it was open to this

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honourable House in the select committee to change the constitution of that body and to give that body any other name, the Western India Cotton Association, the Southern India Cotton Association, or, for the matter of that, the All-India Cotton Association, or any other name they liked. I made it perfectly clear that there shall be no objection in the select committee to change the constitution of this body or its name.

Then, Sir, some honourable members say that there should be 50 per cent. representation to the growers. I should like to tell them that they must have noticed the difficulty which has been pointed out in the report that, in the first place, this is a trading body; then it has got continuous sittings from day to day; that it is located in Bombay and the representatives of the growers will be from the mofussil; and that emergent meetings are held at a moment's notice. How are the representatives of the agriculturists to attend the meetings? Then, further, the representatives of the agriculturists are given the right to be honorary members without their having to pay any fee for membership. Honourable members must have noticed that the deposit of Rs. 20,000 is not required from the representatives of the growers.

Then I must point out to this honourable House that in the year 1927 all the representatives in this House thought it necessary that there should be such an Act as the Cotton Markets Act; they did adopt that Act. Why? Was it to control the cotton trade? Certainly not. That Act was intended, as the honourable House is aware, for the benefit of the growers. That Act provided for the appointment of cotton committees. That Act also gave the cotton committees power to make rules and by-laws for regulating brokerage, weights and measures, and such other matters, and for regulating the trade in general. Honourable members will also please remember that the present Bill is for the City of Bombay and the Island of Salsette. It has got absolutely nothing to do with the mofussil. In the mofussil you are at liberty to sell cotton in any way you like; you may trade in any way you like. Let there be a ready contract or a forward contract or anything you like. For the mofussil, in order to safeguard the interests of the growers, in order that they may not be deceived by false weights, that they may not be deceived by excessive commission charges, the Cotton Markets Act was passed by this House, and it is in force. It is an enabling Act. If the cotton committees are not appointed, it is not Government's fault.

Then, Sir, some honourable members stated "We are the representatives of the agriculturists; we have the agriculturists' interest at heart." But is that the monopoly of honourable members? Have the Government not got the interests of the agriculturists at heart? It is even in the interest of the Government itself to safeguard the interests of the agriculturists. Why is it assumed that the interests of the agriculturists are safe only in the hands of the representatives who are elected, and that Government—

Rao Bahadur D. R. PATIL: I have never said so.

The Honourable Sir GOVINDRAO PRADHAN: Not the honourable member, but some honourable members did say that. So it is not the monopoly of the representatives who are elected, but the Government

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Members also have the interests of the agriculturists at heart, because they have got to see that the agriculturists are contented and happy.

Then, Sir, a suggestion was thrown out that Government should frame rules and by-laws, and every association that obeys those rules and by-laws should be allowed to trade. That means there should be no unitary control, but there should be Government control. But some honourable members got up and said that Government ought not to dabble in this matter. I quite agree; that is quite right. Why should Government dabble in this matter? They do not want to do it. That is exactly the reason why Government say that it should be the work of an association. The association makes the rules and by-laws, Government merely supervises. So, these rules and by-laws are to be made by an association—call it by whatever name you like, whatever may be its constitution—and these rules and by-laws will be scrutinized by Government; the association will exercise control.

Many of the honourable members are making a mistake in confounding the East India Cotton Association with its individual members. The East India Cotton Association is a different body; it is a body which is controlling and regulating the trade in cotton. If the individual members of that body gamble, it is not that body that gambles. This honourable House is one compact body; if the members of this House gamble or do anything else, the House does not do it. So, please make that distinction. The East India Cotton Association is a different body from its individual members.

Mr. M. M. KARBHARI: May I know if Government have reserved powers in their hands to control the maladministration of this association during the first three years? If not, does it not mean that you are handing over absolute control to that body for three years and thereafter again the period will be extended?

The Honourable Sir GOVINDRAO PRADHAN: The powers which Government have are explained in the Bill itself; in the Bill itself everything is explained; I cannot explain anything further. The Bill says that the rules and by-laws shall be framed by the association, but they will be subject to supervision and control by Government. After the rules and by-laws are passed by Government, they have got the force of law.

Then, Sir, there is another misapprehension which was tried to be removed by the honourable member Mr. Wiles. He said it most emphatically more than once that the association does not lay down the prices; that it merely registers the market price for the day. If the market price fluctuates from Rs. 190 to Rs. 500, all that the East India Cotton Association says is, "Let us say that the market price for a particular kind of cotton to-day is so much," and that is the settled price. It never dabbles. It has not got the power, when Rs. 250 is the price, to say that it shall be Rs. 50. Let it be remembered that no power is vested in the association to decide that a particular price shall be the price of the day for a particular variety of cotton. It merely registers; it merely determines and decides according to the fluctuations in rates, as to what the market price of a particular kind of cotton is and declares, "To-day the market price of this variety is so much."

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Then, Sir, as regards the point that even ready contracts are not to be entered into except with the help of this body, as the honourable member the Finance Secretary explained, ready contracts are to be regulated by this body in so far that no excess brokerage, no excess commission, and no excess charges are levied from the person who deals in ready contracts. There is nothing to prevent ready contracts being entered into by anybody who is not a member of the East India Cotton Association. Then, I may point out that it is not in the interest of growers to have merely associations which deal in *pharak*. It was asked : where shall we stop this gamble ? It is impossible to do it. But we are trying to minimise it. That is our object. What is speculation ? Every trader speculates. He goes to buy in the cheapest market and sells in the highest market. Even a petty shop-keeper does it. Otherwise he is not a good shopkeeper. There will be no trade without speculation. But let it be within proper bounds. Let it not be of such a nature as to ruin families and persons and make them insolvents. We are trying to regulate speculation and keep it within proper bounds.

Then, it is suggested that there should not be a penal clause. If honourable members will read the Wiles Committee report they will find that the wagering contracts were originally void and not enforceable in law. If there is a wagering contract and if the parties settle the difference among themselves, there is nothing to prevent them from doing so. But if it is taken to a court of law, it is null and void. That is the only distinction ; but even the provision of a penal clause does not prevent such bodies as are existing from dealing in wagering contracts. This question also can be discussed in the select committee, as I have already stated.

Then, it was suggested that clause 8 should be deleted. The honourable member Mr. Wiles has already given an assurance that if it is not wanted, it shall be deleted. But this is a matter of detail.

Then, the question of contracts of sales made in the mofussil was raised. How does this Bill come in the way of those sales ? Many of the poor agriculturists who have got 20 or 30 bales of cotton sell out their cotton then and there. The honourable member from Ahmednagar stated that they have to pay loans. In that way, what is there which comes in the way of these agriculturists in this Bill ? It is only when cotton is sent to Bombay, we want some regulation of speculation. We do not want too many middlemen. What is the object of co-operative societies ? They try to remove the middlemen, so that there may be direct connection between the producer and the consumer. Let the middlemen go away. If there are too many middlemen, the producer is fleeced and the object of this Bill is to eliminate the middlemen, because they speculate for their own profit. They do not work for the interest of the growers. Is it urged that the members of the Mahajan Association, who circulated so many pamphlets, are working in the interest of the poor agriculturists ? They have started this association with a view to put more money into the pockets of the big growers. [Interruption.] It was stated that they too should have their rights. It is a question open for discussion in the select

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committee. I most emphatically say that Government have considered all these questions and they honestly believe that this Bill is in the interest of the growers of cotton. Government have brought this Bill for the sole object of, if not actually removing, minimising speculation as far as possible. So, if this Bill is thrown out at the first reading, the responsibility will be upon this honourable House. Government have done their duty and they believe honestly that this Bill is in the interest of the grower and they have brought this Bill with the best of intentions.

Question put. House divided. Ayes, 44; Noes 41. Motion carried.

Division No. 8.

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur.	NAVLE, Mr. N. E.
ASAVALE, Rao Bahadur R. S.	PARULEKAR, Rao Bahadur L. V.
BHUTTO, Sir SHAH NAWAZ	PATEL, Khan Bahadur A. E.
BOLE, Rao Bahadur S. K.	PATEL, Mr. C. N.
DHALUMAL LILARAM, Mr.	PATIL, Rao Bahadur D. R.
DESAI Rao Saheb B. G.	PATIL, Mr. N. N.
DESAI, Mr. H. R.	PATIL, Rao Saheb V. S.
DESAI, Mr. S. B.	PRADHAN, Rao Bahadur G. V.
DIXIT, Dr. M. K.	RESALDAR, Mr. A. K.
GHULAM NABI SHAH, Khan Bahadur	SHAIKH ABDUL AZIZ, Mr.
GOKHALE, Mr. L. R.	SHAIKH ABDUL MAJID, Mr.
GOVER RORA, Mr.	SHANKARRAO JAYARAMRAO ZUNJAR- RAO, Mr.
JITEKAR, Mr. HAJI IBRAHIM	SURVE, Mr. V. A.
JOG, Mr. V. N.	SYED MIRAN MAHOMED SHAH
KADRI, Mr. J. S.	SYED MUNAWAR, Mr.
KALBHOR, Mr. G. M.	TALPUR, MIR BAHEND ALI KHAN
KARBHARI, Mr. M. M.	THAKOR OF KERWADA, Sardar BHASABEN RAISINGHI.
KRUHRO, Khan Bahadur M. A.	TOLANI, Mr. S. S.
KULKARNI, Rao Saheb P. D.	VAISHAMPAYAN, Dr. V. G.
MADHAVANG JOREBHAI, Mr.	VANDEKAR, Rao Saheb R. V.
MEHTA, Mr. M. H.	WADKE, Mr. B. P.
MORE, Mr. J. G.	
NANDEORAO BUDHAJIRAO, Mr.	

Tellers for the Ayes : Dr. M. K. DIXIT and Rao Bahadur S. K. BOLE.

Noes

ABERCROMBIE, Mr. J. R.	KALE, Rao Bahadur R. R.
BELL, Mr. R. D.	KAMAT, Mr. B. S.
BHUTTO, WADERO WAHIDBAKSH ILLARI- BAKSH.	KAMBLI, the Honourable Dewan Bahadur S. T.
BOWERS, Mr. P. L.	LELY, Mr. W. G.
BRANDER, Mr. J. P.	MACKLIN, Mr. A. S. R.
BRISTOW, Mr. C. H.	MODAK, Rev. R. S.
BROWNE, Mr. D. R. H.	NAIK, Rao Bahadur B. R.
BULLOCKE, Mr. A. GREVILLE.	OWEN, Mr. A. C.
CHIKODI, Mr. P. R.	PRADHAN, the Honourable Sir Govindrao
CHITALE, Rao Bahadur G. K.	PRATER, Mr. S. H.
CLAYTON, Mr. H. B.	RAFIUDDIN AHMAD, the Honourable MOULVI.
COLLINS, Mr. G. F. S.	SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
COOKE, Mr. G. H.	SMART, Mr. W. W.
D'SOUZA, Dr. J. ALBAN	SOLANKI, Dr. P. G.
EWBANK, Mr. R. B.	THOMAS, the Honourable Mr. G. A.
GARRETT, Mr. J. H.	TURNER, Mr. C. W. A.
GHULAM HUSSAIN, the Honourable Sir	VAKIL, Mr. PESTANSHAN N.
HABIDAS MADHAVDAS, Mr.	VAKIL, the Honourable Sirdar Sir RUSTUM JERANGIR.
HARRISON, Mr. C. S. C.	WILES, Mr. G.
HUDSON, the Honourable Mr. W. F.	
JAN MAHOMED KHAN, Khan Bahadur	
JONES, Major W. ELLIS	

Tellers for the Noes : Major W. ELLIS JONES and Mr. S. H. PRATER.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I withdraw the Bill.

The Honourable the PRESIDENT : Order, order. There is one particular matter that I wish to bring to the notice of honourable members and which they must remember for their future guidance. I have ruled before that smoking is not permitted within the precincts of this Hall. I noticed several honourable members doing that. When a ruling is given, it is given to be obeyed and followed.

Now, Government business is finished, and private business will be taken up. Six days have been allotted by His Excellency for private business. Four and a half hours count a day. Therefore, calculating the number of hours for the remaining five days, I shall have to stop private business when that time is finished.

Resolutions is the first item of business. According to the understanding arrived at between both sides of the House, the resolution which stood in the name of the honourable member Mr. Jog has been permitted to be redrafted, and it is in my hands. I have given permission to the honourable member Mr. Jog to move the redrafted resolution as his own.

RESOLUTION REGARDING REDUCTION OF SALARIES OF GOVERNMENT SERVANTS.

Mr. V. N. JOG (Dharwar District) : Sir, I beg to move the following resolution—

This Council, whilst of the opinion that a radical reform reducing the salary scales and number of public servants in all departments is the proper way of putting the finances of the presidency on a safe basis, looks with disfavour on the recommendations in the *ad interim* report of the Retrenchment Committee appointed by Government resulting in any curtailment of the activities of the nation-building departments which would tend to give a set-back to these departments, and considers the recommendations in the *ad interim* report of the Retrenchment Committee regarding the public services as inadequate, and, therefore, recommends to Government that the scale of salaries of all Government servants including the All-India, Provincial and Subordinate services in all Government departments be reduced as per the following schedule with effect from 1st September 1931 :

5	per cent.	per mensem	from salaries of Rs.	51 to 100.
10	Do.	do.	do.	Rs. 101 to 250.
15	Do.	do.	do.	Rs. 251 to 500.
20	Do.	do.	do.	Rs. 501 to 1,000.
25	Do.	do.	do.	Rs. 1,000.

Sir, in moving this resolution, the first thing I want to bring to the notice of this honourable House is that for the past few years we have been faced with deficit budgets, all our accumulations have been depleted, and for the last two years especially, we have not been able to meet our expenditure out of the revenues. I will only quote a few figures from the Blue Book for 1931-32. You will find, Sir, from the revised estimates for 1930-31 (page 3) that the ordinary revenue is Rs. 14,68,97,000 and expenditure charged to revenues (page 9) is Rs. 15,87,89,000. Coming to the current year (page 15), you will find that the total revenue which is budgetted for is Rs. 15,23,97,000, and the expenditure which is charged to revenues is Rs. 15,89,54,000. That is a clear deficit of Rs. 65,57,000. I am told that since we passed the budget

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the deficit has shown a tendency to grow. Therefore, it is quite necessary that we must try to balance our budget. Several times, from the floor of this House, Government have been warned that they should try their best to curtail their expenditure and bring it within the revenues, and Government took upon themselves to appoint retrenchment officers, but no headway was made. The House will remember that at the time when the budget was being discussed in February last, this side of the House insisted on giving substantial cuts to the demands for grants and leaving Government to adjust for themselves, because it is very difficult, Sir, for this side of the House to get at exact figures. I am sorry to say that when interpellations are put, the answer given is that the time and labour devoted to getting the information will be incommensurate with the benefit which will accrue. You will remember, Sir, that a few days back I wanted to know what the exact number of persons who are going to retire by 31st March 1931 and 1932, and I was unable to get any answer to that. My object in seeking that information was to consider whether new entrants should be appointed to the vacancies arising out of those retirements or keep the places vacant. It is the belief of this side of the House that in certain departments there is over-manning and the knife must be applied to the personnel. But, Sir, we have not been able to get any reply to that question. Whatever that may be, the burden which this Presidency has been shouldering and the deficits which are facing us are caused, not entirely I must say, but chiefly by certain adventurous schemes which the Bombay Government undertook and which ended in gross failures. I may, for instance, quote the Back Bay Development Scheme. There, we lost more than five or six crores, and the interest charges on that are accumulating and we have to contribute not a little towards the Sinking Fund. Similarly, you will find that year by year the charges we have to pay on account of interest are swelling. We have been finding that the salaries are also increasing—chiefly the salaries of the higher posts. And when we find that our expenditure is not adjusted to our revenues, the right thing to do is to bring our ordinary expenditure within our ordinary revenue.

When we have to consider this point, the question of salaries becomes prominent. Referring to the *ad interim* report of the Retrenchment Committee, where certain suggestions are made with regard to the curtailment of expenditure, I find that most of those suggestions do not go in the direction of permanent reduction of expenditure. They propose only to stop certain works, thereby stopping development. That is not, Sir, the right way of retrenchment. I do understand that they were only considering at that time the immediate retrenchments possible. But the point I wish to emphasize is, if you wish to have real retrenchment, it must be retrenchment of permanent expenditure. For instance, you will find in statement C of the report of the Retrenchment Committee (page 18) what they have suggested is—"Public Works Department (Irrigation)—Rs. 3,36,000; Roads and Buildings, Rs. 2,54,000; Civil Works, Rs. 1,54,000." If you go through the details, you will find that they have suggested temporary stoppage of developments necessary for

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the well-being of the province, simply because we have no money. That is not the sort of retrenchment that we require. Similarly, Sir, they propose a reduction of more than three lakhs in Education, and how do they propose that it should be carried out? They propose the stoppage of scholarships to poor students, and stipends to teachers, and also a cut of five per cent. in grants to university and secondary education. This is not retrenchment but stopping progress and killing education. That shows that the committee have merely proposed the stoppage of certain works out of the year's programme. Beyond that, except the suggestion regarding cut in salaries—to which I am coming presently—they have done nothing.

With regard to the item on Reforms, which is shown here, that is really an item which is not wanted. A sum of Rs. 4 lakhs has been budgetted for and though the reforms are not expected to come soon, they have still reserved Rs. 1 lakh and surrendered Rs. 3 lakhs. That is not retrenchment, because all the money will not be wanted during the current year.

Then you will see that there are many discretionary grants and a saving can very well be made there. Therefore as I said, Statement C simply shows that certain works have been stopped. That means that the future programme has been curtailed. But what about the permanent reduction?

Now I come to the amounts surrendered by the officers which are shown on pages 16 and 17—Rs. 10,12,700. From the discussion that we had on the supplementary demand which was made the other day that even the two important cuts which we had made, namely of Rs. 5 lakhs under Land Revenue and Rs. 2½ lakhs under Jails and a few minor others which amounted to about Rs. 8 lakhs have been included in this list. The other day when we were discussing the supplementary demand under Land Revenue, mention was made of Rs. 40,000 with regard to chavdis. Before I went through the recommendations of the ad-interim report of the Retrenchment Committee, I was under the impression that the recommendations for cuts which the Retrenchment Committee would make would be besides those which were made by this House. But now I find that the cuts which were made by this House during the budget session have been included in the report made by the Retrenchment Committee. That does not take us far. You will find that the cut which this House made in the Jails budget last session has been included in the surrender which the Inspector-General of Prisons has made, namely, of Rs. 1,12,000. The suggestions which have been adopted by the Retrenchment Committee were offered by the various heads of offices who were called in and examined. This will clearly show that the officers of their own accord surrendered these various items. This again goes to prove that there was, to a certain extent, overbudgeting. Within a month or two of the budget the officers come forward and say "we are going to surrender this sum of Rs. 10 lakhs or so." If these figures had been carefully gone into before they were submitted to the Council in the

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last budget session, the retrenchment which has been suggested would have been possible. But this surrender is due to the fact that Government were forced by this House to accept the cut of Rs. 5 lakhs, and to effect some retrenchment, by appointing a retrenchment committee. When the budget was introduced nothing was said with regard to the appointment of the Retrenchment Committee, but when the Government thought that the House might move cuts after cuts and that there was a likelihood of those cuts being carried, Government thought it better to announce the appointment of the Retrenchment Committee. When the assurance was given, you know what effect it had upon the House when the subsequent cut motions were moved, viz. the House did not like to press the cuts, most of them were withdrawn. What do we find now? The suggestions and surrenders made by the officers have only been accepted by the Retrenchment Committee in their ad-interim report. The retrenchment of 28 lakhs which has been recommended consists, with a few exceptions, only of a reduction in the programme of works and stopping grants which are essential for nation-building activities. But the chief point I have been making is that our finances cannot be said to improve unless we effect real retrenchment, retrenchment of a permanent type, that is, retrenchment in salaries. With that view, Sir, I had tabled the original resolution. Unless we apply the pruning knife to the salaries, in certain respects very high at the top, I think the resources of the Presidency cannot be well in hand.

With regard to this question, let us see what we have been spending for our servants from our revenues. By the end of the year 1930-31, our revenue amounts to Rs. 15 crores nearly and out of this sum what are we spending for the service alone? Let alone other needs. I take only the expenditure on salaries paid to our services. I am taking the figures which have been given by the Government themselves. I have not with me just now the Blue Book for the year 1930-31. I could not find it to-day, but the figure comes to Rs. 5,37,00,000. The figure which has been given on page 9 of the ad-interim report of the Retrenchment Committee is Rs. 5,37,00,000. You will see that the percentage is more than 35 of the total revenue of the Presidency. We are spending 35 per cent. of our revenue on our services alone—leaving aside other items of expenditure. I ask, Sir, is this justifiable expenditure? There are other wants of the community such as education, sanitation, medicine, drinking water, roads and buildings and so many other things are to be managed. But I am now adverting my attention to salaries for the present.

When we are considering this question, let us consider what factors we have to take in settling this. In the year 1914-15—I have again taken the figures from the budgets—our income was Rs. 9,32,00,000 and the expenditure for the same year was Rs. 8,31,83,000, this according to post-reform classification. But the actual revenue as classified at that time was Rs. 7,55,80,000 and the expenditure amounted to Rs. 7,93,00,000 and odd. When we take the figures of 1921-22, we find that the revenue has grown to Rs. 13,89,00,000 and the expenditure to

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Rs. 15,54,00,000. When we were earning only about Rs. 8 to 9 crores, we were spending about 7 to 8 crores ; but when the income has risen, the whole of the revenue has been exhausted and we have been spending even something more.

The Honourable Sir GOVINDRAO PRADHAN : May I ask if those figures did not contain a lot of money for civil works which were delayed owing to the War ?

Mr. V. N. JOG : There might have been something spent on roads and buildings but infinitely more is absorbed by salaries. I am going to show what we were spending on salaries previously and what we are spending now. I am only saying that if the revenue has grown, we have been spending it in a rather incommensurate proportion on salaries. That is the point which I am making. As the Honourable the Finance Member has interrupted me, I shall take the figures of salaries prior to 1921-22—the year 1914-15. No doubt, as I said, it is very difficult for this side of the House to get at exact figures. We have to collect the various figures from the reports which are made available to honourable members. I may be wrong, if so, the Honourable the Finance Member may correct me. I may be acting upon calculations which may be imperfect and not quite accurate, but I am sanguine my figures are approximately correct. I am quite sure that we were not spending more than Rs. 2 crores on salaries previous to 1914-15. My figure was only Rs. 1,58,00,000, but I make a certain allowance for miscalculations here and there. Then what were we spending in 1921-22 and 1927-28—which have been shown in the Blue Book of 1930-31 ? In 1921-22 the amount of salaries rose to Rs. 4,46,51,000 and in 1928-29 it rose to 5,37,00,000 and odd. The increase in the All-India services is Rs. 29,83,000, in the provincial services Rs. 30,63,000 and in the clerical and subordinate staff it is Rs. 2 crores and 12 lakhs, and menial servants 14 lakhs and odd. They have given the percentages of increase also. The percentage is 44 per cent. on All-India services, 63 per cent. on provincial services and 105 per cent. on the subordinate clerical services and 84 per cent. on menial servants. I know the argument would be hurled at me that while the percentage on All-India services is only 44, that on provincial and subordinate services is 63 and 105 respectively. According to my proposals the reduction on the lower salaries is smaller and that on the higher salaries is bigger and it is not in proportion to the increases. It was very difficult for me to get the ratio of the subordinate services to the All-India services in 1858 when those services were formed. [Laughter.] I may very well be laughed at. But we have to take into consideration the capacity of the tax-payer. There was a certain ratio fixed at that time and there were only two divisions—All-India services and subordinate services. Most of the provincial service men as constituted now except the Indians now taken in provincial services were under the All-India services at that time. Certain services have now become provincial. The point which I was going to make was that after this ratio was fixed and before the lower subordinates got their increase, the

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All-India services had got increase in their salaries twice and thrice. And when these ratios of 44 and 63 per cent. are quoted, they are forgetting that the All-India services got an increase twice. That is the point which I wish to place before this House. There was a Royal Commission in the year 1912 before the war on whose recommendations the All-India services got increases and again in 1924-25 they got another increase known as the Lee Commission increase. Besides this they have overseas pay and several allowances. I am yet willing to hear upon what those percentages of increases which I quoted were based, whether upon the last increase or whether upon the salaries in 1858. If the percentage given of the increases on the All-India services and provincial services were on the last increase, then surely the increase must be more than it is quoted. But apart from this argument in suggesting the cuts I have recommended I have been guided by the capacity of the payer, I have gone on the principle that the broadest shoulders should bear the highest cut, the smaller should bear the smaller and the smallest should bear the smallest.

The lower subordinates have now got 105 per cent. The school-master was paid Rs. 8, the peon was paid Rs. 10 to Rs. 12 and clerks were paid Rs. 20 to Rs. 25. These never had an increase before. These servants now absorb 144 lakhs above Rs. 60 up to 499 and 191 lakhs below Rs. 60. They had not for a long time got any increase and for this reason they were rightly given those increases though in some respects a little higher. I have suggested a higher cut on the higher salaries because those services had already got increases before and in view of this fact the percentages I have indicated in my resolution will I hope not be considered too high and, therefore, unfair. Besides, we must not forget that these higher services are in receipt of various kinds of allowances which are not allowed to the lower officials.

Another point which I desire to emphasize while on this subject is that we should refer the question of ratio which the highest salary should bear to the lowest salary paid in the Presidency to any Government servant. This ratio should in my opinion be permanently fixed and we should decide what we should pay to our servants out of our income in considering which latter question we should also consider the question of the ratio between the salary of the highest paid officer and that of the lowest paid servant. The lowest paid servant must of course be paid a living wage. The lowest paid clerk draws Rs. 30 and the highest paid officer in the Reserved Department gets Rs. 5,333 and on the Transferred side Rs. 4,000. What should be the ratio between the lowest and the highest? Unless the ratio is settled, we shall not be able to settle this problem satisfactorily or even properly. In other countries this ratio is not more than 30 times the lowest, sometimes 40 at the most. In Japan, according to my latest information, the ratio is 20 times and not more than Rs. 1,000 is paid per month to the highest salaried servant of the State. This is also the limit laid down in the resolution passed recently by the Working Committee of the greatest premier Nationalist body in India, namely, the Indian National Congress. Whatever that may be, we can make a liberal allowance and still lay down a certain proportion,

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Our present proportions are 177 times and 133 times in the Reserved and Transferred Departments. So it is up to us to consider what should be the highest pay we should allow to a government servant. When compared with other countries, our proportions seem extraordinarily large. We should therefore try to reduce them by reducing the salaries in the higher rungs. That will give us a saving for the nation-building activities instead of living from hand to mouth. Oftentimes, when comparisons have been made comparing our province with other provinces in reference to scales and cadres, instances are quoted of other countries, and when reforms are to be introduced instances are quoted of other countries. I will therefore put it to Government whether they have compared the ratio obtaining in various other countries and whether they have found out the proportion between the lowest salary and the highest salary paid in those countries to government servants. What has first to be settled is what should be the minimum and decent living wage and if that is once agreed upon, it will easily give us an idea of what the highest salary should be. If this is done, you may be sure, Sir, that the salaries paid now will be bound to come down—

The Honourable the PRESIDENT: The honourable member's time is nearly up. I shall give him five minutes more.

Mr. V. N. JOG: Thank you, Sir. When arriving at this ratio, we must also bear in mind what we are paying to the lower subordinates who, as a matter of fact, are the real workers and pillars of the administration. It is really the lower subordinates who do the real work of the Presidency. We have been spending more—disproportionately more—on direction, supervision and control. Who is really doing the administration now? The greatest bulk of it is done by subordinates. No doubt supervision and control is required, but there must be a reasonable proportion. If we go through figures, we shall find that we have been spending nearly 40 per cent. of the salaries on direction, supervision and control. In this I include inspectors, deputy inspectors, superintendents, directors etc. of Excise, Police, Education, Public Works Departments, in fact everywhere we have been spending nearly 40 per cent. on supervision and control—

Mr. P. R. CHIKODI: Will the honourable member include the High Court Judges also?

Mr V. N. JOG: No; the pay of the Judges does not make much difference in the percentage I am giving. The honourable member being a member on the Retrenchment Committee is in a peculiar position having been working at it for the last four months while I have to depend for my figures upon outside sources. He is therefore more well-informed than I am. I ask, what are the salaries paid to their supervising and controlling staff by firms and associations which have been carrying on huge businesses in Bombay, and what pay do they give to the real workers? If we carry our inquiry further, we may get some interesting figures showing the ratio between the salary of the persons who do the real work

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nd the salary of those who merely are responsible for supervision and control and direction. I would even suggest certain reduction of the personnel itself now that the *ad-interim* report of the Retrenchment Committee is under the consideration of this House as well as of Government, as I think it can be proved without much difficulty that we have been paying a good deal more than is necessary to our supervisional and controlling staff—

The Honourable the PRESIDENT : The honourable member is almost nearing his time.

Mr. V. N. JOG : I hope, Sir, you will allow me only a few minutes more.

The Honourable the PRESIDENT : I think the honourable member has spoken for 35 minutes.

Mr. V. N. JOG : I will reserve whatever further I have to say to the time when I shall rise to give a reply to the debate.

The Honourable the PRESIDENT : Provided that is a reply as properly understood.

Mr. V. N. JOG : The gradations which I have suggested will bring about a reduction of about 50 lakhs in expenditure as against the deficit of 65 lakhs, and according to my proposals the reduction of 50 lakhs will be a permanent one. No doubt, the Retrenchment Committee has simply said that the reduction should be temporary. I do not at all approve of that suggestion. They say that the reduction to be made now may be restored by the end of 1932. So, my submission is that the salaries must be permanently reduced and they cannot be allowed to continue at the very high level at which they now stand, especially the cost of living has gone down considerably. Before 1914-15 if it was 100, it rose in 1920-21 by 55 to 57 per cent. According to the latest figures which I have taken from the *Labour Gazette*, the cost of living in Bombay itself has come down to 109. So, there is a reduction of more than 40 per cent. For this reason I submit that the reduction in salaries should be made according to the scales which I have recommended bearing in mind the capacity to shoulder the burden. That is the correct method of reduction because it is based upon the capacity of the payer. I submit that the House will be pleased to accept my resolution.

Question proposed.

(After recess)

The Honourable the PRESIDENT : If no other honourable member is coming forward to speak on the resolution, I shall call upon the member in charge to reply.

Rao Bahadur S. K. BOLE : Sir, I thought that some members would be making speeches on this resolution and that I should move my

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amendment later on. But as nobody is coming forward, I shall move my amendment now. The amendment runs as follows :—

Substitute "100" for "51" and "150" for "100" in line 5. Substitute "151" for "101" in line 6. Substitute "Rs. 1,000 to 2,000" for "of over Rs. 1,000 in line 9. Add at the end "30 per cent. per mensem from salaries of over Rs. 2,000."

Sir, in the first place, I must make myself clear. If salaries are going to be cut, then the cut should be made from the top to the bottom. If the salaries at the top are not going to be touched at all, then there is no use cutting the salaries of subordinate officers only. The Retrenchment Committee in their report have said :

"Without ignoring these considerations the following four members..... consider it undesirable to deprive the lowest ranks of the advantage given to them by the fall in commodity prices and propose to exempt all salaries below Rs. 40 in the mofussil and Rs. 60 in Bombay."

The majority of the members have said that the fall in prices has benefited only the lower salaried servants. Sir, I am surprised to see these remarks. I am of opinion that the lower salaried servants are getting low salaries in the first place. If they are going to have a cut in the salaries of those who are getting below Rs. 60, then those men getting below Rs. 60 will be very much affected by this cut. If you want to have any cut, then you should suggest a large cut at the top, because they are getting much more than is necessary. These subordinate men—the clerks I mean—have to maintain a certain standard of living, and I think Rs. 100 per month is the minimum wage that a clerk should get. Sir, just as the highly paid officers have got their families and children, so also these poor clerks have to maintain and support their families and children. They have to educate their children, they have to rent houses, and so on. So, the fall in the prices of commodities is not the only factor in this respect. There are so many other factors which should be considered. These clerks have to maintain a certain level, and therefore I submit that below Rs. 100 there should be no cut and there should be a cut on a graded scale in salaries over Rs. 100. These low paid clerks who ought to have been given house rent allowance are getting nothing as house rent allowance whilst the highly paid officers are getting house rent allowance. Not only that but they are getting other sorts of allowances also.

Some honourable members will be surprised that I have suggested a cut of 30 per cent. from salaries of over Rs. 2,000. I think these salaries are very high, and it is high time that they are cut to some extent, as these cuts will not affect these persons very much.

Then, about the Retrenchment Committee's report, I would say that there is no necessity for the Peshwa Daftar now. That can safely wait. As far as education is concerned, I would say that primary education is national education, and Government should not touch the amount that is spent for primary education at all. But as Government have intended to cut from the amount spent on primary education by 5 per cent., so the majority of the members of this committee suggest

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that there should be a cut of 5 per cent. in the grants for secondary education also. I am not in favour of cutting the grants given to education, whether it be primary or secondary. But if a cut is going to be made in primary education, then by all means it is natural to have a cut in secondary education also. Sir, up till now the policy of Government was to encourage secondary education, and they have neglected primary education. It is the duty of the State to give education to each and every child in the country. They have failed to do that up till now, and it is only now that they are going to give effect to the policy that is now undertaken, the policy of giving free and compulsory education to children. It is necessary to grant substantial amounts for that purpose because there are so many children in the country who remain uneducated. The percentage of education in other countries is 95 per cent. and here it is quite the contrary. So, I submit that the cut which is going to be made on primary education should be restored and there should be no cut on secondary education. But if they think that there must be a cut on primary education then it will be necessary to make a cut on secondary education also as suggested in the Retrenchment Committee's Report. With these words I move my amendment.

.. Question proposed.

The Honourable the PRESIDENT: The honourable member Mr. Syed Munawar may move his amendment now.

MR. SYED MUNAWAR: Sir, I rise to move my amendment which runs thus:

"(1) Delete 5 per cent. per mensem from salaries of Rs. 51 to Rs. 100.

(2) Substitute the following for the next 4 lines:—

	Rs.		Rs.
5 per cent. on salaries from	200	to	500
10 per cent. on salaries from	501	to	1,000
15 per cent. on salaries from	1,001	to	2,000
20 per cent. on salaries from	2,001	upwards"	

Sir, if the axe of retrenchment is to be applied at all to the salaries of Government servants, as my honourable friend Rao Bahadur Bole said, the retrenchment must commence at the top; and the poor clerks and peons should not be deprived of any part of their salaries. The Retrenchment Committee itself—four members of the Retrenchment Committee, Mr. Kamat, Mr. Chikodi, Rao Bahadur Patil and Mr. Rahimtoola—have suggested that there should be a 5 per cent. cut on the salaries above Rs. 60 to 199 in the Bombay city and that salaries from 40 upwards to Rs. 199 in the mofussil must bear the same cut of 5 per cent. But, Sir, they have to recognise the fact that in Bombay city though the prices of the commodities have fallen a bit, still the rents have not fallen. On the other hand the poor employees drawing less than Rs. 200 have to pay enhanced rents in regard to premises occupied by them. So, the factor of fall in prices of commodities should not be considered as sufficient to justify a retrenchment in

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the pay of Government servants drawing less than Rs. 200. Besides, when owing to the appreciation of the rupee and owing to the fall in revenue, Government is bent upon effecting economy in the cost of administration, is that the only source for effecting economy? There are other sources and avenues open to Government for retrenchment. On Government securities they have been paying an interest of 5 or 6 per cent. from the boom period up to now. Why should the interest on these securities be not reduced? There are again semi-government administrations where saving can be effected. Similarly, there are so many other directions. If at all the retrenchment of salaries of Government employees is to be taken in hand almost at once, it must apply to all services—the All-India service, the provincial service and the subordinate service. If this principle is given effect to, I would urge on Government that Government employees getting a pay up to Rs. 200 have many demands on their pockets—they have to educate their children at heavy cost and pay high rents. In the rural areas, where they cannot secure houses they have to pay 10 per cent. of their salary for Government buildings and where there are no Government buildings they cannot secure decent houses for Rs. 20.

With regard to salaries from Rs. 200 to Rs. 500, I suggest a reasonable retrenchment of 5 per cent., which will not operate heavily upon those employees. Similarly, I suggest 10 per cent. from Rs. 501 to Rs. 1,000. These people are in a position to surrender to Government 10 per cent. and it would not work a hardship on them. From Rs. 1,001 to Rs. 2,000 I suggest a cut of 15 per cent. and from 2,001 upwards I suggest a cut of 20 per cent. These people are in a position to forego a part of their income in order to enable Government to solve the question of the deficit of about one crore of rupees for this year. In any case, this reduction in salaries should not be permanently made, but as a temporary measure to meet the present deficit.

Now, Sir, with regard to the retrenchment policy in general, I would like to point out that it is a very wrong principle to apply retrenchment to medical department, for instance, hospitals. In Bombay there is a cry that the number of beds in the J. J. Hospital and the Goculdas Hospital have been reduced and the extra diet of patients has been curtailed. It is a great hardship on those people who take advantage of these hospitals. Instead of effecting economy elsewhere and retrenching the salaries of highly paid officials in the hospitals, Government have taken a wrong step, thereby denying the benefit of medical relief to poor patients.

As regards education I agree with the minute of the honourable member Mr. Rahimtoola. I am not at all in favour of any retrenchment proposals that are calculated to check the spread of education, especially primary education. With these few words I move my amendment.

Question proposed.

Dr. J. ALBAN D'SOUZA (Bombay City, South): Sir, I rise to move the following amendment:—

" (1) Delete 5 per cent. per mensem from salaries of Rs. 51 to Rs. 100.

(2) Substitute the following for the next four lines:

Up to Rs. 40	..	..3½	per cent.
Above Rs. 40 up to Rs. 499	..	.. 5	Do.
Above Rs. 500 up to Rs. 1,499	..	..6½	Do.
Rs. 1,500 and above	..	..7½	Do.

Provided that steps are taken to restore this cut as soon as financial equilibrium is attained.

I daresay that my honourable friend Mr. Jog for whose assiduity, skill, keenness and prowess in Council matters, I have the highest opinion, must have been in a rather ungenerous, excitable and vituperative frame of mind when he sat to draft the resolution which is now under discussion before the honourable House. Sir, it is stated that one's first thoughts are usually the best. It is also said that exceptions prove the rule. I have no doubt that this resolution of my honourable friend must have been his first thought, and it is evidently one of the exceptions that prove the rule, I have just quoted: that one's first thoughts are usually the best. However, that my honourable friend could make up his mind to lop by a mere stroke of his first thought a quarter nay even a third of the hard-earned salaries of others, surpasses my understanding and I feel sure will surpass the understanding of every single honourable member of this honourable House who chooses to give more than a thought to the resolution. Sir, I feel that I shall be expected to substantiate my statement that the resolution seeks to cut 25 per cent. nay even 30 per cent. of the salaries. May I refer the honourable House, Sir, to page 2 of the Agenda on which the resolution of my honourable friend is printed. He says that a cut of 20 per cent. should be made on salaries ranging from Rs. 501 to Rs. 1,000. Add to this the progressively increasing percentage cut by the emergency income tax which between Rs. 500 and Rs. 1,000 works about 6 per cent. and the total cut comes to more than 25 per cent. Similarly the cut on salaries ranging from Rs. 1,000 upwards comes to 33 per cent.

Sir, as against this rather ill-considered view of the situation we have the well-considered "*ad interim*" report of the Retrenchment Committee which has been in the hands of the honourable members for some time already. Inasmuch as this report is the result of the mature consideration of a combination of eight trusted honourable members selected by this honourable House, the majority of whom are non-official and inasmuch as the report is based on information obtained and sifted on the spot, I feel sure that on general grounds it must be considered worthy of acceptance on all counts. Differences on small and unimportant details will arise and must be permissible.

Now, Sir, in regard to the percentage cut which constitutes the main subject for to-day's discussion there are four recommendations put up by the Retrenchment Committee of which I have, after due consideration,

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selected one as the most suitable, viz., that suggested by the Chairman, for reasons which I fully trust the honourable House will find convincing. Sir, I may inform the honourable House that it is not the glamour of ministerial suggestion that has made me select this recommendation. I selected it on grounds of equity and fairness. The honourable House will note that I propose a cut of $3\frac{1}{2}$ per cent. on salaries up to Rs. 40. I know this cut may go against the grain of honourable members representing the backward classes but still I have thought it fair to select it for weighty reasons.

Sir, the first reason that has actuated me to support the $3\frac{1}{2}$ per cent. cut on salaries below Rs. 40 is this. I may inform the honourable House that I have ascertained for a fact that the prices of cereals which constitute the main and staple food of the lower classes have fallen by more than fifty per cent., viz., from about Rs. 12-8-0 per month to about Rs. 5 or Rs. 6 per month.

Mr. SYED MUNAWAR : No.

Dr. J. ALBAN D'SOUZA : I am subject to correction, if my honourable friend Mr. Syed Munawar is able to give more solid proofs than I have been able to collect. The prices of cereals have fallen from Rs. 12 to Rs. 5 or Rs. 6 per month. This is what I have ascertained from persons who are concerned. Now, what does a cut of $3\frac{1}{2}$ per cent. amount to in a salary of Rs. 40 ? It works out at Re. 1-4-0. When there has been a reduction in the price of the staple food of 50 per cent. it cannot be maintained that a cut of Re. 1-4-0 in Rs. 40 is not fair. The second reason which actuated me to select this recommendation is as follows. My honourable friends will look to page 9 of the *ad interim* report. It is stated there that the total cost to Government of salaries below Rs. 40 per mensem worked out in 1928-29 is 150 lakhs of rupees. The $3\frac{1}{2}$ per cent. cut gives us a saving of no less than 4 lakhs of rupees. It may be suggested that this cut could be piled on the cut of the higher salaries. If this were done the saving effected thereby would barely amount to 2 lakhs of rupees. Adding to these reasons, Sir, the fact that after the introduction of free and compulsory primary education, the education of their children costs them practically very little, my argument becomes very clear indeed. The point therefore that I wish to impress upon the honourable House is that the $3\frac{1}{2}$ per cent. cut on salaries upto Rs. 40 gives us about four lakhs, the pinch of which ought not to be felt by the party subjected to the cut.

Now, Sir, I come to the question whether this heavy cut proposed by the honourable member Mr. Jog is really necessary. I think it will be granted, Sir, that our object in bringing about retrenchment at this stage is for eliminating the deficit of 61 lakhs of rupees—the deficit for the current year. Let us survey the situation and find out where we stand with regard to this question. We know from the "*ad interim*" report of the Retrenchment Committee that their recommendations, excluding the cut in salaries, will bring about a saving of 30 lakhs. I have selected a proposal which is estimated to give a saving of Rs. 26½ lakhs, but which

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according to my estimate will give a saving of about Rs. 27 lakhs, because the figures given in the report are based on the salaries of 1928-29 and within the last two years the expenditure on these salaries must have risen. Putting these two together, we get a saving of Rs. 57 lakhs. The balance is only 4 lakhs. Now, what will be the saving if the recommendation of my honourable friend Mr. Jog is accepted? I have calculated on the figures given of the salaries prevailing in 1928-29, and it works out at about 56 lakhs of rupees. These 56 lakhs with the 30 lakhs of saving as per findings of the Retrenchment Committee give 86 lakhs. There will thus be an excess saving of 25 lakhs of rupees. If by any manner of means this saving is effected there is one appeal I would earnestly make to the honourable House and this is that the saving should be utilised to help the hospitals in Bombay that are just now in a sad plight.

Before I leave the subject of the percentage cuts as proposed in the resolution, I would like to draw the attention of the honourable House to a well-known maxim, which in times of excitement is more honoured in the breach than in the observance. The maxim runs thus: Do unto others as you would have others do unto you. We have members here representing all professions, medical, legal, engineering and others. If in addition to the increased amount they have to pay as income tax, they are also made to accept a cut of 25 per cent. in their incomes, I am sure they would be inclined to shower anathemas on the heads of those responsible for it. Sir, may I remind my honourable friends that what is poison for the gander is also poison for the goose.

Sir, in the remarks that I am now going to make I hope I shall not be taken as speaking on lines of *Cicero pro domo sua*. The other day, when demands were made for supplementary grants, in the interests of the miserable and suffering poor of the City of Bombay, the southern section of which I have the honour to represent, my heart was sinking within. Supplementary grants by the thousand were asked for the conversion of juvenile jails into Borstal institutions. Supplementary grants were asked by the thousand for the purposes of the depressed classes and aboriginal tribes. Supplementary grants were asked by the lakh for pot-hissa measurement and city survey operations and for cost of boundary marks. I wish to ask this honourable House, Sir, whether human beings driven to misery and desperation by illness and disease are not more worthy of care and attention than human beings healthy and living under sufficiently healthy conditions? I again ask this honourable House, Sir, whether human beings created by God to his own image and likeness do not deserve as good, if not better, treatment than lands for which lakhs of rupees are demanded? There is only one point more I have to mention and this is as regards the proviso I have put down. I have stated: "Provided that steps are taken to restore this cut as soon as financial equilibrium is attained." My object is to preserve the feeling of security in the minds of Government clerks and officers. If it is to be understood that this cut is going to be permanent, their feeling of security will be disturbed. I quite agree with my honourable friend from Bombay, the honourable member Mr. Humphrey

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when he says that if we break our pledges to the services such action would be disastrous not only morally but also from the point of view that it would create a bad precedent. This is the reason why I have thought it fit to introduce this proviso. Those whose salaries will be reduced should have an assurance that the cut will be restored as soon as financial equilibrium is attained.

With these remarks I move the amendment.

Question proposed.

Mr. S. H. PRATER: Sir the original resolution of my honourable friend Mr. Jog has been amended to enable honourable members to express their opinion on the various implications of the Retrenchment Committee's Report. I propose to limit my remarks to the recommendations on education, more especially to the recommendations embodied in paragraph 29 of the Report. The majority of the committee, subject to the dissent of the minority, state that a cut of 5 per cent. has been imposed on primary education. They therefore see no reason why a similar cut should not be made in the grants to secondary schools and colleges. The argument provides a new and original version of an old proverb, it is this—of two evils choose both.

Education in whatever stage, Collegiate, Secondary, or Primary is the last department in which retrenchment should be applied in a country so backward as India. Financial stringency cannot be made an excuse for tampering with that which is so vital to the interests and progress of its people. In Europe nations like Austria and Germany which have been vanquished by the war and plunged from wealth into poverty have not dreamt of limiting their educational programmes—rather are they endeavouring to increase their efficiency. England in spite of her acute financial distress attempted last year to introduce a measure which would have considerably increased her expenditure on education.

When countries so advanced in education refrain from limiting or curtailing its development and in spite of the difficulties with which they are faced endeavour to promote its advancement, are we in India where the standard of literacy is so appallingly low to contemplate measures to stifle its growth?

Take first the all-important question of primary education. Government has not been able to fulfil its commitments under the Compulsory Primary Education Act and now to make matters worse it has imposed a cut of 5 per cent. on primary education which this honourable House unfortunately accepted (Honourable members: No) I may be wrong.

This country is on the verge of far reaching constitutional reforms, reforms which imply a wider application of the principles of democratic Government based on a considerable extension of the franchise. The argument is put forward that the principles which we are endeavouring to introduce cannot flourish in this country because of prevailing ignorance. Wider and better facilities for primary education are advocated as the only means by which the tree which we are endeavouring to plant can take root and flourish. Is this the time to take measures

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which must impede its growth ? Are these the means to help the country on its road to constitutional progress ?

Now come to the question of secondary education. If primary education is the means by which we can raise the general standard of living of the masses, secondary education is to them the gateway to a more economic wage, to better paid employment.

Under conditions which govern employment to-day, its necessity to the poorer and backward classes cannot be minimised. That their children should acquire a knowledge of and a proficiency in English as a means of obtaining better paid employment is a desire universal among parents in India. Secondary education is the means by which they acquire this knowledge. The system may not be efficient, there may be and there is considerable wastage but this wastage is not due to the money spent on secondary education but to faults in the system itself. And until we can reform and improve that system, do not let us destroy and cripple the little that we have. And what is the position of our secondary schools ? The position of secondary schools has been made clear in the report of the Director of Public Instruction in the Bombay Presidency. In paragraph 28 of this report, under "Control", he says :—"There has been no increase in the allotment for grants to Secondary schools during the last six years while the expenditure of schools has considerably increased. The result of this is that the amount provided is inadequate to allow payment of full admissible grants even to those schools which are already registered. In addition, over 100 schools have applied for registration, and some 75 for the registration of additional standards..... As stated in the previous year's report, this inability of the Department to pay the full admissible grants is greatly to be deplored. It is difficult for the Department to insist on improvements which are necessary in the interest of pupils when it is not in a position to pay grants necessary to enable managers to carry them out." Again in his speech before this honourable House during the budget session of the Council the Director of Public Instruction said : "The Grants to secondary schools are already substantially below what they may be expected to receive under the grant-in-aid code. Many of these institutions are extremely pressed for funds. They are living from hand to mouth, and any reduction in their grants might so cripple their activities as to react to the detriment of the pupils who attend them." Do not these statements fully bear out the contention of the minority in the Retrenchment Committee who feel that a cut in the grants to secondary schools would be crippling in its effect.

And now I come to the question of higher education. If primary education is a pledge for the greater happiness and contentment of the masses, if secondary education is a gateway to better wages and better paid employment for the people, then is higher education a guarantee for the progress of the country, for from our colleges are derived the leaders of its political, its social and its economic life. Now let us consider the position of our Arts Colleges. There are four Government Arts Colleges and seven aided colleges. The purpose of a Government's Art

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College which naturally costs the State more than a private institution is to serve as a model to the private institution. Take the case of the Elphinstone College in Bombay: it sets a standard to private colleges both in the type of teacher and in the standard of teaching. This is the main justification for its greater cost. But its whole purpose would be lost if the private institutions were unable to approach the standard of the model because they lack the means to do so. At present our aided colleges are not receiving the full grants to which they are entitled. A direct result in the reduction in their grants would be a lowering in the standard of teaching in these colleges which give higher education to nearly three times the number of students in Government colleges. And what is the solution proposed? Raise the fees in secondary schools and colleges. The proposal puts me in mind of those trenchant lines:

"The toad beneath the harrow knows
Exactly where each tooth point goes,
The butterfly upon the road counsels
Contentment to the toad."

But here it is not only a case of counselling contentment but of sharpening the teeth of the harrow.

We are not concerned here with those rich people who can afford to send their children to any school or college in or outside this country. We are concerned with the majority who are struggling to give their children a good education and find that struggle becoming daily harder. I was talking to the principal of one of our biggest aided colleges in Bombay. He told me that the number of students admitted on reduced fees to his college during the present year represented a loss of income to the amount of Rs. 10,000. It meant that or the refusal of higher education to numerous deserving cases. Parents and guardians who send their children to our secondary schools and colleges may be as a class richer than those who limit the education of their children to primary schools but the great majority of them can in no sense be called rich within the limits of their class. Clerks, subordinate workers in offices, professional men in a small way of business, these are they who form the majority—men who by their standard of culture and education are compelled to maintain a certain standard of living. Any advantage that they may have derived by the fall in the cost of living has been largely offset by increases in income tax, retrenchment in salaries, losses in trade, and unemployment amongst members of their families. We have no figures available of unemployment in India. But I am sure if these were forthcoming to-day they would stagger the imagination. To the burden which they are struggling to bear to-day, do we want to add the increased cost of education? Are we going to make secondary and higher education the preserve of the rich and prohibitive to the poor?

There is yet another aspect to this question. Like King Charles' head the problem of the Minorities enters into every question. I would not be guilty of dragging it into this one had it not been for the fact that education to the minority communities is a particularly vital question. The minorities are clamouring for protection and for safeguards. What is the basis of their cry? Fear. Fear that they will

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become unequal competitors in the struggle for existence. The father of a family, the bread-winner is not intrinsically concerned about the creed or the caste of the man who is to govern him but he is essentially concerned with the assurance of a means of livelihood for himself and his children. Our trouble is trouble of loaves and fishes. It is in the main an exploitation of empty stomachs for political ends and for motives which are not always impersonal. Competition there must and always will be. The struggle for existence and the survival of the fittest is one of Nature's immutable laws. This is a fundamental issue. It is not governed by the language of pacts and safeguards or the niceties of the statute book. The translation of these safeguards into realities implies better means for competition in life's struggle. And this summed up is wider and better facilities for the better education of the minorities and the backward classes. And are you now going to introduce measures which will make this education more difficult of approach? No, looked at from whatsoever aspect any measure which would imply the curtailment of the growth of education in this country cannot but meet with opposition from all sections of its people. The edifice of national education with its broad foundations of primary education, its superstructure of secondary education and its crown of higher education is an edifice built from the revenues of the country by many hands, with the labour and sweat of many years. It is a heritage which the representatives of the people must strive to preserve and their duty has ten-fold more significance in a country so backward in education as India.

Sir, I submit that if a resolution was put before this House asking Government not to give effect to the Retrenchment Committee's recommendations relative to cutting the grants to secondary schools and colleges, it would be carried by an overwhelming majority.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I thoroughly endorse every word of what the honourable member from Bombay (Mr. Prater) has said about the grants for education. I think in the interests of Government as well as those of the country which is so backward in education, no attempt should be made to cut down the educational grants. We know that secondary education which always depends upon private ventures of individuals is starving. The grant assigned to that branch of education being one-third of the expenditure incurred, is not given as at present in full quota and to reduce it still further by 5 per cent. as suggested by the Retrenchment Committee is to me a surprising thing. But at the same time I will draw the attention of Government to the fact that I am not one with the suggestion made so far as the reduction of salaries are concerned. The mover of the resolution as well as the Retrenchment Committee should have, before making any suggestions for the reduction of pay, found out by evidence, the waste by superficial posts and the excess leave which is being enjoyed by several services before they tried and tackled the problem of reduction of salaries for the Government servants. If we would only refer to the Civil List or to the Imperial List, we would find that many junior officers have been acting as superior officers and

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they have been taking full advantage of the leave and have been drawing additional acting allowances for their services. In fact, when we come to examine the whole thing, we will find that considerable economy can be effected if only the grant of leave is properly restricted. Sometimes, for the same post we are paying for two servants instead of one. A lot of saving can be effected by restriction of the grant of leave.

I am not, Sir, at one with the Retrenchment Committee when they accept the suggestions of the Excise Commissioner. I believe there is also a very good scope for retrenchment of the number of servants that are at present employed there, but then the obvious fact which the Retrenchment Committee and the mover of this resolution have forgotten is that they take it for granted that the pays of all the servants are on a level or are relatively equal to each other, looking to the work and the responsibility which they have to carry. There I thoroughly disagree with them. There is another obvious injustice which they do not appear to have noticed. Supposing retrenchment is to-day effected in accordance with their suggestions, what about the old servants who will be suffering an injustice at the time of getting their pensions? Supposing an old servant who has done faithful service of this Government for about 23 or 24 years is now put on retrenchment pay, then the pay which he will be drawing at the time of retiring will be a very much reduced pay, much lower than what he would ordinarily be entitled to draw. If any retrenchment in the pays of the servants is to be effected, then I submit that special consideration should be shown to the case of the old servants and we must see that they will not suffer unnecessarily.

Mr. J. S. KADRI (Northern Division): Sir, retrenchment and economy is the cry of the day and Government find themselves in a dilemma about the growing deficit in their budget. How to balance the budget is a question of great moment, not only to the Bombay Government but also to the people of the Presidency at large. There is a national emergency arising out of financial stringency and it has to be met by ways and means which will not affect the loyalty of Government servants and create discontent among them. It is on the Government servants' contentment that Government have to depend to a considerable extent for good Government and we must see that these faithful and loyal servants of Government do not suffer needlessly even for the sake of meeting this national crisis.

As a matter of fact, I am not in favour of any cut in salaries paid to Government servants, for the reason that they have been serving so to say under a contract and on the understanding that their present salaries will not be reduced, but as there is a very strong ground for cutting their salaries to meet the financial deficit of Government, the least cut possible may be effected. I advocate reduction of superfluous posts and pruning down top-heavy departments to effect necessary savings to meet the growing deficit of Government,

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In making these cuts we have to bear in mind the various points brought out by the honourable member Dr. D'Souza in his speech. The cuts should be evenly graduated and made in such a way as not to affect harshly the low-paid servants who barely earn a living wage, but as these servants are immune from income tax and other taxes, they will not be affected much, if a small cut of half an anna per rupee as proposed by Dr. D'Souza is made in their salaries above a certain limit.

As regards the higher scales, I agree generally with the principles laid down by the honourable member, but before sanctioning these cuts, I would request Government to explore all other avenues of economy in the various departments. I would first refer to the Public Works Department which swallows a very large amount of Government income, and I find that at present, particularly, there is a large number of officers in that Department who are almost sitting idle and drawing fat salaries—

The Honourable Sir GHULAM HUSSAIN : No, no. That is not so.

Mr. J. S. KADRI : I think a very great cut can be effected in the Public Works Department budget.

Then comes the Excise Department, in which there is rather a surplus of Superintendents, inspectors, assistant inspectors and sub-inspectors. Many of them have got very little work to do, in comparison with the salaries they draw. It may be noted that in several cases, there is no need for inspectors and sub-inspectors for small talukas in which they enjoy themselves at present. If convenient talukas are combined and placed under inspectors or sub-inspectors and if some higher posts of Superintendents are done away with, I think the department will in no way suffer. Besides, it is a department, the goal of which is total prohibition within a limited number of years, and unless regular retrenchment in its top-heavy staff is made from now, it will be very difficult to get rid of its surplus officers by the time when total prohibition comes into force.

Coming to the nation-building departments I think it is most unfair and uncharitable to the public at large to make any cuts in them at all. A reduction in the number of beds and in the scale of diet in public hospitals, will, no doubt, operate very harshly on the poor. The relief of the sick and the suffering among the poverty-stricken masses is the bounden duty of Government as well as of the rich, and I trust the House will be well advised not to support any cut in the Medical Department.

Coming to the Education Department, Sir, I find that there are other ways of effecting retrenchment in this department, without giving effect to the proposals made by the Retrenchment Committee. The Committee has taken a very wrong attitude in proposing the withdrawal of scholarships, which will result in a saving of Rs. 50,000. This cut will adversely affect the poor class of students who receive education simply through the monetary assistance of small amounts they receive in the

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shape of scholarships out of which the Committee is going to make a saving of Rs. 50,000, which will mean the withdrawal of the means of education from a large number of poor and deserving students. These scholarships are generally of small amounts, ranging from Rs. 3 to Rs. 10 per mensem. There is of course a proviso in the proposal of the committee that the interests of backward communities should not suffer by such a withdrawal, but I understand that scholarships have already been withdrawn or stopped in a number of cases and the result has been a great outcry amongst poor students. Education is the birth-right of every child, and I think Government is in duty bound to provide education, particularly primary education for the masses. The country is crying hoarse for compulsory education under the Primary Education Act but we find that the Act is a dead letter and various schemes of compulsory education have been withheld by Government, simply because there is no money available for giving grants to various local bodies desirous of introducing compulsion. It is very unfortunate that a cut of five per cent. has already been made in the primary education grant by Government. This has resulted in the withdrawal of facilities for acquiring literacy from the poorer classes. It is only the poor that suffer in the long run, and here also a five per cent. cut must mean the closure of so many schools attended by backward and poor classes. Generally, the children of such people cannot afford to be regular at school for lack of means of subsistence and thus naturally their education suffers. I am therefore quite against any further cut in the primary education grants. On the other hand I wish that it may be possible to make good the five per cent. cut already made by other means. I will suggest a concrete instance. The attendance allowance which is being given to primary teachers (headmasters and first assistants) has really been a bone of contention among the teachers themselves. Several boards have passed resolutions against the grant of attendance allowances which have proved a great evil not only to schools but also to teachers themselves. There have been dissensions among the teachers, because only a few, viz., headmasters and assistants, get this allowance at the expense of others who also work and contribute to the attendance at schools. If this attendance allowance is done away with, there will be a net saving of more than a lakh of rupees to Government, and its withdrawal will not cause any discontent. Government have not probably yet investigated into the possibility of this retrenchment, which is worth careful consideration.

Then as regards the proposal to make a cut in the grants for secondary schools and colleges, I would point out that it is only recently that the backward classes have come to take advantage of secondary education. They could hardly emerge from the primary stages to take advantage of secondary education until lately but now that they are coming forward to take advantage of it, that education is becoming more and more costly, we may say, rather prohibitive, for them, and, in such circumstances, curtailment of facilities for secondary education will be a great misfortune for them. I know from my own experience that many secondary high

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and middle schools have recently come into existence, but they have been receiving no encouragement from Government. On the contrary, much discouragement has been their lot, and any curtailment of grants from the old institutions will be very disheartening to the managers of those which have been struggling for their very existence and living from hand to mouth. As a matter of fact, Government is not able to give them the grants which is their due according to the ratio laid down in the Grant-in-Aid Code. They are barely getting one-fourth when they are entitled to one-third of their net expenditure according to the code, and in several cases they do not get even one-fifth. Under such circumstances, it will be giving a death-blow to popular education, if any further cut at all is made in primary or even in secondary education. I would not favour any cut even in the grants to colleges. In short, I am against any cut being made under the whole head of Education. It is education and sanitation and medical relief which require our first attention, but I would say that at the bottom of all the prosperity, health and happiness of the country, lies education and for the sake of education, I will go a step further and urge that more funds should be made available for the expansion of education by cutting down the extravagant expenditure of other departments. The Retrenchment Committee propose in paragraph 98 of the *interim* report to make a saving of Rs. 2,500 by abolishing scholarships or stipends as they are called, to teachers in primary training colleges. Now, Sir, those persons who go to primary training schools and colleges to become teachers are generally very poor. After passing the Vernacular Final Examination, they join training institutions simply to earn a decent livelihood as teachers after receiving training for a year or two. They receive as stipend only Rs. 12-8-0 per month, which is barely sufficient to keep their body and soul together. It is proposed to withdraw even this small pittance of Rs. 12-8-0 from these poorly-paid teachers. I think it will be very unfair and unkind to make any retrenchment in this direction at the expense of poor teachers.

Then as regards the proposal to make a saving of Rs. 2,08,000 which is expected from a reduction of grants to secondary schools, I think a good deal of saving can be effected by other means without touching secondary education at all. There are several superfluous institutions which can be cut down, and I would particularly urge on the attention of Government the need of cutting down some high-paid posts, which are almost not wanted. I had suggested to the Retrenchment Committee that there are several posts, high-paid posts, which are not absolutely necessary under the present circumstances, for example the Personal Assistants to the Educational Inspectors. That is merely a luxury. I myself was an Educational Inspector and would have done without a Personal Assistant. I was in charge of two divisions, still I could manage to do my work without depending much on my Personal Assistants because they were no good to me at all.

Mr. SHAIKH ABDUL MAJID: May I ask a question?

The Honourable the PRESIDENT: The honourable member speaking does not yield.

The honourable member has only one minute more.

Mr. J. S. KADRI: Then, Sir, there is overlapping in Government institutions. For example, there are more classes than needed in some schools. It is a principle laid down by Government that Government high schools should be maintained only as model institutions. We do not need model schools with a large number of classes in places, where there are other sister institutions of the same kind. We can cut down such classes and make a saving.

There are various other directions in which I am going to suggest retrenchment to the Retrenchment Committee when their questionnaire is answered by me. On the whole, I press on the attention of this House the wisdom of not supporting cuts proposed under the heads of education and medical relief. With these words, I say that if any scheme of cuts in salaries of Government servants is worth consideration, it is the scheme proposed by my honourable friend Dr. D'Souza. The cuts must be reasonable and must be such as would not press hard on the resources of the poor employees. In case, there is no other remedy but to have cuts in salaries, I think the graded percentages of cuts suggested by Dr. D'Souza appear to be modest and fair.

Dr. M. D. GILDER (Bombay City, North): Sir, we are thankful to the Honourable the Leader of the House for giving us this opportunity of expressing our views on the Retrenchment Committee's report and on other matters connected with retrenchment. We are also thankful to the members of the Retrenchment Committee who, I hear, have had about 30 sittings lasting over two months, taking, I am told, about 8 hours a day to go through the whole scheme of retrenchment, and I am told that the President of the committee even gave up a Parsi holiday and held a meeting on that day. Sir, they have taken all this trouble, and what has been the result? Most of the cuts that they have been able to put in have been recommended by the heads of the departments themselves or, as my honourable friend the mover of the resolution said, most of the cuts have been made by stopping works which were going on. As far as their own recommendations are concerned, I do not think they have themselves made a retrenchment of more than about four to five lakhs of rupees. The mountain has been in labour and has delivered a mouse. On the question of the cut in the salaries, they have had differences of opinion amongst themselves. They have wobbled among themselves a great deal and at last have come to some sort of determination to recommend retrenchment in salaries by a majority vote. I am sure, Sir, that a cut in the salaries at the present moment is justified, just as in a business house, when it is working at a loss, a cut in the salaries of its employees or a diminution of the personnel is the only way in which the firm could be restored to a position of solvency. And, Sir, it is justified in other ways too. We see in the Council Honourable Ministers, when questions and supplementary questions are asked, looking to the Secretaries for replies when, for helping in the replies the files on those questions which they would need have been with them and not with the

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Secretaries on that very day. Sir, have not we seen the Honourable the Finance Member—I am sorry he is not here—moving a Bill and then leaving it to the honourable member the Finance Secretary to make an explanation as to the principles involved in the Bill? And is it any surprise, Sir, that one of the reporters mistook the Finance Secretary for the Finance Member and in his report put down “Mr. Wiles, the Honourable the Finance Member, said so and so”? Sir, we have seen on another occasion, even when this question of the discussion of the Retrenchment Committee’s report was brought before this House, when an honourable member asked a question of the Honourable the Leader of the House, he gave a reply, but then he sat quiet and another honourable member of the Council took up his place and replied to our questions. If, Sir, the Honourable Ministers and the Honourable Members of Council are either so careless or so lazy, they do deserve retrenchment.

Sir, coming to another question, the question of education, I perfectly agree with what has fallen from the honourable member representing the Domiciled European and Anglo-Indian community as regards the harmfulness and the utter futility of a cut in education, whether it be primary, secondary or university education. He said, Sir, that out of the students who take education in the university colleges a great many cannot afford to take it. Sir, take the instance of my own year in the Arts College. When I passed the B.A., 4 of us were in the first class, and 3 out of them could not afford to pay the full fees of the college and were reduced fee students. If we had not been accepted as reduced fee students, we would not have been to-day in the positions which we occupy.

Then, Sir, coming to the Medical Department, the other Department in which I am interested, the Department started by making a 10 per cent. cut in the diets. The diets, when they are worked out, vary from Rs. 0-10-1 to Rs. 0-7-9 in the Bombay city hospitals. Just imagine, at the Cama and Allbless Hospital a woman who has delivered a child being fed on Rs. 0-7-9; and the Honourable Minister wants a cut in this department, and the department wants a cut out of Rs. 0-7-9 to feed two souls, the mother and the child. Sir, in cutting down this, a peremptory order has been issued that the officers in charge of these hospitals will be responsible for any excess of expenditure incurred and such excess of expenditure incurred will have to be reimbursed from their pay. Imagine the result of that. In one of the hospitals—I am not exaggerating, I am narrating facts—there was a convalescent typhoid patient needing an extra egg a day. It is said that if an extra egg is given, it will send up the cost of the diet. The lay Secretary comes up with his lay mind to see whether an extra egg is necessary. The matter is reported to the Principal Medical Officer, and the Principal Medical Officer comes down to see whether an extra egg is necessary, and the chances are that as the Principal Medical Officer’s pay will be docked if the regular cost that has been put down increases, the poor patient most probably or possibly may not even get

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the egg. But, Sir, imagine the waste of time of two officers, one paid Rs. 1,000 a month and the other paid over Rs. 2,000 per month coming down to see if a patient deserves an extra egg. Sir, the honorary officers of the J. J. group of hospitals have already represented to the department that such working is not possible, and I trust, Sir, that the matter will receive the attention of the Honourable Minister.

Another thing is that Government provides for the whole population of Bombay 839 beds in the Government group of hospitals, and the daily number of patients treated is 882·8 on 839 beds. Out of these, I say Government have docked 150 beds.

An Honourable MEMBER: How can 882 patients be treated on 839 beds?

Dr. M. D. GILDER: They have put them on the floor. As I was saying, out of those, Government has cut down 150 beds, or nearly 150, because the real number is 148: so that the Government is supplying only 689 beds for the whole of the city of Bombay. I am working at another big hospital—luckily it is not a Government hospital—and it is heart-rending to refuse admission to patients, and ultimately, perhaps a week or ten days later when they have gone worse, to admit them merely later on perhaps to perform a *post mortem* on them. This diminution in the number of beds is really heart-rending.

There is another matter to which I refer with a great deal of hesitation, namely, unequal treatment to the different communities in the hospitals. It is a matter to which I refer with a great deal of diffidence. At the St. George's Hospital Government is providing 220 beds, but Government is providing 689 beds at the other hospitals. May I ask, Sir, whether the population of Bombay consisting of Europeans and Anglo-Indians and the population of Bombay Indians is in that ratio?

Mr. L. R. GOKHALE: What is the cost per head?

Dr. M. D. GILDER: I am coming to that. The average number of beds occupied at the St. George's Hospital—I have taken my figures from the Report on Hospitals and Dispensaries—is 125·5. As I said, the average number which was 839 beds was occupied by 882 patients on the Indian side. Then, Sir, the diet in the St. George's Hospital costs Rs. 2-11-1, and I understand that that is not subject to the 10 per cent. reduction. It is said, Sir, that the contributions from the patients and from other sources amount to more than the cost of the diets. It may be, but the Government itself is spending out of its own contribution Rs. 4,47,881 for keeping 125·5 patients at the St. George's Hospital per day, and it is contributing Rs. 4,45,000—Rs. 2,000 less—for keeping 391 patients at the J. J. Hospital per day. 125·5 patients cost Government Rs. 4,47,881 in the St. George's Hospital, whereas 391 patients cost Government Rs. 4,45,000 at the J. J. Hospital, and in spite of that the reduction is all on the Indian side. As I said, I am very sorry to refer to this matter, but it is a matter which has got to be ventilated. As regards the Medical Department, I daresay there is

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great room for cuts, but not in the poor patients' food and not in the medical relief that has to be supplied to them. The personnel on the medical side is far too great. There are men who have hardly any lectures to deliver, or hardly any teaching to do, who receive fat salaries. There are assistants and assistants to assistants, and assistants to them, and to them again, who carry away a great deal of the money. And, Sir, where men give their honorary work and where men give their honorary work by way of consultation, their payment is taken away, so that we see the anomaly of one man getting Rs. 2,000 for doing the same work for which another man is given Rs. 50! It was formerly Rs. 150, but it has been retrenched to Rs. 50. The principle adopted is, "Give more to the people who have and take away the little from the people who have not." This is a principle that was formerly followed by the Bourbon princes, prior to the French Revolution. There is a great deal of room for cutting off contingencies. All over the budget "contingencies, contingencies, contingencies." The total amount of the contingencies will be more than a crore. Possibly there can be some room for making a cut. But I maintain there is absolutely no room for making any cut on the medical side as regards either the help that is given to the patients or as regards their diet. I support the resolution as moved by my honourable friend Mr. Jog.

Dr. V. G. VAISHAMPAYAN (Sholapur City): Sir, it is undoubtedly a matter for congratulation that this question of retrenchment has come to be forced into the open. When in the last session Government readily accepted the retrenchment committee of the non-official members of the legislature, I was rather surprised. I knew, as many of you must have known, that Government on their part have threshed out this question more or less completely. Time and again they have appointed I.C.S. and account officers to examine the question and probably have proved to their satisfaction that there was no scope left for retrenchment. The reason of their having readily accepted the committee I think must have been that they imagine they could satisfy the representatives of the public on the committee that further room for retrenchment there was none. Thus to obtain their support and through them that of the legislature for fresh measures of taxation would be an easy matter.

The conditions of the world-wide depression accentuated in India by political unrest made, however, the authorities realise that not only additional taxation measures would not get the support of the legislature, but if taxes were imposed the collection thereof would be a matter of difficulty. Retrenchment to meet both ends meet has thus been practically forced upon Government and the committee has to propose measures for the same. With their limited experience it is not surprising that the enquiry has not been thorough. The members had obviously to be guided by the experience of official experts associated with them and be satisfied by proposing measures of their prompting. Now that the question has been unavoidably forced into the open, it is perhaps time that it should be examined in all its bearings. It has been the common complaint for years together of all public men that the cost of administration in India is disproportionately higher with reference to the

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economic condition of the people. The administration has become extremely top-heavy and the nation—building activities have been starved on account of the resources being wasted upon maintaining an establishment which is not giving its proportionate return. It has also been the general complaint that in view of the progress of Indian education, when for performance of duties of administration, according to the working of the general law of supply and demand, talents are available at cheaper rates, on account of some extraneous principles it is that a much more highly paid agency has been forced upon us. It has also been advanced that, whenever any ideas of actual service to the people are put forward, opportunity is seized upon for creating highly paid posts and the resulting benefit to the public is practically nil. Whatever service is actually given, it costs the public disproportionately high. The resources of Government are thus wasted to the extent of 50 per cent. at least.

An opportunity is afforded at the present moment of going thoroughly into the matter; the co-operation of the public and the press might be obtained and all views brought before a just and appropriate decision on the matter can be reached. The present enquiry is only a step forward in so much that in this enquiry with the vested interests of the superior services have been associated some representatives of the public. For an enquiry to be thorough in all its sides, the personnel should consist not only of one side but all sides, that is, the provincial, the subordinate service, the public at large, the press and so on. We have the knowledge of the Railway Enquiry in which it was found out too late that overlooking the subordinate interests was a blunder. Later on, a compromise had to be arrived at by settling with the representatives of the latter. Let that mistake be not repeated here.

It is a matter of common knowledge that in the subordinate service of Government, there are men educationally fitted for posts of a higher nature of duties but who have been held back under the present statutory conditions from reaching posts which they should reach with benefit to themselves and with benefit to the nation. From the report before us I know that about five crores and thirty-five lakhs are required for the cost of establishment which looks after a gross income of about thirteen crores. Is this cost in line with the cost obtaining in other governments?

Another point is the ratio between the service of the lowest and the highest, that is, whereas the lowest clerk in Government service is paid Rs 30 the pay of the Minister comes to Rs. 4,000. Is this ratio obtaining in any other countries?

Perhaps the suggestion of the committee which has been shrewdly made on a matter of which they have a thorough knowledge is an index of the state of things existing in respect of superior service. The Committee are thoroughly satisfied that the work of the seven Executive Councillors (including Ministers) can easily be managed by about four, that is, expenditure on superior service necessary for the discharge of efficient administration should be four while we are maintaining it at seven. The division of service into classes I do not think exists

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in any other country. For maintaining the British character of administration and ensuring European status to officers responsible for law and order, this division must have been introduced and must have been slavishly followed elsewhere or in other departments. When in Law, Engineering, Agriculture and Medicine, fully qualified men, equal in calibre to Europeans are available in India very cheaply on account of the general law of supply and demand, why should distinctions be maintained in the departments? Why should not a thoroughly qualified man start at the lowest rung of the ladder and come up to the highest? Why should not in the Judicial Department men start on Rs. 200 as munsiffs and go straight up to the highest post by seniority? Why in the Engineering Department, is a graduate started as an overseer not allowed the opportunity of reaching the post of a Chief Engineer? Why should not an Agriculture graduate some day become the Director of Agriculture? I mean why should not opportunities be quite open to all and why should there be distinctions of classes? If these views can be accepted, it will be possible to re-arrange the whole service, provincial as well as superior services, beginning on, say, Rs. 200 reaching up to a maximum of Rs. 1,500 and within this amount it is possible to ensure highest efficiency consistent with maximum economy.

In every field, Medical, Agriculture, Public Health, Engineering, posts costing money out of all proportion have been created, e.g., for the simple needs of relief of congestion in beggarly municipalities, when by some simple rules the desired end can be reached, costly establishment of the Consulting Surveyor to Government has been maintained. Where public health is least directed, where the simple work is that of collecting certain statistics, costly Directors of Public Health and Assistant Directors of Public Health who are of no use to the villagers are maintained. Whether this state of things should be allowed to continue is a matter for consideration.

I may say that the enquiry is of a halting nature and that the personnel of the committee has been such that a thorough enquiry into the matter could not be made possible, and I propose that only after allowing the press and the public free opportunity for criticism a Bill should be brought forward in the next session bringing about suggestions of a lasting order. The present economic condition is not of the nature of a temporary ailment which can be treated by some palliatives. It must be recognised that it is a chronic disorder and, unless drastic measures are proposed, disorder is bound to go beyond limits. Until, however, such remedies can be thought of and applied, some temporary relief must be given and I suggest the following measures can be brought into effect. The total saving in the recurring expenditure on account of these measures will be about equal to what the committee has proposed.

Pension off, in all departments, men who have grown up in service and over fifty. Do not fill in the vacancies so created, but distribute the work, if necessary, by posting to the vacant posts temporarily senior men from the lower grades.

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Stop all future recruitment. Stop all annual increments. Recently a questionnaire has been drawn up and presented to each of the honourable members. Many of us cannot be familiar with the exact functions of the officers referred to. I may suggest that a brief resumé of their duties should be furnished along with the questionnaire.

FLOODS IN THE RATNAGIRI DISTRICT.

The Honourable the PRESIDENT : The honourable member Mr. Surve has placed in my hands a request which I thought was with a view to ask my permission to ask the Honourable the Revenue Member. a question if he would obtain information, to make a statement to-morrow or during the course of this session regarding the damage caused by floods in the Ratnagiri district.

The Honourable Mr. W. F. HUDSON : The honourable member Mr. Surve told me to-day that he wanted this information. I am doing my best to collect it. Government have no information at present on the lines desired by the honourable member. As soon as I get the information I will place it before the House. I think that I shall certainly be able to do so before the end of this week.

PUBLIC MEETING OF MAHOMEDANS IN SURAT ON THEIR PROPHET'S BIRTHDAY.

The Honourable the PRESIDENT : Then, there is another matter which the honourable member from Ahmedabad (Mr. Resaldar) had placed in my hands in a different form this afternoon. He wanted to move an adjournment of the House on the strength of the information he had that a public meeting of Mahomedans on the occasion of the birthday of the Prophet was prevented from taking place in Surat in one of the public halls there. I advised him to get a statement from the Honourable the Home Member before he resorted to that step and returned the motion to him. Can the Honourable the Home Member let the House know what the circumstances were which led to the prevention of the meeting, if it is a fact? That might save the House the necessity of discussing an adjournment motion.

The Honourable Mr. G. A. THOMAS : Sir, I only heard of this incident mentioned by the honourable member (Mr. Resaldar) this afternoon for the first time. The event, if it happened, must have happened last Tuesday, six days before—that was the birthday, I think. I have telegraphed for information, and I will try to get the information and, if I get it before the House rises finally, I will inform him and, if desired, the House also.

The Honourable the PRESIDENT : The House is now adjourned to 2 p.m., to-morrow, Tuesday, the 4th August 1931.

Tuesday, the 4th August 1931

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 4th August 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur

ABERCROMBIE, Mr. J. R.

ALLAHBAKSH, Khan Bahadur

ASAVALE, Rao Bahadur R. S.

BANGI, Mr. A. K. J.

BELL, Mr. R. D.

BHUTTO, Sir SHAH NAWAZ

BOLE, Rao Bahadur S. K.

BOWERS, Mr. P. L.

BRANDER, Mr. J. P.

BRISTOW, Mr. C. H.

BROWNE, Mr. D. R. H.

BULLOCKE, Mr. A. GREVILLE

CHIKODI, Mr. P. R.

CHITALE, Rao Bahadur G. K.

CLAYTON, Mr. H. B.

COLLINS, Mr. G. F. S.

COOKE, Mr. G. H.

DHALUMAL LILARAM, Mr.

DESAI, Rao Saheb B. G.

DESAI, Mr. H. R.

DESAI, Mr. S. B.

DIXIT, Dr. M. K.

D'SOUZA, Dr. J. ALBAN

EWBANK, Mr. R. B.

GARRETT, Mr. J. H.

GHULAM HUSSAIN, the Honourable Sir

GHULAM NABI SHAH, Khan Bahadur

GILDER, Dr. M. D.

GOKHALE, Mr. L. R.

GOVER RORA, Mr.

HARRISON, Mr. C. S. C.

HUDSON, the Honourable Mr. W. F.

JAM JAN MAHOMED KHAN, Khan Bahadur

JAN MAHOMED KHAN, Khan Bahadur

JITEKAR, Mr. HAJI IBRAHIM

JOG, Mr. V. N.

JONES, Major W. ELLIS

KADRI, Mr. J. S.

KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHQ, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, Rao Bahadur G. V.
 PRATER, Mr. S. H.
 RAFIUDDIN AHMAD, the Honourable Moulvi
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZAREAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIE BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Questions.

QUESTIONS AND ANSWERS.

SCHOOL COMMITTEE : BOMBAY MUNICIPALITY.

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

(a) the number of members in the Bombay Municipal School Committee ;

(b) how many of them belong to the advanced Hindu classes, how many belong to the Backward and to the Depressed classes respectively and how many are Parsis, Muhammadans, Christians and Europeans ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Sixteen.

(b) The following statement contains the required information :—

Hindus—

Advanced Classes	.. 9
Intermediate Classes	.. 1
Muhammadans	.. 3
Parsis	.. 2
Christians	.. 1

Rao Bahadur S. K. BOLE : Why has no mention been made about the depressed classes ? I asked the question in (b).

The Honourable MOULVI RAFIUDDIN AHMAD : Because there is no member of the Depressed Classes in the Committee.

Rao Bahadur S. K. BOLE : Did any member stand for election to the Schools Committee ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know.

Rao Bahadur S. K. BOLE : Will the Honourable Minister please make enquiries ?

The Honourable MOULVI RAFIUDDIN AHMAD : I will make enquiries if the honourable member gives me notice.

SURAT MUNICIPALITY : SUPERSESSION.

Dr. M. K. DIXIT (Surat City) : (1) Will the Honourable Member for Local Self-Government state whether he gave an assurance, when Rao Bahadur Chitale moved an adjournment motion on the occasion of the supersession of the Surat Municipality, that he will restore the municipality as soon as possible if law permitted ?

(2) If so, what is the legal opinion in that regard ?

(3) Did he lay down any other conditions which had to be fulfilled before the restoration of the municipality could be effected ?

(4) If so, what were they and have they been complied with by now ?

(5) Is it a fact that the honourable mover of the adjournment motion withdrew the same on the assurance given by the Minister ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: (1) Yes, subject however to the conditions referred to below.

(2) There is no legal bar to the termination of the period of supersession before the date specified in the notification.

(3) Yes.

(4) The Committee of Management should pass the budget and complete and publish the new electoral roll. The first has been complied with. With regard to the second the attention of the Honourable Member is drawn to the statement recently made by me in this House.

(5) Yes.

Dr. M. K. DIXIT: May I know on what date the publication of the rolls will be made?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I am not in possession of the facts at present, but in all probability before the 15th August.

✓ LAND REVENUE ASSESSMENT: RATES.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District): Will Government be pleased to state—

(a) on what principles the present rates of assessment are based;

(b) if they are calculated on a certain share of the produce, what that share is;

(c) whether Government are prepared to accept that share of the produce in lieu of the assessment;

(d) if not, the reason therefor?

The Honourable Mr. W. F. HUDSON: (a) and (b) The principles on which the present rates of assessment are based are explained in the instructions for the guidance of settlement officers contained in Circular No. 34 of the Commissioner in Sind's Special Circulars.

(c) No.

(d) The levy of assessment in kind is impracticable.

Khan Bahadur M. A. KHUHRO: What effect have the Government of Bombay given to the recommendations of the Joint Parliamentary Committee that the principles of assessing land revenue should be laid down in the statute book?

The Honourable Mr. W. F. HUDSON: The honourable member is well aware that at present we have made no statutory provision.

Khan Bahadur M. A. KHUHRO: Is it not a fact that Government appointed a revenue committee in 1924 to make recommendations in this respect?

The Honourable Mr. W. F. HUDSON: Yes, it is a fact.

Khan Bahadur M. A. KHUHRO: What effect has been given to the recommendations of this committee?

The Honourable Mr. W. F. HUDSON: None.

Rao Bahadur D. R. PATIL: When is legislation likely to be introduced giving effect to the recommendations?

The Honourable Mr. W. F. HUDSON : I have already explained at great length in my speech in the March session and again in answer to a question, I think, this session. I am not able to say when it will be introduced.

Khan Bahadur M. A. KHUHRO : Is it not a fact that we have received promises from Government during the last two years that the legislation will be introduced ?

The Honourable Mr. W. F. HUDSON : I do not remember having made any promises.

Khan Bahadur M. A. KHUHRO : When does the Honourable Member propose to bring in the Bill ?

The Honourable Mr. W. F. HUDSON : I have already said that I am not in a position to say when we shall be able to introduce legislation. ✓

LAND REVENUE RECOVERY : MIRPURKHAS AND THAR PARKAR.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) : Will Government be pleased to state—

(a) how many warrants have been issued on zamindars in each taluka of Mirpurkhas and in the Nara Valley Divisions of the Thar Parkar District, Sind, for the realisation of Land Revenue Assessment ;

(b) how many heads of zamindars' cattle have been auctioned for the realisation of Land Revenue Assessment ;

(c) how many zamindars have sold or mortgaged their lands in order to pay land revenue ?

The Honourable Mr. W. F. HUDSON : (a) and (b) The attention of the Honourable Member is invited to Appendix III to the Land Revenue Administration Report for Sind for the year 1928-29, a copy of which will be found in the Council Library. This contains all the information that is available and Government do not consider it necessary to incur the trouble of collecting further details. Similar information for 1929-30 will be published in due course in Appendix III to the report for that year.

(c) No statistics are available which would enable Government to answer this question.

POONA ELECTRIC SUPPLY COMPANY : DEPOSITS FROM CONSUMERS.

Mr. L. R. GOKHALE (Poona City) : Will Government be pleased to state—

(a) whether they are aware that the Poona Electric Supply Company levies a deposit fee of Rs. 25 from each of its consumers to ensure regular payment of consumers' bills ;

(b) what is the total amount of the deposits recovered by this Company from such of its consumers as have deposited amounts less than Rs. 100 as deposit fees ;

(c) whether Government are aware of the hardship caused to these small depositors by the loss of their interest on the amount of these deposits ;

(d) whether they are aware that the trouble and the expense involved in giving these small deposits their interest is very insignificant;

(e) whether they intend to withdraw the directions given to the Company in their letter No. 6847-M, dated 19th May 1925;

(f) whether they are aware that the said letter is enabling the Company to make an unduly large profit on these deposits at the cost of its consumers without any return for the same?

The Honourable Mr. W. F. HUDSON: (a) The Supply Company take deposits generally only from consumers who are found dilatory in the payment of bills.

(b) Rs. 54,216 up to the end of June 1931.

(c) Government do not think that any great hardship is caused to an average consumer on account of the loss of interest which in any case will not exceed Rs. 3 per year at the Post Office Savings Bank rate.

(d) No. For a deposit of Rs. 25 the trouble involved in keeping an account for the small annual interest of annas 12 would not be insignificant.

(e) Government have no such intention at present but they will consider the question of modification of the directions.

(f) Government do not consider that the Company are making any large profits on these deposits. The total amount of small deposits held by the Company is about Rs. 54,000 up to the end of June last, and interest on this amount, say at 5 per cent., comes to Rs. 2,700. Taking into consideration the cost of maintaining the accounts of about 2,000 consumers who have paid these deposits, the amount of interest earned may be regarded as not unduly large. In any case Government will consider the question as stated above.

TRAINING COLLEGES FOR MEN AND WOMEN : NATURE STUDY EXAMINATION.

Mr. L. R. GOKHALE (Poona City): (a) Will Government be pleased to state whether it is a fact that for the subject of Nature study there is only a written examination in the Training College for Women, while in the Training College for Men, there is only a practical examination for the same subject?

(b) If the answer to (a) is in the affirmative, do Government intend to have uniformity in the Training Colleges both for men and women?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes, except that in the case of women candidates there is also the written examination.

(b) The matter is receiving consideration.

TRAINING COLLEGE, DHULIA : COURSE.

Mr. L. R. GOKHALE (Poona City): (a) Is it a fact that there is no second year class but only a first year class in the Training College at Dhulia?

(b) If the answer to (a) is in the affirmative, do Government intend to convert it into a training school and reduce the staff in that institution?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) No. Posts of teachers not at present required are kept vacant.

TRAINING SCHOOLS : ABOLITION.

Mr. L. R. GOKHALE (Poona City) : (a) Is it a fact that many of the training schools have been abolished ?

(b) If the answer to (a) is in the affirmative, do Government intend to abolish the training institutions at Bhiwandi and Dhulia and thereby effect a saving ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) No.

KARACHI MUNICIPAL BILL : BACKWARD CLASSES.

Mr. GOVER RORA (Karachi City) : (1) When is the new Karachi Municipal Bill to be introduced in the Legislature ?

(2) Do Government realise that there has been a great delay over this ?

(3) Does the draft Bill contain any special provision for the representation of the Backward Classes ? If not, do Government intend to keep any seat reserved for this class ?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : (1) It is hoped to introduce the Bill in the September-October session of the Council.

(2) Yes.

(3) The matter is under consideration.

KATCHA KHANDI CASES.

Mr. V. N. JOG (Dharwar District) : (1) Will Government be pleased to state whether the cases known as Katcha Khandi cases are now over ?

(2) If so, how many hearings have the same taken before the Courts of Presidency Magistrates and before the High Court ?

(3) What have been the actual or approximate costs of the cases to Government ?

(4) Have any outside agency, and, if so, which provided the costs of the said cases ?

(5) What is the amount of such costs so paid ?

(6) Is it a fact that one of the cases, namely, case No. 254/S of 1926 filed in the middle of March 1926, was kept pending even without a first trial till the beginning of this year ?

(7) If so, why was the same so kept pending ?

(8) Are Government in a position to cite any other criminal case which was kept pending for a period of nearly five years where the accused were available on the spot and the case not brought to a hearing ?

(9) Is it a fact that the accused in the said case persistently applied both to Government and to the Courts that the case against them be taken up without delay ?

(10) Is it a fact that such applications were from time to time opposed on behalf of the prosecution ?

(11) How many accused in all were implicated in cases Nos. 186/P to 190/P of 1926 and 254/S of 1926 ?

(12) At whose instance were the raids and arrests in the above cases Nos. 186/P to 190/P made?

The Honourable Mr. G. A. THOMAS: (1) Yes.

(2) Before the Presidency Magistrates' Courts 102. Before the High Court 11.

(3) The cost to Government was negligible.

(4) and (5) No outside agency provided any costs. The fees of the Counsel who assisted the Public Prosecutor were paid by the East India Cotton Association. This was an arrangement made by the Public Prosecutor. Government are not aware of the amount paid as fees.

(6) Yes, until 27th October 1930, the day on which this case was, with the permission of the Presidency Magistrate, 3rd Court, withdrawn.

(7) A large number of criminal cases were involved. In the beginning one was taken up as a test case. It was strongly contested and was finally decided after an appeal to the High Court nearly three years after the premises were raided. Thereafter such of the other cases as were considered important enough to proceed with were taken up in order. This case being a summons case was kept till the last, the others being warrant cases. It is usual to dispose of warrant cases before summons cases and on the representation of the Public Prosecutor the Magistrate saw no reason to alter the procedure.

(8) The reason for the delay has been stated in the answer to clause (7). Government are not prepared to undertake an inspection of the criminal files of all Courts to find out whether there have been any analogous cases.

(9) Yes. But there was only one insistent applicant in the person of one of the Directors of the Shri Mahajan Association. The other Directors of the Association were content with the judgment given by the High Court in the test case.

(10) Yes.

(11) There were 354 names on the charge sheets in cases Nos. 186/P to 190/P. In summons case No. 254/S the only accused was the Shri Mahajan Association through its Directors.

(12) The Commissioner of Police acted under section 6 of Act IV of 1887.

Mr. V. N. JOG: The answer to (3) says that the cost to Government was negligible. Whether negligible or not, what was the amount of cost?

The Honourable Mr. G. A. THOMAS: Rs. 45.

Mr. V. N. JOG: Were the fees of the public prosecutors included in it?

The Honourable Mr. G. A. THOMAS: The public prosecutor does not receive any special fees, but permanent fees. The other fees were not paid by Government.

Mr. V. N. JOG: In answer to questions (4) and (5) it is stated that no outside agency provided any costs. Did not the East India Cotton Association pay the counsel's fees?

The Honourable Mr. G. A. THOMAS: No costs are given in India.

GORDON SETTLEMENT IN THE SOUTHERN MARATHA COUNTRY.

Mr. V. N. JOG (Dharwar District): (1) Will Government be pleased to state whether the sub-sharers in the Pargana Watandars' families in the Southern Maratha Country were consulted by Government when the settlement known as Gordon Settlement was effected?

(2) Is it a fact that the Khatedar alone was consulted at that time and that he alone produced all the information he held at that time?

(3) Who are the parties to the Gordon Settlement agreement?

(4) Who proposed the terms in the sanad given by the Secretary of State in consequence of the enquiry of the Gordon Settlement?

(5) Is it a fact that the Dharwar and Belgaum District Pargana Watandars were willing to commute their services by paying certain extra judi to Government without any other condition?

(6) Is the third condition in the sanad granted for Pargana Watandars in the Dharwar and Belgaum Districts inserted in it with their consent; have Government any record to show that they have consented to such a condition?

(7) If not, will Government be pleased to state under what circumstances the third condition in the sanad came to be inserted?

The Honourable Mr. W. F. HUDSON: (1) and (2) At the time of the application of the Gordon Settlement the terms of that settlement were offered to, and accepted by, those watandars whose names had been entered in the Government records as holders of District Hereditary Officers' watans.

(3) The Gordon Settlement was not of the nature of an agreement between contracting parties on equal footing. It was merely an indulgence granted by Government to District Hereditary Officers permitting them to hold their watans on payment of judi to Government in lieu of service, as the services for which the watans had been created were no longer required.

(4) The Gordon Commission proposed the terms included in the sanad, after ascertaining the wishes of District Hereditary Officers generally.

(5) No.

(6) Yes. In the case of every sanad issued the grantee signs the sanad in token of having accepted the grant on the terms and conditions mentioned in the sanad.

(7) Does not arise.

LIQUOR SHOP NEAR MOSQUE : NADIAD.

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

(a) whether they are aware of the grave dissatisfaction prevailing among the Muhammadans of Nadiad (District Kaira) in regard to the location of a country liquor shop in the vicinity of their mosque;

(b) whether they have received a representation from the Muslims of Nadiad, praying for the removal of this shop from the Muslim quarters;

(c) what steps are proposed to be taken in the matter?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) and (b) Yes. (c) Steps are being taken to remove the shop from its present locality.

Rao Saheb B. G. DESAI : How long has the shop been located in that place ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know.

Rao Saheb B. G. DESAI : Is it a fact that in about 1925 the then Excise Minister (the Honourable Sir Dehlavi) accompanied by the Excise officers paid a personal visit to the place and passed orders that the shop must stay there ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know but should the honourable member give me notice, I would find it out.

Mr. C. N. PATEL : Is it a fact that the shop has been in existence for a long time without any complaints from any one ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say.

Mr. C. N. PATEL : May I know if it is a fact that the premises belonging to the mosque were used for the purposes of a liquor shop ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know how it arises.

Mr. C. N. PATEL : It arises out of the question, because the premises belonging to the mosque were let out for manufacturing liquor.

[No reply.]

Rao Saheb B. G. DESAI : Is it a fact that the District Magistrate some time ago refused to entertain applications in regard to the location of this shop ?

The Honourable MOULVI RAFIUDDIN AHMAD : If the honourable member gives me notice I will find it out.

Rao Saheb B. G. DESAI : What is the reason given ?

The Honourable MOULVI RAFIUDDIN AHMAD : Does not arise.

Rao Saheb B. G. DESAI : The reply has been given that steps are being taken to remove the shop from its present locality. It appears from this that Government have made some enquiries and are thinking of some steps to be taken. I want to know what enquiry has been made, whether enquiry has been made into all the previous correspondence and whether the opinions of district officers have been obtained or not.

The Honourable MOULVI RAFIUDDIN AHMAD : All the information that Government are able to give has been given in the reply to the question.

Mr. C. N. PATEL : Is any provision made for the shop to be located in another place ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say.

KARNATAK COLLEGE, DHARWAR : PROFESSOR OF KANARESE.

Rao Rahadur R. R. KALE (Bombay University) : (a) Is it a fact that since the Chair for Kanarese was started at the Karnatak College,

Dharwar, two persons were tried for the post and sent away one after the other and that a third has been appointed ?

(b) Is he a hand from the Mysore Government ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) He had been in service in Mysore State.

URDU ASSISTANT DEPUTY EDUCATIONAL INSPECTORS : CONFIRMATION.

Khan Bahadur A. E. PATEL (Northern Division) : (a) How many Persian and Urdu teachers in Government schools were confirmed during the last year ?

(b) Is it a fact that the permanent incumbents in their places were Urdu Assistant Deputy Educational Inspectors and that they have not been confirmed ?

(c) Will Government kindly give the names of such Assistant Deputy Educational Inspectors and their period of service (i) as Urdu or Persian teachers, (ii) as acting Assistant Urdu Deputy Educational Inspectors ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Nine.

(b) No.

(c) Does not arise.

GOVERNMENT SCHOOL HOSTELS : INCREASE OF ROOM-RENT.

Khan Bahadur A. E. PATEL (Northern Division) : (a) Are Government aware that by the increase of room-rent in Government school hostels from Re. 0-8-0 to Re. 1-8-0 the agriculturists, who send their sons to them for higher education, are much hard pressed ?

(b) Were the head masters and the Director of Public Instruction consulted on the desirability of this increase ?

(c) If so, will a copy of their opinions be put on the Council table ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) No. The increase was only annas 8 per month.

(b) Yes.

(c) The reply is in the negative.

POLICE SUB-INSPECTORS AND INSPECTORS : MUSLIMS.

Mr. SHAIKH ABDUL AZIZ (Central Division) : Will Government be pleased to state—

(1) the number of sub-inspectors and inspectors of police in the Presidency proper in January 1921 and in January 1931 ;

(2) how many of the above were Mahomedans ;

(3) the number of vacancies in these grades since 1921 year by year, including such long term acting vacancies as eventually became permanent or are to be permanent ;

(4) how many of such vacancies were filled by the appointment of Mahomedans ;

(5) whether the Government policy of appointing a certain percentage of backward classes is applicable to this service and if so,

whether the Government orders have been communicated to the authorities responsible for filling these vacancies;

(6) if the policy is applicable to this service, whether it has been observed by the Department;

(7) whether Government called for figures of vacancies and enlistments from this Department since the orders of percentage were issued;

(8) similar information in respect of acting sub-inspectors and inspectors excluding those appointed for civil disobedience movement?

The Honourable Mr. G. A. THOMAS: (1) The permanent sanctioned strength was as follows:—

		1921.	1931.
(1) Sub-Inspectors	.. ..	605	539
(2) Inspectors	.. ..	87	85
(2) Sub-Inspectors	.. ..	130	119
Inspectors	.. ..	9	8

(3) and (4) Government regret that they cannot supply the information as the collection of it would involve an expenditure of time and labour disproportionate to the value of the results.

(5) No definite percentage has been laid down. The orders referred to by the Honourable Member apply to clerical appointments only.

(6) and (7) Do not arise.

(8) *Vide* reply to clauses (3) and (4).

Mr. SHAIKH ABDUL AZIZ: What is the reason for reducing so many sub-inspectors during these 10 years?

The Honourable Mr. G. A. THOMAS: Retrenchment.

Mr. SHAIKH ABDUL AZIZ: How many of those reduced are Mahomedans?

The Honourable Mr. G. A. THOMAS: The number of Mahomedan sub-inspectors reduced is 11 out of the total of 66 retrenched.

Mr. SHAIKH ABDUL AZIZ: May I know whether the Government orders regarding the appointment of 50 per cent. from the backward classes does not apply to inspectors and sub-inspectors?

The Honourable Mr. G. A. THOMAS: The answer is perfectly clear that "the orders referred to by the Honourable Member apply to clerical appointments only."

REVENUE RECOVERIES IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) the number of warrants by the revenue authorities against the zamindars in Sind during the current year and the last year for the recovery of land revenue assessment;

(b) the number of warrants withdrawn against and the number served upon them;

(c) in how many cases arrears were realised by—

(i) the sale of cattle;

- (ii) confiscation of crop ;
- (iii) attachment of other property ;
- (iv) auction of agricultural land ;
- (d) the cash realisations under each head mentioned in (c) ;
- (e) in how many cases orders were issued under section 141 (B), Land Revenue Code ?

The Honourable Mr. W. F. HUDSON : (a) to (e) The attention of the Honourable Member is invited to Appendix III to the Land Revenue Administration Report for Sind for the year 1928-29 a copy of which will be found in the Council Library. This contains all the information that is available and Government do not consider it necessary to incur the trouble of collecting further details. Similar information for 1929-30 will be furnished in due course in Appendix III to the Report for that year.

SYED MIRAN MAHOMED SHAH : The information asked for related to the current year and the last year, but the reply refers us to the administration report for the year 1928-29 only.

The Honourable Mr. W. F. HUDSON : I am well aware of that. The figures are not yet complete and will take some time to collect. I think since this answer was printed the information for 1929-30 has been published and, if not, it will be published in the course of the next few days.

SYED MIRAN MAHOMED SHAH : What about the figures for the year 1930-31 ?

The Honourable Mr. W. F. HUDSON : Those figures are not available and will not be available for some time.

DACOITY CASES, SUKKUR : EXPENDITURE.

SYED MIRAN MAHOMED SHAH (Hyderabad) : (a) Will Government be pleased to state what is the estimate of the expenditure to be incurred by them in the conduct of the cases arising out of dacoities and riots in Sukkur in August last ?

(b) How much have they paid to the Public Prosecutors ?

(c) How much have Government so far spent on these cases ?

The Honourable Mr. G. A. THOMAS : (a) Rs. 46,000.

(b) Rs. 10,783-10-0.

(c) Rs. 44,618-11-5.

PRICKLY PEAR : USE OF PARASITES FOR DESTRUCTION.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they are aware that the Madras Agricultural Department have of late introduced some parasites for the destruction of prickly pear in that Presidency and that the desired result has been achieved without the least harm ;

(b) whether any experiment of introducing the parasite in this Presidency has been undertaken by the Agricultural Department; and if so, when and with what result?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) The Agricultural Department in this Presidency is aware of the work undertaken by the Madras Agricultural Department in the utilization of insects for the destruction of prickly pear.

(b) The Agricultural Department has been in communication with the Australian Department of Agriculture for some months past and is arranging to import a certain insect found to be effective in that country in destroying prickly pear without causing injury to other plants.

POLICE IN SIND.

Mr. S. S. TOLANI (Sind): (a) Has the attention of Government been drawn to the following resolution of the Hindu Conference held at Sukkur from 27th to 29th December 1930 and to the article "Insecurity in Sind" by Mr. Lalchand Navalrai, *ex-M.L.A.* (Sind), published in the "Sind Observer" dated 12th February 1931:—

"Looking to the callous and communalistic attitude of Muslim police in connection with the recent riot in Sukkur District, this Conference urges that proportion of Hindus in the Police Department in Sind should be at least 50 per cent. in order to ensure safety of life and property. That all the new appointments taking place should therefore go to Hindus until the above proportion is reached!"

(b) Do Government propose to take any steps in regard to the insecurity mentioned in the aforesaid article?

(c) What is the number of Hindu constables and head constables in service in Sind as compared to those of the other communities?

(d) Is it a fact that the All Sind Hindu Association and Hindus in Sind generally have since long been making a demand for the appointment of Hindu constables and head constables in the interest of the Minority Community?

(e) Is it a fact that Government decided to appoint 33 per cent. of the Police in Sind from the Hindu community?

(f) Is it a fact that many offers have been made by Hindus to the Deputy Inspector General of Police in Sind and to the District Superintendents to join the Police Service as head constables and constables, and that all such offers have been rejected?

(g) Do Government propose to increase the Police force in Sind and if so to what extent?

The Honourable Mr. G. A. THOMAS: (a) Their attention has been drawn to them since they received the Honourable Member's question.

(b) and (g) The reorganisation of the Police force in Sind has been sanctioned and already brought into effect in Upper Sind.

Government consider that this will give greater security to all communities. The increase in Upper Sind is as follows:—

District.	Officers.	Other Establishment.
Sukkur	1	220
Larkana	1	190
Upper Sind Frontier .. .. .	..	40
Total ..	2	450

(c) The total number of Hindu constables and head constables in service on 31st December 1930 in Sind as compared to those of other communities was as follows :

Hindus	920
Muhammadans	3,854
Others	13

(d) Yes.

(e) No percentage is reserved for Hindus, but the Deputy Inspector General of Police for Sind in 1927 issued instructions to all District Superintendents of Police that efforts should be made to maintain a proportion of 35 per cent. Hindus in the Sind Police.

(f) Offers have been made by Hindu gentlemen to provide Hindu recruits and have not been rejected.

Mr. S. S. TOLANI: Are Government aware that the District Superintendents of Police have not made efforts to maintain the proportion of 33 per cent. of the Police in Sind from the Hindu community ?

The Honourable Mr. G. A. THOMAS: Government are not aware.

Khan Bahadur M. A. KHUHHRO: Is it not a fact that it is difficult for the District Superintendents of Police in Sind to secure efficient men from the Hindu community to act as constables and head constables in Sind ?

The Honourable Mr. G. A. THOMAS: Hindu candidates are not often forthcoming. When they are forthcoming and are suitable, they are always employed.

SYED MIRAN MAHOMED SHAH: Have Government passed any orders about this 33 per cent. proportion of the posts to be given to Hindus ?

The Honourable Mr. G. A. THOMAS: The answer to (e) is that no percentage is reserved for Hindus, but the Deputy Inspector General of Police for Sind in 1927 issued instructions to all District Superintendents of Police that efforts should be made to maintain a proportion of 35 per cent. Hindus in the Sind Police. The orders of the Deputy

Inspector General of Police on this subject may be regarded as the orders of Government.

LOCAL BOARDS, SIND : HINDU WEIGHTAGE.

Mr. S. S. TOLANI (Western Sind): (a) Are Government aware that Hindus in Sind pay about one-third of the Revenues of the District Local Boards?

(b) If the answer to (a) be in the negative, what is the proportion paid by Hindus?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: (a) and (b) The main source of District Local Boards revenue in Sind is the Local Cess of which the Hindus pay 29·57 per cent.

Mr. S. S. TOLANI: Is the Honourable the Minister aware that Hindus have not got proper representation on the district local boards?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I suppose the honourable member means to say that the proportion should be on the basis of the cess paid by the community.

Mr. S. S. TOLANI: Population basis and the taxes paid.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: The representation on the district local boards is made not merely on those two considerations. There are several other considerations which have to be very carefully considered; I am not in a position at present to give the information, but I can give it to him if he gives notice.

Mr. S. S. TOLANI: Do Government propose to give weightage to Hindus, who are in a minority there?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: In certain cases weightage is given, but I am not in a position to say now whether weightage is necessary in the case of Hindus.

Khan Bahadur M. A. KHUHRO: Do Government contemplate giving weightage to the Mussalmans also in the municipalities in Sind, where they are in a minority?

(No reply.)

MARTIAL LAW IN SHOLAPUR.

Dr. V. G. VAISHAMPAYAN (Sholapur District): (1) Was there any disturbance or riot at Sholapur between 13th May and 1st July 1930 when the city was placed under Martial Law?

(2) Is it a fact that stones were thrown at the Military at Sholapur on or about 20th May 1930?

(3) Will Government be pleased to state the names of persons found to have thrown stones at the Military and the punishment awarded to them for this offence?

(4) Had the stone-throwing incident any connection with the extension of the Martial Law period?

(5) On what date did Mr. Bristow, the then District Magistrate, take away the bullet from the pillar of the Jain Boarding where Gajanan Ranade, a boy of 14, was shot?

(6) Will Government be pleased to state the date on which Sergeant Hall's furniture was burnt?

(7) Is it a fact that the furniture of Mr. Hall was burnt at 8 a.m. in the morning?

(8) Is it a fact that the room of Mr. Hall had a lock intact when the furniture was burning inside?

(9) What articles, if any, were burnt?

(10) Has any inquiry been made as to who set fire to the furniture and have any offenders been found?

(11) If so, what is the punishment awarded to these offenders?

(12) Are Government aware that shops were broken open and looted at Sholapur during the early days of Martial Law regime when the curfew order was still in force?

(13) If so, will Government be pleased to state—

(a) Whether the Military or Police Officers at Sholapur have received any complaints of such thefts?

(b) Whether any inquiry has been made into these complaints?

(c) If so, with what result?

The Honourable Mr. G. A. THOMAS: (1) No.

(2) Yes, at a military patrol.

(3) The names of the persons are Raghunath Santaram, Narayan Nagappa, Govind Rakhmaji and Sidram Laxman. They were fined Rs. 50 each.

(4) No.

(5) and (6) 30th May 1930.

(7) No. The time was between 10 and 11 a.m.

(8) The lock on the front door of the room was intact. Entry appeared to have been made by unlatching the bathroom door at the back and then opening the bolt of the door of the middle room through a hole made by breaking a glass panel.

(9) A list of the articles which was burnt is placed on the Council table.

(10) and (11) The case was investigated by the police but the offenders were not traced.

(12) and (13) No such complaints were made to the police. Two were made to a Magistrate, who sent them to the police for enquiry. The offenders were however not traced.

Some complaints were received by the Military and were duly enquired into. They were either found to be unsubstantiated or no proof was obtainable of the identity of the offender.

List of articles belonging to Sergeant R. A. D. Hall of the Bombay District Police destroyed by fire by some unknown person at his residence on 30th of May 1930.

1. One dress suit.
2. 8 pairs silk pyjamas.
3. 4 tweed suits.
4. One gold wrist watch.
5. One gold hunter watch.
6. 12 silk shirts.
7. 2 flannel blazers.
8. 3 pairs flannel trousers.
9. 6 uniform coats.
10. 4 pairs uniform breeches.

11. One coil mattress.
12. One mosquito curtain.
13. One bed.
14. 2 dozen khaki shirts.
15. 4 pairs golf stockings.
16. One carpet 20' x 20'.
17. Pillow, blanket, bed-sheets.
18. One tweed sports coat.
19. Ladies underwear.
20. One fishing rod.
21. One 32-40 Winchester rifle.
22. 210 rounds, 12 bore ammunition (for destroying dogs).
23. 77 rounds of Government .455 revolver ammunition.
24. Household linen.
25. One camera.
26. Five ten-rupee notes.
27. Two woollen pullovers.

Dr. V. G. VAISHAMPAYAN : Why was the Martial Law Ordinance of 1930 enforced for such a long time in Sholapur city, when there were no riots or disturbances for over a month and seventeen days ?

The Honourable Mr. G. A. THOMAS : Martial law was kept for just so long as it was necessary to keep it.

Dr. V. G. VAISHAMPAYAN : The reply is that there was no disturbance or riot from 13th May to the 1st July 1930. So, why was it kept ?

The Honourable Mr. G. A. THOMAS : The reason why there was no disturbance is because martial law was kept.

Dr. V. G. VAISHAMPAYAN : With regard to (2), may I know the part of the city in which the stone-throwing incident took place ?

The Honourable Mr. G. A. THOMAS : I do not know.

Dr. V. G. VAISHAMPAYAN : With regard to (3), will Government be pleased to place the charge sheets of these people on the Council table ?

The Honourable Mr. G. A. THOMAS : No.

MARTIAL LAW : REMOVAL OF NATIONAL FLAG.

Dr. V. G. VAISHAMPAYAN (Sholapur District) : (1) Was the Martial Law Ordinance IV of 1930 extended to any area outside Sholapur Municipal limits ?

(2) Is it a fact that the Military made raids at Walsang, Barsi and Pandharpur in May 1930 ?

(3) Is it a fact that the National Flag hoisted on the building of the Pandharpur Municipality was removed by the Military or by the Police ?

(4) Was the National Flag then prohibited by any order of the Executive in the area of the Pandharpur Municipality ?

The Honourable Mr. G. A. THOMAS : (1) No.

(2) The raids at the places mentioned were made by the police supported by the military.

(3) No ; the flag was removed by the Municipality.

(4) No.

Dr. V. G. VAISHAMPAYAN : With regard to (3), did the Pandharpur Municipality pass any resolution for removing the National Flag ?

The Honourable Mr. G. A. THOMAS : We are not aware of any such resolution ; it has not come to our notice.

SHORT NOTICE QUESTION.

DISTRICT LOCAL BOARD, SHOLAPUR : RECONSTITUTION.

Mr. J. G. MORE (Sholapur District) and Dr. V. G. VAISHAMPAYAN (Sholapur City) : (a) Will Government be pleased to state whether it is a fact that the District Local Board of Sholapur was superseded in 1927 for three years ?

(b) Is it a fact that during the period of supersession the Collector of the district had been administering the affairs of the Board ?

(c) Is it a fact that with a view to restore the normal constitution of the Board the electoral roll of the voters and the dates of the election were published ?

(d) Is it a fact that Government cancelled the election and set up a transition constitution for one year commencing from 15th December 1930 and ending on 15th December 1931 ?

(e) Is it a fact that the transition board is constituted of eight elected members and ten nominated members under section 7 of Local Boards Act of 1923 ?

(f) Is it a fact that out of these ten nominated members about nine are from urban area ?

(g) Do Government propose to restore the normal constitution of the board on 15th December 1931 ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : (a) to (f) Yes.

(g) Government are considering the matter.

Mr. J. G. MORE : With regard to (a), on what grounds was the district local board superseded for three years ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I could not narrate all the grounds on which the district local board of Sholapur was superseded, but from memory I can say that it was superseded for gross mismanagement.

Mr. J. G. MORE : With regard to (e), is it not a fact that under section 7 of the Local Boards Act such steps are to be taken for "exceptional reasons ?"

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I have said, yes.

Mr. J. G. MORE : What were the "exceptional reasons" for reconstituting the district local board for one year ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : The reason was that for a period of three years the people residing in the district local board area were practically out of touch with the local board administration, and it was found desirable to have a kind of transitory board to bring the district area in touch with the administration.

Mr. J. G. MORE : If the district rural area is to be brought into touch with the administration of the board, then why out of 10 nominated members 9 are from the urban area ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : According to my information, the rural population in that particular district had not been taking great interest in the affairs of their district local board, and it was found desirable, in the interest of the administration, to have more intelligent people—people belonging to a more intelligent class, viz. Brahmins—put in for a very short period.

Mr. J. G. MORE : The reply has already been given that in order to bring the rural population into touch with the administration of the district local board, which was carried on by the Collector, it was necessary to have a transition constitution ; and the Honourable Minister just said that the people residing in the district local board area were to be brought in touch with the administration ; then why were people from the urban areas nominated on the transitional body ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : The honourable member is well aware of the fact that all the presidents of the taluka local boards are nominated on the transitional board. There are 7.

Mr. J. G. MORE : Are these 7 nominated ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Yes, and they sufficiently represent the interest of the rural area.

Mr. J. G. MORE : Is the present board going on satisfactorily ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Yes.

Mr. J. G. MORE : With regard to (g), Government say that they are considering the matter. The district local board was superseded for three years. Then there is the transition period of one year. Government say that the transitional board is working satisfactorily. Then why is Government considering the matter ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Does the honourable member mean to say that the period must be extended at once ?

Mr. J. G. MORE : I mean the normal constitution of the board ought to be restored by the Government. They say they are considering the matter. I want to know why at all this matter is being considered by Government ? Is it to extend the period of the present transitional board or otherwise ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : My reply is very clear. Government are now considering as to whether the time has come for the regular full election to take place or not.

Rao Bahadur D. B. PATIL : May I understand from the reply to (g) that Government are considering the matter for the purpose of restoring the normal constitution of the board ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: They are considering whether to restore the district local board or whether to continue the present board for some more time.

Rao Bahadur D. R. PATIL: What is to be the basis for considering the matter? On what basis will the matter be considered?

Dr. V. G. VAISHAMPAYAN: Do Government think that the people of the rural area have now got sufficient administrative experience to carry on the local board administration?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I do not follow the question.

The Honourable the PRESIDENT: The Honourable Minister stated that certain steps were taken because it was found desirable; and particularly because it was found by Government that the people did not have administrative experience for local board work. The question now put is, do Government find that the people have gained that experience by now?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: They are gaining experience, Sir, by and by.

Rao Bahadur D. R. PATIL: What considerations will induce the Government to restore the normal constitution of the board in December 1931?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: The only consideration is the welfare of the district. When Government are convinced that by restoring the district local board the welfare of the district will be sufficiently protected, they will immediately do so.

Rao Bahadur D. R. PATIL: How do Government decide the welfare of the district?

Mr. M. M. KARBHARI: What is the criterion of Government to find out the capacity of the people?

Dr. M. K. DIXIT: The Honourable Minister said that the board was superseded because of gross mismanagement. May I know whether there was any misappropriation of funds?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It is an ancient history. I cannot give information offhand.

Dr. M. K. DIXIT: I only want to know whether there was misappropriation of funds?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: There were several charges levelled against the board. I do not remember whether this was one of them.

DISCUSSION ON RESOLUTION re: REDUCTION OF SALARIES

—resumed.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, now we have before the House the report of the Retrenchment Committee and the resolution relating to it moved by the honourable member Mr. Jog. So long as Government held the power

[Mr. V. A. Surve]

they revised their own salaries as they liked, launched schemes like the Back Bay and Lloyd Barrage, introduced district and other courts in Karachi and other places, and incurred unnecessary expenditure in all ways as they liked. Matters came to such a pass that they had to yield to the appointment of a Retrenchment Committee. In the *ad interim* report issued by the Retrenchment Committee, they have shown retrenchment to the extent of Rs. 28,35,000 in the salaries of Government employees, with a view to meet the deficit of 60 lakhs in the current year's budget. What the Government did was, they increased the expenditure in four or five departments solely with a view to show a deficit in the budget. Even if the excess expenditure in these departments is reduced and restored to the original level, there will be no need for all this trouble. If this is done, there will be a saving of nearly 1½ crores of rupees. In the Stamp Department, the expenditure has been increased by Rs. 4,15,000. In the Forest Department, the expenditure has been increased by Rs. 71,000. In the Land Revenue Department the expenditure shows an increase of Rs. 96,63,000. As regards the reserve with Government, they have increased it to Rs. 1,95,000. I am sure that the Retrenchment Committee should have taken all this into consideration, but still I wanted to remind them about this, if they have not so considered this aspect of the question. Now, they have proposed a cut in the salaries commencing from Rs. 50. But the position of the Council is this. We have no control and no voice over the salaries of the Civil Service and there are non-voted items which we cannot touch. If we leave aside these big items, we have very little scope to suggest any retrenchment. Look at the enormous growth in expenditure in the Bombay Secretariat. Where there were two or three secretaries before, there are more than half a dozen now, all of them in receipt of a salary of more than Rs. 2,500. Can we not cut short the number of secretaries and also curtail their salary? Look again at the amount of money provided for all the laboratories in the Presidency including the Parel Laboratory! That is an institution reserved for colonels of the Indian Medical Service—military men—and when there is no work to be provided for any I. M. S. man, he is appointed as Director of the laboratory. It is stated that medicines for all diseases are prepared there. The medicines prepared there on serpents' bite are of no use and the expenses incurred thereon are quite unnecessary. I therefore do not see any necessity for these institutions. Take, again, the Director of Public Instruction and the host of educational inspectors under him. What are they doing? They are all paid high salaries for practically no work, and the cultivator is saddled with the cost. Then, there is the Public Works Department. In spite of the high salaries prevalent in this Department, it takes them Rs. 50,000 to execute a work which the district local board can do for Rs. 16,000.

Again, in all these departments a number of allowances are provided—house allowances, touring allowances and what not. How is the cultivator to pay all these?

Again, take the Police Department. There also there are highly paid officers.

[Mr. V. A. Surve]

There is another channel through which the public money is wasted in connection with the increments in the salaries of big big police officers such as Inspectors and Deputy Police Superintendents, etc. When the King-Emperor was here, a sum of nine lakhs of rupees was sanctioned for increasing the salaries of policemen, but, unfortunately the sum was utilised in revising the salaries of officers of higher ranks and the poor policemen remained as they were.

Coming now to the Revenue Department, I find from a reply given to an interpellation by Mr. Gunjal that the replacement of kulkarnis by talatis costs Government 28 to 30 lakhs annually. Why not abolish the talatis and revert to the kulkarni system and make a saving of 28 to 30 lakhs thereby?

Then, I find a sum of 86 lakhs and odd provided for the Irrigation Department under the Head XIII and IX-Irrigation, Embankments, etc., in blue book, which does absolutely no work. Why should they not stop this unnecessary expenditure temporarily until our finances improve, and make a saving thereby?

I have now shown how more than a crore can be saved by the adoption of the suggestions I have made. I therefore request the Government to consider the proposals I have made to-day. If they are not given effect to during the next two or three years, then we will see that the departments are removed.

The Honourable the PRESIDENT: The honourable member's time is up.

Mr. V. A. SURVE: Only three minutes, Sir. With regard to the Excise Department, I think it will automatically be retrenched when the reforms come.

I do not oppose the resolution which is before us. I have only made certain suggestions and I hope that they will be accepted by the Government.

Mr. G. WILES: Sir, the honourable the mover of this resolution put forward some rather vague figures. I think it is rather dangerous for any honourable member to prepare vague estimates and assume that they are correct if they are not disputed by Government. It is not always easy to follow the figures which are produced in the course of a debate; and I suggest that it is most unsafe for any honourable member to assume that his figures are correct, if they are not immediately disputed. I therefore propose merely to make a statement of such figures as I have been able to gather of the actual cost of establishment. I ask you to bear with me while I give in detail possibly rather uninteresting figures. If any honourable member wishes to take them down, I will proceed slowly. But I will place the statement on the Council table as soon as possible.

I will give you the figures of 1919-20. I divide them into three categories, (a), (b) and (c); (a) gazetted officers, (b) non-gazetted officers and (c) inferior servants. In 1919-20, gazetted officers numbered 1,621 and the cost was Rs. 1,22,19,000. In 1928-29 the number of gazetted officers

[Mr. G. Wiles]

was 1,723 and the cost was Rs. 1,71,46,000. Non-gazetted officers in 1920 numbered 56,198 and the cost was Rs. 2,67,10,000. The number in 1928-29 was 52,166 and the cost was Rs. 3,35,59,000. Inferior servants numbered 12,701 in 1919-20 and the cost was Rs. 22,48,000; in 1928-29 they numbered 18,661 and the cost was Rs. 30,52,000. The totals are :—

			Number.	Cost.
				Rs.
1919-20	..	..	70,520	4,11,77,000
1928-29	..	..	72,550	5,37,57,000

I propose to add together (b) and (c)—

Mr. V. N. JOG : Are these the figures before the war ?

Mr. G. WILES : Will the honourable member let me complete my statement and ask any questions afterwards ?

Adding (b) and (c) together, the numbers are 68,899 and the cost Rs. 2,89,58,000 in 1919-20. In 1928-29 the totals are 70,827 and Rs. 3,66,11,000. I will give the reasons for adding these together. In 1919, under the Civil Service Regulations which were then in force, officers on a pay of Rs. 10 and under were classed as inferior servants. In 1928, under the Bombay Civil Services Regulations, officers on Rs. 30 and under were classed as inferior servants. This accounts for the bulk of the increase under "inferior servants." But there has been an increase of about 600 under Excise, Jails and Justice.

Secondly, the apparent increase of gazetted officers from 1,621 to 1,723 is almost entirely due to the change of classification of inspectors of police numbering about 187 and the creation of the Bombay Engineering Service with a cadre of 180 with consequent promotion of upper subordinates to gazetted rank. During 1919-20 the revision of the following services took place. Part of the additional cost thereof falls in the year 1919-20 :—

Indian Civil Service,
Bombay Civil Service,
Indian Service of Engineers,
Indian Educational Service,
Indian Medical Service,
Indian Police Service,
Bombay Police Service, and
Indian Forest Service.

The total increase in that year over the cost of establishments prior to revision was Rs. 4·8 lakhs for gazetted officers and Rs. 16·7 lakhs for non-gazetted officers—total about Rs. 21½ lakhs. The pre-revision cost of establishments was therefore Rs. 390 lakhs approximately.

These figures include all establishments—permanent and temporary—and all special pay and allowances except travelling allowances and compensatory allowances which are given in certain expensive places. Prior to the general revision which took place in 1919-20 and subsequent years the clerical establishments in a number of departments had already

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been revised and peons and other menials received war allowances. The estimated total cost amounted to about Rs. 10 lakhs. The I.C.S. and the I.M.S. had also received certain additions to pay, the average cost of which was estimated in the year 1922 (not actual figures—only estimates) to be Rs. 3½ lakhs and Rs. 1½ lakhs respectively. I may as well tell the honourable House that a complete statement of the dates of the revisions and the offices was given to the Legislative Council in 1922 and will be found in Volume V of the Legislative Council Debates of that year. The cost, however, as given in that statement was not the actual cost of the revisions but it was based on certain formulae which experience has shown have been excessive, particularly in the case of services which are placed on a time scale. Speaking from memory, I think the cost of the All-India Services was put in that statement at about Rs. 92 lakhs. As far as I can find out, the total cost has never exceeded 80 lakhs. The cost of the All-India Services to-day, that is to say, 1930-31, according to the latest figures we have, is Rs. 77,42,000. Of this sum the cost of European members of the Services is Rs. 57,89,000 and of Indian members is Rs. 19,53,000. In 1915-16 the estimated cost of the All-India Services was Rs. 67,69,000.

Mr. L. R. GOKHALE (Poona City) : Sir, in the first place, I wish to express my appreciation of the *ad interim* report of the Retrenchment Committee. I think, Sir, that it is really a very valuable document. I do not agree with the expression of view of my honourable friend Dr. Gilder, about the *ad interim* Report. I find in the report expression is given to two important opinions which will be of great use to us in the near future.

Firstly, at page 5 of the report, paragraph 20, it is stated what should be the strength of the Executive Councillors and Ministers. That is really an essential and I should say a bold statement from the popular point of view. Many have been thinking about the reduction of strength of the Executive Council. They have been of opinion that, considering the financial condition of the country, there are too many Executive Councillors and perhaps too many Ministers, but very few have given expression to these thoughts in a definite way. That is one point which is worth remembering in the report of this committee.

The second point that the Committee has taken up is on page 7, paragraph 32.

On page 7, paragraph 32, they say in the last three lines :—

“ At the same time we recognise that all salaries from *top to bottom* must be dealt with simultaneously in the interests of equity and that statutory difficulties if any in the way of doing this must be left to the authorities to deal with,..... ”

This is another expression of opinion which is equally essential and equally fearless. I do not thereby mean to say that we do not appreciate the very valuable services rendered to us by the members of the Indian Civil Service, but really, Sir, a time has now come when a definite step ought to be taken as regards these pays as not only in Bombay, not only in India, but all over the world the cry of economy has gone forth ; and I believe this committee has very fairly put the case from the popular

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point of view. Considering these two positions, I think we have to consider the present question before us. My honourable friend from Satara, Rao Bahadur Kale, has certainly given expression to his view in the amendment which he has proposed and which view has been since incorporated in the resolution moved by the honourable mover. That resolution reads thus :

"This Council, whilst of the opinion that a radical reform reducing the salary scales and number of public servants in all departments is the proper way of putting the finances of the Presidency on a safe basis, looks with disfavour on the recommendations in the *ad interim* Report of the Retrenchment Committee appointed by Government resulting in any curtailment of the activities of the Nation-Building Departments which would tend to give a set-back to these departments, and considers the recommendations in the *ad interim* Report of the Retrenchment Committee regarding the Public Services as inadequate and therefore....."

Now, Sir, I find in the Retrenchment Committee's report there are no definite proposals made as regards these two points noticed by my honourable friend Rao Bahadur Kale. They have merely indicated the line on which these retrenchments ought to go. We have to remember this is an *ad interim* report only, and I am sure that if the committee works further with the same spirit and with the same zeal with which it has been working, better results and more acceptable results will follow and that their next report will be of great use to us. Probably, had not this resolution been so much widened at this stage, I am sure all these proposals would have been better defined, and better considered. Sir, a number of resolutions have been tabled as regards this retrenchment question. One of those resolutions stands in my own name about a non-official committee. I do not think that resolution will be reached in this session. It advocates the appointment of a combined committee consisting of 15 members of whom 8 should be non-officials and 7 officials and in that I say that that retrenchment committee should prepare a scheme giving us the opinion of the official and non-official members as regards the strength, the scale of pay of the whole service. That of course is a part and parcel of this very question. Then again, I had asked for certain information which the Government thought was too costly for the House to be supplied with ; that was also about the pays of the various officers and their allowances. I am glad to find that the honourable member the Finance Secretary has now been good enough to give us certain data for certain years for salaries of the three services. All these questions require careful study before we are able to put forth a well thought out scheme before this House for its acceptance. The main principle to be kept in mind is that there ought to be a reduction not only in the salaries but in the strength of the various departments—that is the only way by which we can secure substantial retrenchment—and, further, that the retrenchment *must begin from the top*. I want also to state one more fact. If we are not by any means able to begin from the top at this stage at the present time, I would certainly say, "Let us make a halt and say 'No. Unless we begin the retrenchment from the top and come to the bottom, any proposals of retrenchment somewhere else will be resented and will not be accepted with that *quiet mind* with which

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we ought to accept them'." Therefore, I would tell the honourable House that if possible we should express our opinion unitedly that there ought to be curtailment from the top, and until that is done, we should not proceed with the retrenchment question, and I am sure if we adopt this attitude, certainly the high quarters are sure to begin some retrenchment at the top.

Then the next point on which, I am sorry, I do not agree with my honourable friend Dr. Gilder is as to what he said about the Executive Councillors and the Ministers. No doubt the Councillors and the Ministers have to depend upon their Secretaries and surely they cannot be supposed to carry figures and facts in their heads or in their pockets. They have to administer so many departments and we know that they are often asked for certain facts—very detailed facts—which it is not easy for them to remember. If my honourable friend Dr. Gilder, as is quite likely, adorns the front official bench some day, I am sure he will also require the help of his Secretaries probably on a larger scale than is now the case with our present Ministers. And, there is one great difficulty in the way of the Ministers. The Secretaries are too many. If they are not consulted, somebody will ask, "Why are they there and why are they being paid for?" That is a point for consideration also. So, the question arises, if we have such a long list of Secretaries, Deputy Secretaries, Under Secretaries, Assistant Secretaries and assistants to the assistants, and assistants to the assistants, what would you do with them unless you made them work? That also is a point to be remembered and thought about. The fact remains, however, that they must be working and that they must be made to work. I for one know what a splendid service is always ready at your beck and call. Let the Ministers and Members ask any question and we know the answers are very prompt and very helpful. The information that we get is from the back-benchers, the Secretaries—

An Honourable MEMBER : What a compliment, Back-benchers !

Mr. L. R. GOKHALE : Certainly, it is a compliment to them and we must pay it to them because they deserve it. Therefore, I do not agree with my honourable friend Dr. Gilder in the remarks that he made.

After having said so much about the comments of my honourable friend Dr. Gilder, I want to say something about retrenchment itself. I must say that retrenchment must first begin with the Public Works Department and I will give my reasons. They are people who live in the mofussil and their wants are low and they live always in a very frugal way, and therefore I say we must begin with that department. The pay they get is probably much more than what they need. I say this because, Sir, in some cases the accumulation of these officers at the time of their retirement is probably more than double the total pay that they have received during the whole of their service. This is the report ; you may take that for what it is worth. You may put it down to any reason you like, but that fact remains. If the officer gets Rs. 100, by the time he retires, we find that he has accumulated wealth in his house—

An Honourable MEMBER : Rs. 50,000.

Mr. L. R. GOKHALE : A good deal more than that. And that is excluding the expenses of his family, excluding educational expenses and so on. His net gains are more than his accumulated pay.

Dr. M. K. DIXIT : How ?

Mr. L. R. GOKHALE : I do not know, I will leave it to be understood. One of my friends says they may be very frugal and they do not spend. Anyway they accumulate and accumulate, and they increase their earnings probably by lending money out on interest. [Laughter.] Whatever that may be, the fact appears to be as I have stated. I am sure that those who are responsible for this will take it seriously into their heads and will make an enquiry to see whether what I am saying has any grain of truth in it. If there is, I am sure the question requires an immediate consideration at an early date at the hands of those who are responsible for this state of things. Sir, it is not an innocent thing. My honourable friend Mr. Surve has told a good many things to us about the Public Works Department. I know we are holding our courts in the Poona city in a palatial building which has cost Government something like 21 lakhs of rupees. That building is an embodiment of inconvenience and uselessness. [Laughter.] It is for the Court however a beautiful building, a beautiful pile of buildings containing offices, chambers and what not ; but with all that, it has all the disadvantages of a building for a Court house. What is the cost of that building ? Rs. 21,00,000. If that building had been done by a private individual departmentally, it would have cost at least 30 per cent. less. It may be that the people who built it are experts, and that in what ? Not in saving money but in spending it. The question of savings possibly does not enter their minds at all. People who build at their own cost and departmentally are more frugal, are more sensible, are more sensitive of loss of money that is spent by them. That aspect of the question was probably not present to the department which built that building, but I submit it is a question which requires immediate consideration at the hands of Government and of this House. Of course, I am aware that the principle of the resolution having been widened, we have almost reached a second debate of budget as it were. I thought of making some definite proposals about the strength of the various departments, but I can at this stage not go into it as my time is coming nearer and nearer the limit laid down by the Honourable the President.

There is one more fact which I want to say as regards the general policy of the cuts. Let me definitely say that no cuts, if we can avoid them, should be below the salary of Rs. 100, at any rate below the salary of Rs. 50. It has been asked, "when the prices have gone down by 50 to 70 per cent. why should there not be a reduction in salaries ? Those whose wants are very limited do not live in the silks of Germany and Japan or in the cotton of Liverpool, neither do they take any material from America or other foreign countries. They live in India upon Indian made articles and if the prices of the Indian made articles have gone down, why should they not be the first to have their pay cut down ? " An argument of this kind has been advanced. I consider it as a most

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misleading argument, not to use a harsher word. The only reason why I say these people should be left untouched is this, that these persons whose salaries range up to Rs. 100—at least a majority of them—used to live on half a meal a day and perhaps used to clothe half of their bodies. By the aid of an increase in their income, they have been able to get two full meals a day and to clothe their bodies fully and to educate their young children. Are you now going to deprive them of their necessities? I was simply surprised to hear my honourable friend Dr. D'Souza yesterday. Probably the learned Doctor has no idea of how the poor people in the Bombay chawls live. I do not know if the learned Doctor always wants a fan in his room, perhaps he does, perhaps he does not, perhaps he wants a fan when he delivers lectures in the Grant Medical College and the pay of men in these positions may be reduced, but what about all those who are living in the chawls in Bombay, in these wretched chawls of Bombay? Should you not look to them? Is it not our bounden duty, Sir, to see that we clothe them properly, that we feed them properly, just as we have to look to the Bombay millhand, and the poor agriculturist in the field? He is our backbone, he feeds us, and I believe it is due to him that we should look at him for a moment when we talk of retrenchment in pay. Therefore, I say, "Do not look at pay which is less than Rs. 100."

The next point I wish to bring out, Sir, is——

The Honourable the PRESIDENT: The honourable member has only one minute.

Mr. L. R. GOKHALE: If the Chair will kindly give me five minutes, I will be very thankful. In some places there are magistrates and judges too many. I do not say so about Poona, because I represent Poona City; I leave it to others to say that. But I do say, speaking generally, that there is an over-number of the judiciary. There are more Sub-Judges than we really want, and my proposal is that out of these at least some should be invested with magisterial powers. Instead of reducing the number, let them have magisterial powers. I am sure that now the hobby of prestige of Government is no more considered as very reasonable. Times have changed, and a separation of the judicial and executive functions may be available perhaps soon. But before we do that, my submission is that we should at least make this arrangement, as that will save us a lot of posts.

The next point is about the Revenue Department. I have been always saying that the Commissioners ought to go. Then there are the Prant Sahebs. What a Prant Saheb is, I really fail to see. They are a post office, taking from the mamlatdar something and handing it over, with compliments, to the higher authority. That is major portion of their work, and we should look in that direction and try to save something. Then there are two other Departments, the Veterinary Department and the Agricultural Department, in which some economy is possible. Then there is also the Department of what is said to be making schemes of town-planning, the Department of the Consulting Surveyor to the Government of Bombay; that is a department which we really do not

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want. These are some of the departments that we should concern ourselves with and try to reduce their strength, at any rate for the time being. These are my tentative proposals. The time will come when all these proposals will be taken in their order, and suggestions for permanent reduction will have to be made.

In conclusion, I would only say this. Our policy as regards retrenchment in pay should be first to enquire into the wants of the servants. To say that we should have this wholesale retrenchment at a stroke of the pen, to say that whoever draws so much should be retrenched or whoever draws so much should be given an addition, this kind of wholesale retrenchment is, I think, not sound in principle and desirable in practice. If they find that the Retrenchment Committee's report will take too long a time—I hope they will not take that time—then the Government benches with the representatives of the people should sit together and, as an *interim* measure, come to some understanding about these retrenchments. I believe even in this House there are honourable members on the popular side with so many proposals for retrenchment. They should put their heads together, put forth a reasonable scheme and submit it to Government for their consideration. With these remarks, I support all the amendments, with the exceptions that I have indicated, and also the resolution.

Rao Bahadur R. R. KALE (Bombay University): Sir, various circumstances have combined to make the question of salaries an extremely important one at this juncture, and especially the financial situation in which the local Government and the Government of India find themselves at the present moment, and the time is ripe for the devolution of the control over the Services in the immediate future to an agency different from that which had been in operation for the last so many years. I am grateful, at the outset, to the Retrenchment Committee as well as to the Members of the Government for having allowed a discussion on the whole question of salaries including those of the All-India Services.

It will be seen, Sir, that the question of salaries is closely allied with the question of recruitment, and the present position regarding the salaries paid to various public servants will disclose that it has been reached in course of time from the year 1858 to 1925. And what has been the controlling factor all along? The controlling factor has been the standard of the pay of the Imperial Services, which was fixed under circumstances which certainly justified the scale fixed at the time, and which in the beginning, we are told, was fixed so long ago as the year 1858, on the report of Mr. Recks, who was specially appointed as Commissioner to go into the whole question of salaries. But on account of later developments—mainly the question of recruitment which affected the Europeans when it came to be revised in the year 1886 with the help of the Aitchison Commission,—the question assumed a different aspect, and that Commission of 1886 tried to give a different turn to this recruitment, and also, as a consequence, to the question of reduction in the cost. But I am

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sorry to say that the recommendations of that Commission of 1886 were not given effect to and, in fact, Sir Reginald Craddock, in his reply to the questions of the Lee Commission, himself stated that the local Governments did not pay enough attention to the carrying out of those recommendations. The next landmark on this subject was the Islington Commission of 1914-15. It took a different view of things, and the question of keeping the level of Indians and foreigners as far as possible on an equal footing was again stressed. Lastly came the Lee Commission, and later on we had of course the Report of the Simon Commission, and the Round Table Conference also had discussed the question of the Services. My point is that throughout the angle of vision from which the question of the Services has been looked at has been the standard of pay for European recruits, and it has been fixed not by reference to the criteria which ought to govern questions of this kind, but with reference to the standard which was set up in the early beginning. As a matter of fact, there must be independent criteria on which new scales of salaries must be based, and in this connection I may be excused if I quote some statistics with regard to salaries in other countries, showing the proportion of the salaries of the highest administrative posts to the lowest clerical posts and the earnings of unskilled labour. A statement of that kind may be useful, I submit, in coming to a conclusion as to the condition of salaries in this country. In giving my figures, I shall first give the proportion between the lowest clerical salary and the salary of the highest administrative post and then the proportion between the earnings of unskilled labour and the highest administrative posts. In the United Kingdom it is 1 : 30 and 1 : 32. In Canada it is 1 : 10 as between the clerical salary and the highest administrative post and 1 : 17 as between unskilled labour and the highest administrative post. In the United States of America the proportion between the clerical salary and the highest administrative post is 1 : 9 and between unskilled labour and the highest administrative post 1 : 9. In Germany it is 1 : 13 and 1 : 13, as between the lower clerical establishment and the wage earner on the one hand and the highest paid post on the other. In Japan it is 1 : 13 and 1 : 14. When we come to India, the proportion between the lower clerical establishment and the highest administrative salary is 1 : 200 and the proportion between the wage earner and the highest administrative post is 1 : 133. The figures of the income per capita are also very important, as they show that with very limited wealth the burden of salaries is enormous so far as our country is concerned. I shall content myself by making the remark that the national income per capita in India is 74; in Japan it is 295; in Germany it is 520; in the United States of America it is 1,850; in Canada it is 1,420, and in the United Kingdom it is 1,240. The figures of the lowest clerical salaries and the highest administrative salaries are also important and I shall just quote them. In the United Kingdom the wages of unskilled labour, of the lowest clerical establishment and the highest administrative salary are 1,333, 1,266 and 40,000; in Canada the figures are 2,740, 1,650 and 27,400.

Rao Bahadur D. R. PATIL : Are they rupees, or pounds, or what ?

Rao Bahadur R. R. KALE : All these figures are given as rupees. In the United States of America, the figures are 2,950, 3,125 and 27,400 ; in Germany, 1,140, 1,110 and 29,400 ; in Japan 675, 650 and 8,800 ; and in India the lowest clerical salary is 360, the wage for unskilled labour is 240 and the highest salary is 48,000. These figures will be found quoted in a pamphlet which is likely to be soon published by the Economic Institute of the Servants of India Society, and it will perhaps prove of great help to the Government when they will be in a position to examine the question of the cut in salaries. My point is that in India the high pitch of the salaries is due to the fact that the original standard that was set up was and has been all this time with reference to the scale fixed for the Imperial Services. Of course it has been admitted that in the beginning the difficulties of foreigners serving in this country were much greater than they are to-day, as in those days they did not have the facilities and advantages which they now have. They have come from a distance of 6,000 miles and they suffer from some disabilities even now, but still the point is that these difficulties have decreased as the years have gone by.

An Honourable MEMBER : How ?

Rao Bahadur R. R. KALE : Owing to facilities in the shape of more rapid communication and other matters which are available now, there is a difference between the early sixties and the present year. However, that is another matter. The whole point that I am stressing is that the real criteria of fixing the salaries must be those which are taken as a standard in other countries to-day, irrespective of the present standard with regard to provincial service men. I am not going to make any distinction between Europeans and Indians, but I am looking at the whole question from the taxpayers' point of view. If the income of the taxpayer is insufficient to bear the highly costly administration, it is up to us to find out a way and revise the whole scheme. Therefore I submit there ought to be a revision of the whole question of salaries from top to bottom on graded percentages. In this connection I am glad to say that the Retrenchment Committee has issued a questionnaire, an exhaustive document. Those who take the trouble to study the questions will be able to support with facts and figures any recommendations they may suggest and assist the Retrenchment Committee or the Members of Government to come to a proper conclusion in this matter.

Now, after having stated so much, I have to consider the second part of the resolution which relates to the recommendations of the Retrenchment Committee with regard to other matters. I must say that the Retrenchment Committee laid down before themselves two principles. Firstly they proceeded to say that there must be retrenchment in order to meet the deficit of the current year. They therefore laid down certain suggestions. As a matter of fact the deficit this year as contemplated was 60 lakhs which now threatens to be one crore. All the retrenchment that has been proposed by the committee is 28 lakhs. It will hardly be sufficient to meet the deficit. As the Marathi proverb

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goes : “ दांत कोरून पोट भरत नाही.” There must be some source like a temporary borrowing by which this can be met. The question of salary cannot be settled this year. I must say and it has been stated by Government that it is an all-India question. The question of salaries not only relating to this Presidency but relating to the other presidencies also must be taken as a whole and all the heads of the different provinces must put their heads together and frame a new scheme. As we are now on the eve of getting *swaraj*, we shall have to carry on the administration with the object of expanding what are called the nation-building departments. We feel that sufficient money has not been spent on these departments. Therefore we must look at this question from a different angle of vision and prepare a scheme in consultation with different governments. Then alone some solution can be found which will be satisfactory to all. Therefore I submit that the retrenchment proposals in certain matters are not satisfactory. For instance I cannot agree with the proposals to reduce education grants. Can you believe that the members of the Retrenchment Committee willingly suggested this cut ? As a matter of fact, it seems that they must have reluctantly submitted some proposals here and there for the time being like the stopping of this grant. All these activities are useful activities. Again the Retrenchment Committee has shown in Appendix B the item of surrender by officers. There are no details as to which officers surrendered what. In the year 1922, officers were asked to make retrenchments and thereafter repeatedly. They have effected retrenchments in such a way that it has caused dissatisfaction all over the Presidency. When officers are asked to make retrenchment, they do it in any way just as the Retrenchment Committee themselves have made proposals, because they have to put forward some proposals. We know how we suffered for want of furniture in courts and in offices. Really the retrenchment was carried to extremes with the result that it caused dissatisfaction. Having regard to Peshwa Daftar, it has been doing good work at a very low cost of Rs. 5,000. It is recommended to be retrenched ! Really it ought not to be. Similarly the curator of the Satara Museum. It was opened by His Excellency only last year and it has just commenced working. After all, the amount is very small. What is to be done with the curator ? He must be given some post somewhere. After all, these proposals bring in a small saving of Rs. 18,00,000. I endorse fully the remarks made by some of the previous speakers that it is a sad relief that any proposals should affect the grants-in-aid to higher and secondary education. It will ultimately fall on grants-in-aid which will, after all, bring in Rs. 50,000. This Rs. 50,000 must be spread over somewhere. It may affect some activities and may ultimately be to the detriment of the interest of education conducted by private bodies.

The DEPUTY PRESIDENT : The honourable member's time is up. I will give him a few minutes more.

Rao Bahadur R. R. KALE : We are called upon to express our opinions with regard to the proposals of the Retrenchment Committee within

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a very short space of time. These suggestions by the committee will not be received with favour. We do not approve of these suggestions.

Lastly I should like to say something about Appendix D, where a time scale of pay is proposed. Government have issued a statement as to what they propose to do. I submit I am not satisfied with the proposed scales; they must be further reduced. I do not know again why the proposed scales are restricted to certain departments only. I should be in favour of a wholesale proposal brought into force regarding all departments transferred or reserved. I consider that the scales which have been laid down are much more than what they ought to be for the future. As I said, the Irrigation Department was not admitted into the All-India Service and so also the Educational Department until the recommendations of the Islington Commission. When these departments were admitted into the fold in the Educational Department, the professors and principals of Government Colleges became highly paid officers. In this connection we have to take into consideration the question of supply and demand. Now, we are in a position to get educated men to fill these posts in the Educational and other departments at a much cheaper cost. You must pay them cheaper, because the money comes from the poor taxpayer. Therefore I submit that the revision proposals must be such as to meet our simple wants. The wants of Indians are limited. Whatever may have happened in the past with regard to the scales of pay fixed then, in comparison with the figures I gave prevailing all over the civilised countries, I submit that the time has come when we should be bold to frame a scale of our own. What is the value of a clerk in an establishment? It ought not to be more than that of a wage-earner. If a wage-earner gets Rs. 20 or Rs. 25, a clerk ought not to get more than that. That is what is found in other countries. With reference to these circumstances, we have to take into account and proceed to frame proposals in regard to this question. Therefore, I do hope that the Retrenchment Committee with the assistance that they may receive—Government also—must take into account all these various proposals and frame a scheme which will be in the best interests of the Presidency and give a lead to the other presidencies also.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I would like just to move a small amendment to the resolution itself.

The DEPUTY PRESIDENT: I cannot allow any amendment at this stage. The honourable member must have noted that the Honourable the President disallowed an amendment which was proposed to be moved by Rao Bahadur Asavale. If the honourable member refers to Standing Order VIII he will realise the point.

Rao Bahadur R. R. KALE: May I ask the Leader of the House whether it is not a fact that this resolution is discussed in this House in order to give an opportunity to honourable members to place their views before the House? This is not to be put to the vote to decide the result one way or the other.

The Honourable Sir GHULAM HUSSAIN: No.

Rao Bahadur R. R. KALE : The resolution is there. The honourable member can express his views.

Khan Bahadur M. A. KHUHRO : Sir, I wish to make a general observation with regard to the proposals of the Retrenchment Committee appointed by this House. I should like to divide the proposals of the committee into two parts. First of all, let me tackle the question whether the committee have made sufficient retrenchment in the reserved departments or even certain transferred departments where they have either failed to make any cut or have done very little which is not at all sufficient to meet the satisfaction of this honourable House. Later on, I will take up the question whether the cut they have proposed in the Education and Medical departments is at all justified.

Now, I would submit that the retrenchment that is proposed to be effected in the reserved departments is not sufficient. It is an established fact and it is rather difficult to refute that statement that the expenditure that is being incurred in the reserved departments is rather very lavish and amounting to extravagance, so far as the highly paid appointments are particularly concerned. The question of salaries is a very general question and I propose to deal with it later on. At present we have to consider whether the present number of top appointments in the reserved departments is necessary. I should like to follow the line adopted by the retrenchment committee and deal with all the departments one by one in the order prescribed by the Retrenchment Committee.

On the question of the Public Works Department, my remarks will be confined to the province of Sind, with which I am well acquainted. Leaving aside the expenditure on the maintenance of the canals, for which money is provided in the shape of grants every year, I shall deal with the question of the number of appointments. I will start with the provision of two posts of Chief Engineers in Sind. The Barrage is going to come into operation from the year 1932, and I understand that there is a proposal to retain the two Chief Engineers even after the Barrage is amalgamated with the Public Works Department. I also understand that the late Chief Engineer, who has only just retired from the post, has recommended to Government the abolition of the post of Chief Engineer of Sind, on the ground that there is not sufficient work for that officer. When the Barrage is amalgamated with the Public Works Department, apart from the Barrage work, there will be still less work for a separate Chief Engineer of Sind. It will not at all be difficult for the Chief Engineer of the Barrage to undertake the supervision of works over the whole of Sind. Moreover, the question of the abolition of the post of Chief Engineer of Sind is as old as 1923. The Retrenchment Committee of 1923 also recommended that either this post should be done away with, or that the posts of two superintending engineers should be done away with. Coming to the question of superintending engineers, I understand that the Chief Engineer of the Barrage has submitted a proposal to Government for the creation of five posts of superintending engineers for the Barrage. I do not think that the proposal is justifiable. At present there are only two superintending engineers, and in the future I think there should not be more than three superintending

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engineers and in addition one Chief Engineer only. The question of the number of divisions and sub-divisions is a matter of detail, but I hope that the honourable member from Sind who is serving on the Retrenchment Committee will pay sufficient attention to that and see that no more divisions than are necessary are created.

I come now to the question of Public Health, which is the next item dealt with by the Retrenchment Committee. Honourable members who have knowledge of the working of district local boards and who come in constant touch with the public health officers—assistant directors of public health—know perfectly well what work they have been doing. The only duty that devolves on the assistant directors of public health is supervision over vaccination. Honourable members who are presidents of district local boards will be able to tell you that practically all the cost of vaccination is borne by the district boards and only a negligible amount is being contributed by Government. For instance, I understand that the District Local Board, Larkana, gets a grant of only Rs. 300 against an expenditure of Rs. 12,000 which is incurred by them on vaccination. The district local boards have got sufficient establishment to take over the supervision of vaccination in their areas. Therefore, it is absolutely unnecessary to keep these assistant directors of public health. Considerable saving can, therefore, be effected by handing over vaccination to the local boards. If Government choose it, for the sake of show, they can retain the appointment of Director of Public Health, but there is no justification, I suggest, for retaining the assistant directors of public health.

Then I come to the posts of Director of Information and Chief Conservator of Forests. I understand that the post of Chief Conservator of Forests was abolished for some time, but was subsequently restored. I am glad to find that a suggestion has been made by the members of the Retrenchment Committee that there is no justification for retaining this appointment. I hope that when the Retrenchment Committee come to deal with the question of permanent retrenchment, they will consider this point. Most of the honourable members of this House also feel that the work done by the Director of Information or the Chief Conservator does not justify the retention of these two appointments of great cost and involving considerable expenditure.

I come now to another reserved department, namely the Home Department, in connection with which the Retrenchment Committee have proposed only a cut of Rs. 51,000, and that too mainly concerning the payment of "bhattas" to the witnesses that go to attend the Courts. A huge lot of money is spent by this department. The House will remember how lavishly money is spent by this department. Only during the last budget session, an excess of three lakhs of rupees over the budget provision had to be authorised by the Council for police in Sind, although we made it clear to the honourable House that it was a wasteful expenditure. A considerable part of this House protested against it vehemently, but Government carried their demand. There is sufficient room for retrenchment in this department, and it is for the

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Retrenchment Committee to suggest a reduction in the number of appointments coming under this department.

As regards the departments of Revenue and General Administration, the recommendations made in 1923 have not been given effect to. I think the Retrenchment Committee would have been well advised to recommend the immediate carrying out of the proposals made by the committee of 1923. If those proposals are put into effect immediately, considerable saving will be made even in the present year's budget. Take, for instance, the appointments of huzur deputy collectors. The abolition of these posts was recommended by the Retrenchment Committee of 1923. They had suggested that wherever there was a branch of the Imperial Bank, there was no necessity for these appointments. They formerly used to do a certain amount of judicial work also, but now since it is becoming a growing policy not to give them any judicial work, there is indeed very little work left for them to do. The work connected with the treasury is only signing whatever is put before them by the head accountant. Therefore, there is no necessity for these appointments. There are now four places in Sind where these deputy collectors are retained. Then I come to the question of daftardars and the supervising tapedars in the Revenue Department. I hope that the Honourable the Revenue Member will admit that these daftardars who are of deputy collector's grade can easily be replaced by mukhtiarkars. The practice of having daftardars of deputy collector's grade continues in three districts of Sind. In Nawabshah and Thar Parkar there are only chitnises. If these daftardars are replaced by chitnises, who are of mukhtiarkar's grade, there will be some saving.

As I am pressed for time I will come to the more important question of the salaries. From the figures supplied in the report of the Retrenchment Committee, we find that no less an amount than Rs. 537 lakhs are spent on salaries, which roughly comes to 40 per cent. of the income of the whole presidency. This is really a big sum, and I think that at a time of such great economic distress it is essential that there should be sufficient reduction effected in the salaries. I am sorry to observe that the committee have not been unanimous in their recommendation about the cut in salaries. Even the highest cut proposed by four members of the committee will not be considered sufficient at the present time by this honourable House. The House knows how the agricultural business and the industrial classes are hit by the economic depression. Their incomes have been reduced from 100 to 20 and in some cases even 15. Therefore, it is only reasonable that the service class too should share in this misfortune and contribute their full quota. I hope Government will make a substantial reduction in the salaries.

As regards the recommendation made by the committee in relation to education, I join in the protest against the cut of five per cent. in the grants to secondary schools and colleges. The cut of five per cent. in the grants made to primary education was given effect to by Government without the previous sanction of the House, and I feel that even

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that cut should be restored, as it is seriously detrimental to the interest of the people in mofussil who are very backward in education.

Then, as regards the Medical Department. The condition of the hospitals in Sind is very bad at present. The grant for diet charges and clothing has been reduced to a very great extent. Certain philanthropic officers, like the present Collector of Hyderabad namely Mr. Gorwalla have been trying to collect funds for hospitals by organising benefit performances and shows. I hear that the Collector of Hyderabad has collected about Rs. 10,000 for the hospital at Hyderabad. Government should not have driven their officers to this method of resorting to private help for satisfying the needs of civil hospitals. I hope that the honourable House will protest against this cut in the Medical Department, and I hope that Government will restore this cut as early as possible.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, it has just now been said that the House is not going to vote on the resolution but is going merely to carry on a discussion in order to convey to Government the views of honourable members of this House. Just now, the Honourable the Leader of the House was questioned by the honourable member Rao Bahadur Kale whether votes are to be taken on this resolution and the reply was given in the negative. This side of the House simply has to place its views before Government so that Government may know them and try to carry them out. But of the result of conveying the views to Government or even of passing the resolution I am very doubtful.

So far as the question of retrenchment is concerned, this question has been and is being discussed on the floor of this honourable House for the last 10 years and I would ask the Honourable the Leader of the House and for the matter of that honourable members opposite whether any of the recommendations worth the name of this side of the House have been given effect to.

As regards the report of the Retrenchment Committee, I would not like to go into details as the time for discussion is short and also I was asked by the Retrenchment Committee to send my proposals to them which I have done in details. I would request the Retrenchment Committee to pay due considerations to them. I would therefore make general observations on the recommendations of the Committee. I would first take the nation-building departments. First I take the Educational Department. I quite agree with the previous speaker Khap Bahadur Khuhro that the Retrenchment Committee was not well advised in making any cut in the educational expenditure of this Presidency and specially the primary education. The control of primary education was handed over to the local bodies with certain conditions laid down,—one of them being that Government would contribute to local boards the whole cost incurred by Government prior to handing over the control to local boards on primary education. Now Government come forward and say that they will get 5 per cent. less than they were promised. The result is not only a breach of agreement on the

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part of Government, but looking to the finances of the local bodies, they will not be in a position to carry on the work entrusted to them.

The Honourable Sir GHULAM HUSSAIN: May I interrupt the honourable member for a moment, Sir? How much out of the educational grant is spent on establishments?

Rao Bahadur B. R. NAIK: I will come to that. The department concerned has addressed all local boards on the subject and asked them to cut their budgets by 5 per cent. That is the circular we have received from the department concerned. After all, Government are spending $1\frac{1}{4}$ crores on primary education, which is only $8\frac{1}{2}$ per cent. of the total revenue of the Presidency. And now Government asks us to cut down 5 per cent. of the grants fixed for primary education. I ask, is there no other source left for Government to retrench that they should come down on the Educational Department? As we all know, the Educational Department is an essential nation-building department. There is so much illiteracy in the Presidency. You will, Sir, allow me to tell the Government that while they are receiving Rs. 7-8-0 per head as revenue from the Presidency, they are only spending 10 annas per head on primary education in the Presidency. Yet Government come to us with a cut of 5 per cent. in Primary Education. One would be inclined to accept this cut as an emergency measure, but I ask Government whether they have tried all available sources of retrenchment. My reply to this question is an emphatic "No".

The Honourable Sir GHULAM HUSSAIN: Most of the money is spent on salaries.

Rao Bahadur B. R. NAIK: I am concerned with the revenue and expenditure of the Presidency. Out of a total revenue of 15 crores 537 lakhs are absorbed in salaries and 240 lakhs are spent on contingencies and travelling allowances; so more than half of the revenue of the Presidency is spent on salaries and allowances. My contention is that the Government is spending only $8\frac{1}{2}$ per cent. of the total revenue on primary education, and looking to the present financial condition of the local boards, I can say that they will not be in a position to efficiently carry on the administration of primary education. There is no doubt that this is a distinct breach of faith on the part of Government.

Take the state of the Medical Department. There the Government have cut down diet charges, while they have retained the post of Personal Assistant to the Surgeon General, which was recommended by the Retrenchment Committee of 1923 for abolition. At that time Government contended that it was an I.M.S. post and therefore it could not be abolished without the permission of the Secretary of State. But at present it is not being held by an I.M.S. officer but by a Bombay Medical Officer. It would therefore be quite easy for Government now to abolish this post. I may say for the information of honourable members that Government is spending a quarter of anna per head of the rural population on medical relief and at the same time they have maintained a

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specialist in Bombay for venereal diseases costing Rs. 28,000 per annum with establishment.

Take the post of the assistant to the Dean of the Grant Medical College. This post was created in 1920 which costs about 6,000 to 7,000. Till then the work was done by the head clerk. All such posts can be easily done away with and some saving can be effected.

Now, Sir, I come to another most important item, general administration. Is it not possible for Government to realise that it is now time to do away with the posts of Prant Officers? The revenue duties could be done by the mamlatdars and the magisterial duties could be handed over to the ahal karkuns and judicial officers in the districts. Then there are certain districts which can easily be amalgamated and managed by one collector—

The Honourable Mr. W. F. HUDSON: Would the honourable member just mention one or two such districts?

Rao Bahadur B. R. NAIK: Surat and Broach can be amalgamated.

The Honourable Mr. W. F. HUDSON: Thank you.

Rao Bahadur B. R. NAIK: Take the question of huzur deputy collectors. They are not necessary in places where the Imperial Bank has branches. They are not necessary in such places. The head accountants can do the work.

With regard to the posts of Commissioners I have in my note to the Retrenchment Committee made certain recommendations and I do not think I should go into detail now. Sir, there is so much overlapping in many departments—not only in the revenue department, but in other departments also. I can assure the Honourable the Revenue Member that if he makes a careful search, he will find that in many of the departments there are more clerks than are necessary.

With regard to the forest department also, if it is properly examined, you will find that it is overfed and overstaffed. I have submitted my proposals to the Retrenchment Committee in this connection also and I would request the members to go through them and pay due consideration.

As regards the Public Works Department, I have stated on the floor of the House and I repeat it again: what effect has been given to Mr. Shah's recommendations? He was an officer belonging to the Accountant General's office; he had no connection with the Public Works Department. He knew his business very well. He proposed a cut of Rs. 11½ lakhs and so far as I have been able to find out, only a few of the recommendations have been accepted and a few posts have been reduced.

Mr. G. WILES: May I correct the honourable member, Sir? Out of the proposals of retrenchment of 11½ lakhs, proposals for retrenchment of Rs. 8½ lakhs have already been accepted.

Rao Bahadur B. R. NAIK: I am glad to hear that, but besides that, there is sufficient scope in this department for retrenchment. There are more sub-divisions than necessary. Now, I ask the honourable

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member the Finance Secretary to obtain the figures for Surat and other districts and study them. How many subdivisions are there and what is the expenditure on establishments in proportion to the total expenditure on works? So far as I know, the expenditure on Public Works Department works in Surat and Broach amounts to Rs. 4 lakhs. For carrying them out there is one executive engineer, three subdivisional officers and about a dozen overseers and so many mistries and clerks, such might be the case in almost all the districts. There are certain works which could easily be handed over to the district local boards and which can be economically done by them. Government will thus save establishment charges by doing away with some higher officers and at the same time local boards will be benefited by having to do large volume of works by engaging qualified engineers in their overhead charges.

These and others are the suggestions which I have made to the Retrenchment Committee and I hope they will receive full consideration.

Another suggestion which I have made in my note for the Retrenchment Committee relates to the judicial department. I don't deal with it here but will draw the attention of the members of the committee to the suggestion and ask them to deal with it properly and carefully and see what can be done.

Now I come to the important question of cutting of salaries of establishments. Apart from the question of financial crisis of the Government—which is no doubt serious—I would earnestly ask honourable members opposite whether the services in India are not more highly paid than in any other part of the world. Taking all circumstances into consideration, Sir, about a year ago, I tried to give the cost of general administration in other dependencies of Great Britain which ranges from 3 per cent. to 8 per cent. And what is the cost of general administration here? Fourteen per cent. We are spending about 2½ crores out of a revenue of 15 crores on general administration which comes to about 14 to 15 per cent. I sincerely ask whether there is no scope for retrenchment—leaving aside the financial crisis—for reducing the salaries of Government servants? There is no question of community—European, Indian, all alike should come under it.

The Honourable the PRESIDENT: The honourable member has got hardly three minutes now.

Rao Bahadur B. R. NAIK: Sir, I earnestly ask honourable members opposite—leaving aside the question of financial crisis during which the nation has got a right to appeal to the patriotism of Government servants—is it not fair that the nation should ask them to consider this question dispassionately and see if they are not overpaid in comparison with the rest of the world. If that is denied, I would respectfully challenge honourable members opposite to stand up and say which part of the world pays its civil and other covenanted and some of the provincial services on a higher or on the same scale that we do in India—whether they be Indians or Europeans. I have spent, Sir, several years in a country which stands very high from the point of view of the standard

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of living—which is one of the most costly countries, the expenditure on general administration there is from 3 to 8 per cent. I say from my own personal experience that the Indian Civil Service and other covenanted services and provincial services in India are paid at higher rates of salary. It is necessary, therefore, in the present financial crisis, for the Government servants themselves to volunteer and assist Government. As one of the honourable members said, the agriculturists are hit very hard. He is not in a position to bear the present taxation and much less in a position to be taxed any further. I therefore say that it is for the Retrenchment Committee and Government to find out a way by which the salaries of highly paid officials be equitably reduced and some exception can be made in favour of low-paid Government servants.

The Honourable the PRESIDENT: Would the honourable member enlighten the House as to the country which he says has a higher standard of living than India and which nevertheless has a much lower cost of general administration?

Rao Bahadur B. R. NAIK: South Africa. The standard of living in South Africa is very much higher than that in India and yet the cost of general administration is much lower than in India. In my budget-speech of the year 1930, I gave certain figures of the cost of administration in the provinces of South Africa, Australia and other countries such as Japan and the United States of America. The Governor of the Province of Illinois in the United States of America gets only about 600 dollars say about Rs. 2,100 as salary per month.

It has been suggested that all servants from the lowest paid menial to the highest paid official should be brought under retrenchment. I am not in favour of that. I say that Government servants drawing salary of Rs. 100 and under, should be exempted, and if at all the Government or this honourable House or the Retrenchment Committee itself desire to touch salaries below Rs. 100, then I would request them not to touch salaries of Rs. 50 and below. It has been asked why only the higher paid salaries should be penalised and not the others. The present salaries were fixed when owing to various causes such as the conditions brought about by the war and monetary and other transactions, the standard of living of these people went up, and it would therefore be very difficult, if not well-nigh impossible, for them to adjust themselves to reduced expenses at this time of day. Moreover although the prices of certain cereals and other commodities have no doubt come down to the pre-war level of 1914 still the cost of some other necessities of life has not come down to the same pre-war level of 1914, and I am firmly of the opinion that these low paid-servants will be hard hit if their salaries are retrenched. This is a point which the Retrenchment Committee will do well to bear in mind. I mention this particularly as I find that some of the members of the Retrenchment Committee consider it desirable to retrench salaries of low-paid servants drawing pay below Rs. 50 also. I have recommended 3 per cent. cut in the case of servants drawing Rs. 51 to 200 and above that 5 per cent., 10 per cent.,

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15 per cent. and so on on a graded scale. I would earnestly request the members of the Retrenchment Committee to bear in mind that these poorly paid servants who even now can hardly make both ends meet will find it still harder to do so if their present salaries are cut down.

There is also this to be considered. You can reduce your comforts or luxuries but you cannot cut down your bare necessities. You may ask me to reduce my comforts but I want something to eat and I must have something to clothe my body with and to educate my children. I cannot do without these necessities. Therefore I say that those who have got surplus money should have their salaries retrenched. Government too recognises this principle in the schedules laid down under the Income Tax Act under which those who get higher salaries or higher incomes have to pay a super tax and to pay at higher rates. That is a very salutary maxim which may be followed with advantage and justice in making their recommendations for the retrenchment of salaries of Government servants. Those Government servants who get such salaries which leave them a surplus after providing the necessities and which enable them to spend on comforts and luxuries might of course be subjected to the retrenchment axe, but not those poorly paid Government servants who can hardly meet their day-to-day living expenses. I sincerely trust that the Retrenchment Committee will not fail to bear in mind this point when they come to make their final recommendations. With these few remarks, I resume my seat.

(After recess)

Dr. M. K. DIXIT (Surat District): Sir, I am glad that there is at least one Honourable Member on the opposite benches to represent the Government. He is the Leader of the House and he can be taken to represent all the sections of Government.

It is quite natural that Government officers take very little interest when we are discussing the subject of retrenchment. So many honourable members on this side have talked on this particular resolution, and many of the things they have said have probably been said several times. We have been at retrenchment for the past so many years. For ten years we have been discussing the subject of retrenchment. A retrenchment committee was appointed, then a retrenchment officer, and now we have the present retrenchment committee. But the result has been very unsatisfactory. Even in the case of the present retrenchment committee, I do not know what will be its report, and to what extent retrenchment will be carried out, or how far its suggestions will be put into effect. But I hope for the best. An honourable member, who is a member of the retrenchment committee, asks us to hope for the best. There is nothing wrong in hoping; we can hope against hope.

Sir, this is such an important subject that suggesting a cut here or a cut there does not solve the problem. We are on the eve of an era when the anticipated income of the Presidency will be in the melting pot. Thinking about the recent political agitation that has been going on for the last so many years and the various proposals that are put forward by

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the people who are carrying on that agitation, the chief one of them is in favour of a reduction in the land revenue. Sir, the Council will be well advised to take it that when the new order of things comes into effect, the land revenue income is going to be curtailed to an appreciable extent. Another point is about the liquor and toddy business, from which Government derive a handsome income. This House has been talking about prohibition, and Government also have accepted that policy; and the agitation outside this House for prohibition also proves that our income from the Excise Department is bound to be appreciably reduced. Under these circumstances, we have got to consider to what extent we can retrench our expenditure. One has got to be very careful about the income, but one has got to be still more careful about the expenditure, because, it is after all the income which will give us some criterion for our expenditure, and if it is certain that our income is going to be gradually but appreciably curtailed, I think we must see that our expenditure is kept well within our grip. From this viewpoint I want to submit that the solution of this very difficult problem is to be considered from one standpoint, and that is reducing the salaries of these different kinds of services—the All-India Services, the Provincial Services, the Superior Services, and so many other services. We cannot afford to give very high salaries to the public servants in our Presidency, particularly when the new order of things comes in. The honourable member the Finance Secretary gave us certain figures, and what interested me most was that he made one specific division of gazetted officers, into Europeans and Indians. Sir, there is a demand in the country for the indianisation of the services. So far as I have been able to tackle that subject and form an opinion about it, my view is that indianisation of services should not rest merely with putting an Indian in these jobs; the important thing is to fix their emoluments on the basis of Indian financial considerations. To put an Indian officer in the All-India Services on the same pay as a European gets is as good or as bad as appointing a European to the post. We do not want to make distinctions as between Indian and European officers. When we talk of indianisation of services, what we want is that any man may be appointed according to our requirements—Indian or European officers, but what is demanded is that their emoluments should be fixed according to Indian standards of life and Indian standard of income, and not according to foreign standards of life. By indianisation I mean not an Indian appointed in a post, the salary and allowances of which are fixed up according to European standard of life and European income. That is my view. I hope this aspect of the question will be considered by the Retrenchment Committee. Possibly their recommendations may not be accepted by the present Government or the future Governments, but the record of their report will be very useful for consideration by future generations. We all know very well—we have all been saying for probably more than a quarter of a century—that the J.C.S. is the most highly paid service in the world. I do not want to waste time of the House by quoting figures borrowed from various books, and give comparative figures from England, Germany, Canada,

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Japan and Australia and to repeat all that, but I have just one or two suggestions to make to the Retrenchment Committee. We have talked about education, about Public Works, about Excise, about the Judicial Department and other departments also. But I shall say just a word which I would request the members of the Retrenchment Committee to take note of, and that is about the Medical Department.

Sir, the original resolution, embodying the amendment moved by the honourable member Rao Bahadur Bole, lays down one fixed principle, that retrenchment should not be effected in nation-building departments. Of all the nation-building departments, the most vital and the most useful is the Medical Department. The Medical Department is very poorly organised in our country, and retrenchment that has been effected in the number of beds and the scale of diet for the patients attracted the attention of this House, and the honourable member Dr. Gilder yesterday gave very illuminating figures regarding the retrenchments effected in the Medical Department. He has drawn the attention of the House to the fact by quoting certain figures in certain hospitals. I do not want to enter into the question of the racial discrimination in the matter of the number of beds and the diet charges. I suppose it is enough if the attention of the authorities is drawn to that point. He also referred to a reduction of 10 per cent. in the diet charges in certain hospitals, and particularly in the hospitals in Bombay city. He referred to the Cama and Allbless Hospitals where a reduction in the diet charges had been made, the result of which is that the women coming to the hospital for delivery have their diet reduced at a time when they require better diet than the ordinary diet as they have got to feed themselves and their babies also. I just want to refer to another point which he has left out, and that is about the reduction of beds in the Cama and Allbless Hospitals. Eighteen tuberculous beds have been reduced there. By tuberculous beds I mean beds required for people suffering from consumption or phthisis. Now, these 18 beds are removed altogether from that particular hospital. What will be the effect of this? There may be advanced cases of phthisis or consumption, and there may be early cases. If you remove the early cases, if you do not admit them, the result will be that these cases will grow worse, and from early cases they will be converted into advanced cases, and later on all the attention that they will require will be a *post-mortem* examination. If you discharge the advanced, the old, the chronic cases, the result will be that they will be spreading infection in the whole city, and the spreading of the contamination outside will result in many more people being attacked by consumption. I think the authorities in charge will be well advised to see that these 18 beds which really give relief to a few poor people and which would prevent them from spreading the infection throughout the city will be restored, and relief given to the poor in that direction. That is not a direction in which retrenchment might usefully be effected.

Then I want to refer to another point. I hear that in certain hospitals the medical officers in charge of the out-patients department have been instructed to admit into the hospital those patients only who will

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bring their own diet from home. It may be a good point from one consideration ; those people who can afford to have their diet from home can do so and get relief in the hospitals. But so far as my experience of the hospitals goes, I find that those who come for admission to the hospital are absolutely poor. They are people who live from hand to mouth ; they are people who earn their wages and spend it, and never lay by money in the bank ; it is they who come to the hospital. As soon as they are ill, they cannot go to work and they do not get any money and they come to the hospital, and they must be fed by some agency. If they are asked to bring their own diet from home, it will be impossible for them to remain in the hospital. They will have to move about in the city begging, get more ill and ultimately die. But there is another consideration. Very often there are certain diseases which require special diet. If you ask a man suffering from typhoid or dysentery or diarrhoea to bring his own diet from home, he will bring any sort of diet. He will bring his *bhakri* or *chapati* and *chutny*. If a man suffering from typhoid or dysentery is fed on *bhakri* or *chapati* and *chutny*, it will make him worse. So, as far as the dietary of the patients is concerned, I think the pruning knife should not be applied to it. If there are any orders sent out to the hospitals to admit only those who bring their own diet from home, they should be withdrawn and the *status quo* should be restored. If the Retrenchment Committee wants some retrenchment to be effected in the Medical Department, I have got one or two suggestions to make.

For instance, in the J. J. group of hospitals, there are three superintendents—one for the J. J. Hospital, one for the Cowasji Jehangir Hospital and third one for the Motlibai Petit Hospital. There are three hospitals and for each one the Chief Medical Officer gets a sort of superintending allowance. Now, these hospitals are situate in a single compound. Instead of paying allowance to three men, you can pay it to one man for superintending the work of the three hospitals. Another source of retrenchment is about the lay secretary. When he was appointed, it was stated that he was to be appointed for two years temporarily as an experimental measure. I do find that he has been able to effect certain economies during the last two years. If you keep him there permanently however there is no further economy to be effected. You cannot have a Retrenchment Committee to sit all the time. The function of the Retrenchment Committee is to suggest retrenchments looking to the conditions that prevail at the time. In the same way the lay secretary may be dispensed with now when sufficient economies have been effected. I do not think the economy that has been given effect to by Government is acceptable to the House. The honourable member Dr. Gilder very humorously described the work of the lay secretary. He would think whether an orange and egg should be given to a patient and waste half an hour and he will then take it to the Chief Surgeon to decide the point whether it is necessary. I think the time has come when the lay secretary can be dispensed with. He can easily be retrenched.

The Honourable the PRESIDENT: The honourable member has exceeded his time.

Dr. M. K. DIXIT: One more source of effecting a saving is this. There are certain posts of a tutorial nature for lecturing to students on subjects which do not form part of their curriculum. I think they can go. The system of admission to the Medical College at present prevailing is as follows:—The students have to pass their inter-science before they are admitted in the Medical College. In this inter-science examination they have finished the preliminary and subsidiary subjects. Only the principal subjects directly connected with the medical side of the curriculum are to be taught. Still we have lecturers on chemistry and physics. To my mind this is a waste of money from the Government coffers and a waste of the time of the students. I think they may as well go.

Mr. J. R. ABERCROMBIE (Bombay Chamber of Commerce): Sir, I understand that this debate is to be of an academic nature and I must say that I am glad to hear that the resolution moved by the honourable member Mr. Jog and the amendments moved to it by other honourable members will not be put to vote, because I think it would be in the nature of a vote of censure on those honourable members who have given their time and labour on the Retrenchment Committee. The amended resolution also seeks to limit the scope of the committee's activities and enquiries and I would like to put forward certain figures which show how necessary it is to examine with utmost care the expenditure of this Presidency on education. The honourable member Rao Bahadur Naik produced some figures which seemed to show that Government is making a very poor contribution towards primary education. I would like to produce certain figures which throw a different light on the subject. I have taken the figures of expenditure per million of the population. I find that the expenditure per million of the population on education of all classes in the Madras Presidency is 6.26 lakhs; in Bengal it is 3.14 lakhs; in the United Provinces it is 4.53 lakhs; in the Punjab it is 8.55 lakhs; and in the Bombay Presidency it is 10.54 lakhs. I have taken these figures according to the provincial budgets for this year, 1931-32.

Rao Bahadur B. R. NAIK: I said about the percentage of expenditure on primary education. May I request the honourable member to give figures of revenues of the different provinces he is referring to, side by side?

Mr. J. R. ABERCROMBIE: These figures, as I said, were taken from the provincial budgets of this year, 1931-32. They show that the Bombay Government is spending two lakhs more per million of the population than any other presidency or province in India. It is far from my intention to say that in this province we have gone too far in the matter of primary, or secondary, or any sort of education. I should like to say that there is no Englishman who does not realise how backward India is in this respect, but I do feel that perhaps we have gone too fast considering the resources at our disposal. Also it is very necessary to see that the money that is spent is properly spent and that there is no

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waste. In this respect I would like to refer to the speech of the honourable member Mr. Beckett in the last session :

"In this connection, I would point out that the proportion of the expenditure on primary education in this presidency is higher than anywhere else in India, and that the share borne by Government of the district local boards' expenditure on primary education is well over 80 per cent. of the total expenditure. The percentage contribution of Government towards primary education has increased far more in recent years than the percentage increase of the local boards' contribution. Also the percentage contribution from boards towards primary education is much lower in this presidency than elsewhere in India."

Let the Retrenchment Committee look into it. I have no desire to prejudge the issue by suggesting what recommendation the Retrenchment Committee should make, but I have shown the necessity for a careful examination of the expenditure on education and I hope the Retrenchment Committee will examine every item of the accounts and make their proposals without fear or favour. If they do so, I can assure them that they will receive the support of this portion of the House at any rate.

I want honourable members not to overlook the fact that when they plead for the dumb millions they have also got obligations to the taxpayer. Each member who has made a speech on this subject has complained and protested against cuts in particular departments. Everybody seems to be quite willing that the Public Works Department and the Excise Department should be cut down, but all of them have suggested that particular items in which they are personally interested should not be cut.

I would like to make a few remarks on the subject of salaries. I shall be no party to any cut in any salary which would involve a breach of contract on the part of Government. I feel this most strongly, because in ordinary business, if I have a contract with one of my employees and if I dismiss him, he has recourse to a court of law. This is not so in the case of a Government employee. Therefore, it behoves Government to be more careful than even a private individual or a firm would be in this connection. I would also remind honourable members of the remarks which were made in the budget session on the question of the Ministers' salaries. I was extremely gratified to hear the remarks passed on my countrymen in Government service who for many years have given their time and service, efficiently and honestly, and as far as I could gather, to the satisfaction of this honourable House. I therefore hope that, whatever scale for the new cadre may be proposed by this honourable House, in connection with the salaries of the present cadre, either provincial or all India, no cuts will be proposed. I understand that a provincial commission was held to study the question of salaries in all the provinces. I feel that at the present time it would be premature to decide what cut is necessary in the salaries until we have the report of that committee before us. I would say in this connection that I entirely agree with the proposal put forward by the Retrenchment Committee that such cuts as are made in the Government servants' salaries should also be applied to servants of local bodies which receive Government grants. That is all that I have to say. I hope in the light

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of these remarks the honourable member Mr. Jog will withdraw his resolution.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, in pursuance of the statement that was made day before yesterday by my honourable friend the Revenue Member indicating the intention of Government Members not to participate in the discussion on this subject, I have no intention to speak on the merits of any of the proposals made by the Retrenchment Committee, at this juncture, but I think it will be perfectly right if I were to draw the attention of this honourable House to such criticisms which, according to my opinion, have been based on a misappreciation of facts. I would simply say, Sir, that two honourable members here, Dr. Gilder and Dr. Dixit, stated that orders were issued by the Government that 10 per cent. of diet should be reduced. This is not absolutely correct. I stated this in the last Council meeting also. What was really meant by reduction in the diet charges was that the number of patients admitted into the hospitals would be reduced by 10 per cent. I am sorry that in spite of that explanation this criticism has been repeated again. What has been cut down really is the extras. Last October they amounted to 40 per cent. of the total diet charges in the J. J. Hospital. Much of the extras, soda water, etc., ordered never reached the patients. The medical staff may sanction them, if necessary, but they must order them specifically. That is what is intended.

Both these honourable gentlemen stated that much valuable time was wasted by the superintendents and other officers over very trivial matters. That is not exactly so. The effect of this close attention has been to reduce the cost of free extras from Rs. 3,200 per month in October 1930 to Rs. 750 per month in April 1931, i.e., from 40 per cent. to 14 per cent. Now, I just leave it to this honourable House to say whether the attention which is being paid is paid to a trivial matter as is endeavoured to be made out ? It comes to nearly Rs. 25,000 a year.

Dr. M. K. DIXIT : Is it suggested that the medical officers order out these extras without proper consideration ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I have no intention to impute any bad motives to the officers at all.

Sir, a certain amount of criticism was directed towards the reduction of beds and the relative charges of different hospitals. I am not in a position at this moment to get the exact figures from Bombay, but I think that the honourable member Dr. Gilder is not correct in saying—

“ There is another matter to which I refer with a great deal of hesitation, namely, unequal treatment to the different communities in the hospitals. It is a matter to which I refer with a great deal of diffidence. At the St. George's Hospital Government is providing 220 beds, but Government is providing 689 beds at the other hospitals. May I ask, Sir, whether the population of Bombay consisting of Europeans and Anglo-Indians and the population of Bombay Indians is in that ratio ? ”

Further on, he says—

“ The average number of beds occupied at the St. George's Hospital—I have taken my figures from the Report on Hospitals and Dispensaries—is 125·5.”

[Sir J. Sir Rustom Jehangir Vakil]

Now, in the first place, evidently the honourable member Dr. Gilder is referring to the report which was published in the year 1930 and which referred to the working of the year 1929. But the honourable member has not taken the trouble to refer to the budget figures of 1931-32. The honourable member proceeds to say—

“As I said, the average number which was 839 beds were occupied by 882 patients on the Indian side. Then, Sir, the diet in the St. George's Hospital costs Rs. 2-11-1, and I understand that that is not subject to the 10 per cent. reduction.”

The most important point is when he says—

“It may be but the Government itself is spending out of its own contribution Rs. 4,47,881 for keeping 125·5 patients at the St. George's Hospital per day, and it is contributing Rs. 4,45,000—Rs. 2,000 less—for keeping 391 patients at the J. J. Hospital per day.”

This statement is not strictly correct. The estimate for 1931-32 for J. J. Hospital is Rs. 4,14,000 and the estimate for St. George's Hospital is Rs. 3,32,000 and not Rs. 4,47,000 as stated by the honourable member. The receipts from patients in St. George's Hospital is Rs. 1,35,000; the receipts from patients in J. J. Hospital is Rs. 500. If you deduct Rs. 1,35,000 from the figure of 3,32,000, it comes to nearly 2 lakhs. So, the expenditure on St. George's Hospital comes to about Rs. 2,00,000 and not Rs. 4,47,000.

Dr. M. D. GILDER: May I ask whether the figures which I quoted are correct, according to the Report on Civil Hospitals and Dispensaries?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Yes, for the year 1929. But the honourable gentleman did not take into account the receipts. The receipts even in 1929—I have not the figures with me—were perhaps over a lakh of rupees.

Dr. M. D. GILDER: I said that. I said that they received over a lakh of rupees from the patients. If the Honourable Minister looks at the Report on Civil Hospitals and Dispensaries for 1929 he will see that the total of Government contributions is Rs. 4,47,000, as I said.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: The honourable member is perfectly right. The total Government contribution was Rs. 4,47,000 in 1929. But, as I said, the honourable member forgot to deduct about Rs. 1,25,000 of the receipts. That is my point, Sir.

Dr. M. D. GILDER: If you look into the report, you will see that the total contributions do not include that Rs. 1,25,000. In Table G of the Report it is stated that this Rs. 1,25,000 is in addition to the Government contribution of Rs. 4,47,000.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: The second point was that it would have been much safer to make a comparison taking into account the latest figures in the budget. That is what I am trying to point out. There are many other things which I would like to bring out, because these statements are likely to give an incorrect impression to the House, but as I said, I am not in possession of all the figures, at this moment. If the honourable gentleman wants to know

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the exact state of things, I shall always be prepared to supply him with the necessary information.

Sir, comparisons are sometimes very misleading and odious. Both the honourable members referred to the fact that very highly paid officers are engaged in Government hospitals. The honourable member Dr. Gilder in the course of his speech said—

“ I am working at another big hospital—luckily it is not a Government hospital.” thereby implying that the hospital with which the honourable gentleman is associated is managed on more economic lines. I should certainly be very glad if that hospital worked on economic lines and set an example to others. But in the same breath the honourable gentleman proceeded to say that very highly paid officers were employed in J. J. Hospital and other hospitals. Colonel Vazifdar, as professor in the Grant Medical College and Superintendent of J. J. Hospital gets only Rs. 2,115 per month. The corresponding officer at the hospital where my honourable friend is working, I am informed, gets considerably more than that.

With regard to the reduction of beds, the responsibility for medical relief rests with the Municipal Corporation. Government as part of an old settlement with the Corporation undertook to maintain certain institutions on a certain scale and they have done so. Provision for expansion rests with the Corporation. Government are sorry that they cannot do more. They are fully carrying out the terms of the settlement and cannot at present give more to relieve the Corporation of their responsibilities. A certain number of beds has been reduced, but the present number, even with the reduction, is not less than what was stipulated for in the original settlement. But I suppose that the honourable gentleman would agree with me when I say that it gives no pleasure to Government to reduce the number of beds simply for the sake of fun. We all know that we are in a very bad way financially, and if we are going to reduce all other departments, we have to reduce some expenditure in the Medical Department also, and, as I said on a previous occasion, Bombay has got so many hospitals run by the Corporation, by Government and by private individuals that 130 beds could probably be reduced without any serious inconvenience to the people of Bombay. If you compare the Bombay hospitals with those in the mofussil, I am sure that you will be inclined to think that Bombay, in point of medical facilities, is by no means treated unfairly. With these remarks, I again request the honourable members Dr. Gilder and Dr. Dixit to note that I shall be very glad to consider any suggestions that they may be pleased to send to the Retrenchment Committee and that they will receive very careful consideration at the hands of my committee.

Dr. M. D. GILDER: On one point which the Honourable Minister made, Sir, I would like to know whether, when he compared the pay of Colonel Vazifdar with the pay of the similar officer at the other hospital, he was aware that the officer at the other hospital is not only the Dean of the hospital but is also the Dean of the Medical College for which in the Government College there is a separate individual. Secondly, Colonel Vazifdar has the right of private practice, whereas the Dean of the other

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college has been deprived of his private practice. Consequently his pay has been fixed a little higher. Was the Honourable Minister aware of that when he made the statement?

The Honourable the PRESIDENT: Order, order.* I just wanted to make the position clear. The Honourable Minister, at the beginning of his speech, said that members on the Government benches were not going to take part in the discussion and that that was the impression he got from some statement made by the Honourable the Revenue Member. I did not understand the statement to mean that. I think that during the discussion as points arise affecting any department of Government, some light should be thrown on them by the Honourable Members concerned with a view to curtailing debate. At least the non-official side expects honourable members on the Government benches to rise and make some statement like the useful statement made by the Honourable Minister just now.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, at the outset we must thank the Chairman and members of the Committee that was appointed to go into the question of retrenchment of expenditure. There is no doubt that they have considered this question thoroughly well; not only have they themselves done this, but they have also consulted some of the honourable members of this House with a view to arriving at some decision in order to cope with the deficit in the budget of this year. They were also asked to suggest ways to curtail permanent expenditure. I hope that the honourable members who were consulted have sent in useful suggestions and that those will be considered by the Retrenchment Committee. I find from the ad-interim report that they have accepted some suggestions made by the said honourable members. I only agree with the recommendations made by four members of the Committee. There is no doubt that the suggestions made by them are very good but they are not sufficient, yet for the present they should be accepted by this House. I am quite sure that the Government as is constituted at present, will not be in a position to act according to all the suggestions made by the committee though they are good. Several proposals though acceptable to this house but some of which are beyond the power of the Government and the Retrenchment Committee. They require the sanction of the Secretary of State and an amendment of the Government of India Act. They have promised to refer this matter to the Secretary of State. Until the sanction is obtained they are not in a position to carry out the suggestions.

If the recommendations of the four members of the Committee are accepted, there will be a cut of 25½ lakhs in the salaries paid to Government establishments. If the other cuts in expenditure as recommended by Government together with the cut proposed by the Retrenchment Committee are at present accepted the deficit of this year will, to a certain extent, be wiped out and there will not be much difficulty for the Government for carrying out this year's business. The ratio which they have adopted for the cuts is very small and I request the members

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of the Committee to go into the question again. Sir, they have recommended a 5 per cent. cut from Rs. 60 to Rs. 199. I say this is right. But as regards the further reductions, on salaries from Rs. 200 to 499 they recommend only $6\frac{1}{4}$ per cent. That is not sufficient. Taking into consideration the cut of 5 per cent. on salaries from Rs. 60 to 199, the percentage in this case should be at least $7\frac{1}{4}$. Then I would request them to reduce 10 per cent. on salaries from 500 to 999 and from Rs. 1,000 up to 1,999 I would request them to effect a cut of 15 per cent. Then further a cut of 20 per cent. should be effected on higher salaries. If this is done, I am quite sure that the saving will be about 50 lakhs in salaries only and there will be no difficulty in carrying on the administration of the Presidency in future.

Now, I come to the recommendation of an honourable member who has proposed a cut in the salaries of persons getting 10 or 12 rupees also. I really pity the honourable member who suggested it.

I must also strongly protest against the cut suggested by some members in the nation-building departments such as education and medical relief. I do admit that there should be cuts in other departments, but not in these departments. The medical department is specially meant for the poor classes. Hospitals are opened by Government not for the use of the rich but for the use of the poor classes who are not in a position to spend a farthing on medicine. Sir, if it is proposed that there should be a cut in this department, I am afraid that it will be a very dangerous cut. With regard to primary education also, we know nowadays how illiterate people have been misguided in this country and if Government insist on keeping these masses illiterate, it will be both much troublesome and difficult for the Government themselves. It is therefore very essential that the people should be literate; otherwise it will be extremely difficult for the Government to carry on the peaceful administration of this Presidency. With these few remarks, I would request the Chairman and members of the Committee to look into the suggestions I made very carefully and carry them out if possible. For the present let us accept the recommendations made in the ad interim report by the four honourable members of the Retrenchment Committee.

Mr. M. H. MEHTA (Panch Mahals District): Sir, it is admitted that our finances are in a very bad condition. We also know that the condition of the agriculturist is not good. If the present crisis continues, Government will have to consider the revision of the assessment in some districts. Consequently, the revenue also is likely to be reduced. As my honourable friend Dr. Dixit has stated if agitation starts again, the revenue from the excise department will also be reduced. Therefore our liabilities would be met with only by reduction in salaries. If we do not touch the salaries, the only remaining source is nation-building departments. Many honourable members here have pointed out how difficult and dangerous it will be to have the pruning knife on these two departments. The Educational Department has suffered long and Government, by passing the Primary Education Act, has thrown the whole burden of primary education on the local bodies. When the

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question for opening new schools comes up the people have not now to come to Government; they are directed to the local bodies if they approach them. We know the financial condition of the local bodies. Without the assistance of Government nothing can be done in the way of development schemes which have been framed and submitted to Government for sanction and which have been shelved. Now we are faced with a cut of 5 per cent. The position is that though the number of pupils has increased we have not been able to employ additional hands. Nor have been able to open more schools. On the contrary, some of the amount that was being spent on scholarships, etc., in order to encourage the children of backward classes has had to be reduced in order to make both ends meet.

The other department that has been touched is the Medical Department. Now, the Honourable Minister said that the number of beds had to be reduced so that the diet amount will be proportionately reduced. My contention is that the people are poor and when they are not able to take treatment privately they have to go to the Government hospitals. I agree with the honourable member Rao Bahadur Asavale when he says that Government hospitals are meant for poor people. Now, if the facilities provided in Government hospitals are reduced, where should they go for treatment.

In order, therefore, to save these two departments from suffering, it is the duty of Government to look for savings to other sources namely, the salaries of their employees. The salaries that are paid to the All-India and provincial services are extremely high as compared with those of other countries. We have also seen how posts of a number of officers in different departments can be either abolished or reduced without any loss of efficiency. I am told that in the Medical Department too there is scope for retrenchment. The Personal Assistant to the Surgeon General is a medical officer and has to do administrative work which can easily be done by a head clerk. I am told that there was once a suggestion that that post should be abolished and his work should be given to the head clerk, but still the medical officer is continued. In the same way, in the Public Works Department there are certain posts which could be very well reduced. We know that Government have no money now to spend on any new construction either of buildings or roads, and yet Government have got very highly paid officers like the Consulting Surveyor and Superintending Engineers. Sir, I am told that there are 12 posts of Superintending Engineers and Government can certainly reduce at least six of these posts without any difficulty, and thereby the expenses could be reduced, and the amount thus saved could be spent on the nation-building departments.

In the same way there are certain departments such as the Co-operative Department and the Agriculture Department. These two departments can be combined and instead of the two high officials who are at present supervising these two departments one officer may be put in charge of both the departments. In this way, I submit the expenses could

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be reduced and there will be no necessity of starving the nation-building departments.

Rao Bahadur G. K. CHITALE : I move the closure, Sir.

The Honourable the PRESIDENT : I should like to know the opinion of the House as to whether they intend to continue the debate on this resolution over to-day. That would of course be at the cost of the other items before the House. I have no objection, but I thought that the material points had been placed before Government from this side of the House. If there are any new points to be placed or sources of retrenchment to be pointed out, then I would not accept the closure ; otherwise I feel inclined to accept the closure. How many honourable members wish to speak ? May I know ?

[Several honourable members stood up.]

I see there are quite a number. The honourable member Syed Miran Mahomed Shah.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I had no mind to participate in this debate—

The Honourable the PRESIDENT : I wish the honourable member had stuck to that resolve.

SYED MIRAN MAHOMED SHAH : I would have certainly done so, Sir, but I have certain new points which I wish to place before this House as everybody who has spoken up to now seems to have skipped over them. I will take only five minutes and that too for the benefit of the members of the Retrenchment Committee. I shall speak only about the departments with which I am rather intimately connected and I will not traverse the ground which has been gone over by my honourable friends who have preceded me.

I propose to confine myself to the recommendations of the Retrenchment Committee. I think my honourable friends should not have attempted to plunge into a general discussion suggesting permanent retrenchment and anticipating the results of the final deliberations of the committee. I am sure that when the Retrenchment Committee complete their final report, we shall have ample opportunity to criticise their recommendations. At the moment I think we should strictly confine ourselves to the recommendations which are before us.

I shall first speak something about the Home Department because being a practising lawyer I am rather intimately connected with the working of this department in so far as the judiciary is concerned. There is a mention in the report of the Retrenchment Committee of a certain fact which induces me to throw light on the subject in order to point out certain new sources wherefrom the Retrenchment Committee can find more funds to meet the deficit. On page 5 of the committee's report, under the heading Home Department, paragraph 22, the Inspector General of police has generously offered to surrender Rs. 1,62,000, and this officer has promised to point out certain other sources also for reduction in the Police Department's expenditure. I find that there

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are only two heads where the Retrenchment Committee has applied the pruning knife, one is the reduction of the fees of public prosecutors bringing about a saving of something like Rs. 2,08,000 and the other is the reduction of *bhatta* to witnesses which will bring about a saving of about Rs. 2,500. I say there is room for further reduction in the item, fees to public prosecutors. I have been urging in the past also upon Government that the activities of the public prosecutors should be only confined to the work in the sessions division at the headquarters, that is to the sessions cases, and that they ought not to be permitted to go and conduct cases in the mofussil where they claim enhanced fees—not ordinary fees but enhanced fees—*plus* travelling and daily allowance. They travel in the evening, stay for the night, conduct cases the next day so that they can claim the daily allowance which they cannot do if they return on the same day on which they travel. In my opinion no public prosecutor who gets an emolument of Rs. 150 or so and who is entitled to draw daily fees in addition, should be permitted to go to the smaller magistrates' courts and to conduct cases there. There are police prosecuting inspectors, police prosecutors and police sub-prosecutors and yet we find that the great public prosecutors are asked to traverse a long distance to the mofussil towns and to conduct cases—even small cases—in those towns. The public prosecutors of course charge enhanced fees and draw the travelling and daily allowance. Even though the cases are small and unimportant which can very well be conducted by the police prosecutors, public prosecutors have been engaged to conduct those cases. I will give you an instance, Sir. One gentleman happened to take two cows. He failed to return those cows within a particular time, and the District Superintendent said it was an important case and took it into his head to prosecute that gentleman. The services of the public prosecutor were engaged, and that case has been going on for 12 months (Laughter). Why should public prosecutors be engaged even in small cases such as mentioned by me when the police prosecutors are available and can conduct those cases without much expense to Government? It appears to me that engaging public prosecutors even in small cases in the mofussil is nothing but a lavish waste of money and as unnecessary as it is unjustified—

Mr. P. R. CHIKODI : The honourable member has made no definite proposal indicating a definite percentage, whether 10 per cent. or 15 per cent. or 20 per cent. or 25 per cent. Would he tell us what percentage he suggests?

SYED MIRAN MAHOMED SHAH : I do not suggest a greater percentage of reduction in the daily fees or the salaries of the public prosecutors than suggested by the committee. I do not mean that. I agree with the recommendations that have so far been made by the Retrenchment Committee, but I go a little further and suggest that further retrenchment can be made if only the services of the public prosecutors are not requisitioned to conduct small cases in the mofussil and if only the public prosecutors are confined to the sessions courts at the headquarters, so that the payment of enhanced fees, travelling allowance, and *bhatta* can be avoided and savings effected to that extent.

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Another thing. The Karachi Sessions Division has been attached to Hyderabad Sessions Division recently with the result that the public prosecutor from Karachi travels for each case to Hyderabad, claims the travelling allowance and the *bhatta*. Why not engage a local lawyer from Hyderabad itself to conduct the cases in the Hyderabad sessions and save the money on travelling allowance and *bhatta* paid to the Public Prosecutor, Tatta? I am pointing this out just to impress upon the honourable members of the Retrenchment Committee that there is still room for further savings if they would only take the trouble of investigating and if they would only induce Government to impress upon the heads of departments that they should feel for the interests of the general taxpayer and that they should disclose all those sources which do not ordinarily come to light and to the attention of the members of the committee who are not expected to know these details.

Another thing which I would just like to bring to the notice of the members of the Retrenchment Committee is the cut suggested by them in regard to the grant to district local boards. Government has been generous enough to grant Rs. 5,000 each year for the pay of establishment. The district local boards, as we all know, are struggling for existence. How can they bear a reduction in the grant made to them by Government? Does the Retrenchment Committee suggest that we can work the constitution well or that we have understood the principles of self-government or that we can create new sources of revenue or that we can invent money? Are not our interests inter-twined with the interests of Government? When the Government themselves are on the verge of bankruptcy, are not the district local boards likely to slide into bankruptcy if their grants are reduced or abolished? On account of abnormal times and general depression our resources are being reduced proportionately to those of Government. I think they should not simply presume that we are working well and that we have come to our own and that therefore we are able to bear any cut that may be imposed upon us. I think that is not a fair attitude to take up. It will simply mean undermining self-governing institutions which are rendering so much useful service to the people. The step that the Retrenchment Committee suggest is not an advisable step in my opinion and should not be supported.

As regards salaries, I think many honourable members have spoken and so I shall not say much. I think only one principle should be taken into consideration namely, that the Government servants should consider themselves as the servants of the public in the truest sense of the word, not in the sense in which that word is now understood. They should consider themselves as the true servants—not masters—of the public. These servants should look to the pockets of their masters and consider whether the masters can afford to maintain their servants at such high rates of salaries, also they should consider whether their masters' income has been reduced by 75 per cent. or by 10 per cent. and whether their salaries should be reduced to that extent or not. My honourable friend Mr. Abercrombie here has been reminding us of conventions and

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contracts. If the masters' income itself is reduced, what should they say to their servants? Supposing I am a master having a servant, and my income is reduced. What would I say to the servant? I would certainly say "Look here. So long I have been paying you a salary of Rs. 20 per month. Now my income has been reduced, and so I cannot pay you Rs. 20 but I will pay you something less. If you do not agree to it, you are at liberty to resign and go away". The honourable member talks of conventions and contracts. I believe the honourable member knows that there is the option given to the civil servants of ours to retire on proportionate pensions. That option is always there. They are quite welcome to take advantage of it. When our income has dwindled by one crore, how can we continue to pay on the same scale on which we were paying before? We have learnt from their own literature the maxim "Cut the coat according to your cloth." When the cloth is not much, how can a bigger coat be made? They should feel for the taxpayer's interests—they should feel like true servants. I do not depreciate their services. They have been rendering very useful services, but they should now appreciate the fact that our pockets are now empty and that we cannot afford to pay our servants as much as we used to in more prosperous times. My honourable friend the mover Mr. Jog proposes 25 per cent. cut. I do not want to go above 15 per cent. The cut should not be above 15 per cent. I do not also agree with the proposal made by my honourable friend Khan Bahadur Allahbaksh who says that even the peons should be brought under the retrenchment axe. I do not think that that is a sound proposal even from the financial point of view. I do not think it would be a sound principle from any point of view. The Khan Bahadur lays down the principle that the burden should fall on the shoulders most capable to bear it, and yet he suggests that even the low paid menials should bear a share of retrenchment. How can they bear this burden? The Khan Bahadur answers his own question. When the low paid peons cannot bear the existing burden of their daily expenditure how can they bear the pinch of the pruning knife.

Dr. P. G. SOLANKI: Sir, I rise to offer a few observations on the report submitted by the Retrenchment Committee. Much has been said about particular departments and so I will confine my remarks to the departments which most affect the masses. One such is the Education Department. My honourable friend Rao Bahadur Asavale has spoken much about it. I however would like to say a few words about the 5 per cent. cut which has been inflicted in the last budget session on primary education. That cut has been inflicted in spite of the protests of this House, that no cut should be made from the Education Department's budget for primary education. The result of that cut has been, as far as the city of Bombay Municipal Schools are concerned, that the children of millhands and of the depressed classes are now asked to pay fees for upper primary standards in primary schools. This works a great hardship on these people. I know that circulars have been issued to teachers in different schools in Bombay city to enforce this rule. The

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parents of these pupils refused to send their children to the school on the ground stating that the Government and the municipality wanted to give compulsory and free education to the children of the depressed and the labouring classes; and now comes this new news to them that they should pay their fees. The result is that the children of the depressed classes are scared away from the schools, and the education of the depressed and backward classes has suffered. Sir, I want to remind this House and the Government benches particularly that the cotton cess and the entertainments taxes were levied with the sole object of and with solemn promise of spending the money thus collected on the education of these classes and particularly for giving them compulsory and free education. Sir, that promise has not been fulfilled as yet and over and above this unfair treatment this 5 per cent. cut is really a very great hardship upon these people. I request Government to restore the income from the entertainments tax and the cotton cess for spending on primary education, so that it would come to the help of these people, and on this education the 5 per cent. cut would be minimised by spending this amount. Regarding secondary education and university education also the Retrenchment Committee has suggested a cut. Secondary education and university education are also necessary for the aspiring young men of all the communities. I do not advocate this cut but, at the same time, if it comes to this, that it is absolutely necessary that the cut should be made to make both ends meet, then secondary education and university education may be brought under the axe of retrenchment. Sir, I may be charged again with partiality, but I would say that the young men of advanced communities have been saturated with higher education, result being that there is unemployment and discontent among the young men of these classes. Therefore, I think it would be better if they do not take to higher education for sometime so much as they do now, and the axe may be applied in the cases of advanced class boys giving chance and facility to their most backward and depressed countrymen, but if that cannot be done and the advanced classes do not agree to it, I think secondary and university education may be given to them and a 5 per cent. cut must be made.

Regarding the Medical Department, I do know that the really poor suffering persons from the backward and the depressed classes, and the millhands when they fall ill, they cannot afford to pay the fees of private medical practitioners. Naturally, they rush to the Government hospitals, for medical aid and relief but in many cases the result is that they are refused admission into the hospitals on the plea of no accommodation and this condition was prevailing before this retrenchment came on. Now there is a reduction in the number of beds and patients' diet too. It is a great calamity and hardship on these poor people. I would request Government not to reduce expenditure at least in these two departments, and to restore the cut of 5 per cent. in the budget under primary education and to restore all the beds in the different hospitals in Bombay city.

Sir, a lot of expenditure in other departments can be saved such as the Public Works Department and the Excise Department. We know

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that the picketing against liquor and toddy is carried on and anti-drink propaganda is carried on by social workers among the masses and the people are giving up the habit of drinking liquor and toddy. When such is the case in these days, it naturally follows that we do not and will not require 300 to 400 officers in the department and also so many inspectors and sub-inspectors? It is a great burden upon the taxpayers, I would request Government to make very great reduction of expenditure in the Excise and the Public Works Department, so that the money required for meeting the present emergency may be made available very easily.

Coming to the question of salaries, I do urge very strongly, that servants who are drawing Rs. 100 and below ought not to be touched at all. But as it is the desire of 4 members of the committee that, persons drawing Rs. 60 and below should not be touched, I am inclined to agree with them, and the scale put up by them may be accepted by this House and by the Government, so that Rs. 25,50,000 may be saved on that account, and thus this amount together with the amount of Rs. 28,00,000 which has already been retrenched may wipe off the deficit of Rs. 60,00,000 and the balance of Rs. 7,00,000 out of Rs. 60,00,000 may be made up by proper scrutiny and pruning in various other directions. With these observations I resume my seat.

Mr. A. N. SURVE (Bombay City, North): Sir, the resolution that is before the House is, so far as I understand it, based on two assumptions. The first assumption is that the finances of the province are in a parlous condition and the second assumption is that the retrenchment of salaries is the way to rehabilitate the finances. Sir, I think that both these assumptions are not correct. First of all, every one in this House knows that the revenue of this province is about Rs. 15 crores, and it is stationary at that figure for a number of years. I could understand that if the revenues were to fall and fall with leaps and bounds successively then it would be something, but so far that contingency has not arisen.

Then, Sir, I come to the next point, viz., retrenchment in salaries as the means to improve our finances. On that point I might just mention that the pay bill of the Presidency amounts to Rs. 537 lakhs. Now, on the question whether that is a high figure or a low figure opinions may differ. If we are to judge these figures according to the balance sheets of joint stock companies, perhaps this pay bill may appear large, but the Government of our Presidency is not a joint stock company. There are several factors to be taken into consideration—the large area of the Presidency and the various items that are to be provided for the well-being of its population. On this basis, if Government want to discharge the duties which they are bound to discharge, then the sum of Rs. 537 lakhs spent on salaries is, according to my opinion, not a figure at which anybody should count. I at least would not consider it very high. Now, Sir, turning to the amendments that are placed on the table, it will be found that one of the amendments is to the effect that no salary below Rs. 200 per month shall be touched. If that amendment is carried by the House, the result of it would be this. I request the attention

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of the honourable members to paragraph 36 (page 9) of the Retrenchment Committee's *ad interim* report, where the amounts spent on different grades of salaries are given. According to that statement, the pay below Rs. 40 per month amounts to Rs. 150 lakhs. Between Rs. 40 and Rs. 59, it amounts to Rs. 41 lakhs ; from Rs. 60 to Rs. 199 it amounts to Rs. 144 lakhs. If we add all these three items it comes to Rs. 335 lakhs or over Rs. 3½ crores. That is to say, if the amendment is carried, out of Rs. 5 crores we cannot touch these Rs. 3½ crores. Now, Sir, we come to the last item, viz., pay above Rs. 1,000, and the total amount spent on it is Rs. 91 lakhs. Now, about this item, we know that it is governed by the provisions of the Government of India Act. I refer honourable members to page 64 of the Council Manual, section 96B (2) of the Government of India Act which says :

"The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances....."

Sir, the salary of all these servants who belong to the I. C. S. is above Rs. 1,000, and if the Secretary of State does not sanction the reduction, then I think a large portion of this Rs. 91 lakhs will remain sacrosanct. Therefore, if you remove the first three items, that is the items relating to salaries below Rs. 200 per month and the portion of the salaries above Rs. 1,000 per month, then what remains is the salaries from Rs. 200 to Rs. 499 and from Rs. 500 to Rs. 999. These are the only two items in which you can carry out your retrenchment. That would only mean this, that out of a pay bill of Rs. 5 crores and over, you will be using your pruning knife on a small sum of Rs. 67 lakhs, plus Rs. 44 lakhs, which comes to about Rs. 111 lakhs. I think this itself will show that the larger part of this House is not in favour of retrenching the salaries of these servants, and that is not the way which would accomplish what is desired.

Then, Sir, coming to the items proposed to be retrenched, as mentioned in the Retrenchment Committee's report, I refer to the vacancy scholarships to backward class students which if stopped would give a saving of Rs. 50,000. I humbly beg to express my emphatic protest against that suggestion. It will work very harshly against the poor students belonging to these classes. Then, coming to the suggestion to make a reduction of 5 per cent. under secondary education, I may say that if the grant given to secondary schools, is reduced its natural consequence will be that the managers of the schools will increase the fees, because after all they have to make both ends meet, and if Government reduce their grant they will have to recoup the amount which is reduced by increasing the fees. Even at present, the members of the backward communities have a very strong complaint to make against the existing rates of fees. The backward classes cannot meet these fees. Many of them are obliged to keep their children at home because they cannot afford to give them secondary education. Therefore, I humbly submit that if this step which is suggested is taken it will in effect mean that secondary education will be a closed door to the children of the backward

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communities. I think, Sir, that is not the intention of the Government or of this House either. Even if we are keen about wiping out the deficit of 60 lakhs still that is the direction in which retrenchment is not to be effected.

Now about the hospitals. I would only mention this. If you reduce the diet of a patient, he will stay in the hospital for a longer period to get cured, which means additional expense to the State. So, I submit that the idea of reducing the diet should be given up, as a false economy.

I am very glad to notice that at least two or three members suggested that there should be no retrenchment in the Excise. There was a time in this House when the income from Excise was looked upon as tainted money. To-day at least there are a few members who say that Excise should not undergo retrenchment in view of the fact that Excise is a source of income and if we do away with the servants, there is a likelihood of Excise crimes increasing and the revenue of the State decreasing. I think the Excise Minister will take a note of this. The honourable member the Commissioner of Excise has consented to a cut of a large amount of expenditure.

Mr. V. N. JOG : The honourable member stated that some members on this side in their speeches said that the Excise Department should not be cut. I have not come across any such speaker on this side so far.

The Honourable the PRESIDENT : Perhaps the honourable member has misunderstood the remarks of Dr. Dixit. Perhaps he refers to that.

Mr. A. N. SURVE : I think, Sir, that the honourable member Dr. Solanki also said something to similar effect. But if I have misunderstood them I shall give it as my own opinion. If you want I will give my personal experience. In the Ratnagiri district, I may bring to the notice of the Honourable Minister of Excise that the agitators are doing the picketing work with the idea to close down the Government shops and to sell illicit liquor manufactured by themselves. The net result of this is that intemperance is not checked and there is a loss of revenue to Government. That is a thing which is not desirable.

Then, Sir, to be very brief, I refer to the larger issue, namely, whether there should be retrenchment at all. You must have your eye to provincial autonomy, that is coming and the apportionment of revenues between the various presidencies and the central Government. If provincial autonomy is coming, I do not know what will be the proportion of the All-India services in the presidencies. My own idea is this. At that time the distinction between provincial service and the All-India service will be done away with and we will have only provincial services. In that case all the labour that has now been undergone in the cause of retrenchment will be wasted. The second point is if we try to put our house in order and try to make it appear our financial position is strong at the time of apportionment of revenues, this factor will go against us.

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We are crying hoarse that the Meston settlement is unsatisfactory nay unjust so far as our presidency is concerned. At the time when this question will be re-opened the authorities responsible will say "your finances are very satisfactory." They will say that the Bombay Presidency is well off and does not stand in need of replenishment, therefore its sources of revenue may not be increased. That will be the only reward we will obtain by enthusiasm to put our house in order at this psychological moment.

Lastly, we have been given a list. I refer to Appendix B. Here the Government officers have voluntarily accepted a retrenchment to the extent of 10 lakhs. We do not know in what way that retrenchment is to be effected. If that retrenchment is to affect the newly employed servants who mostly consist of the members of the backward classes and the Mahomedan community, I request Government to see that no injustice is done to these two communities. Power is vested in these Government officers to dismiss the temporarily employed men. There is a fear that the interests of these two communities who are new in service will be sacrificed. With these remarks I oppose the resolution before the House.

Mr. PESTANSHAH N. VAKIL: Sir, I should like to draw the attention of the last speaker to the last 3 lines on page 7 of the *ad interim* report of the Retrenchment Committee. It says:

"At the same time we recognize that all salaries from top to bottom must be dealt with simultaneously in the interests of equity and that statutory difficulties if any in the way of doing this must be left to the authorities to deal with."

What justification has the honourable member to say that the salaries above Rs.1,000 will be left untouched? He is thereby doing an injustice to the services.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, you were good enough to remark that Ministers should intervene in order to explain matters arising out of the debate. It is only for that purpose that I have stood up. The last speaker does not seem to have heard that all the previous speakers dealt on economy in the Excise Department and not for any increase of expenditure in that department. The Excise Department is quite alive to the necessity of economy and it is already thinking of not filling fresh vacancies at the present time. I must, however, remind the honourable members that when they agree that prohibition is coming, there ought to be a very great reduction in the staff, that the argument involves a serious fallacy. In the first place all protective industries require protective agencies and secondly even when prohibition is established you will require a very large staff of Excise Officers in order to prevent illicit manufacture of spirits. Take the case of America. There is prohibition there but what a large number of the protective staff is kept there. Look at the expenditure. I do not know whether the honourable member who is known as a great reader of periodical literature has heard of Pussyfoot Jhonson of America and his work. If he were to read his books on Excise in America he

[Moulvi Rafiuddin Ahmad]

would like to have some more increase in the staff of the Excise Department here. Now I come to his remarks on education. Again the honourable member was wrong in apprehending that the Educational Department was thinking of abolishing the scholarships for the backward classes. There is no such proposal, at present before Government. He need not be afraid of it.

That an axe is already to fall on the backward class officers newly engaged in the departments under me is also a misapprehension. If the axe is to fall it will fall equally on all classes of servants and possibly less on the backward communities.

Certain remarks were made about the 5 per cent. cut. There is a great deal of misapprehension now about it. It is admitted that a good deal of wastage is taking place in the primary schools and the school boards of municipalities. My honourable friend Mr. Abercrombie who is very well acquainted in regard to expenditure on education had drawn my attention in the last budget session to the wastage. 60 per cent. of our primary students do not proceed beyond the lower standards and considerable wastage takes place in primary schools and, therefore it is necessary to take steps to prevent it. I would also remind the honourable members of the several answers given by me in this House regarding the wholesale transfers of schoolmasters for electoral and political reasons. That increases travelling allowance among other things. I think the 5 per cent. cut would be very easily made up if local bodies would take care to prevent wastage.

I am thankful to the House for reminding the retrenchment committee as well as all bodies interested in economy that the axe should not fall on the Educational Department.

Sir SHAH NAWAZ BHUTTO (Larkana District) : Sir, if the question of retrenchment were not such an imperative necessity of the moment, I would say that we are considerably amused at most of the arguments that have been brought before the House. Sir, what I have been noticing is that almost every member from this side of the House has spoken with a particular object and each one is attempting to advocate the cause and interest of his own section that a particular department in which he is interested should not be touched, forgetting and disregarding all the time the fact that the retrenchment proposed so far is not adequate and that we have to make further savings to the extent of one crore of rupees before we can balance our budget. It is absolutely necessary that some solution should be found out. I consider this nothing short of a calamity. The cut will have to be distributed all over. I do not mind whether it is education, medical or reserved departments, if we are anxious to save the ship of finance of the Presidency from wreck. Otherwise I feel that Government may come to a standstill and that would be deplorable indeed. So far as the question of salaries is concerned, I would submit, Sir, that the difficulty is of Government's own creation. I will give only a few instances. Just before the scales of pay were revised a few years ago, an overseer of the Public Works Department, who was drawing Rs. 60 to Rs. 80, when his scale of pay was revised

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by the generous Government of Bombay, jumped up to Rs. 250 to start with. The same was the case with sub-judges: they used to start on Rs. 150; from Rs. 150 the jump was to Rs. 300 or Rs. 350. Remember that we did not get a better stuff than we had and with same qualification, nor was there any scarcity of recruits at the then existing rates. We ourselves made our position very difficult by counting on the continuance of the prosperity that we had for a few years.

An Honourable MEMBER: We?

SIR SHAH NAWAZ BHUTTO: We are a part of Government, as we are members of this Council.

At the same time, I feel that we ought to avoid discontent. In these days of trouble and turmoil there are only two classes to whom Government can look for support and co-operation; they are the agriculturists and the services. There is great economic depression in the country among agriculturists; they are struggling hard for existence and there is, therefore, a lot of unrest among them. If we are to cut ruthlessly and without any consideration the salaries of the services we will make them also discontented. Then, we do not know what the end will be. Therefore, I would suggest that we should apply the general axe, so that nobody should have any reason for any grievance. What I submit is that at present the prices prevailing are nearly the same as those of pre-war days; in some cases the prices have even fallen 50 per cent. below the pre-war rates. That being so, why should we not have the same scales of salaries as were in force in pre-war days, in respect of all the services, Imperial, Provincial, Subordinate and Menial? I do not wish to use very blunt language, as you might call me to order, but I wish to urge that barring agriculturists, everybody has gained by the fall in prices. As for the agriculturist he is eternally in the grips of the money-lender and the fall in the level of prices has no meaning and no application to him except that he has less wherewithal to pay the money-lender. Except this class, even the menials and the industrial labourers have benefited by the fall in prices. The fall in prices has brought no relief to the agriculturists; as I have already stated, they have been hit hard; whether prices are high or low, whatever they produce is taken away by the money-lenders, and they have to look up again to the money-lenders for advances whether they are charged 36 or 50 per cent. This anxiety is only to secure loans for their existence. The labourer who gets a rupee or so a day is much better off than the agriculturist, as he can live on 2½ to 3 annas worth grain per day instead of 8 annas it cost him in past. The same is the case with the menial servant, as the articles of food on which he used to spend Rs. 10 to Rs. 12 per month can now be had for Rs. 3 to 4. I do not think it is right that we should provide them with comforts to which they are not used and at the cost of those who have almost lost everything. Why should not their pay also be cut down? Therefore, I would suggest that the cut should be applied to all the ranks, Imperial Services, Provincial Services, Subordinate Services and Menials. There is justification for reverting to the pre-war scale, because the cost of living now is even lower than in the old days.

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At the same time, I would suggest that, if Government is not obstinate, some departments can be done away with. There is absolutely no necessity for them. Thereby perhaps we might avoid any big cut in the salaries. Those departments are maintained perhaps only for reasons of prestige or political considerations. We have got no money, and yet we go on creating Directors who have nothing to direct, except smoking cigars and cigarettes. When there is no money and hence no work, why should we maintain them? It is better that we have fewer departments, and fewer officers, and we pay them well and avoid cuts as much as possible.

With these remarks, I resume my seat.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I have no mind to enter into the details of the retrenchment scheme. I think honourable members of this House have made sufficient suggestions to Government and any further discussion on the details of the scheme is likely to cause more confusion. There is one thing, however, that is admitted on all hands, and that is that India is a poor country, rather the poorest country in the world, but its administration is the costliest and most expensive in the world. It is a good sign of the times that on account of the economic depression or other causes the provincial governments as well as the central government in India have begun to devote serious consideration to the question of retrenchment. Sir, I am not a pessimist, but if I judge properly the conditions as they exist at present, I think that without retrenchment there is going to be some sort of revolution in India. There will be agrarian riots, there will be discontent among the people, and there will not be enough money for the maintenance of the costly administration, all these things will create a state of chaos in India. The people of India have been taxed to their utmost capacity; there is no further room for taxing the people. Whence is the money to come to carry on this costliest administration? The only way left open to Government is to retrench and retrench as far as possible. An honourable member from the European group made a reference to the breach of contract that may be involved if salaries of people belonging to the Imperial or other services are cut. I do not want that any Government should commit any breach of contract, but it behoves the I.C.S. people and those belonging to the Provincial Services also to come forward and voluntarily surrender part of their salaries, if they do not like that there should be any breach of contract on behalf of the present Government or on behalf of future Government. They have eaten the salt of India for long, and in the present economic distress it behoves them to tell the people of India, "Here we are, ready to surrender a part of our salaries in the interest not only of the administration but also of the people of India." If they are not prepared to show this spirit of sacrifice, it behoves Government—and I think it is not beyond the bounds of possibility, so far as Government are concerned—to find out ways and methods to revise these contracts in such a manner as to cut the salaries of the people of the Imperial as well as of the Provincial cadres.

[Mr. Shaikh Abdul Majid]

With these few words, I do not support any particular amendment or the resolution, but I support the central idea underlying them and that is retrenchment.

Rao Bahadur R. R. KALE : Sir, I should like to make a request on behalf of the House, that we should sit half an hour earlier to-morrow and the day after, and one hour earlier on Friday, and thus make up the two hours lost yesterday. If we do so, we shall be able to finish our sittings by Friday, and there need be no sitting on Saturday. As we are now on retrenchment, perhaps the saving involved will be welcome to the House.

The Honourable the PRESIDENT : The position as calculated by me is that the six days allotted for private business, taking $4\frac{1}{2}$ hours to be a day, will end by 12-30 on Saturday.

The Honourable Mr. G. A. THOMAS : At 12-15.

The Honourable the PRESIDENT : This is a suggestion to save the sitting of the Council on Saturday and close our sittings on Friday. Will the Honourable the Leader of the House state what his views are ?

The Honourable Sir GHULAM HUSSAIN : We have no objection if the other side want us to sit half an hour earlier to-morrow and the day after and an hour earlier on Friday.

The Honourable the PRESIDENT : If the House is agreeable, I will adjourn the House till 1-30 p.m. to-morrow.

The Honourable Mr. W. F. HUDSON : Will the tea time be the same ?

The Honourable the PRESIDENT : What would suit honourable members 4 or 4-30 ?

The Honourable Sir GHULAM HUSSAIN : I think we might rise for tea at 4.

The Honourable the PRESIDENT : The tea interval will begin at 4 instead of 4-30.

The House is now adjourned to 1-30 p.m. to-morrow, Wednesday, the 5th August 1931.

Wednesday, the 5th August 1931

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 5th August 1931, at 1-30 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur

ABERCROMBIE, Mr. J. R.

ASAVALE, Rao Bahadur R. S.

BANGI, Mr. A. K. J.

BELL, Mr. R. D.

BHUTTO, Sir SHAH NAWAZ

BOLE, Rao Bahadur S. K.

BOWERS, Mr. P. L.

BRANDER, Mr. J. P.

BRISTOW, Mr. C. H.

BROWNE, Mr. D. R. H.

BULLOCKE, Mr. A. GREVILLE

CHIKODI, Mr. P. R.

CHITALE, Rao Bahadur G. K.

CLAYTON, Mr. H. B.

COLLINS, Mr. G. F. S.

COOPER, Khan Bahadur D. B.

DHALUMAL LILARAM, Mr.

DESAI, Rao Saheb B. G.

DESAI, Mr. H. R.

DESAI, Mr. S. B.

DIXIT, Dr. M. K.

D'SOUZA, Dr. J. ALBAN

EWBANK, Mr. R. B.

GARRETT, Mr. J. H.

GHULAM HUSSAIN, the Honourable Sir

GHULAM NABI SHAH, Khan Bahadur

GILDER, Dr. M. D.

GOVER RORA, Mr.

HUDSON, the Honourable Mr. W. F.

JAM JAN MAHOMED KHAN, Khan Bahadur

JAN MAHOMED KHAN, Khan Bahadur

JITEKAR, Mr. HAJI IBRAHIM

JOG, Mr. V. N.

KADRI, Mr. J. S.

KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.

KAMAT, Mr. B. S.

KAMBLI, the Honourable Dewan Bahadur S. T.

KARBHARI, Mr. M. M.

KHUCHBO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 MACKLIN, Mr. A. S. R.
 MADHAVSANG JORBHAI, Mr.
 MEHERBAKSH, Mr. S.
 MIRZA, SAHIBZADA M. A.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 RAFTUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BADEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

NEW MEMBER SWORN.

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

Sahibzada Harun Qadir Saivid Musa Ali Mirza made the prescribed affirmation of allegiance to His Majesty the King-Emperor and took his seat in the Council.

SHORT NOTICE QUESTION

ASSAULT ON HIS EXCELLENCY THE GOVERNOR AT FERGUSSON COLLEGE.

Mr. J. R. ABERCROMBIE (Bombay Chamber of Commerce) : Will Government be pleased to state—

1. whether they are in a position to lay before the House an authoritative statement of the circumstances attending the assault on His Excellency the Governor at the Fergusson College on July 22nd ;
2. whether it is the case that, on the departure of His Excellency after the attack, certain of the students made a hostile demonstration, as a result of which one of the windows of His Excellency's car was broken ;
3. whether a similar demonstration was made when the police subsequently visited the college for the purposes of investigation ;
4. whether it is the fact that His Excellency was not accompanied by the usual police escort, and if so, whether the reason for this was that the college authorities apprehended that the presence of the police might be resented by the students ;
5. whether subsequent investigations indicate the existence of a spirit of disaffection in the college involving in addition to the assailant other students or members of the staff ;
6. if the answers to questions (2) to (5) are substantially in the affirmative, whether Government propose to institute an enquiry into the state of affairs existing at the college, or what action they propose to take ?

The Honourable Mr. G. A. THOMAS : (1) to (4) The facts are as follows :—

His Excellency accompanied by Lady Hotson was paying an informal visit to the college and was inspecting the New Jerbai Wadia Library, where about two hundred students were seated at about 11-50 a.m. when the ten minutes recess begins, when one of them, by name Vasudev Balwant Gogate, fired two revolver shots at him at point blank range from a desk near the entrance where he was seated. The first bullet struck His Excellency on the breast pocket of his coat, and after passing through a wad of currency notes was stopped by the metal stud of a thick pocket book which he was carrying, and was afterwards found in the lining of the coat. The second bullet passed through his coat near the lapel and was found in the lining of the coat some time later. His Excellency assisted by his Aide-de-Camp immediately seized and overpowered his assailant. The assailant was searched and in his pockets another fully loaded revolver was found. Later on the police found on him a photograph of His Excellency taken from the issue of a newspaper which appeared when he was appointed acting Governor and a large clasp knife. He was handed over to the college authorities, and was taken downstairs to be handed over to the police while His Excellency continued his inspection of the library. Most of the other students had by that time come out from their class

rooms for the recess and were present in large numbers. As the assailant came out of the library building, he shouted *Bande Mataram* three times. Some of the students surged round him shouting 'Well done' and 'Bravo' while the assailant shouted that unfortunately he had failed to kill His Excellency, that he wished to avenge the Sholapur Martyrs, that he would be hanged and that Maharashtrians should take revenge.

Lady Hotson, who had been visiting another part of the college and was on the ground floor of the Library when the shots were fired, joined His Excellency when he came downstairs. When they had been garlanded and were about to leave, a section of the students who had surrounded the car in large numbers raised shouts of 'shame', 'Long Live Revolution' and 'Down with Hotson', and as His Excellency was getting into his car one of them smashed the back window of the car. It is, however, believed that a large number of the students were crowding round out of curiosity or in concern for His Excellency.

On the arrival of the District Superintendent of Police with an Inspector shortly afterwards, some of the students raised cries of 'Shame', but these officers were not molested and when they entered the reading hall in the library building, where about one hundred students were seated, there was no demonstration. There were some further shouts of 'Shame' when the Deputy Inspector General of Police, Criminal Investigation Department, and other police officers arrived.

The assailant's room in the Hostel was searched shortly after the occurrence and forty-eight live and eight fired rounds fitting the two revolvers seized on him and pictures of well-known revolutionaries were found. The same evening a student handed over a locked leather bag which had been given to him for safe keeping by the assailant, and it was found to contain a knuckle duster and a powerful air pistol.

The assailant is a third-year student and was Secretary of the College Gymnasium. He belongs to Miraj where he received his education before coming to the Fergusson College. It seems that he purchased the revolvers in Hyderabad Deccan, where some of his relations live.

Special arrangements were made with His Excellency's approval that there should be no police inside the compound of the College and the Principal himself undertook to be responsible for the protection of His Excellency while he was in the College precincts. The object of these arrangements was to preserve the informality of the visit and to avoid any risk of a demonstration by the students against the presence of the police in the College precincts. The District Superintendent of Police, however, arranged with the Principal that the City Police Inspector should be seated in his car near the Principal's quarters in case he should be required and that a squad of police should be in attendance in the police chowki close to the College gates. It is not usual for His Excellency to be accompanied by a police escort at any time, although it is customary for police to be stationed in the premises

of an institution which he visits and for police to line the route along which he passes. On this occasion the route was lined with police as far as the College gates.

The Honourable MOULVI RAFIUDDIN AHMAD : (5) and (6) Enquiries into the actual crime are being carried on by the police and into all the circumstances of the case by the College authorities. Before these enquiries are complete it would be premature for Government to come to any decision regarding the action which they may think it proper to take. They expect the College authorities to take whatever steps are necessary for the maintenance of a proper standard of discipline and good conduct among the students, and intend to keep in close touch with the progress of the enquiry. They believe that the College authorities are fully aware of the gravity of the situation and will take adequate measures to deal with it, and consider that it will strengthen the hands of those authorities if they are given freedom of action at the present stage.

Mr. J. R. ABERCROMBIE : In reply to my questions 1 to 4, page 2, last paragraph, it is stated "to avoid any risk of a demonstration by the students against the presence of the police in the College precincts." Why should there be any demonstration against the police ?

The Honourable Mr. G. A. THOMAS : There have been such demonstrations on previous occasions. It was feared that there might be a demonstration on this occasion also.

Mr. J. R. ABERCROMBIE : With reference to my questions 5 and 6, have Government got the right to inspect schools and colleges which receive Government grants ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, they have the right.

Mr. J. R. ABERCROMBIE : Is it being exercised ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, it is being exercised through the Director of Public Instruction.

Mr. J. R. ABERCROMBIE : Do Government inspectors report on the discipline and morale of schools and colleges ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, they report to the Director of Public Instruction.

Mr. J. S. KADRI : With reference to the reply to questions 5 and 6, are Government aware that this College has been guilty of rowdy occurrences on the part of its students in the past, for example, the recent incident in connection with the maltreatment of a Muhammadan student ?

The Honourable MOULVI RAFIUDDIN AHMAD : I think I mentioned it last time. There was a riot in the college and I received a deputation from the management of the college, and Government have received an assurance from the management with regard to the conduct and discipline of students in future.

Mr. J. S. KADRI : Are Government aware that a large number of Muhammadan students had to leave the college simply on account of slack discipline and racial discrimination prevalent in the college ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know whether a large number of students had to leave, but some students had actually left and joined some other college.

Mr. J. R. ABERCROMBIE : With regard to the disturbance to which my honourable colleague referred, was it left to be dealt with by the Principal ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes ; it was left to be dealt with by the Principal and in connection with that I received the deputation from the management who promised that proper steps would be taken to maintain discipline among the students in future.

SYED MIRAN MAHOMED SHAH : Are proper steps being taken now to maintain discipline ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have answered that we are waiting for the report of the enquiry.

Khan Bahadur M. A. KHUHRO : Have Government enquired whether proper steps have been taken ?

The Honourable MOULVI RAFIUDDIN AHMAD : As I said, it is premature now to pronounce any judgment upon that point.

Mr. J. R. ABERCROMBIE : Does Government think that the Principal, unaided, is competent to deal with a matter of such importance ?

The Honourable MOULVI RAFIUDDIN AHMAD : We are keeping in close touch with the college authorities and if it is found that the Principal is incompetent, we shall certainly see that proper steps are taken to ensure discipline.

Mr. J. S. KADRI : Have the college authorities informed the Government of the steps they have taken in connection with the Mahomedan boy's incident ?

The Honourable the PRESIDENT : I do not know how that arises out of this question.

QUESTIONS AND ANSWERS.

SUKKUR RIOT PRISONERS.

Mr. SHAIKH ABDUL MAJID for Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (1) Will Government be pleased to state the total number of Muslims arrested on account of the riots in the Sukkur District in August 1930 ?

(2) How many of those have been discharged ? And how many of them have been convicted ?

(3) Is it a fact that on account of over-congestion in the jail a number of under-trial prisoners fell ill and were released on bail on medical advice ?

(4) How many of those referred to in (3) above died either in jail or outside of it ?

The Honourable Mr. G. A. THOMAS : (1) 1,272.

(2) (i) 25 were convicted.

(ii) 84 were discharged for lack of evidence.

(iii) the remainder were discharged owing to the cases being withdrawn on the parties coming to an agreement.

(3) 101 were sent to hospital of whom 28 were afterwards released on the advice of the Medical Officer. It is true that there was congestion, but their illness cannot be attributed to this reason.

(4) One died in the jail hospital. Government have not heard that any died outside.

Mr. SHAIKH ABDUL MAJID : Is it a fact that there was congestion in some of the lock-ups in the Sukkur district and that the illness of the prisoners was due to that congestion ?

The Honourable Mr. G. A. THOMAS : I did not catch the question.

Mr. SHAIKH ABDUL MAJID : Is it a fact that there was congestion in certain lock-ups in the Sukkur district and that the illness of the prisoners was due to that congestion ?

The Honourable Mr. G. A. THOMAS : I have replied to that in (3) thus :

"It is true that there was congestion, but their illness cannot be attributed to this reason."

Mr. SHAIKH ABDUL MAJID : How do you account for the illness of 101 prisoners ?

The Honourable Mr. G. A. THOMAS : I cannot account for it.

SYED MIRAN MAHOMED SHAH : Are not the officers concerned responsible for the congestion ?

The Honourable Mr. G. A. THOMAS : No.

SYED MIRAN MAHOMED SHAH : Then who is ?

The Honourable Mr. G. A. THOMAS : The prisoners.

Mr. SHAIKH ABDUL MAJID : Is it a fact that complaints were published in the local newspapers that there was congestion in certain lock-ups and that the prisoners remained confined therein for a long time without being removed to any other jail ?

The Honourable Mr. G. A. THOMAS : I do not know.

Khan Bahadur M. A. KHUHRO : Is it a fact that the number of people admitted into the jail was twice the number for which there was accommodation ?

The Honourable Mr. G. A. THOMAS : I must have notice of that.

FERRY STEAMERS, KONKAN COAST : FARES.

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

(a) whether the fare was increased during the war time by the ferry steamers plying on the Konkan coast ;

(b) whether it has been reduced after the war ?

The Honourable Mr. W. F. HUDSON : (a) and (b) A statement containing the information required is placed on the Council table.*

* Kept in the Secretary's office.

TODDY LICENCES, BOMBAY.

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

(a) what is the policy adopted by them as regards the sale of toddy licences ;

(b) whether it is a fact that licensees of toddy shops in Bombay were prepared to give any amount fixed by Government for their respective licences ;

(c) whether it is a fact that Government are trying to introduce a tender system for the sale of toddy licences and, if so, the reasons therefor ;

(d) whether it was the policy of Government not to give liquor or toddy licences to any syndicate but only to individuals ;

(e) whether they have accepted tenders for toddy licences in Bombay from a syndicate ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The shops are generally disposed of by auction or tender or both.

(b) Yes, but they also indicated a maximum limit.

(c) No. In the City of Bombay tenders were invited this year as this course was considered preferable to open auctions.

(d) Yes.

(e) No.

Rao Bahadur S. K. BOLE : By adopting the system of tenders referred to in (c), did Government think that they would get more money than in open auctions ?

The Honourable MOULVI RAFIUDDIN AHMAD : Possibly not.

Dr. M. D. GILDER : What was the reason why tenders were not accepted from syndicates ?

The Honourable MOULVI RAFIUDDIN AHMAD : You mean in a collective capacity ?

Dr. M. D. GILDER : Yes.

The Honourable MOULVI RAFIUDDIN AHMAD : I think that the proper system is to take tenders from individuals rather than from a syndicate or a collection of individuals.

Dr. M. D. GILDER : Any particular reason for that ?

The Honourable MOULVI RAFIUDDIN AHMAD : That is the usual practice. I think the reasons are better left to the local officers.

Rao Bahadur S. K. BOLE : With regard to reply to (d), were not the persons who offered tenders members of a syndicate ?

The Honourable MOULVI RAFIUDDIN AHMAD : Some of them may be members of the syndicate but they submitted tenders individually.

Rao Bahadur S. K. BOLE : Are not the same persons importing toddy into the city of Bombay from Gujarat under the name of Patel Pavri & Co. ?

The Honourable MOULVI RAFIUDDIN AHMAD : I require notice of that question.

REVENUE ASSESSMENT : SATARA DISTRICT.

Mr. R. B. SHINDE for Khan Bahadur D. B. COOPER (Satara District) : Will Government be pleased to state—

(a) In what year the last revision of Land Revenue Assessment in the Satara District was made ?

(b) What the total land revenue per year before the last revision was, and what the total land revenue after the revision has been ?

(c) What the price conditions for agricultural produce at the time of the assessment revision were, and whether these prices were above or below normal when the assessment was fixed ?

(d) How current season prices of agricultural produce compare with those prices ruling at the time the assessment revision was made ?

(e) Whether Government are aware of the fact that the land revenue assessment is hitting the ryot very hard this year ?

(f) If so, what remedy do Government propose to adopt in the matter ?

The Honourable Mr. W. F. HUDSON : (a) The dates of introduction of the current settlements of the several talukas of the Satara District are given below :—

Taluka.	Year of introduction.*
(1) Tasgaon	1918-19
(2) Khataav	1926-27
(3) Man	1926-27
(4) Khanapur	1926-27
(5) Koregaon	1926-27
(6) Wai taluka and Khandala mahal	1926-27
(7) Javli taluka and Mahableshwar mahal	1926-27
(8) Satara	1926-27
(9) Patan	1926-27
(10) Karad	1926-27
(11) Valva taluka and Shirala petha	1926-27

(b) The total land revenue per year before the last revision settlement was Rs. 20,14,820 and that after the revision settlement was Rs. 25,93,799.

(c) and (d) A statement of prices for each taluka station from 1908-09 (five years before the War) to 1930-31 and the latest recorded current price in 1931 is placed on the Council table.†

The Honourable Member is informed that the average of the five years before the War is taken as normal for purposes of comparison.

(e) and (f) The attention of the Honourable Member is drawn to my speech in the Bombay Legislative Council on 25th February 1931 and to Government Resolution No. 5710/28, dated 7th March 1931, a copy of which is placed on the Council table.

* i.e., year of levy of revised rates.

† Kept in the Secretary's office.

MINOR IRRIGATION : FAMINE TRACTS.

Mr. R. B. SHINDE for Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to give—

(a) A complete list of estimates for minor irrigation works prepared by the Special Superintending Engineer Mr. Lowsley for the districts of Poona, Nagar, Sholapur, Bijapur, Dharwar, Belgaum and Satara ;

(b) A list of the works on this list which have been completed, together with the cost thereof ;

(c) A list of projects which were undertaken to give relief to the people living within the famine tracts ;

(d) A list of projects for the remaining list in which Government propose to spend money out of the Famine Insurance Fund during the year 1931-32 ?

The Honourable Mr. W. F. HUDSON : (a) and (b) Statements A and B containing the required information are placed on the Council table.

(c) All projects of minor irrigation works referred to in reply to clause (b) above have been undertaken with a view to the extension of irrigation as a measure for the prevention of famine.

(d) The minor irrigation works for which provision has been made in the budget for 1931-32 are mentioned below. The expenditure on them is debitable to "Famine Relief Fund".

District.	Name of work.	Budget grant.
		Rs.
Ahmednagar	Irrigation tank at Mandavgan, taluka Shrigonda.	27,545
Satara	Irrigation tank at Ajnuj, Petha Khandala ..	12,455
	Bandhara at Wakeshwar, taluka Khatav ..	13,727
	Bandhara at Dhondewadi, taluka Khatav ..	1,508
Sholapur	Irrigation tank at Gherdi, taluka Sangola ..	25,000
	Bandhara at Waki, taluka Sangola ..	14,516
Poona	Irrigation tank at Rakh, taluka Purandhar.	16,510

A

Statement A showing the projects for minor irrigation works and their estimates prepared by Mr. C. O. Lowsley, Special Engineer, Minor Irrigation Works.

Name of project	Estimates
	Rs.
Bandhara at Tinelwadi	8,652
Irrigation tank at Rakh	1,05,596
Irrigation tank at Madanwadi	3,68,007
Irrigation tank at Palasdeo	2,44,550

District Poona.

Name of project	Estimates
<i>District Ahmednagar.</i>	
	Rs.
Soaking compartments at Belwandi	6,074
Bandhara at Bota	5,513
Irrigation tank at Pimpalgaon Kunjhara	1,22,559
Improvements to the tank at Arampur	6,505
Bandhara at Ambilwadi	3,565
Bandhara at Sakur	7,432
Bandhara at Gunjalwadi	17,247
Irrigation tank at Kuran	57,381
Irrigation tank at Mandavgan	1,42,817
Bandhara over the Mehekari river at Pimpalgaon Landaga	3,382
Construction of a tank at Nilonde	25,124
Bandhara at Sonewadi	10,789
Improvements to the Bandhara at Zola	7,784
Constructing a Bandhara on the Sobalwadi Nala at Sobalwadi	3,015
Constructing a Bandhara on the Bijdara Nala at Karajune Haraya	4,501
Improvements to the water supply tank at Kangar	3,417
Constructing a masonry Bandhara at Bhalawani	7,399
Constructing a masonry Bandhara at Nima	5,485
Constructing an irrigation tank at Deulgaon Sidhi	2,40,384
Bandhara at Akheri over the Mehekari river	6,471
Improvements to the Bandhara at Sakur	7,432
Constructing a Bandhara and Irrigation Channel at Kasara .. .. .	....
<i>District Sholapur.</i>	
Completing the irrigation tank at Hotgi	2,90,000
Irrigation tank at Vagholi	2,01,300
Proposed irrigation tank at Jeur	1,67,000
Irrigation tank across river Bhagawati	43,00,000
Irrigation tank at Gherdi	1,65,882
Bandhara at Waki	22,900
Improvements to Chichagaon Tanks	574
Proposed scheme for soaking compartments at Jeur	3,360
Constructing a tal scheme at Laul	14,747
Koravati Tank	3,16,250
Irrigation tank at Akola	4,00,000
<i>District Satara.</i>	
Tank at Ajnuja	37,235
Bandhara across the river Yerla at Wakeshwar	35,019
Bandhara at Dhondewadi	5,461
Irrigation tank at Kodegaon	1,64,691
Improvements to the Water Supply tank at Deorastre	1,451
Bandhara at Shene	7,753
Bandhara at Retre	2,459
<i>District Bijapur.</i>	
Irrigation tank at Nagthan	4,50,000
Bandhara at Bhutnal	20,390
Dudhihal Bandhara	21,400
Irrigation tank at Karjol	25,000
Irrigation tank at Nandargi	1,15,487
Irrigation tank at Tadvalga	2,40,000
Improvements to the Atharga tank	2,200
Improvements to the Kudgi irrigation tank	32,285
Indi Bandhara	31,201
Bandhara at Ingaldi	36,489
Bardol Bandhara	36,000
Bandhara at Hippargi	11,076
Bandhara at Mulsavalgi	22,034
Bandhara at Kannoli	24,256
Irrigation tank at Asangi	2,22,887

Name of project	Estimates
<i>District Bijapur—contd.</i>	<i>Ra.</i>
Irrigation tank at the junction of Huledgennur and Gursangi Nalas ..	3,60,000
Irrigation tank at Kalaskop	4,00,000
Improvements to the tank at Tulsigeri	20,000
Tal in survey No. 110 of Murnal	1,046
Tal in survey No. 93/4 of Yadahalli	900
Irrigation tank at Sunag	88,474
Tal scheme at Shirur	16,530

District Belgaum.

Irrigation tank at Yellihadalgi	61,650
Kohalli irrigation tank	5,41,000
Aigalli Bandhara	18,454
Nandgaon percolation tank	39,893
Water supply tank at Athni	4,570
Malaprabha irrigation scheme	8,00,000
Parasonhatti irrigation tank	34,285
Bandhara at Ghanewadi	4,000
Bandhara at Mendagalli	2,000

District Dharwar.

Nil.

B

Statement B containing the names of works referred to in statement A, which have been completed and the cost thereof.

Name of work	Cost
<i>District Ahmednagar.</i>	<i>Ra.</i>
Constructing a tank at Nilonde	25,124
Bandhara over the river Mehekari at Akeri	6,471
Constructing a masonry bandhara at Sonewadi	10,401
Constructing a masonry bandhara at Pimpalgaon Landga	3,382
Soaking Compartments at Belwandi	7,533

District Sholapur.

Improvements to Chinchgaon tanks, taluka Madha	522
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IRRIGATION DEVELOPMENT AND RESEARCH CIRCLE: ADMINISTRATION REPORTS.

Mr. R. B. SHINDE for Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to place on the Council table copies of the administration reports of the Irrigation Development and Research Circle for the last three years?

The Honourable Sir GHULAM HUSSAIN:

The information required will be found at pages XXXVIII to XL and XLI to XLIV of the Administration Report Part II, Irrigation Works, for the year 1927-28, at pages XXXVI to XXXVIII and XXXIX to XLII of that for 1928-29, and at pages 14 to 17 and 52 to 57 of the Irrigation Administration Report, Part I—Deccan and Gujarat, for 1929-30. Copies of the three Reports are placed on the Council table.*

* Kept in the Secretary's office.

**KULKARNI WATANS IN SOUTHERN DIVISION AND CENTRAL DIVISION :
COMMUTATION.**

Mr. H. R. DESAI (Deccan Sardars and Inamdars): Will Government be pleased to state—

(a) the number of Kulkarni watans commuted in the Southern and Central Divisions;

(b) the average allowance (potgi) that was being paid to an officiating Kulkarni in each of the two Divisions;

(c) the minimum pay of a Talati who is appointed to officiate as a Kulkarni in place of a watandar Kulkarni whose watan is commuted;

(d) the number of cases in which suits have been filed against Government to set aside the commutations and the results thereof?

The Honourable Mr. W. F. HUDSON: (a), (b) and (d) What was commuted was not the kulkarni watans themselves, but the right of service attached to them. A statement giving the requisite information is appended.

(c) Rs. 25.

STATEMENT.

Name of the district	The number of kulkarni watans commuted		The average allowance (potgi) that was being paid to an officiating kulkarni per year	The number of cases in which suits have been filed against Government to set aside the commutations and the results thereof
	Complete	Partial		
<i>Central Division.</i>				
Ahmednagar ..	1,320	38	Rs. 66	88 (all pending).
East Khandesh ..	1,716	28	142	115 (104 pending, 11 dismissed or abated).
West Khandesh ..	543	..	150	24 (7 dismissed, 17 pending).
Nasik ..	1,027	179	81	82 (all pending).
Poona ..	1,096	76	94	47 (all dismissed).
Satara ..	1,048	118	84	88 (29 dismissed, 59 pending).
Sholapur ..	161	141	85	40 (all dismissed).
<i>Southern Division.</i>				
Belgaum ..	183	31	65	3 (2 dismissed; in one suit commutation was set aside).
Bijapur ..	3	..	330	No suits.
Dharwar ..	86	23	104	19 (16 dismissed; in 3 suits commutations were set aside).
Kanara ..	(There are no kulkarni watans).			
Kolaba ..	..	3	144	No suits.
Ratnagiri ..	8	2	15	Do.

PADDY CROPS : SIND.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District): Will Government be pleased to state—

(a) whether the Mithrao and Thar are two old canals where paddy crop is grown ;

(b) whether dry crops such as cotton, bajri, etc., grown on lands irrigated by the above canals yield less produce than the crops grown on Jamrao and other canals ;

(c) whether the mouths of Thar and Mithrao Canals have been narrowed with a view to produce only dry crops ;

(d) whether dry crops on lands dependent upon these two canals yield little produce, which causes a great loss both to Government and the zamindars ;

(e) if so, whether they intend to revert to the maintenance of paddy crops on these canals ;

(f) if not, the reasons therefor ?

The Honourable Sir GHULAM HUSSAIN : (a) The Mithrao and the Thar Canals are old canals. Both paddy and dry crops are grown on them.

(b) and (d) No. The dry crops grown on the Mithrao and the Thar Canals do quite well.

(c) No.

(e) No order has been issued prohibiting rice cultivation on the Mithrao or the Thar Canal.

(f) Does not arise.

SYED MIRAN MAHOMED SHAH : Is it not a fact that owing to the reduction of the heads of the water courses the rice cultivation has been reduced ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Khan Bahadur M. A. KHUHRO : Have not the mouths of the Thar and Mithrao canals been reduced ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

SYED MIRAN MAHOMED SHAH : Have the mouths of the water-courses on the Thar and Mithrao canals been reduced ?

The Honourable Sir GHULAM HUSSAIN : If notice is given, I will find out whether that is so.

Khan Bahadur M. A. KHUHRO : With regard to the reply to (c), I want to know whether the word "No" which is the answer to (c) refers to the question "whether the mouths of Thar and Mithrao Canals have been narrowed" or to the latter part of that question, namely, "with a view to produce only dry crops."

The Honourable Sir GHULAM HUSSAIN : It refers to the whole. On the contrary, the head of the regulator on the Thar canal has been remodelled to increase the discharge from 2,100 cusecs to 2,400 cusecs, and a third bar is being widened to increase the present supply.

INAMDARS : GOVERNMENT RESOLUTIONS AND GOVERNMENT ORDERS.

Rao Saheb P. D. KULKARNI for Mr. L. R. GOKHALE (Poona City): Will Government be pleased to quote the Government Resolutions or Orders affecting Inamdars' interests issued or communicated to Inamdars in accordance with Resolution No. L.C. 1225, dated 31st July 1924?

The Honourable Mr. W. F. HUDSON: Government Orders affecting inamdars are of two kinds. (1) those affecting the interests of particular inamdars, and

(2) general orders affecting the interests of inamdars as a class orders falling within class (1) are invariably communicated to the parties concerned but are too numerous to be enumerated. The orders falling within class (2) which have been distributed are—

1. In the Panch Mahals, Government Resolution No. 4966/24, dated 1st May 1929 laying down revised rules regarding the grant of suspensions and remissions of land revenue in the Presidency Proper.

2. In Surat, Government Resolution No. 5506/24, dated 6th March 1931 regarding abolition of patasthal assessment in inam villages.

3. In Ratnagiri, Government Resolution No. 507/24, dated 25th February 1931 regarding extension of Igatpuri concessions to inam villages, and

4. In West Khandesh, Government Resolution No. L.C. 1549 dated 15th June 1925 regarding anna valuations in inam villages.

A revision of the procedure for communicating the purport of Government Resolutions to inamdars is under consideration. ✓

INAM VILLAGES, CENTRAL DIVISION AND SOUTHERN DIVISION.

Rao Saheb P. D. KULKARNI for Mr. L. R. GOKHALE (Poona City): Will Government be pleased—

(a) to lay on the Council table the following information in a tabulated form with regard to inam villages in the Central and Southern Divisions of the Presidency:

A list of inam villages summarily settled under Acts II and VII of 1863 with the dates of their settlement.

A list of inam holders to whom the sanads of summary settlement have been issued by Government, with the dates.

A list of inam villages inquired into under Act XI of 1852. The names of the registered inam holders.

(b) to quote the resolutions affecting inamdars' interests issued and communicated to inamdars after Rule No. L.C. 1225, dated 31st July 1924;

(c) to state the year of the original survey of Brijkhol and Chapperi of taluka Ratnagiri?

The Honourable Mr. W. F. HUDSON: (a) The honourable member is referred to the reply given to his question regarding the settlement of inam villages in the Central and Southern Divisions.* ✓

(b) No. L.C. 1225 dated 31st July 1924 is not a rule, but a Government Resolution. The honourable member's attention is invited to the reply given to his question on the subject of "Inamdars: Government Resolutions and Government Orders" at the current session.

(c) 1865.

AGRICULTURAL SCHOOLS.

Rao Sahab P. D. KULKARNI for Mr. L. R. GOKHALE (Poona City): (a) Will Government be pleased to give the number of agricultural bias schools and agricultural schools in each division of the Presidency?

(b) Have they considered any proposal to abolish the Post of Inspector of Agricultural Schools by distributing his work, if any, among the Deputy Directors of Agriculture of the divisions of the Presidency?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) The number of such schools is as shown below:—

Agricultural bias schools.

Division	Number
Sind	7
Northern Division	12
Central Division	27
Southern Division	25
Bombay Division	8
	<hr/>
	79

Vernacular agricultural schools.

Central Division	2
Southern Division	1
	<hr/>
	3

(b) Government considered the question of the abolition of this post but dropped it as the post is necessary for promoting the scheme of primary bias schools.

Mr. V. N. JOG: With regard to (b), who is the present incumbent of this post?

The Honourable Dewan Bahadur S. T. KAMBLI: One Mr. Pawate.

Mr. V. N. JOG: When was he appointed?

The Honourable Dewan Bahadur S. T. KAMBLI: About two months ago.

Mr. V. N. JOG: Has he taken charge?

The Honourable Dewan Bahadur S. T. KAMBLI: I do not know.

Mr. V. N. JOG: If he has not, will the Honourable Minister kindly see that, in the interests of agricultural bias schools, this officer takes charge soon?

The Honourable Dewan Bahadur S. T. KAMBLI: I will look into the matter.

DISTRICT COURTS : JURORS' HOURS.

Rao Saheb P. D. KULKARNI for Mr. L. R. GOKHALE (Poona City):
 (a) Is it a fact that jurors are summoned to be present in the courts of the District and Sessions Judges at 10-45 a.m. though the Courts do not begin work before 11-30 a.m.?

(b) If so, have Government considered the advisability of taking steps to see that as short an interval as possible will be left between the time at which jurors are summoned and the commencement of the work of the court?

The Honourable Mr. G. A. THOMAS: (a) In no Court except Belgaum are jurors required to be present earlier than 11 a.m.

(b) Instructions are being issued that jurors in Belgaum should in future be summoned for 11 a.m. It is not advisable to fix a later time, since the persons summoned are often unpunctual and the commencement of work is delayed.

CAUSEWAY OVER THE PAVANA RIVER.

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state when the work of constructing the causeway over the river Pavana near Aundh, taluka Haveli, on old Poona-Bombay road will be taken up for execution?

The Honourable Dewan Bahadur S. T. KAMBLI: The old Bombay-Poona road does not cross the Pavana river near Aundh. Presumably the Honourable Member refers to the Mula river. A causeway over this river is not now considered to be of such necessity as to justify the expenditure on it of public funds. Government have, therefore, decided to drop the idea of constructing one for the present.

Mr. G. M. KALBHOR: Are Government aware that the villagers living beyond the Mula river are put to considerable inconvenience especially in the rainy season?

The Honourable Dewan Bahadur S. T. KAMBLI: I require notice of the question.

Mr. G. M. KALBHOR: What is the test of Government in order to justify the expenditure of public funds on this road?

The Honourable Dewan Bahadur S. T. KAMBLI: The answer is that a causeway over this river is not *now* considered to be necessary. I emphasize the word "now."

Mr. G. M. KALBHOR: What is the test of justification for expenditure of public funds?

The Honourable Dewan Bahadur S. T. KAMBLI: The amount of public funds available, the relative urgency and importance of the work and the needs of various other important works which have to be attended to.

Mr. G. M. KALBHOR: Do not Government think that there is a necessity for this causeway now?

The Honourable Dewan Bahadur S. T. KAMBLI : The answer given to the original question is clear enough.

GOVERNMENT COLLEGES : POLICY REGARDING VERNACULARS.

Rao Bahadur R. R. KALE (Bombay University) : Will Government be pleased to state their policy in regard to vernaculars in Government colleges—whether it is in consonance with the spirit of the Despatch of 1854 or the recommendations of the Sadler Commission ?

The Honourable MOULVI RAFIUDDIN AHMAD : The policy of Government is to afford facilities for the teaching of Vernaculars in Government Arts Colleges as far as funds permit. It is not inconsistent with the spirit of official despatches, past or present, on the subject of Education.

GOVERNMENT COLLEGES : PART-TIME TEACHERS.

Rao Bahadur R. R. KALE (Bombay University) : (a) What do Government exactly mean by "part-time" in the case of vernacular college teachers ?

(b) Has it any bearing on the number of hours of work done by a College professor ?

(c) Will Government kindly furnish a list of teachers in the Royal Institute of Science who do less than eight hours of actual teaching work a week with the number of hours shown against each such member of the staff ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) and (b) A part-time teacher is one who is engaged to teach during a part of the College day only but who is free in the remaining portion of the day to undertake any public or private work for remuneration or otherwise.

(c) There are none.

Rao Bahadur R. R. KALE : There is one answer given to both (a) and (b). Part (a) asked, what do Government exactly mean by "part-time" in the case of vernacular college teachers ? Part (b) asked, has it any bearing on the number of hours of work done by a college professor ? I do not think that part is sufficiently answered.

The Honourable MOULVI RAFIUDDIN AHMAD : Would the honourable member like to have any particular information ?

Rao Bahadur R. R. KALE : My question is, in the case of vernacular teachers, as a rule, are they part-time or whole-time teachers ?

The Honourable MOULVI RAFIUDDIN AHMAD : As a rule, they are part-time.

Rao Bahadur R. R. KALE : Are Government aware that they are required to do other work in addition to teaching the vernacular ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not so aware, but if the honourable member gives me notice I will find it out.

Rao Bahadur R. R. KALE : Has the practice of part-time professors been in force with regard to other subjects ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, for law and commerce.

Rao Bahadur R. R. KALE : I am talking of arts colleges. Is that in force in arts colleges ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not know about arts colleges.

Rao Bahadur R. R. KALE : Am I to take it that there is no such practice, or that if there is such a practice the Honourable Minister is not aware of it ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not aware of it. If the honourable member would particularly like to have this information, if he gives me notice, I will find it out.

Mr. SYED MUNAWAR : What is the number of hours a part-time teacher has to work ? Is it defined ?

The Honourable MOULVI RAFIUDDIN AHMAD : No, it is not defined.

PETROL TAX : RECEIPTS AND EXPENDITURE.

Rao Bahadur R. R. KALE (Bombay University) : (1) Will Government be pleased to give in a tabular form the income from the petrol tax in each division of the Presidency and Sind ?

(2) Will Government be pleased to state the amount of petrol tax allotted to the Presidency by the Government of India and how it has been expended or is proposed to be expended ?

The Honourable Dewan Bahadur S. T. KAMBLI : (1) The petrol tax is collected by the Central Government on all supplies marketed in India. The distribution by Divisions is not known. It is therefore impossible to supply the information asked for.

(2) Allotments to the extent of Rs. 25·60 lakhs have so far been made by the Government of India. As regards the amount expended or proposed to be expended the Honourable Member is referred to the reply to the question regarding Roads in Sind put by Mr. S. S. Tolani (Western Sind)*.

ATTENDANCE ALLOWANCE : ABOLITION.

Mr. J. G. MORE (Sholapur District) : Will Government be pleased to state (a) whether the Honourable the Minister for Education agreed to allow any local authority to abolish attendance allowances ;

(b) if so, whether it was subject to any conditions ;

(c) what those conditions are ;

(d) whether the Pandharpur Municipality, or any other local authority has in giving effect to any new Scheme delayed the payment of attendance allowances ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (b) and (c) A copy of Government Resolution, Educational Department, No. S. 72, dated the 12th November 1930, which gives the information required by the Honourable Member is placed on the Council table.

(d) Yes.

* Printed in to-day's debates.

Pay and allowances.

Primary School teachers.

Abolition of Head Masters' and 1st Assistants' allowances.

GOVERNMENT OF BOMBAY.

EDUCATIONAL DEPARTMENT.

Resolution No. S. 72.

Bombay Castle, 12th November 1930.

RESOLUTION OF GOVERNMENT.

Government have for some time been considering whether the Head Masters' and 1st Assistants' allowances sanctioned with effect from March 1st, 1923, under Government Resolution No. 560, Educational Department, dated the 10th March 1926, are fulfilling the purposes with which they were instituted, and whether Local Authorities, who are dissatisfied with the system, might be permitted to discontinue such allowances. After careful consideration they are pleased to announce that they will raise no objection if any local authority wishes to withdraw such allowances after December 1st, 1930. They, however, wish to make it clear that they will not be prepared to consider any proposals for the grant of consolidated scales of pay in excess of those laid down in Government Resolutions, Educational Department, No. 560, dated the 24th March 1924, and No. S. 72, dated the 12th July 1929, as the case may be, but in special cases, where the comparatively high cost of living justifies such a step, Government will not refuse to consider, on their merits, proposals for the grant of local allowances in addition to the maximum scales of pay prescribed in the Resolutions cited above.

By order of the Government of Bombay
(Transferred Departments),

T. T. KOTHAVALA,

Under Secretary to Government.

To

The Commissioner in Sind,
The Commissioners of Divisions,
The Director of Public Instruction,
All Collectors (excluding the Collector of Bombay) and the Deputy Commissioner,
Upper Sind Frontier,
The Accountant General,
The Examiner, Local Fund Accounts,
The Finance Department.

Mr. J. G. MORE : If a local authority makes a delay in the payment of the attendance allowance to be paid to the teachers, what is the remedy of the poor teachers ?

The Honourable MOULVI RAFIUDDIN AHMAD : If they complain to Government, Government takes steps to see that they receive it.

Mr. J. G. MORE : Have they received any complaints from the teachers of the Pandharpur Municipality ?

The Honourable MOULVI RAFIUDDIN AHMAD : I think we have.

Mr. N. E. NAVLE : Are Government aware that some local authorities like the Ahmednagar district local board have amalgamated the attendance allowance in the regular pay of the teachers ?

The Honourable MOULVI RAFIUDDIN AHMAD : I cannot say off-hand.

Mr. N. E. NAVLE : Will Government think it desirable to allow certain local bodies to amalgamate the attendance allowance with the regular pay of the teachers ?

The Honourable MOULVI RAFIUDDIN AHMAD : I do not think so.

MUNICIPAL SCHOOL, RANDEK : SALARIES OF TEACHERS.

Khan Bahadur A. E. PATEL (Northern Division): (a) Are Government aware that the Randek Municipality has not paid salaries to the teachers since October 1930 and that the teachers have decided to cease work if their pay is not paid after a certain date?

(b) Have Government received any application from the teachers, calling attention to their condition, and requesting Government to arrange for the payment of their salaries? If so what has been done in the matter?

(c) (1) Has any outstanding instalment of the Government Grant, already fallen due and has not yet been paid to the local authority, Randek?

(2) And if so, what are the reasons therefor?

(3) What steps do Government propose to take in the matter?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) to (c) The attention of the Honourable Member is invited to the reply given in the current session to a similar question put by Mr. Syed Munawar.*

**SUBORDINATE EDUCATIONAL SERVICE RECRUITS IN BOMBAY
EDUCATIONAL SERVICE : SPECIAL SCALES OF PAY.**

Khan Bahadur A. E. PATEL (Northern Division): (a) Have Government sanctioned a special scale of pay for Subordinate Educational Service recruits in the Bombay Educational Service for secondary and inspecting branches?

(b) If not, when is it expected to be sanctioned?

(c) Will Government kindly give the names of those who were recruited from the Subordinate Educational Service in the Bombay Educational Service in the above branches (1) now retired and (2) in active service after the cancelling of the Government Resolution counting one-third of the Subordinate Educational Service for giving advance increments in the Bombay Educational Service?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) No.

(b) No special scale is under contemplation at present.

(c) A statement giving the desired information is placed on the Council table.

STATEMENT.

No.	Name.	Designation.	Whether retired or in active service.
		<i>Secondary Branch.</i>	
1	Mr. B. G. Varde	Head Master, Garud High School, Dhulia.	Retired.
2	Mr. B. N. Vagal	Head Master, High School, Satara.	In active service.

No.	Name.	Designation.	Whether retired or in active service.
<i>Secondary Branch—contd.</i>			
3	Mr. K. D. Desai ..	Head Master, High School, Nadiad.	Retired.
4	Mr. R. I. Parikh ..	Head Master, High School, Godhra.	Retired.
5	Mr. B. B. Kamat ..	Head Master, Northcote High School, Sholapur.	In active service.
6	Mr. G. K. Puranik ..	Head Master, High School, Dharwar.	In active service.
7	Mr. M. V. Desai ..	Head Master, High School, Broach.	Retired.
8	Mr. B. J. G. Shastri ..	Head Master, High School, Nadiad.	In active service.
<i>Inspecting Branch.</i>			
1	Mr. V. B. Joglekar ..	Personal Assistant to the Educational Inspector, C. D. Panch Mahals.	In active service.
2	Mr. M. D. Dalal ..	Deputy Educational Inspector, Aden.	Retired.
3	Mr. M. I. Farooqui ..	Deputy Educational Inspector, Kaira.	In active service.
4	Mr. J. A. Sayed ..	Deputy Educational Inspector, Kaira.	In active service.
5	Mr. K. L. Hingorani ..	Personal Assistant to the Inspector in Sind.	In active service.

URDU AND PERSIAN TEACHERS : SCALES OF PAY.

Khan Bahadur A. E. PATEL (Northern Division): (a) What is the scale of pay of Urdu and Persian teachers?

(b) What is the scale of pay of an ordinary under-graduate in the teaching branch?

(c) What is the grade of pay of a drawing master who may or may not be an under-graduate?

(d) Are Government aware that owing to the handing over of control of primary education to local authorities there are very few chances for Urdu or Persian teachers to be taken up to the inspecting line?

(e) Do Government intend to consider the revision of their pay?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Rs. 60—5/2—120.

(b) Men—Rs. 45—4—85 efficiency bar 5—150 Women—Rs. 55—5—75 efficiency bar 5—150.

(c) A scale of Rs. 60—4—100—5—150 has been sanctioned for Drawing Teachers and Drawing Masters subject to the proviso that no Drawing Teacher shall rise above Rs. 100 in the scale unless he has passed the Drawing Masters' Examination. Drawing teachers are eligible, on passing the Drawing Masters' Examination, for the grant of two advance increments subject to certain restrictions.

Drawing Teachers in Sind are granted two advance increments in the scale.

(d) Yes.

(e) No.

Khan Bahadur A. E. PATEL : It is stated that the pay of Urdu and Persian teachers is Rs. 60—5/2—120, while the pay of an under-graduate in the teaching branch is Rs. 45—4—85 efficiency bar 5—150. What are the reasons for this difference in pay ?

The Honourable MOULVI RAFIUDDIN AHMAD : The Urdu and Persian teachers are supposed to be proficient only in their own subjects, and very often do not possess the high qualifications that other teachers possess.

Khan Bahadur A. E. PATEL : Are they not doing teaching work ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, they are.

Khan Bahadur A. E. PATEL : Are they competent in their own sphere ?

The Honourable MOULVI RAFIUDDIN AHMAD : They are doing very good work in their own sphere.

EDUCATIONAL DEPARTMENT : PAY OF MATRICULATES.

Khan Bahadur A. E. PATEL (Northern Division) : (a) Will Government kindly state whether matriculates of (1) 1919 to 1922 and (2) those prior to 1919 and subsequent to 1922 are started on different initial pay in the Educational Department ?

(b) If so, what is the scale of pay in each of these classes ?

(c) Is it a fact that owing to the different scales of pay the clerks appointed between 1919 and 1922 get the same pay as those joining service in 1923 ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) The scale of pay for both classes is the same, viz.: Rs. 30—5/2—80. The starting pay of (1) was Rs. 30 and of (2) Rs. 40 per mensem in this scale.

(c) Yes.

POLICE TRAINING SCHOOL : MAHOMEDAN OFFICERS.

Mr. SHAIKH ABDUL AZIZ (Central Division) : (a) Will Government be pleased to state how many candidates not belonging to the Police Department applied, were recommended by district officers and finally admitted to the Police Training School from the Central Division during the last five years from each district ?

(b) How many of those referred to in (a) were Mahomedans and of other backward classes and how many were from the advanced classes ?

(c) How many head constables from the department were recommended and how many were taken up in the Training School during the last five years according to castes ?

(d) How many head constables and of what castes were refused and on what grounds ?

(e) How many of those sent up finally passed and how many failed and were sent back ?

(f) Was it possible to give those who failed and were sent back grace marks or some other concessions or to extend their term and make them eligible for sub-inspectorship instead of sending them back after spending so much public money on them?

(g) Has the percentage of the Mahomedans and the backward classes of those referred to in (a) and (c) been in accordance with the policy laid down by Government; if not, what are the reasons for the shortage?

(h) If sufficient numbers from these castes were not forthcoming, were any steps taken to secure them and, if so, what?

(i) How many sub-inspectors and inspectors, and of what caste in each case, were appointed or promoted permanently or in acting vacancies in each district?

(j) Is the policy of a fixed percentage of each class to be observed in this branch of Government service; if so, has it been observed, and, if not, what are the reasons therefor?

The Honourable Mr. G. A. THOMAS: (a) to (e) A statement giving the required information is placed on the Council table.

As regards clause (d) it will be seen that eight head constables were rejected. The reasons for rejection were that the number of vacancies was limited and they were of inferior material to those selected.

(f) No. The Examination Board does give grace marks in deserving cases and does, when it thinks desirable, make recommendations for the concession of an additional term.

(g) No definite percentage for admission to the Police Training School has been laid down.

(h) Does not arise.

(i) Government regret that they cannot supply the information as the collection of it would involve an expenditure of time and labour altogether disproportionate to the value of the results.

(j) No policy of a fixed percentage of each class is laid down, but due regard is paid to the necessity for a due admixture of castes.

STATEMENT.

Clause (a).

District	Number of candidates recommended by District Officers	Number admitted to the Police Training School
Ahmednagar	17	8
East Khandesh	17	5
West Khandesh	10	2
Nasik	20	7
Poona	31	11
Satara	21	9
Sholapur	18	4
	132	46

Clause (b).

	Maham- madans	Other backward classes	Advance classes	Total
Number of candidates recommended by District Officers.	27	53	52	132
Number admitted to the Police Training School.	9	24	13	46

Clauses (c) and (d).

	Muham- madans	Other back- ward classes	Advance classes
Number of head constables recommended	5	12	6
Number of head constables admitted to the Police Training School.	4	8	3

Clause (e).

	Muhammadans		Other backward classes		Advance classes	
	Passed	Failed or dis- charged	Passed	Failed or dis- charged	Passed	Failed or dis- charged
Direct Nominees	8	1	15	9	11	2
Head constables	1	3	5	3	3	..
Total	9	4	20	12	14	2

Mr. SHAIKH ABDUL AZIZ : With regard to (d), the answer is "it will be seen that eight head constables were rejected. The reasons for rejection were that the number of vacancies was limited and they were of inferior material to those selected." May I ask what is the criterion for determining inferior and superior material ?

The Honourable Mr. G. A. THOMAS : Is the question : What is the difference between inferior and superior ?

Mr. SHAIKH ABDUL AZIZ : What is the criterion for determining inferior and superior material ?

The Honourable Mr. G. A. THOMAS : Common sense.

HIGH SCHOOL TEACHERS, SIND : DEPUTATION FOR TRAINING.

Mr. SHAIKH ABDUL MAJID (Karachi District): (a) Will Government be pleased to state whether it is a fact that out of four assistant teachers deputed this year for training from Government high schools in Sind, three are Hindus and only one is a Muslim?

(b) If so, what are the reasons therefor?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) No other Muslim untrained assistant teacher was considered senior enough to be sent for training this year.

Mr. SHAIKH ABDUL MAJID: Is it a fact that there is a paucity of trained Muslim teachers in Sind?

The Honourable MOULVI RAFIUDDIN AHMAD: I believe it is.

SYED MIRAN MAHOMED SHAH: Are Mahomedans sent in larger numbers for training?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes; if they are found to be well qualified, they are.

Khan Bahadur M. A. KHUHHRO: Have Government issued instructions that a larger number of Muslim teachers should be sent for training?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes. Government are always issuing these instructions.

Mr. SHAIKH ABDUL MAJID: In the answer to (b), it is not denied that qualified Muslim assistant teachers were available. Then why was only one sent for training?

The Honourable MOULVI RAFIUDDIN AHMAD: I have said that they were not senior enough. There is a certain standard of seniority maintained; and I think it is a very good thing for the efficiency of the Department that only those who are senior enough should be sent up for training.

Mr. SHAIKH ABDUL MAJID: Is the Honourable Minister sure that the non-Moslems who have been sent up for training are the senior-most among the assistant teachers in Sind?

The Honourable MOULVI RAFIUDDIN AHMAD: What does the honourable member mean by "sure"? I am only going upon the reports that I have received from the Inspector.

Khan Bahadur M. A. KHUHHRO: Will the Honourable Minister be pleased to make enquiries in the matter?

The Honourable MOULVI RAFIUDDIN AHMAD: Oh, yes. If the honourable member gives me notice, I will enquire.

ZAMINDARI ASSOCIATIONS, SIND : RESOLUTIONS AND GOVERNMENT ORDERS.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to lay on the Council table a statement in a tabular form showing—

(a) the resolutions passed by the various zamindari associations in Sind submitted to Government for their consideration;

(b) the orders passed by them or the revenue officials in Sind on these resolutions?

The Honourable Mr. W. F. HUDSON: (a) and (b) Government have received resolutions from many associations on a great variety of subjects, and it is not clear from the question for what period or on what subjects the honourable member requires information. If he refers to question of concessions in the matter of land revenue, his attention is invited to the press note recently issued by the Commissioner in Sind on this subject. The total remissions of land revenue this year in Sind will be about 39 lakhs.

Mr. SHAIKH ABDUL MAJID: My object was to enquire how far the grievances of the zamindars have been redressed, apart from their demand for the concession in land revenue assessment.

The Honourable Mr. W. F. HUDSON: If the honourable member had only stated so in his question, I would have tried my best to answer him. He must see, if he reads his question over again, that it gives me no guidance whatever.

SIND MUSLIM EDUCATIONAL CONFERENCE: ACTION ON RESOLUTIONS.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether their attention has been drawn to the resolutions passed by the Fourth Sind Muslim Educational Conference held at Karachi on the 28th and 29th March 1931, under the Presidentship of Sir Shah Nawaz Bhutto;

(b) what action has been taken by Government regarding the resolutions mentioned above?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b) The matter is under consideration.

RICE RESTRICTIONS, SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether they have imposed any restrictions (bandash) on the cultivation of rice in Sind;

(b) whether they are aware that there are lands in Sind which are not capable of any other cultivation but rice;

(c) whether they are aware that the restrictions on rice cultivation have created discontent among the zamindars?

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

(b) Yes.

(c) No.

SYED MIRAN MAHOMED SHAH: Is the restriction to be imposed even on the lands which are referred to in part (b)?

The Honourable Mr. W. F. HUDSON: I do not think so. But I should want a very careful examination made of the whole question,

before I answer that categorically. Certainly, that is not the intention of Government.

Khan Bahadur M. A. KHUHRO: Is it not a fact that the Chief Engineer in Sind is receiving a lot of complaints from these zamindars with regard to not getting enough water for rice cultivation?

The Honourable Mr. W. F. HUDSON: Of course, there are a lot of complaints. But the question is whether "the zamindars" means the whole body of zamindars. Some of them, of course, are very discontented on account of this restriction, but some of them are pleased because it enables them to get water.

SYED MIRAN MAHOMED SHAH: There is this complaint from the zamindars that they cannot get enough water for rice cultivation?

The Honourable Mr. W. F. HUDSON: Undoubtedly. There are complaints against any action taken by Government, because an action that benefits one person does not benefit another.

PRIMARY TEACHERS, RANDEK.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether any representation was made by 23 Primary Teachers of Rander to the Honourable the Minister of Education and the Director of Public Instruction on the 9th February 1931 stating that their salaries were not paid by the Municipality from October 1930;

(b) whether the headmasters of these primary schools have not been paid their duty allowance of Rs. 5 per mensem each for ten months (March 1929—December 1929 inclusive) though they demanded the same a number of times;

(c) why their pay and the duty allowance have been withheld for such a long period;

(d) who is responsible for this non-payment;

(e) whether it is a fact that the teachers are organising a strike to indicate their resentment;

(f) whether it is a fact that the Municipality has paid the teachers for six months and that the payment for the other six months of the year has been withheld because Government have withheld their grant to the Municipality;

(g) what Government propose to do in the matter?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Yes.

(b), (c) and (d) It is reported that the pay and duty allowance were not paid to the teachers concerned as sufficient money was not received by the School Board either from Government or from the Local Authority. The Chairman of the School Board sent a telegram to the Director of Public Instruction on 12th March 1931, asking for more grant. On receipt of this the School Board was requested to furnish the details in support of the extra grant asked for with a view to ascertaining what further grant, if any, was due to the Board. As a result of the examination of the details a further provisional grant was sanctioned in March 1931 in addition to the grant already paid to the Board in two instalments in April and September 1930. It is reported that the arrears of salaries up to 1930-31 have already been paid to the teachers concerned.

(e) Yes, the teachers had decided to go on strike but they did not actually do so.

(f) and (g) *Vide* reply to clauses (b), (c) and (d) above.

Mr. SYED MUNAWAR: At the end of the answer to (b), (c) and (d) it is stated "It is reported that the arrears of salaries up to 1930-31 have already been paid to the teachers concerned." Were they paid before the Honourable Minister received notice of this question?

The Honourable MOULVI RAFIUDDIN AHMAD: I am not quite sure.

Rao Bahadur B. R. NAIK: May I know the reason why the Government grant to the school board was withheld?

The Honourable MOULVI RAFIUDDIN AHMAD: Who says it was withheld?

Rao Bahadur B. R. NAIK: Yes. In one part of the answer it is stated that some grant was withheld, and after examination it has been subsequently paid.

The Honourable MOULVI RAFIUDDIN AHMAD: No grant due to the school board was withheld. I understand that he wanted to know whether it was actually due.

Mr. SYED MUNAWAR: May I know whether any arrears of pay were due to the teachers for months after March 1931?

The Honourable MOULVI RAFIUDDIN AHMAD: I think they have been paid up. If the honourable member gives me notice, I shall enquire.

EDUCATIONAL DEPARTMENT: APPOINTMENTS IN CLASS II.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) the number of appointments in the Educational Department in class II in Sind:

(i) reserved for Muhammadans;

(ii) reserved for Hindus;

(iii) open to Muhammadans, Hindus and other communities;

(b) the names of the incumbents of each of the three classes of appointments with their total service and the dates of confirmation in case they are confirmed, and in cases where they are not confirmed, the nature of their acting service whether in a clear vacancy or otherwise and the acting period;

(c) the probable date when the acting men are likely to be confirmed?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) and (b) A statement showing particulars about Bombay Educational Service (Class II) appointments in Sind is laid on the Council table. None of these posts is specifically reserved for any community.

(c) No probable date can be given.

Statement showing posts in Bombay Educational Service.

No.	Designation of post	Name of the present incumbent	Whether holding the post substantively or in an officiating capacity only
1	2	3	4
	<i>Men's Branch—Administrative.</i>		
1	Personal Assistant to the Educational Inspector in Sind.	Mr. K. L. Hingorani.	Permanent ..
2	Deputy Educational Inspector for Muhammadan Education, Hyderabad Division.	Mr. A. R. Farooqui..	On probation for two years from 20th May 1931.
3	Deputy Educational Inspector for Muhammadan Education, Larkana Division.	Mr. A. U. Abro ..	Officiating ..
4	Deputy Educational Inspector for Muhammadan Education, Sukkur Division.	Mr. Shafi Md. Haji Md. Ibrahim Qureshi.	On probation for two years from 20th May 1931.
5	Principal, Training College for Men, Hyderabad.	Mr. N. A. Ghulamali.	Permanent ..
6	Deputy Educational Inspector, Larkana.	Mr. K. G. Gidvani ..	Do. ..
7	Deputy Educational Inspector, Hyderabad.	Mr. A. H. Shaikh ..	Do. ..
8	Head Master, N. J. High School, Karachi.	Mr. L. G. Bhojwani..	Do. ..
9	Head Master, High School, Hyderabad.	Mr. L. P. Wadhvani* Mr. D. T. Advani ..	Do. .. Officiating ..
10	Head Master, High School, Larkana.	Mr. N. H. Advani ..	Officiating ..
11	Head Master, High School, Shikarpur.	Mr. D. V. Mirchandani.	Permanent ..

Class II (Men's and Women's Branches), in Sind.

Total service on 1st July 1931	Date of confirmation (if confirmed)	If officiating, the nature of the officiating appointment and the period for which officiating	Remarks
5	6	7	8
Y. m. d.			
25 2 1	4th June 1931 ..	....
10 0 12	....	....
19 10 10	....	Officiating in a clear vacancy from 25th July 1930.	
0 1 12	....	....	The lieu of Mr. M. I. M. K. Sumra on the post of Deputy Educational Inspector for Muhammadan Education, Sukkur Division, has been suspended.
16 11 16	1st April 1921 ..	....
34 6 0	1st April 1921 ..	Special Temporary Educational Inspector, N. D., from 15th July 1929 to 31st December 1930; officiating Educational Inspector, N. D., from 1st January 1931.	
26 2 25	1st April 1921 ..	Lent as School Board Administrative Officer, District Local Board, Karachi, from 1st March 1927.	
31 6 21	1st April 1921 ..	....
30 9 15 21 4 26	3rd April 1923 .. ....	.... Officiating from 29th June 1931, vice Mr. L. P. Wadhvani on leave preparatory to retirement.	*On leave preparatory to retirement from 25th July 1931.
24 5 28	....	Officiating from 10th July 1929 in a vacant post. He has also previous non-continuous officiating service in B. E. S. to his credit.	
27 10 28	6th September 1921 ..	....

No.	Designation of post	Name of the present incumbent	Whether holding the post substantively or in an officiating capacity only
1	2	3	4
	<i>Men's Branch—Administrative—contd.</i>		
12	Head Master, Madressah and High School, Naushahro.	Mr. O. G. Ansari, Head Master, Mirpurkhas Madressah and High School, doing duty here.	On probation up to 27th November 1931.
13	Head Master, Mirpurkhas Madressah and High School.	Mr. I. Y. Suleman ..	Officiating ..
	<i>Women's Branch.</i>		
1	Lady Superintendent, Training College for Women, Hyderabad.	Miss D. Sethna ..	Officiating ..

Total service on 1st July 1931	Date of confirma- tion (if confirmed)	If officiating, the nature of the officiating appointment and the period for which officiating	Remarks
5	6	7	8
Y. m. d.			
5 9 2	Doing duty vice Mr. G. N. D. Kazi lent as School Board Administrative Officer, District Local Board, Larkana. Mr. Kazi's lien has been suspended.	
10 0 9	Officiating from 24th July 1929 vice Mr. O. G. Ansari doing duty at Naushahro.	
22 10 26	Officiating from 3rd April 1931, vice Mrs. E. N. Judd on leave preparatory to retirement from 18th August 1931.	

PROSECUTION UNDER GAMBLING ACT, LARKANA: WITHDRAWAL.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state whether it is a fact that in the month of October 1930 a case under the Gambling Act was challaned in the Court of the Resident Magistrate, Larkana, in which two Sub-Inspectors stood on the list of accused persons along with several others?

(b) Was one of the accused made approver in the case?

(c) Was the case withdrawn before the hearing of the case commenced?

(d) Is it a fact that no responsible officer was consulted and that the Assistant Superintendent of Police, Mr. D. B. T. Judge, who had raided the den and initiated the proceedings, withdrew the case on his own authority?

(e) Is it a fact that grave doubts were entertained by higher authorities regarding this conduct of the Assistant Superintendent of Police?

The Honourable Mr. G. A. THOMAS: (a) Yes. The Court concerned was that of the Sub-Divisional Magistrate, Larkana.

(b) and (c) Yes.

(d) Mr. Judge on his own authority directed the Police Prosecutor to withdraw the case.

(e) No.

Khan Bahadur M. A. KHUHHRO: What is the special cause for the withdrawal of this case?

The Honourable Mr. G. A. THOMAS: Because it was thought that there was no sufficient evidence.

Mr. S. S. TOLANI: It is mentioned in part (b) of the reply that there was an approver in the case. Is that not sufficient evidence?

The Honourable Mr. G. A. THOMAS: It is not the question whether I consider that there was sufficient evidence. The case was withdrawn because the officer responsible for the withdrawal thought there was not sufficient evidence.

PRIMARY TEACHERS: PENSION RULES.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) Whether it is a fact that the New Pension Rules of the Bombay Civil Service Manual, 1929, were applied to all the guaranteed Primary School Teachers [i.e., the teachers handed over to Local Authorities under section 8 (1) of the Primary Education Act];

(b) Whether it is a fact that almost all the Primary School Teachers had accepted the application of such rules;

(c) Whether it is a fact that they have cancelled the application of the said Pension Rules to Primary School Teachers until further orders;

(d) Whether it is a fact that almost all Local Authorities have started their own Provident Funds;

(c) Whether it is a fact that on account of the postponement of the New Pension Rules contained in the Bombay Civil Service Manual, 1929, there has been discontent amongst the Primary School Teachers;

(f) Whether Government have decided to apply the old Pension Rules contained in the Civil Service Regulations to all the servants of other departments also;

(g) If the reply to (f) be in the negative why the Primary School Teachers alone have been dealt with differently?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) Government had agreed that guaranteed teachers [i.e., those handed over to Local Authorities under section 8 (1) of the Bombay Primary Education Act, 1923], should be given the choice of exchanging the Pension Rules in the Civil Service Regulations for the new Pension Rules in the Bombay Civil Services Rules.

(b) Some had accepted.

(c) Yes.

(d) 35 Local Authorities out of 76 have started their own Provident Funds.

(e) Yes.

(f) No.

(g) Steps are being taken to amend the rules so as to provide that every Primary School Teacher taken over and employed by a Local Authority under section 8 (1) of the Bombay Primary Education Act, 1923, shall be eligible for pension as provided in the rules in force in the Government Educational Department on the date of his retirement unless he has exercised the option, within the prescribed period, of remaining under the old rules to which he was previously subject.

ROADS IN SIND.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state what allotments have been made by the Government of India to the Bombay Government from Central Funds for expenditure on road developments since their resolution on the report of the Indian Development Committee dated 4th February 1930;

(b) How was the grant or grants again apportioned by the Bombay Government amongst their divisions including Sind and on what basis;

(c) Was any amount out of it spent on the roads in Sind. If so, on which roads;

(d) Were any schemes for road developments submitted to the Government of India in pursuance of the aforesaid resolution;

(e) If so, will Government be pleased to place on the Council Table a copy of the same with any modifications made by the Standing Committee for roads;

(f) What roads in Sind has the committee appointed for provincialization of roads recommended to be provincialized in Sind and has any effect been given to it;

(g) Will Government be pleased to place a copy of the report of the Committee on the Council Table?

The Honourable Dewan Bahadur S. T. KAMBLI : (a) Allotments to the extent of Rs. 25·60 lakhs have so far been actually made by the Government of India to this Government out of the proceeds of the petrol tax.

(b) The grant was apportioned by this Government as shown below on the basis of the needs of each Division and the amount available :—

Division	1930-31 Rs.	1931-32 Rs.
Thana	2,61,900	2,16,100
Surat and Broach	1,35,000	1,41,700
Kaira and Panch Mahals	25,000	14,600
Ahmedabad	40,000	40,000
Nasik .. .. .	.....	60,000
Poona	15,000	85,000
Khandesh	68,000	11,000
Kanara	7,500	50,000
Dharwar	22,500	2,12,000
Ratnagiri	1,82,500	1,22,700
Belgaum	45,000	67,000
Total for the Presidency Proper ..	8,02,400	10,20,100
Hyderabad Canals	1,00,000	1,39,000
Begari Canals	20,000	1,41,000
Nasrat Canals	1,00,000	1,00,000
Total for Sind ..	2,20,000	3,80,000
Total for Presidency Proper and Sind ..	10,22,400	14,00,100
Add experimental works to be carried out in the Presidency Proper and Sind ..	.....	1,37,500
Grand total ..	10,22,400	15,37,600

(c) A sum of Rs. 2,20,000 was proposed to be spent in 1930-31 on the following roads in Sind :—

	Rs.
(1) Road from Hyderabad to Hala	1,00,000
(2) Road from Sakrand to Moro	1,00,000
(3) Shikarpur-Kotri-Baluchistan Road	20,000
	2,20,000

No expenditure could however be actually incurred on those works in that year for the reason that by the time funds were available changes in the types of construction to be adopted made it necessary to revise the estimates. All these works are being done in the current year.

(d) and (e) The following 12 schemes were submitted to the Government of India and were accepted by the Standing Committee for roads without any modification :—

1. Bombay-Poona-Aurangabad Road.
2. Bombay-Ahmedabad-Rajputana Road.
3. Dhulia-Bhusawal-Edlabad-Nagpur Road.
4. Bombay-Agra Road.
5. Karwar-Bellary Road.
6. Bombay-Goa or Konkan north to south Road.
7. Bombay-Poona-Sholapur-Hyderabad Road.
8. Bombay-Poona-Bangalore Road.
9. Karachi-Sukkur-Punjab Road on the west side of the river Indus.
10. Karachi-Sukkur-Punjab Road on the east side of the river Indus.
11. Hyderabad-Mirpurkhas-Rajputana Road.
12. Sukkur-Shikarpur-Jacobabad-Quetta Road.

(f) and (g) Government have not appointed any committee for the provincialization of roads in Sind. The Honourable Member presumably refers to the Roads Sub-Committee of the Advisory Communications Board, Sind. At its meeting held on the 22nd May 1931 the following recommendations were made by the Committee in regard to the provincialization of roads in Sind :—

“ The Sub-Committee are of the opinion that all Inter-Provincial roads (or their sections not yet provincialized) should be provincialized, so that the District Local Boards may be relieved to that extent in order to be better able to look after the remaining roads.

The Chief Engineer in Sind will submit a list of such roads along with the necessary map for Government orders being obtained in the matter.”

The Chief Engineer in Sind has accordingly recommended that the following District Local Board roads in Sind should be provincialized :—

	Miles.
1. Karachi (Malir) <i>via</i> Tatta and Jherruck and Meting ..	123
2. Rohri <i>via</i> Ghotki to Bahawalpur State Frontier ..	73
3. Kotri-Sehwan-Dadu	105
4. Dadu-Kambar-Larkana	73
5. Larkana-Rato Dero <i>via</i> Garhi Yasin-Shikarpur ..	48
Total ..	422

The question of the provincialization of these roads is under the consideration of Government.

Rao Bahadur B. R. NAIK : It is stated in the reply “ on the basis of the needs of each Division.” May I know whether any procedure is laid down to ascertain the need ?

The Honourable Dewan Bahadur S. T. KAMBLI : Yes ; there are divisional boards to recommend the needs of each division.

Rao Bahadur B. R. NAIK : Are the total amounts of both the years to be spent this year ?

The Honourable Dewan Bahadur S. T. KAMBLI : The amounts of the two years are intended to be spent this year.

Mr. S. S. TOLANI : May I know when these roads, mentioned in (f), will be provincialized ?

The Honourable Dewan Bahadur S. T. KAMBLI : It is already stated in the reply given that this subject is under the consideration of Government.

Mr. S. S. TOLANI : When will Government arrive at a decision regarding provincializing of these roads ?

The Honourable Dewan Bahadur S. T. KAMBLI : As soon as possible.

SYED MIRAN MAHOMED SHAH : Is it proposed to construct those roads from this fund ?

The Honourable Dewan Bahadur S. T. KAMBLI : I require notice of this question.

Rao Bahadur B. R. NAIK : May I know whether each district is represented on this board ?

The Honourable Dewan Bahadur S. T. KAMBLI : The Divisional Commissioner who is in touch with all the districts in his division is one of the members on this board.

SYED MIRAN MAHOMED SHAH : May I know whether the amount of Rs. 2,20,000 which is proposed to be spent this year is being spent ?

The Honourable Dewan Bahadur S. T. KAMBLI : The answer is there :

"No expenditure could however be actually incurred on these works in that year for the reason that by the time funds were available changes in the types of construction to be adopted made it necessary to revise the estimates. All these works are being done in the current year."

SYED MIRAN MAHOMED SHAH : No work has been taken up so far ?

The Honourable Dewan Bahadur S. T. KAMBLI : I require notice.

ASSISTANT MASTERS, SIND.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) Whether it is a fact that the services of Messrs. D. J. Hingorani, K. A. Israni, H. R. Mirchandani and B. S. Shahani, assistant masters in Sind, were dispensed with in March 1931 ;

(b) Whether it is a fact that Mr. H. M. Java was retained in preference to the above masters ;

(c) Whether it is a fact that Mr. H. M. Java was junior to them ;

(d) The respective length of their service in the Education Department ;

(e) The reasons for preferring Mr. Java ;

(f) Whether it is a fact that Messrs. D. J. Hingorani, H. R. Mirchandani and B. S. Shahani, were reappointed in April 1931;

(g) If so, whether their previous record was satisfactory;

(h) Why they were superseded by Mr. Java;

(i) Whether the break in the services of Messrs. D. J. Hingorani, H. R. Mirchandani and B. S. Shahani, will be condoned?

The Honourable MOULVI RAFIUDDIN AHMAD: (a), (b) and (c) Yes.

(d) The following statement gives the required information:—

Name.	Service on 27th March 1931, the date of discharge of Nos. 1 to 4.		
	Y.	m.	d.
1. Mr. D. J. Hingorani	1	8	27
2. Mr. K. A. Israni	1	6	11
3. Mr. H. R. Mirchandani	0	11	17
4. Mr. B. S. Shahani	0	9	7
5. Mr. H. M. Java	0	8	24

(e) and (h) Under the orders of Government, preference is given to Honours graduates.

(f) and (g) Yes.

(i) No.

Mr. S. S. TOLANI: May I know whether Mr. Java's record was found more satisfactory than so many others whom he superseded?

The Honourable MOULVI RAFIUDDIN AHMAD: The supersession is because Government have issued orders that preference should be given to Honours graduates.

Mr. S. S. TOLANI: I want to know whether his record was satisfactory.

The Honourable MOULVI RAFIUDDIN AHMAD: I think so,

Mr. A. K. RESALDAR: I want to ask some information from the Honourable the Home Member why the Surat meeting was prevented on the Prophet's day?

The Honourable Mr. G. A. THOMAS: I am informed that the honourable member's information is incorrect, as there was no order issued by the District Magistrate prohibiting the procession. If this honourable House is interested in the matter, I shall make a statement giving full facts after recess.

Khan Bahadur A. E. PATEL: I understand that the Honourable the Home Member wants to say that there were two processions—

The Honourable the PRESIDENT: The Honourable Member said nothing of the kind. He informed the honourable member that his information was not correct and no order of the District Magistrate was issued at all. But if the House is interested in knowing the full facts, he would be ready to make a statement after recess.

DISCUSSION ON RESOLUTION re : REDUCTION OF SALARIES—*resumed.*

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, I generally agree with the views expressed by the honourable member Sir Shah Nawaz Bhutto, but I have to make two suggestions. One is that the Retrenchment Committee number of members should be increased by the addition of my honourable friends Mr. Surve and Mr. Jog, so that they may be able to bring their knowledge and put in their proposals before the House when the Retrenchment Committee comes again with their report.

My another suggestion is this. I know that it is a high question of policy. The House will find from an answer to a question to-day that the kulkarni watans have been converted and as a matter of fact talatias have been appointed costing Government more than 25 lakhs of rupees. If the Retrenchment Committee is not precluded from going into that question, I think that this matter also might well be considered because it gives Government an amount equivalent to that which the Retrenchment Committee have proposed to save, after a labour extending over six weeks. In commuting these watans, a hope was expressed that this would contribute to better service. It will be one of the questions for the committee to consider whether that hope has been realised. If not, the matter can be looked into having regard to past considerations and conditions of that service.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I did not exactly follow the honourable gentleman. What did he say that the Retrenchment Committee should do with regard to this question of kulkarni watans?

Rao Bahadur G. K. CHITALE: What I said was that it was a question of high policy, but if the Retrenchment Committee was not precluded from considering that question, this was a head in which a very large amount of saving could be effected. I indicated that if the commutations of these watans were cancelled—there are 6,000 kulkarnis—then we can gain about 25 lakhs a year. That involves going back to the old system. That is one of the points which the Retrenchment Committee will do well to consider.

Mr. N. N. PATIL (Kolaba District): Mr. President, I shall be very brief in expressing my humble views on this resolution concerning the report of the Retrenchment Committee. I know that there is very little remaining for me to say. Anyhow, the Government of Bombay have been compelled to effect retrenchment in almost all the departments, and it is a matter of gratification that the heads of various departments have voluntarily made a surrender of a portion of the grants made for their departments. From the trend of the discussion that has taken place during the last two days it has become quite clear that the eye of honourable members on this side of the House is on the big salaries of the highly paid Government servants, especially as the salaries of those Government servants who are recruited from outside India are abnormally high. There is a proposal for retrenchment in salaries, and

[Mr. N. N. Patil]

I shall submit my humble views as regards that. If we apply a cut of 4 per cent. to salaries over Rs. 40 and up to Rs. 59, we will be able to make a saving of Rs. 1,64,000; if we apply a cut of 5 per cent. to salaries over Rs. 60 and up to Rs. 199, we will be able to make a saving of Rs. 7,20,000; and by effecting a cut of 10 per cent. in salaries over Rs. 200 and up to Rs. 499, we will save Rs. 6,70,000; and by applying a cut of 15 per cent. to salaries over Rs. 500 and up to Rs. 999, we will save Rs. 6,60,000; and by applying a cut of 20 per cent. to salaries over Rs. 1,000, we will be able to make a saving of Rs. 18,20,000. The total, Sir, comes to about Rs. 40,34,000. In applying these percentage cuts, I am of opinion that, so far as the City of Bombay is concerned, salaries below Rs. 100 should not be retrenched.

It has been said on the floor of this honourable House by many of the honourable members that the Education Department is a nation-building department and in that department there should be no cut at all. I would like to go further and say that this department is not only a nation-building department but a department which should be held sacred by all honourable members who have the educational welfare of this country at heart. This country is extremely backward in education. Sir, the 5 per cent. cut already made in the grants for primary education is sure to go a great way—rather, it has gone a great way—to hamper the progress of the education of the backward classes. What has been the result of this cut? I understand that some of the local boards are contemplating the closing down of some of the schools under their control. If the local boards do it, the schools that will be closed down will be the schools located in the villages inhabited by the agriculturists. In that way the agriculturists will be hit hard. Sir, these agriculturists who belong to the backward and depressed classes are extremely backward in education. ‘Ninety-nine out of every hundred souls in the villages are still illiterate; they do not know how to read and write. Their representation on the local boards, school boards and in this Council also is very meagre. If their schools are closed they will be hit hard. I feel that the local boards will not dare to close the schools located in towns, because they are attended by the boys and girls belonging to the advanced classes, and if those schools are closed, the advanced classes will raise a hue and cry. They know how to trouble Government. They are educated, they have their newspapers, and in the columns of these newspapers they criticise Government. Naturally, to some extent Government are afraid of criticism. But these backward classes do not know these ways, and therefore, Government are naturally careless about their interests.

I also find that in the report of the Retrenchment Committee there is a proposal to effect a 5 per cent. cut in the grants to university and secondary education. I am not also so much in favour of this proposal.

So far as this report is concerned, I think at this stage the House will be well advised to accept it, taking into consideration the trouble that the members of the committee have taken to collect information and to present their report to this honourable House. My special thanks are

[Mr. N. N. Patil]

due to those members of the committee who were and still are deady opposed to any cut in the grants for primary education. With these words, I resume my seat.

Rev. R. S. MODAK : Sir, I was privileged to listen to the enlightened discussion yesterday on this subject of retrenchment and at this stage I feel that a member like me coming from outside ought not to suggest anything definitely about the various departments managed by Government, for the simple reason that a certain amount of work has got to be carried on and as to how best it should be done cannot be decided from a distance and without experience. I feel that at the present moment when the Round Table Conference is going to consider the progress of the country it will be opportune to trust more and more the local bodies in the different districts and hand over a good deal more work to them. Then, again, I feel that there is a real need, especially at this time of financial trouble, to merge some departments with others and to close others ; so also to merge some posts with others and discontinue some more. I wish there was no need for us even to think of reducing the salaries of workers of Government. However, if any cut is to be made, I would certainly maintain that the salaries of people who are getting less than Rs. 100 a month should not be touched and in order to maintain goodwill in the country I consider that those who are getting high salaries should not be left out from the cut. At the same time, it would be a great pity, even at a time like the present, to touch the Medical Department which is already inadequately supported.

With regard to the Educational Department, I think that some saving can be made if the number of Government colleges and schools is either reduced or closed down and private educational institutions are helped more and more.

I think that the Retrenchment Committee will be well advised to accept the suggestions made by my honourable colleague from Ahmednagar (Rao Bahadur Chitale) of adding some more names on to it.

Mr. R. B. SHINDE (Satara District) : Sir, the Indian finances have come to a very sorry plight in all provinces, not excluding the Bombay Presidency. Now, the question of how to make up the deficit has been entrusted by the Government to the Retrenchment Committee. We had hoped that by this time the committee's final report would have been ready and the Government would be in a position to make some definite proposals to the Council and give effect to them as soon as possible. I fear that the work if prolonged in this way will not be complete even by the next budget session and new deficit will be added to the deficit which we already have on our hands and the position will be still worse.

Sir, we know the poverty of the people and we know that the prices have gone down to a very great extent. With these facts before us, we expected Government servants, who receive comparatively high salaries, to come forth and show willingness to accept some kind of reduction in their emoluments. But that is not to be. They are expecting some kind of decision from this honourable House.

[Mr. R. B. Shinde]

Now I come to the recommendations of the *ad interim* report of the Retrenchment Committee. This committee has been very conservative as regards its proposals of cuts in expenditure of departments like the Public Works, Forest and Excise departments, and has been very liberal as regards cuts in nation-building departments like education, sanitation medical relief, etc. General education is the foundation and necessary antecedent to the development of the country and in consequence of general education the economic equilibrium is maintained and the wealth of the country is distributed equally amongst all people. And the Retrenchment Committee has suggested cuts in the Educational Department. I belong to the backward community which is most backward in respect of education and consequently I feel very much pained to see the committee proposing cuts on Educational Department, and especially the cuts in scholarships that are given to poor students. Sometimes when the scholarships are left vacant the committee to our wonder proposes a saving by keeping them so. It has been the policy of Government ever since the Primary Education Act was passed to encourage the backward classes and if the cuts in the scholarships are made, we will feel it more than any other community.

Again, there is the question of stipends given to the teachers admitted in the Training College. Nowadays we find that a majority of the teachers belong to the backward communities and their condition is poor. If these stipends are stopped, we will feel more injured than any other community.

The Government have committed a mistake by effecting a cut of 5 per cent. in primary education. It was thrust upon us during the last session of the Council and in order as if to set right the mistake committed by the Government, the Retrenchment Committee comes forward and suggests a possible cut in secondary and collegiate education also. This suggestion should not be accepted by the Council. I think Government are following the policy of penny wise and pound foolish. In other departments the expenses are increasing daily. I will give you only one instance of the Judicial Department. In one of the districts there are three judges—one District Judge, one Additional District Judge and one supernumerary Assistant Judge. There is no necessity for three judges. One judge is quite competent to deal with the work. He is quite competent to dispose of 8 appeals in 2 hours. He is an expert hand. In spite of this, three judges are kept there. It is common experience that officers of the standing of District Deputy Collectors are seldom found in their office before 2 o'clock in the afternoon and thereby the inefficiency and the work of the offices under them increase.

Then, again, take the dairy branch of the Agricultural Department. They held recently an auction sale of she-buffaloes and cows. These 40 animals were bought for Rs. 8,000 some four months ago and they were sold by auction for Rs. 5,000. Thereby the Government were put to a loss of Rs. 3,000 within a period of four months because, it is stated, that the animals have gone weak. Whatever the reason may be, this is

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a fact. These are things which Government seem to ignore. I therefore think that this penny-wise and pound-foolish policy should be discontinued and this extraordinary expenditure that is being incurred in some of the departments should be curtailed. Then the necessity for effecting retrenchment in the nation-building departments will not arise. The Government servants also—the All-India and Provincial Services—should come forth and express their willingness to accept some reduction in their salaries. The argument is generally advanced that if the salaries are reduced, the efficiency of the service will be impaired. Had there been any efficiency, there would not have been a deficit budget facing us. It is deficiency of the efficiency that is being highly paid. We who are representatives of the people are not concerned with this question at all. I hope that Government servants will come forth and accept reduced salaries instead of being compelled to do so by this House. With these remarks, I resume my seat.

Khan Bahadur ABDUL LATIF HAJI HAJRAT KHAN: Sir, I move the closure.

The Honourable the PRESIDENT: I accept it.

Mr. V. N. JOG (Dharwar District): Sir, I do not wish to take a long time. I want to disabuse the minds of certain honourable members by saying that the motion which I have placed before this House is not in any way a censure motion. There is an impression that the resolution is meant to convey disapproval of the work done by the Retrenchment Committee. I must frankly say that there is no motive or intention of this sort in the resolution. It simply says that it looks with disfavour on the recommendations made in the *ad interim* report of the committee which curtail the activities of the nation-building departments. What this side of the House is anxious and keen about is that the nation-building departments should not be crippled. That is the only intention underlying this resolution and I assure the House that nothing is meant by way of censure against that body which has been labouring and giving the best attention to its work.

Coming to the next item, I submit that I had tabled my previous resolution concentrating my attention on salaries because I was quite aware that if any suggestions with regard to the retrenchment of certain items in the various departments were made, naturally there would be favourites of those departments and they would not like retrenchment being effected in their own particular departments. That is what we found in the discussion. If something is retrenched from education, educationists in general would not like it. If the retrenchment is suggested in the Medical Department, then those intimately connected with it may not like it. Similarly, with other departments; and in order to reach a common opinion, I thought that we must concentrate our attention on the reduction of salaries, as then only there might be some unanimity of some sort. No doubt, there is a difference as we have seen; even in the Retrenchment Committee itself, among the eight members there are four alternative proposals

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with regard to how that retrenchment should take place. If we have to have permanent retrenchment then, as I have submitted, there is no other alternative but to cut all salaries wherever they are very high and, as we are not able to retrench anything in the nation-building departments, the only alternative possible is to find out some money to balance our budget, and that is the only source to my mind which is available to us. Except in certain departments, the budgets need not be curtailed but only the personnel; wherever it is found that the department is over-manned, that shall have to be reduced and in all the departments the salaries may be cut down. In working out these figures, I thought that we should have to wipe out the whole deficit of 65 lakhs, at least 50 lakhs, and with this view I had to work upon the figures which have been supplied to us in the various Government statistics. In this way I approximately arrived at about 50 lakhs and I have suggested that cut. It was said, I think, by the honourable member Dr. D'Souza that according to my figures the amount would go to about 85 lakhs together with retrenchment in various departments suggested by the Committee, though the deficit is 65 lakhs. But he has forgotten that if the Retrenchment Committee's recommendation to bring about a reduction is acted upon and if that retrenchment is to come at all, it will come, but I do not know when, whether after six months or after the next month. If at all retrenchment comes, I think it will come perhaps at the time when the year is ending. Therefore, if the suggestion made by the Retrenchment Committee is acted upon from the next month, the sum which they have suggested, namely, 25½ lakhs, will be reduced to half, Rs. 12½ lakhs, and so I do not think there will be any surplus as the honourable member Dr. D'Souza says. Even if there is, I submit, Sir, that my intention was that we must always have some savings, that we should not merely make both ends meet to balance our budget, but we should have some savings, so that we could carry on some development activities in various nation-building directions. With this view I tabled the resolution. Taking into consideration all the views which have been presented on this resolution, we can say that the unanimous voice of this House is that there should be retrenchment of salaries.

With regard to the percentages, no doubt there is a difference, some honourable members saying that the higher salaries only should be cut and some others saying that lower salaries should also be cut. But I think that commonsense and reason would suggest that the cut should be in such a way that the people against whom it is made should be able to bear it.

Then, Sir, a question was raised with regard to the pledge made to the members of the All-India Services, and the fear was expressed that there would be a breach of faith and breach of contract. I submit, Sir, that such would not be the case in a majority of cases for the reason that there would be no cause for grievance or complaint in the case at least of those who entered service before the revisions took place and before the scales were increased. In the case of these officers, I certainly think there will be no injustice caused to them if the scales which were increased after

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they had joined service are brought down now owing to the need for retrenchment. In the case of those entrants who joined service in 1920-21 and after when there was a particular revision, and to whom a certain offer has been made by Government, the case would be slightly different, but that would cover only a small period, not a large one. It has already been pointed out by one of my honourable friends who spoke on this resolution, that if you have a private servant and if your own income is reduced, then you are quite justified in saying to that servant, "I cannot pay you what I used to. If you like, you are at liberty to quit the service. I will pay you only so much. Accept it and stay on or leave." Similarly, even in the case of those servants who joined after the 1920-21 revision, the same rule will apply.

I beg to submit that there is a consensus of opinion that the nation-building departments should not have this cut, but that there should be a certain cut with regard to salaries only. Government have not taken part in this debate except to explain certain matters so far, but not by way of opposition, and they have simply been listening to the speeches of honourable members. They now know what the trend of the opinion of this House is. They may take into consideration all the suggestions made by the Retrenchment Committee, as well as the honourable members who have spoken on this subject. I trust they will accept the resolution and act upon it as far as lies in their power.

With these remarks, I resume my seat.

The Honourable Sir GHULAM HUSSAIN: Sir, the honourable member Mr. Jog was allowed to amend his resolution in order to afford an opportunity to this House to discuss the report of the Retrenchment Committee. We have heard with great interest and attention the discussion on this resolution, and I assure honourable members that we will bear in mind the various suggestions that have been made in regard to the various departments while considering the report of the Retrenchment Committee. We fully realise the gravity of the situation, and in fact we have commenced giving effect to some of the recommendations of the Retrenchment Committee, and we are considering the other recommendations.

I have heard very scathing criticism levelled against the Public Works Department. If the honourable members examine carefully the recommendations of the Retrenchment Committee, they will see that the Public Works Department has made a saving of nearly one-third of the total retrenchment that has been recommended by the Retrenchment Committee. Under these circumstances, I think this department deserved well of this House, and did not call for the ruthless criticism that has been levelled against it.

Again, I was very much amused at the remarks made by one of my honourable friends whom I do not find here, the honourable member Dr. Dixit from Surat. If I rightly followed him, he said that we were on the threshold of a new era, that Purna Swaraj would be soon coming, but at the same time he threatened us by saying that land revenue and

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excise revenue would be appreciably reduced. Well, the honourable members of this House know that two-thirds of our revenue comes from these two sources. If under Purna Swaraj you are going to lose both these sources of revenue, then to whatever extent you cut down salaries and even if you abolish all the services and carry on the administration of this Presidency with non-official agency, you will not be able to find enough money for the nation-building departments, because the revenue from these two sources is about 10 crores of rupees, and, as has been said repeatedly in this House, the cost of administration is 5 crores. If you lose both these sources of revenue, I am afraid it will spell disaster for this Presidency.

The Retrenchment Committee have made recommendations in their *ad interim* Report in regard to this year only, and they will consider the question of permanent retrenchments hereafter. I assure the honourable members that this (Government) side of the House will bear in mind all the suggestions that have been made in regard to the present as well as in regard to the future while considering their recommendations.

The first part of the resolution relates to the All-India Services. The honourable members know very well that the salaries of the All-India Services are outside the province of this Council as well as outside the province of this Government. They cannot be touched unless the Government of India Act is amended. However, the honourable members can see the *bona fides* of this side of the House from the fact that they have allowed them a free discussion even on these items which are, as the honourable members know, non-votable, in order to ascertain their opinions.

Before I sit down, Sir, I take this opportunity, on behalf of the Government benches, to express our appreciation of the good work of the Retrenchment Committee.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, you were good enough to say yesterday that any information from the Government side calculated to help the honourable House to arrive at a correct solution of this retrenchment problem would be welcome and might with advantage be offered. I have only one or two suggestions to offer and, if I am in order, I may be permitted to do so. When the Honourable the Leader of the House got up, I did not realise that he was winding up the debate, but I thought that he had got up to make some kind of a statement with regard to the work to be taken in hand tomorrow.

The Honourable the PRESIDENT : The Honourable Minister is not in order to speak after the debate has been wound up. The honourable the mover of the resolution was called upon to reply and Government reply to that has been given. But if the Honourable Minister wishes me to give him a special opportunity beyond the question of the rules which guide the debate, and if the Honourable the Leader of the House has no objection, I will allow the Honourable Minister the opportunity he asks for.

The Honourable Sir GHULAM HUSSAIN : I have no objection, Sir.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, the honourable member Dr. Dixit, in the course of his speech yesterday, said that he had heard that certain hospitals, or rather the medical officers in charge of the out-patient departments, have been instructed by Government to admit into the hospital those patients only who will bring their own diet from home. I may inform the honourable member that Government have issued no such orders and I can tell him further that even the Surgeon-General has not issued any such orders departmentally.

Dr. M. D. GILDER : Is the Honourable Minister aware that such a procedure is taking place in some of the hospitals ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Thank you. If any instance is brought to my notice where patients are turned down merely on the ground of their refusal to bring their own diet, I shall be very glad to enquire into this question and inform this honourable House about the results at a later stage.

With regard to retrenchment in general, honourable members, I am sure, will help the retrenchment committee by sending in their valuable suggestions, and I can assure them that they will receive very careful consideration at the hands of the committee. But while doing that, I am sure that they will not lose sight of the fact that retrenchments have been made very recently. The possibility of reducing expenditure by retrenchment has from time to time been thoroughly explored. The retrenchment committee of the Legislative Council which sat in 1922 has made various proposals which resulted in a permanent saving of something like Rs. 38,00,000. In 1926 an experienced official was appointed to examine every department with the same object, and at the same time a selected audit officer was appointed to examine in detail the expenditure from contract grants and for fluctuating expenditure. As many as possible of the recommendations of both these officers were put into force, and it was estimated that the total retrenchment amounted to some Rs. 23,00,000. Again, in the year 1929, an audit officer was put on special duty to examine the establishment charges of the Public Works Department, and it was estimated that those of his recommendations which it was possible to put into force involved a saving of some Rs. 8,00,000. It will be seen that retrenchment in expenditure has been and still is the subject of constant examination.

The Honourable the PRESIDENT : That is all reading from printed matter.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Yes, Sir. The result of the continued retrenching both in recurring and non-recurring expenditure over a number of years is that the Presidency has been left without any margin of non-recurring expenditure the saving of which will be available to meet an emergency.

I simply bring this fact to the notice of the honourable House in order that, while making recommendations, they will bear in mind the fact that retrenchments have taken place during very recent years. But in

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spite of that, our committee will do its utmost to make recommendations which, while not impairing efficiency, are likely to make a substantial saving.

Mr. V. N. JOG : Sir, after having heard the assurance given by the Honourable the Leader of the House that he will try to meet the wishes of this side of the House as far as possible, and also the assurance given by the Honourable Minister, the Chairman of the Retrenchment Committee, I beg leave to withdraw this resolution, with the hope that all the wishes of this side will be met as far as possible.

Resolution, by leave, withdrawn.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I move the following resolution—

The Honourable the PRESIDENT : I should like to inform honourable members about one thing. They will find that the resolution as the honourable member is going to move is slightly different from that printed in the Agenda. I have allowed a few changes in the wording to make the resolution a little more comprehensive.

SYED MIRAN MAHOMED SHAH : Sir, I beg to move the following resolution :

"That this Council recommends to Government to appoint every year a certain number of contractors in each district in Sind to supply foodstuffs and other necessary things to officials and their staff on payment of bills, and to punish in the manner determined by Government any officer receiving anything or asking his subordinates or any of the public to supply anything to him free of charge in the shape of kind or cash known as *lapo*."

By moving this resolution I think I am not springing a surprise upon this honourable House nor inventing a new thing. I am only re-narrating an old story and recapitulating the circumstances that led to the existence of an evil since pre-British rule and which has flourished and thrived under British rule for three quarters of a century, that is since the British conquest of Sind. I will try to divide the subject into three parts. In the first part I will deal with the history of the subject, in the second part with the causes that led to the establishment of the system, and in the third part with the remedies.

Firstly, Sir, I may cursorily mention the circumstances that led to the institution of this evil system in Sind. In the days of pre-British rule the land revenue system was such that Government always levied their share of the revenue in kind—a share out of the produce. The revenue officers were paid scantily, so that they supplemented their income by levying certain perquisites from the agriculturists. Commodities being very cheap in those days and on account of the insufficiency of communications, they could not purchase things in the small villages, and therefore they took them from the agriculturists. As a matter of fact, some of the zamindars of their own free will extended their hospitality to those officials. In those days the burden of taxation was very small, and grain and other products were so very cheap that the agriculturists did not assess their value and did not consider it a burden on themselves. Thus the history of this evil began.

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Under British rule the *tapedar* was substituted for the revenue *kamdar* of the Mirs, the pre-British rulers. Cash assessment was levied instead of payments in kind and various settlements were introduced, for instance, revenue settlements and irrigation settlements, under which various complications arose. The complications arose as the interpretation of law and the rules was beyond the scope of the comprehension of the illiterate agriculturists, and as the new rules and regulations could not easily be interpreted by the illiterate agriculturists, they served as a handle in the hands of the subordinate official to exact illegal gratification, and also exact illegal provisions from them for their maintenance while on tour. Sir, as far back as 1902 a notification was issued by the Commissioner in Sind, in which the existence of this evil has been admitted. It is dated the 7th of May 1902. They had invited certain reports from the districts, and the Commissioner in Sind has incorporated the sum and substance of the reports in the following terms in the notification :

"These papers disclose the existence of a deep-rooted evil which, in the opinion of the Governor in Council, is deplorable and calculated to bring discredit on the administration. That *Mukhtarkars* should manage funds collected by the *tapedars* for the entertainment of Government officials and their establishment, and that the establishments of district officers from the Commissioner downwards should live while on tour at the expense of the people is nothing short of a scandal."

I think I cannot use a stronger term than that. This is the word used by the Commissioner himself in 1902, from which we can measure the extent of the evil.

The next big step that was taken towards the eradication of this evil was the motion brought by the late lamented Honourable Mr. Bhurgri in the pre-Reforms Council in 1917. Some of the honourable members of this House like Mr. Kamat, the Thakor Sahab of Kerwada and the Honourable Sir Ghulam Hussain, who adorns the Government benches now, were members of the pre-Reforms Council in 1917. In that year, a resolution was moved and a committee was appointed, which carried on investigations in Sind and issued a report, which is in my hands now. This report was placed before the Government of Bombay in 1919. Since then no investigation has been held to see whether that evil has subsided, or whether it has disappeared, or whether it is working any hardship on the agriculturists in Sind. This is, I think, the third step that I am taking, in order to bring to light the extent of the evil that does exist even now and to suggest certain remedies to eradicate it for good. Sir, this is the past history of the evil. I will now try to give a brief description of it, because some of my honourable friends might not be able to understand what evil it is that I am describing to-day against which I am moving this resolution.

Sir, everybody in this House is aware that Government officers, when they go out on tour, take a lot of establishment and their subordinate staff with them. When they go out to various places, they require what every human being will require, viz., all sorts of provisions for their maintenance. Sir, in the name of these provisions the subordinate staff—for instance in the Revenue Department the *tapedar*, in the Public Works Department the *daroga* and the sub-divisional officer, in the Police

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Department the thanadar and the sub-inspector, and so forth—raise a regular fund from the people by levying one anna per rupee of land revenue, or Rs. 2 per survey number, or at the rate of Rs. 5 per water-wheel or Rs. 10 per water-course and so on. They levy that amount in cash and raise a regular fund, and that fund is kept at the head-quarters. That practice still continues, and its existence is apparent from an incident which has been recently detected by the Deputy Commissioner of Upper Sind, in connection with which one mukhtiarkar has been suspended on the charge of maintaining such a *rasai* fund. This leads to the conviction that there does exist that evil, and to the same extent to which it existed twelve years back. So, regular accounts are kept for that fund and provisions are purchased from this fund. For instance if officers require eggs, mutton, butter, milk, fuel and grass and hens also—all these things are taken from the agriculturists and free of charge. As regards wines, fruit, green grass, spices, rice, etc.—all these are bought from the *rasai* fund. This was disclosed for the first time by certain documents presented to the committee. This description shows the extent of the evil and the hardship it entails on the agriculturists. Besides, in certain cases the zamindars are put to an expense ranging from Rs. 200 to Rs. 1,000. On page 12 of the report it is stated :

“Therefore the annual expense on *rasai* total from Rs. 100 to Rs. 500 or even to Rs. 1,000 for an individual landlord as estimated by the various zamindars from the different districts of Sind.”

This is the extent of the hardship and this is levied on people without the sanction of law or canons of morality. This is being carried on under the very nose of a civilized Government, though we are living in the atmosphere of modern times. This is all the history of the evil I have related.

As regards the causes that have led to this I have enumerated a few. There were two points of view submitted to the committee. One was the official view and the other was the non-official view which always collide one with the other. The official side state that the cause for this could be looked into the past history ; secondly to the traditional hospitality of the people ; and thirdly to the low standard of morality. These were the three causes that were assigned by the officials, who gave evidence before that committee and still that is the defence from the official side. The non-official view was that this evil exists on account of the corrupt tendencies of the various subordinate officials and continued by innumerable opportunities offered to them by a complicated system of administration. Secondly they say that it is due to the laxity of supervision on the part of the superior officers with regard to the action of their subordinates. This is the sum and substance of the causes that were advanced by the various witnesses official and non-official before the committee. There is a difference of opinion as usual on important matters between the officials and non-officials. Let us scrutinise as to which view is correct. As regards the past history, I think I had better

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quote the Honourable the Leader of the House, who was one of the members of that committee. He very pithily described in his minute on page 22 :

"The previous origin of the abuses complained of is obviously no excuse for its continuance. They have been universally recognised and condemned. Their continued existence admittedly brings the administration into disrepute."

Let me stop short there. I am tempted to quote one of his colleagues to whose word always weight is attached—I mean Mr. Harchandrai who says on page 17 of the report :

"The historical survey in the opening part of the report should not be understood as a justification for the evils under consideration. These evils, it is true, are a legacy from past administrations. But when those administrations are admitted to be one continuous agony of misrule, corruption and oppression and the systems of *rasai*, *lapo* and *cher* are recognized as illustrations of such misrule they should be made the objects of aversion and suppression rather than of excuse or palliation."

These are the words the Honourable Member's colleague has expressed, so that past history is no justification for its existence nor even a palliative.

Let us see whether traditional hospitality can be a ground for the continuance of it. So far as hospitality is concerned, even if you refer to dictionary, it means entertainment of friends or others on friendly terms. It does not imply compulsion but volition. This is how I understand the word hospitality. So, by show of force or compulsion hospitality should not be extorted from the Sindhi agriculturists. We were hospitable and we will be hospitable, if officers accept our hospitality, which should be on the basis of friendship. If such a hospitality is expected it must be accepted with gratitude. If it is stated that it is a heritage of the past misrule, that position we resent and we are not prepared to extend that hospitality in these modern times and in these depressed times—in consequence of force, compulsion or display of power.

The third reason given is the low standard of morality. Who is to blame? Who is the cause of it? Is it also the legacy of the past or the endowment of modern civilization? Who is responsible for this low standard of morality? You know, Sir, the conditions of village life. While at the stage of my boyhood I knew people who would shudder to swear by the name of a local Pir if they were asked to do so as a testimony of their innocence with regard to an offence. Now I am 33 years of age and I see people going to courts and swearing on Koran, without the least possible scruple. [An Honourable Member: There is no harm in that]. There is harm, because they swear by Koran falsely. But is that the fault of the people? Is that the fault of the society or is that the fault of Government under whose civilization this is being done? Anybody who studies these things will see who is responsible for the

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low standard of morality in the present times. I will quote one line from the report again :

"They (evils) have survived and expanded in many directions according to a large number of witnesses, under the improved but more intricate machinery of the British Government."

It means therefore that it is the British Government which should be held responsible for the introduction and continuance of this evil. Some zamindars had come here to attend a conference in this House. They stated certain things which I have reduced to writing and which they said contributed to the low standard of morality. Absolute powers are vested in the local officials in Sind, under which agriculturists can not resist any illegal action by officials. If he cannot coerce the agriculturist directly he does so indirectly. This is the cause which compels zamindars to offer illegal gratification. I shall give an instance. Supposing I have been cultivating a survey number on *eksali* tenure for the last five years. Every year it has got to be renewed. I apply for the renewal of the lease, but the tapedar asks for *lapo* for *rasai*. I have no money. The watering season is getting short. My application is not disposed of in time. If I go and cultivate it it becomes unauthorised cultivation and I am penalised for that. If I make a petition to the deputy collector the tapedar's word would be law and I might not get even audience of the deputy collector. I shall give another instance. Suppose my water-course is overflowing with water. According to the settlement I have a lift land on such a water-course. If water flows into that land I am fined for having used that flow water without permission. That may be accidentally done but still I have to pay the fine on the report of the tapedar. Many such things are being done by the local officials and they can do many more. We are within the four corners of the grip of the tapedar. I may give you my own experience. This is what has been done by a tapedar against an enlightened zamindar like myself. He included 5 or 6 numbers belonging to Government as having been cultivated by my *Haris* and charged me for the same. When the bill of assessment came to me I scrutinised it and found that these numbers did not belong to me at all in that locality. Now, if the tapedar can play false with a man like me, who can claim to belong to the legal profession and also to be an enlightened agriculturist, you can well imagine what havoc he could play with that mass of humanity which is steeped in ignorance and does not know anything about law. Honourable members will therefore realise that we cannot get out of the necessity of offering illegal gratification to the tapedar; we are forced, as it were, to pay *lapo* or *rasai*; we have to entertain the man and keep him 'khush.'

As regards the sub-inspector of police, God forbid that he should ever enter a village. No one within the four corners of Sind dare to refuse anything to a sub-inspector, because even the greatest man can be brought by him into trouble. Section 110 of Criminal Procedure Code is there. Many people, even some honourable members of this House, have been put to loss to the tune of lakhs and lakhs by being actually prosecuted

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or reported for prosecution under this section or the other only on the presumption that they are thieves or harbourers of thieves or receivers of stolen property. This leads to absolute corruption of the police as a mere report from a subordinate police officer places the greatest man in Sind under prosecution. When we have to exist in such atmosphere, how can we resist the temptation of giving illegal gratification? I say, therefore, remove the cause which degrades our moral standard. No doctor can uproot a disease by mere palliatives; you must strike at the root of the disease before you can cure the evil. These are the causes which lead people—even possibly people like me—to give illegal gratification. I must assert that we have to give it under compulsion but the remedy is in the hands of Government.

The Honourable the PRESIDENT: Only five minutes more.

SYED MIRAN MAHOMED SHAH: This is a very important matter, Sir, and I hope you will give me some indulgence.

Now, Sir, I have given reasons for this low standard of public morality in Sind and stated that the non-official view is that it is the result of the corrupt tendencies of subordinate officers generated by the intricate system of administration prevailing in Sind.

Now, I come to laxity of supervision. I only say that if the screw is tightened, this evil will not be heard of within the course of a couple of years. Only the screw has to be tightened by the higher officers. One Assistant Collector (Mr. Shillidy) gave evidence before the Rasai Committee. He was presented with a bill by his Mukhtyarkar and when he questioned why it was so small he was told that his camp did not cost much, it was the collector's that cost much. A similar reply was given to the Collector when he questioned why the bill presented to him was very small. The reply was that—it was the assistant collector's camp that had cost much. This goes on still. When bills are presented the superior officers do not care to scrutinize them and see if the small amounts charged to them represents the real value of the things consumed by them. The officials should have imagination and commonsense enough to see that the delicious things they consume must have cost much more than they are charged. But they do not care. If an officer gets fresh fruit at the extreme end of his beat he does not enquire what it has cost, though it could not have been procured from places other than Karachi or Quetta. There is lack of supervision on the part of the superior officers, who do not put their heart into this problem. They say "Bring evidence". How can I bring evidence against my tapedar or Sub-Inspector or Daroga? I have to deal with him in hundred matters. If I displease him, he will put me down in his black list and hand it over to his successor telling him "This man always troubles us and brings us to the notice of higher officials. Always trouble him and keep up the illustrious tradition behind us." That is the way they maintain the golden chain of oppression. This is due to laxity of supervision on the part of superior officials and they are certainly responsible to that extent.

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Now, I will come to the remedies suggested by the committee after a long and laborious enquiry lasting for two years. Their suggestions seem to have been jettisoned in the Arabian Sea. The first is—

“Camping grounds should be fixed as far as possible and early steps should be taken to provide bungalows.”

I am not concerned with this. My resolution is concerned with the appointment of contractors. I suggest this system because under that system no subordinate will get a chance to levy illegal gratification. If a subordinate official is made responsible for making arrangements for the officers, then, in the name of that he will levy an illegal gratification. Therefore, independent contractors should be appointed each year “to supply foodstuffs and other necessary things to officials and their staff on payment of bills.” I have put in the words “on payment of bills” after careful consideration. This bill will be signed by the officer concerned and sent to the Collector or other Superior Officer at the end of every season, so that these bills would be scrutinized to see whether the amount charged for is really sufficient and could represent the real cost of the materials supplied for the period to which the tour has extended. Each taluka may have a contractor, or each district. The area may be adjusted according to local needs. Then the committee had suggested the appointment of banias and seridars. The suggestion was to give the seridar about 20 acres of land in lieu of his service. But that man will boss over the people. He will say “I am the friend of such and such an officer; give me so much or else I will see that you incur the displeasure of that officer.” I myself would not sometime dare to incur the displeasure of an officer. Therefore, that suggestion has not been accepted. Then, the next suggestion is—

“The subordinate establishments of the talukas should not be responsible except to the extent of informing the banias and seridars or contractors of the requirements of the touring officers and in special cases with having recourse to the local zamindars.”

I do not like having recourse to the local zamindars. The committee themselves have recognised that it is only an independent contractor, who will be paid for the things he gives according to the market rate, that can be trusted. Neither the local subordinate officers nor the zamindars should have anything to do with it. Then, the fourth is—Another recommendation of the Committee runs thus—

“Cots and water jars should be carried or maintained locally and tents should be taken if required for stables and kitchens and for all members of touring establishments.”

In the past when cots and water jars were provided, in many cases they were never returned. They were taken away by the patawalas or peons—that is my information. Have Government ever enquired whether these cots and water jars were returned? Then, the next recommendation is that there should be reduction in the period of touring. I think everyone will agree with me in saying that there should be a reduction in the period of touring. I do not see what benefit these officers confer on the public by touring regularly for a long time. They may, by all means when they have got any specific business to attend to or any complaint to investigate, visit different places. But why should it be compulsory

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for them to tour six months, nine months or so in the year ! There is now every facility to visit even the remotest part of the district in one day and return to head-quarter on same day. In my capacity as president of the district local board, I do go to the remotest parts of the district in motor car. It is a bit costly, but these officers get permanent travelling allowances and they can afford to pay the cost of a motor journey if the period of touring is not fixed. There are motors available now and everybody is using the car, and travelling long distances in a single day.

These in brief are the recommendations I make, and these are consistent with the recommendations made by the committee. I only want that Government should put them into execution. Let them try this contractor system. I undertake to provide them with the contractors, and if I fail the whole system may be taken to have failed. I think that that system will prove practicable ; if it does not we can give it up. We shall at least have the consolation that Government tried sincerely to adopt it.

With these remarks, I resume my seat, and commend the resolution to the House for adoption.

Question proposed.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, I really feel that I will not be able to do as much justice to the resolution as the honourable member the mover of the resolution has done in his momentous and historical speech. I do appreciate the relevancy of some of the instances quoted by him. He might have exaggerated in certain cases, especially when he said that he also does not dare to expose an officer when he comes to know that he has taken *lapo* or *rasai*. So far as I know, Sir, he is bold enough and enlightened enough to expose any officer who takes *lapo* or *rasai*. But at present we are talking of the general public a large proportion of whom, it is an admitted fact, are uneducated. And this grievance remains for the very reason that the zamindars are uneducated and ignorant ; and chiefly on account of the surroundings and the intricate machinery of Government they are unable to expose the subordinate officers of Government who receive *rasai* and *lapo*. I wanted to move an amendment to the resolution but I find that it has been embodied in the modified resolution which has just been moved. I wanted particularly to lay emphasis on *lapo*. Honourable members must have read the report of the committee appointed at the instance of the late honourable member Mr. Bhurgri. *Lapo* is a fixed levy on zamindars according to the area which they cultivate. The lowest subordinates of the Revenue Department in Sind known as tapedars (whom you call talatis in the Presidency) recover something like 4 annas and in some cases I am told even 8 annas per acre, and this levy is called *lapo*. This levy is recovered invariably from every khatedar who cultivates his land so much so that this deep-rooted evil has come to be regarded as a part of land-assessment or some sort of legalized levy. Out of the amount recovered a substantial portion is surrendered by these tapedars to the mukhtyarkars of the taluka, out of which a '*Rasai Fund*' is maintained, that is what my honourable friend the mover of the

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resolution implied. This fund is invariably maintained in every taluka and has become really a curse and a nuisance to the zamindars. No khatedar in Sind escapes this tax. Every tapedar recovers this tax from zamindars and there is no mukhtyarkar, so far as this question is concerned, who can be regarded as honest and who does not collect the *rasai* fund. There are mukhtyarkars, I know, who are strictly honest and are definitely against this practice and who would not like to charge anything for themselves and actually they do not spend a single pie out of the already collected fund upon their person. They consider it unlawful according to their own honest and honourable convictions. But for the sake of affording facilities to superior officers who come on tour to their talukas—not necessarily for the officers themselves, but their large retinue and their clerical establishment and pattawallas and so on—they are compelled to go against their convictions. In order not to incur the displeasure of their superiors, they are compelled to maintain this *rasai* fund.

It may well be asked why the zamindars pay this *lapo* to these tapedars. The reasons have been explained at great length by the honourable the mover of the resolution. The tapedar in Sind possesses very many powers which he will invariably exercise against those who fail to pay this levy and satisfy him. According to the Land Revenue Code he has certain powers; and according to the Irrigation Act he has still more powers. All these powers are apt to be misused by the tapedars. There is not sufficient verification made by superior officers and the tapedars are not brought to book for playing such mischief. I will mention one of the cases which has probably escaped the notice of the honourable the mover. The tapedar has been given power which is known as “*Ziañ pani*” which means “waste of water”. This power, I understand, he gets under the Irrigation Act. This power is used if anybody uses more water or allows water to run to waste. In times of flood it invariably happens that a certain quantity of water flows to the roads or adjoining waste survey numbers and this weapon is so very wide and so uncontrollable that he can at any time exercise it against any zamindar. He has simply to visit the survey numbers and enter in his diary some false notes. It is very difficult to find out whether there is waste water or not after the report is made—which takes one or two months ordinarily to attract the attention of the mukhtyarkar. If the khatedar makes a complaint that the report made against him regarding waste of water is not correct he has no facility to prove it as a long time elapses since the date of such a report, if any, and the time when he is served with a notice whether he has wasted water, hence he is at a considerable disadvantage to substantiate his case and refute the false charge levelled against him. He ought in fairness be given adequate opportunity to show whether it was beyond his power or not. So he does not get sufficient facility even according to the existing law which is very defective, to protect himself against the adverse operation of the power exercised by the tapedar. Similarly, other instances have been quoted by my honourable friend in regard to *eksali* cultivation. Applications for permission for *eksali* cultivation of land are generally sent by the mukhtyarkar to the respective

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tapedars. When the mukhtyarkar distributes 100 to 200 such applications between different tapedars according to their beats it is very difficult for the tapedar to say which application he received and which he did not. If a tapedar wants to wreak vengeance on a certain zamindar, he keeps away the application and does not dispose of it in time. The mukhtyarkar possibly does not remember it. It is clear therefore that those khatedars who fail to satisfy him fall easily within his grip.

The law as it at present stands gives very large powers to the tapedars in Sind and enables them to misuse these powers. Therefore this *lapo* has become an evil and the zamindars, however educated they may be, find it difficult to resist it and will consider twice before they will antagonise the tapedar. I therefore submit that the statement that the Government machinery is so complicated and extremely intricate is absolutely correct. I support that statement.

I submit that the best remedy for the Government will be to try to stop this system of *lapo* in Sind. I will not agree if either the Collectors or the Deputy Collectors report to the Commissioner that they do not know about the existence of this evil or that it is being practised without their knowledge. All the officers in Sind know perfectly well that *lapo* is being levied by tapedars. Therefore the excuse that they do not know anything about it is not justified. I therefore submit that there should be very strict orders on this point and the Commissioner in Sind should take this matter in hand himself and see that all the Collectors in Sind try their level best to stop this system and wherever they come to know that a tapedar has taken this *lapo* from khatedars, he should be summarily dismissed. Unless such drastic action is taken, it is impossible to eradicate this longstanding and deep-rooted evil in Sind. Mukhtyarkars should also be warned and told clearly that the *rasai* fund should not be collected and maintained. The appointment of contractors, as suggested by the honourable mover of the resolution, will, to a great extent, facilitate matters, because when the officials come on tour to head-quarters of talukas, particularly, at the time of *jamabandi*, they have to stay at one place for at least 10 days. The Collector does not stay at one place for more than 3 or 4 days and he visits only important villages. Most of the time is spent by the officers in places where there are facilities for communications and facilities for getting materials. If contractors are appointed in each taluka head-quarters and even non-official aid is secured in the matter of appointment of suitable contractors, I think the evil of having to maintain the *rasai* fund will disappear. When the necessity for the maintenance of this fund disappears, automatically the need for recovering *lapo* will also disappear. After that there will be no justification for mukhtyarkars to support or back up their tapedars who recover *lapo*. Under the present system it is very difficult for any higher authority to catch hold of the tapedar because the mukhtyarkar is bound to support him. These tapedars do feel themselves secure, since they know that their immediate superiors are also partly guilty of the charge and participate in the continuance of this kind of corruption. I will give one instance which happened four years ago. There was a complaint

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against one mukhtyarkar in the press that he was taking money and presents out of the *rasai* fund and therefore tapedars were compelled to recover double and treble the usual amount of *lapo*. This complaint originally appeared I think in "*Al Wahid*" paper and it was reproduced later on in some other vernacular papers. There was a large number of allegations against him from the zamindars and these allegations I reproduced in my letter to the Commissioner in Sind (Mr. P. R. Cadell) and I also sent some interpellations to the Legislative Council. I was subsequently informed that the Commissioner in Sind had instructed the Collector to hold a confidential enquiry into the matter. That confidential enquiry was entrusted by the Collector again to the Sub-Divisional Officer. Unfortunately for us and fortunately for the mukhtyarkar concerned, the Sub-Divisional Officer at that time happened to be of the same caste (Amil) as the mukhtyarkar and even slightly related to him. Besides the complainants were at a disadvantage inasmuch as they could not be given any chance of explaining the allegations because there was the word "Confidential". The enquiry was therefore held confidentially without giving anybody any chance to be heard. The result was that the Sub-Divisional Officer made sweeping remarks even against me in his confidential report, saying that I had a personal grudge against the mukhtyarkar. Mr. Cadell himself told me that these remarks were made against me. He was very good in this respect that though the report did not support the allegations, he knew perfectly well that the mukhtyarkar was dishonest and he transferred him with a light punishment—suspension of promotion for two years. So you see how difficult it is for us and how cold water is thrown on the applicants and upon the allegations that are sent to the higher officials. If at that time an open enquiry had been held and the public had been given due opportunity to place the facts against the mukhtyarkar, then the other mukhtyarkars would have also feared and would have hesitated to maintain the *rasai* fund. And if Government are strict about this matter and the Commissioner in Sind, also takes serious steps in order to eradicate this evil it is not difficult for him to put a stop to it with the aid of his immediate subordinates and the educated non-officials. I have great pleasure in supporting the resolution.

Mr. M. M. KARBHARI: On a point of information from the honourable member, Sir. The honourable member from Larkana is I believe a big zamindar himself. May I know if he has been paying *lapo*?

Khan Bahadur M. A. KHUHRO: I admit, Sir, that I have been put into a great difficulty by this very pointed question that has been asked of me. I would like to say frankly that even I am not altogether immune from the payment of *lapo*.

Khan Bahadur SHAIKH YAKUB VAZIR MUHAMMAD: Mr. President, my honourable friend has described the situation rather very darkly. I find that it has become more or less a fad with everybody to run down that wretched creature, the tapedar, in season and out of season. I do not say that he is a paragon of virtue. He is as human as anyone in the world, though I would abhor a dishonest man.

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Sir, whatever may have been the system in former times, I can assure this honourable House that when formerly the Collectors used to move about with a paraphernalia of about 15 clerks and what not, at present for the last four years and a half I have been moving as the Collector of my district with one clerk. The Assistant and the Deputy Collectors are moving with two clerks. The Mukhtiarkar of course has one clerk. You can imagine, Sir, that if at all anything is happening—one clerk as against 15 or two clerks against what not, I should say the honourable House alone can judge the extent of *Rasai* in Sind.

SYED MIRAN MAHOMED SHAH: That would certainly be satisfactory if it was true of all the Collectors.

Khan Bahadur SHAIKH YAKUB VAZIR MUHAMMAD: I merely speak for myself. Now, Sir, we must find out, after the Retrenchment Committee's report, as to what is being done. We find that we have to formulate our tour programme something like 15 days beforehand. It goes to everybody and everybody comes to know about it, and I can assure this House that a Collector now-a-days finds it impossible to move into the interior of his district and has to confine himself mostly to his headquarters, because his time during the last two years on account of the different movements has been more or less taken up at headquarters, but that does not mean that his tour is not sufficient. Now-a-days, each one of us has a motor car. I think two of my sub-divisional officers have got a car of their own, and we can reach every nook and corner of our charges. I can assure this honourable House that during the last year and a half, there is not a deh in the whole of the Sukkur district to which I have not gone from the taluka headquarters.

Government has done and is doing everything in its power to suppress this *rasai*. All that is humanly possible is being done. Thorough and prompt enquiries are made if there is any complaint. I know an instance in question just now—there is one case at Jacobabad which is before the Commissioner-in-Sind and before the enquiries were completed, immediately a telegram went to suspend the mukhtyarkar and he is suspended.

Seridars have been appointed at every different place. How are these seridars appointed? We found that it was almost impossible to persuade any of them to provide supplies. I found everywhere in the district that it was a very tough job to get seridars at all, you could not get them easily, and I was considerably relieved to hear my honourable friend telling this House that he can have these contractors—any number of them, and if he is certainly prepared so far as Hyderabad is concerned, I wish he would do the same for Sukkur where I will certainly try to help him all I can. I can assure this honourable House that his proposal, from the point of view of those who have to live in Sind and who have to deal with Sindhis, is most impracticable. We have to send our lists of supplies of whatever provisions we need, like fowls, chickens, eggs, water-chattis, etc., things of which I do not think any superior officer takes any the least advantage. Besides we have now got district bungalows

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and the Public Works Department bungalows almost all over the province. Sir, I have never heard a single complaint from those few Muslim zamindars who come forward as seridars up till now, and I have been Collector of Nawabshah and Sukkur for the past four years and a half. I purposely and personally asked them about it and found them all happy, there was nothing wrong against them. When I was acting as the senior assistant of Mr. Monie who was the Collector at Nawabshah, we both of us tried that experiment of having contractors. We appointed at different places so many Hindu contractors, and what was the result? Each one left within three months. As the story goes, there was a Rishi and he had a very handsome wife. Somebody was of course enamoured of her. This Rishi had a cock and a cow which were kept in his house. As soon as the cock crowed at four o'clock the Rishi would go to the bank of the Gang s when the paramour would get in. One day this paramour, who was also a religious man, said to the cock, "Dont you crow at four o'clock, better crow at midnight." As soon as the cock crowed at midnight, the Rishi left and this man came. When the Rishi returned, he found this another religious man in his house and so he cursed the cock and said, "No Hindu will ever keep you in the house" and he told the cow, "Of course, you are the mother of India and as such the whole of the earth is on your head, and therefore the curse I pronounce upon you is only this that you will eat the dung in front of different houses." This is the curse which the Rishi pronounced upon his cow and cock. I asked these Hindu contractors why they left the business. They said, "We cannot possibly get fowls, chickens, meat, etc. We can never deal with them or in them. We can never do any such thing." I do not know how our friend thinks he can get zamindars to act as seridars in return for 60-rupee-assessment-free land.

I have got nothing more to say. I have proved to you here that there is absolutely no laxity of supervision as regards the *eksalo*. I can assure the honourable members who have spoken about this *eksalo* business, that *eksalos* are being held in open kacheris by Deputy Collectors, and I should ask whose morality is low if nobody goes to speak to the Deputy Collectors against the tapedars? With these few remarks, I oppose the resolution.

(After recess.)

STATEMENT re: A PUBLIC MEETING AT SURAT.

The Honourable Mr. G. A. THOMAS : Sir, Government have received copies of the resolution shown to me by the honourable member Mr. Resaldar, which reads as follows :

"This meeting of the Muslims and other citizens of Surat expresses strong indignation and vehemently protests against the highhanded and autocratic act of the District Police Superintendent of Surat in banning the religious meeting to celebrate the Prophet-Day which was fixed to be held in the Naginchand Institute Hall to-day at 5 p.m. This highhanded and unwarranted interference in the religious function of the Musalmans has wounded their religious feelings greatly. This meeting therefore urges the Governor in Council to inquire into the matter and redress the grievance of the Mussalmans and to assure them that no such insult to Islam and the Mussalmans will be made in future."

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This meeting was not banned by the District Superintendent of Police. The facts were as follows :

The body known as "The Young Muslim Brotherhood and the Bohra Education Society" announced its intention to hold a meeting at the Naginchand Institute Hall to celebrate the birthday of the Prophet (Id Milad) on July 29th last at 5 p.m. This body was known to be a political organisation and the donor of the Hall imposed a condition that the Hall was not to be hired or let for political purposes. Moreover, the Sunni Muhammadans were holding their usual Bara Wafat procession with green flags and the Bohras were to have a black flag procession to protest against the Wakf Act that afternoon, and it was apprehended that the processions would pass the Naginchand Hall with the consequent possibility of a serious disturbance.

The District Superintendent of Police accordingly wrote to the trustees of the Hall bringing the facts to their notice and requesting them to cancel the permission "in the interests of the peace of the city." The trustees thereupon withdrew their permission.

The Society subsequently held its meeting at the Lal Mahal and it was not in any way interfered with by the police. The resolution which forms the subject of this statement was passed at this meeting.

Several prominent Muhammadans afterwards thanked the District Superintendent of Police and his officers for their efforts in preserving the peace. The District Magistrate was similarly thanked the next day and he was assured that any undesirable speeches on such a religious day as Bara Wafat would have been resented by the Muhammadan community.

Khan Bahadur A. E. PATEL (Northern Division) : Sir, I wish to have some information on the point. The Honourable the Home Member has said, of course on the authority of the District Superintendent of Police, that no political meeting was to be allowed, according to the desire of the trustees, in the Naginchand Institute Hall.

The Honourable Mr. G. A. THOMAS : I beg the honourable member's pardon. It was a condition imposed by the donor of the Hall.

Khan Bahadur A. E. PATEL : But this meeting, according to what we understand, was never a political meeting, and therefore there could be no such fears as regards the meeting being a political one or of political speeches being made. The Honourable the Home Member must have come to know that even afterwards when the meeting was held in another Hall, no such political speeches were made. What ground did the District Superintendent of Police have to fear that there would be anything like political speeches ?

The Honourable Mr. G. A. THOMAS : The organisation was a political organisation,—I do not think the honourable member would deny that,—and the donor had imposed a condition that the Hall was not to be used for political purposes. But that was only one reason and not, I think, the chief reason. The chief reason was that the Sunni Muhammadans

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were holding their usual Bara Wafat procession with green flags and the Bohras were to have a black flag procession against the Wakf Act, and there was a danger that, if these two processions met in front of the Hall, there would be a clash. I need not remind the honourable member that there have been instances in recent years in Surat of such a clash between two sections of the Muhammadan community, and I think the incident which occurred a couple of days ago in Bombay also has a bearing upon this.

Khan Bahadur A. E. PATEL: I think this information is rather misleading.

The Honourable Mr. G. A. THOMAS: I must protest against that.

Khan Bahadur A. E. PATEL: I mean misleading in this sense, that the information received from the District Superintendent of Police, Surat, on which the statement of the Honourable the Home Member is based, is misleading. As stated by the Honourable the Home Member, I would take it that the Young Muslim Brotherhood may be a political association; I am not prepared to deny it. But this meeting was organised not only by that Association. It was organised jointly by that Association and the Shiah community. Therefore, there could be no such suggestion that it was organised by one particular association and that it was meant for political activities. It had no bearing on the question of politics. The meeting was intended to celebrate the Prophet's Day, and anything that would be spoken would be in reverence of the memory of the Prophet and nothing else. Therefore, this suggestion that there was a fear of political speeches being made and that the meeting was organised for a political purpose by a political body does not hold good. There ought to have been no fears of that kind.

The Honourable Mr. G. A. THOMAS: Is the honourable member aware that three of the speakers advertised to speak on the occasion were not Mahomedans?

Khan Bahadur A. E. PATEL: I think that is exactly where the shoe pinches. I beg to protest against that attitude of the authorities. If Hindu friends join in celebrating the Prophet's Day and paying a tribute to the memory of the Prophet, it will tend to rather conciliate the feelings between the two communities, and that is all for the good. I do not know why objection should be taken to any Hindu gentlemen who want to pay a tribute to the memory of the Prophet.

The Honourable Mr. G. A. THOMAS: Is the honourable member aware that two of these Hindu gentlemen have been in the habit of making highly inflammatory speeches?

Khan Bahadur A. E. PATEL: What grounds were there to fear that there would be anything like political speeches on the occasion? It was a meeting for commemorating the memory of the Prophet and anything spoken would have been in reference to the life and teachings of the Prophet on cosmopolitan grounds. There was nothing objectionable in such action.

The Honourable Mr. G. A. THOMAS: Is the honourable member aware that the same organisation had on several previous occasions held meetings for religious or educational purposes which had developed into political meetings?

Khan Bahadur M. A. KHUHRO: In order to make this thing more clear, I would request the Honourable the Home Member to bear in mind a few facts that I am going to state and to get further information, if it is necessary. I am told, Sir, that though this Hall was constructed out of the donation of a certain gentleman, yet it is in the hands of a regular managing board and it has a secretary. One of the honourable members of this House, Sardar Davar Modi—he is not present here to-day—himself told me that he is the secretary of the Hall. Besides, as my honourable friend Khan Bahadur Patel said, this meeting was to be convened to celebrate the birthday of the Prophet. So, necessarily, there would be no political speeches in that meeting. So, the fear entertained that there would be a clash between the two communities or two sections of the community, or that it was for political purposes was absolutely groundless. The object in view was that the Mussalmans would meet there for commemorating the memory of the Prophet's birthday, and that was absolutely in order.

The Honourable the PRESIDENT: What is the further information that the honourable member suggests the Honourable the Home Member should get?

Khan Bahadur M. A. KHUHRO: My point is that it was only on religious considerations that the meeting was to be held and not on political considerations. So political speeches would not have been made on that occasion, and I do not think the Honourable Member can give any instance anywhere in the Presidency where meetings held for religious purposes came to be political meetings.

The Honourable Mr. G. A. THOMAS: I can quote many instances of meetings held by religious organisations developing into political meetings.

Khan Bahadur M. A. KHUHRO: That may be on other occasions, but not on religious occasions. They may have held meetings deliberately for political purposes.

The Honourable Mr. G. A. THOMAS: Is the honourable member from Larkana going to contend that a meeting which was held solely with a view to celebrating the birthday of the Prophet would be graced by the presence of two prominent Hindu political speakers? Can he quote any instances of that?

SYED MIRAN MAHOMED SHAH: In Hyderabad (Sind), the Christians, Parsis, Hindus and Mussalmans joined together in paying a tribute to the memory of the Prophet. It is customary on our side.

Mr. SHAIKH ABDUL MAJID: May I know whether it is a crime for any political association or any politically minded persons to take part in the celebrations of the Prophet's Day or the birthday of any other religious leader?

Sirdar BHASAHEB RAISINHJI, THAKOR OF KERWADA : Sir, I should like to request the Honourable the Home Member to make further enquiry. One thing is certain. He can find out whether the meeting was held somewhere else. If it was held, as I understand it was held, there must have been police reporters, and they must have reported whether any political speeches were made or not. Apart from that, the trustees of the Hall having given permission for the use of the Hall, till the last moment no intimation was given to the organisers of the meeting that they would not be allowed to meet in the Hall. Fancy the Muhammadan and other gentlemen who were going to celebrate the birthday anniversary of the Prophet marching up to the Hall and then being told that they would not be allowed to hold the meeting in the Hall on the pretext that they apprehended that political speeches would be made. I think the proper course would have been for them to give timely intimation to the organisers of the meeting that they would not be allowed to meet in the Hall. I may be permitted to say that such actions wound the feelings of the Muhammadan community, and I think such occurrences should always be avoided.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I have not been able to follow the Honourable the Home Member, and I would like to have information from him on one point. The permission to use the Hall was given by the members of the Managing Committee of the Hall, and among the members of the Committee is the District Magistrate and Collector of Surat. So I take it that permission was granted by the members including the District Magistrate and Collector. Now it has been said that there was an apprehension of a breach of the peace. I would like to know from the Honourable the Home Member whether there was any representation made to the District Superintendent of Police by any leaders of the Muhammadan or Hindu community that there was likely to be a breach of the peace and therefore the police should take steps to stop the meeting. The next point is, why did the District Superintendent of Police go and request the members of the Managing Committee of the Hall not to allow the meeting to be held there instead of taking direct action which was in the power of the police under the District Police Act.

The Honourable Mr. G. A. THOMAS : The District Superintendent of Police is responsible for the maintenance of law and order, and he is entitled to take any action without any representation either from the leaders of the communities or from the leaders of the public. It is perfectly open to the District Superintendent of Police to take any action ; and he knows the situation much better than anybody else. I do not think that the trustees, even if they had known the truth or possibility of a disturbance, could have taken any action on their own responsibility, without consulting the District Superintendent of Police.

Khan Bahadur A. E. PATEL : If the District Superintendent of Police anticipated a disturbance or a breach of peace, he could have stopped the meeting of his own accord without requesting the trustees not to allow the meeting to take place there ?

The Honourable Mr. G. A. THOMAS : He could have, but he preferred to make a request to the trustees and leave it to their good sense.

Mr. J. S. KADRI : The meeting was not banned, as stated by the Honourable the Home Member. If it was not banned, there must have been no ground for suspicion or fear. So there is no logic in the argument that there was any likelihood of breach of peace. Had that been the case, the meeting would not have been at all allowed to be held. But there was a meeting held afterwards in some other building. The grievance of the Mussalmans is that, without any good grounds, the meeting was not allowed to be held in Naginchand Institute. As has been pointed out by the honourable member Rao Bahadur Naik, the trustees of the Institute are responsible persons and they gave permission after placing themselves in possession of all the facts. As a matter of fact, the procession and the meeting were for religious purposes and there was no reason for any doubt or apprehension about any breach of peace or seditious speeches being delivered on the occasion.

The Honourable the PRESIDENT : What is the question that is being asked ? I would not allow the subject to be discussed in this indirect way.

Mr. J. S. KADRI : My point is that the District Superintendent was not justified in the action he had taken and he should be asked to adduce further grounds for his action which has offended and insulted the Mahomedan community. Why did he not take into confidence the leaders of the Shia and Sunni Mahomedans who were both united in holding the meeting ? I request the Honourable the Home Member to make further enquiries in the matter, so that the ruffled feelings of the Mahomedan community may be pacified.

The Honourable Mr. G. A. THOMAS : Whether there was any apprehension of breach of peace or not, the District Superintendent of Police is in a far better position to judge than the honourable member. The responsibility rests on him. If any breach of peace had taken place, he would have been held to blame for not taking proper precautions.

The Honourable the PRESIDENT : I must stop discussion by these various questions. It is taking the form of a discussion on the subject. There was a statement called for. It has been made. It is now for this side of the House to consider whether any further steps should be taken. I shall not allow a discussion of this kind.

Sir SHAH NAWAZ BHUTTO (Larkana District) : Sir, while sympathising with the resolution of my honourable friend from Hyderabad, I have got my own views on the subject. There are two different subjects covered by this resolution that is under discussion—*rasai* and *lapo*. The resolution moved by my honourable friend mostly concerns the question of *rasai*.

SYED MIRAN MAHOMED SHAH : *Lapo* is added.

Sir SHAH NAWAZ BHUTTO : Mostly, I said.

The Honourable Mr. W. F. HUDSON : It is an afterthought.

Sir SHAH NAWAZ BHUTTO : He has made suggestions for remedying the evil of *rasai*. I believe the honourable mover of the resolution will admit that there is an appreciable improvement so far as *rasai* is concerned. There were times in the past when the mukhtiarkar, after the visit of the Commissioner in their taluka, used to go on a couple of months' leave to build a beautiful new house and to celebrate the marriage of his daughter or son out of the savings after the Commissioner had moved the camp from his place. To-day I think the mukhtiarkars pray in mosques and temples to escape the camp of the Commissioner to their talukas because it is no more a paying proposition to them. The *rasai* is reduced to such an extent. So far as the high officials are concerned, like the Commissioner and Collectors, my honourable friend the Collector of Sukkur has already explained it, not only one Collector but all the Collectors from Karachi down to Jacobabad take only one clerk now-a-days to accompany them while they are on tour. I do not mean to say that there is no *rasai* at all ; what I want to impress upon the House is that it is reduced to a minimum. The credit is due to the efforts made by high Government officials and at the same time due to public opinion which is rapidly developing in that province. I also know having personal knowledge that some of the high District officials have tried even to stop that minimum *rasai* if possible, but they find it very hard, though I have positive instances where they paid 12 annas a day out of their pockets to each of their menials over and above what they get from Government for 10 to 12 days. In spite of this sacrifice on their part they have not found their peons contented and were threatened by them to leave service. There were times when while touring these subordinates and menials were to make enough saving of provision collected during their touring season to provide themselves for seven or eight months for the non-touring season while they were to remain at headquarters, but those days are gone. Whatever *rasai* exists at present, it is not only in Revenue Department, it exists in all departments, Police, Public Works Department and others. What they expect now-a-days is just their necessary requirements for which they "subordinates" don't feel inclined to pay. Minimum *rasai* exists in almost all the departments, but I think the methods differ.

The second question is about *lapo*. That is the real trouble. In the past they recovered two annas per acre but now my colleagues tell me the tapedars have raised their percentage and recover from two to four annas. [An Honourable Member : It has increased to one rupee.] I am not aware of it now nor I know the details but my information is that the percentage of *lapo* is increased. I should not be misunderstood to mean that the district officials encourage it because they have got absolutely no interest in it. I know some Collectors have made serious efforts to stop this *lapo* altogether at very great inconvenience to themselves. I can give instances of the District Magistrate of Jacobabad, Mr. Beyts, and Mr. Monie at Nawabshah District. They had made serious and hard efforts and were able to stop it. But generally no notice is taken of this

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system. It is within the knowledge of all the officials that a joint fund is maintained at the headquarter of each taluka. It is not possible that it would escape their knowledge. We understand that this joint fund is maintained to provide *rasai*. It serves in the place of *rasai*. As I have explained above, *rasai* is reduced considerably and *lapo* is fully intact, so out of two evils one evil still exists. As *rasai* is reduced to a minimum, it is supplied out of *lapo* fund. The expenses of all the subordinate establishment, menials, the mukhtiarkar (mamlatdar) and the head munshi who is called karkun in Presidency proper are met from this joint fund. Whenever there is a misunderstanding between the tapedar and the mukhtiarkar, the tapedar is transferred from a rich *tapa* to a poor one and the tapedar, owing to fall in his income, refuses to contribute his share fully or the mukhtiarkar is more greedy than an average mukhtiarkar then the trouble arises between him and his superior, and it is only then that a regular complaint is made to higher officers. When there is a regular complaint to a superior officer the complaint is taken and a thorough investigation is made; if there is enough evidence, a very serious notice is taken. If there is no sufficient evidence for a prosecution, a departmental action is taken.

As regards the suggestion of providing contractors, Government officials did make some efforts in the past; they even offered *series* to zamindars; but they found it very difficult to get contractors.

What I would, therefore, submit is that when public opinion develops the *rasai* and *lapo* will stop by itself. But till then the Collectors should take serious notice of all cases brought to their notice and Government should impress on them the necessity of their doing so. If they did that although it might not be stopped entirely, yet it would be reduced to the minimum. An impression has to be created in the minds of the taluka officials that not only complaints but even an information regarding the existence of this joint fund will be taken serious notice of by the Collector. Besides that high officials should even scrutinize their bills when presented and if concession in rates is noticed action should be taken against the officer concerned. If such efforts are made I don't see why the evil should not be remedied to a great extent.

Another practical suggestion that I can make is that the tapedar should have nothing to do with *rasai*; he should not even be present at the place where the officer is encamped. I do not see what business he can have there. If he is not present there, his responsibility ceases, and he will have no care to levy *lapo*. [Interruption.] How many of us pay voluntarily expecting small favours from them? I do not wish to go into those details. I have suggested this remedy, which may not be liked by my friends and I hope it will be tried. I feel confident that they will prove useful. Some of the officers may say that it will be difficult for them to get provisions. But that can be remedied if standing orders are issued fixing centres for camps. There is no taluka where there are not at least half a dozen important towns where they can get anything and everything they want. For instance, Ratodero, Panjudero, Naudero,

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and Asguldero can be fixed as camping centres for Ratodero taluka. The officials can ask their own peons and butlers to make purchases and on payment they can get anything they require. If this does not satisfy them, then I would say they are not particular to put a stop to the evil. Of course there are exceptional cases where camps may be extended beyond selected places but that would be rather seldom.

There are practical difficulties, I admit, and at present I cannot think of any other suggestion. There is no necessity for the tapedars to be present at the camps of officers; camping centres should be fixed; and the Collector should take serious notice of the joint fund, when I am sure the mukhtiarkar will think twice before encouraging it.

The Honourable Sir GHULAM HUSSAIN: Mr. President, the honourable mover of the resolution has told this honourable House that *rasai* is an evil of pre-British times.

SYED MIRAN MAHOMED SHAH: I said that it had its origin in pre-British times.

The Honourable Sir GHULAM HUSSAIN: Sir, it is a legacy of the past. I agree with him in thinking that there is no justification for its continuance although it is a legacy of the past. Now, Sir, I had the honour of being a member of the Rasai Committee, and I still adhere to the minute that I wrote to that committee's report.

I have heard the various speakers from Sind. One of them gave an impression to this House that *rasai* is existing to-day in its old form. But his leader gave us quite a different version; he said that it exists in a lesser form. Personally, I have not been in touch with the affairs of Sind for a long time now. However, what is the recommendation in the resolution? The honourable member has merely copied the recommendations of the Rasai Committee. I understand the contractor system was tried but failed. When zamindars do not come forward as contractors, who is going to do it? I will quote the evidence of a very important zamindar before the Rasai Committee.

"The latter (zamindars) were unwilling to accept the responsibility because they felt it derogatory to their dignity to undertake it as a business proposition. This is well illustrated by the reply 'that he was not prepared to take up the work of a bania but that he had been always ready and willing and would continue to provide supplies and everything else for the comforts of officers' given by Khan Saheb Shah Nawaz Khan and by other zamindars."

The zamindar was Khan Saheb Shah Nawaz Khan.

Now, as I have just shown, zamindars would not come forward as contractors. If any contractor comes forward, I am sure the Honourable the Revenue Member will consider that proposition sympathetically. But contractors must come forward, whatever class or community they may belong to.

But, Sir, I look at the question from quite a different point of view. I have stated in my minute that evils of this kind cannot be uprooted without the co-operation of the people. We ought to educate the people; we ought to create public opinion against such evils. For that we have to carry on regular propaganda. Now, I have been very much struck by the energy and zeal of my Sindhi friends in tackling some of

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the questions in this House. I am sure that if they devote the same energy and zeal to uprooting this evil, they will soon find that no trace will be left of it. They have greater opportunities now of organisation. From each district of Sind we have two or three representatives in this Council. They are in a position to know what happens in Sind. Coming from the province to the districts, we have non-official presidents of district local boards, and some of my honourable friends are presidents of the various district local boards—and in those district local boards the popular element is represented. The members of the district local boards are also mostly non-officials. I think, therefore, they have a regular organisation in those boards. They can educate the members of those boards and through them create public opinion in the district. If they do so, I think they will be able to eradicate this evil for ever. Again, coming to smaller areas like talukas, there also there are non-official presidents and elected members. They can make use of these taluka boards to raise public opinion against this evil. In district local board areas there are smaller municipalities, where also there are non-official presidents. I am sure that, as soon as my honourable friends educate public opinion, nobody will dare to demand *rasai* or *lapo*. If illiterate people do not know that it is illegal to demand free supplies, it is the duty of educated people to make them know it. They ought to make it their duty to do so, and Government will co-operate willingly with them. That is the only way to my mind—co-operation of officials and non-officials—of eradicating this evil. If my friends will make an honest attempt, I am sure they will succeed.

MIR BANDEH ALI KHAN TALPUR (Hyderabad District): Sir, I am going to be—

The Honourable the PRESIDENT: The honourable member is not heard by the reporter.

MIR BANDEH ALI KHAN TALPUR: Sir, I am going to be brief. The Honourable the Leader of the House has stated that if the members of district and taluka local boards co-operate with Government officials, this evil system will be eradicated. I assure him of my support, but I must say that this system is very old. The members of district and taluka local boards are afraid of the official element in Sind, and I do not think that any president of a district or taluka board will be bold enough to refuse this sort of *rasai* or illegal gratification at this moment. There are two kinds of *rasai*. My honourable friend from Larkana has stated that it has decreased considerably. I do agree with him in that statement, but I should say that although that is true of the towns, it is not so in regard to the villages. The people who live in the villages are very much afraid of the officials to whom they have to render *rasai*.

As regards *lapo*, a small zamindar related an instance that once when he went to pay assessment, he did not pay *lapo*. The tapedar came to him and asked him to pay the assessment without presenting the bill. He paid some amount—may be about Rs. 15. The tapedar took away that money and after a few days he again presented the zamindar with the

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bill. That man went to the mukhtiarkar and complained that he had already paid the assessment and again a bill had been presented to him. But the tapedar did not admit this. In this way they take undue advantage of the illiterate zamindars and take *lapo*. I think it is high time something is done to stop this practice. With these few words I support the resolution.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I cannot reasonably support this resolution and to do so would be to take leave of my common sense. If there is anything which I have been able to gather from all the discussions that have been heard on the floor of this House, it is that this is a local social evil. Not only it is a local social evil, but Government have also made honest efforts to minimise the effects of this social evil. The various quotations given by the honourable the mover of the resolution from the evidence before various committees, clearly show that Government, having recognised the evil which was prevalent in Sind, have tried their level best to minimise the effects of that social evil. The committee itself shows that they have tried their level best to meet their wishes as far as possible. And I believe that if the evil still exists it is no fault of the administration, but it is the fault of the general public. If the honourable member had taken care to create public opinion in his own part of the country and if they had tried from time to time to bring these facts, if they still existed, to the notice of the higher officials, I am sure and positive that Government would not have refused their co-operation and help to them. By bringing forward this resolution they have made out no case. May I know from the honourable member the mover of the resolution and other honourable members from Sind if they have ever attempted to bring these facts to the notice of Government, if they have ever attempted to make out a trial case out of it, taking this matter before the courts? Was any tapedar or anybody who was taking illegal gratification hauled up before any magistrate? If they had done that and failed, I think they would have had justification for bringing this resolution before this House. The only course open to them in those circumstances was to request Government to help them to eradicate this evil, and tell them that though they had attempted to eradicate this evil, still there was room for it, and to request Government to appoint a committee to find out ways and means how these things could be stopped for ever.

Khan Bahadur ALLAHBAKSH (Sukkur District): Sir, I sympathise with the ignorance of the last speaker about the conditions prevailing in Sind; and I must equally sympathise with the fate of Sind being linked with the Bombay Presidency. Sir, I know that the members from the Presidency try their best to understand things in Sind, but the conditions in Sind are so complicated that, however hard they may try, they cannot enter into their heads.

Sir, there are different systems of *lapo* and *rasai* in Sind. I cannot agree with the mover of the resolution that the practice of appointing contractors would be a success. But when he gives an undertaking

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that he will supply the contractors, I think the experiment is worth trying at least in the Hyderabad district, and if it proves a success, we will fully co-operate with the mover of the resolution in making efforts to appoint such contractors in other parts of Sind.

Every one except my friend Mr. Karbhari has admitted that the evil exists in Sind, and I must equally admit that the Government officers have tried their best to stop it. And I know in certain cases it has stopped. Sir, it depends upon the officers. There are officers who have really made efforts to stop it; there are officers who have taken no trouble to stop it. It depends upon what view they take of the situation. My honourable friend Sir Shah Nawaz says that *rasai* has decreased, and I agree with him, but we have had no relief from the smaller *rasai* which is being recovered at present. We do not know whether the tapedars recover *rasai*, the amount we pay is the same. There was a difference of opinion between two honourable members. Sir Shah Nawaz says that it is 2 annas per acre and my honourable friend Khan Bahadur Khuhro says it is 4 annas per acre. I think both are right. In certain cases it is even half an anna per acre. When an officer encamps in a village, if the zamindar makes the *rasai*, he has not to make full payment to the tapedar. Those villages where officers do not encamp have to pay full contribution of 2 annas per acre. But those villages where officials come and encamp have to pay only half an anna per acre. Therefore it cannot be said that *lapo* has any bearing on *rasai*. Whenever we ask the tapedars to reduce their *lapo* in these hard times when we are not able to pay assessment, they say, "What should we do? Our *rasai* is the same."

What is the reason for paying this *lapo* to tapedars? It is a tax for harassment, I should say. The powers of the tapedars are so large that they can penalise any big zamindar, however strong he be. For instance, tapedars have power to fill in what we call in Sind Form F. They say that the boundary marks according to the Land Revenue Code should be 9 feet in length, 4 in breadth and 2 feet high. Now, I assure you that not a single boundary mark is up to the specification in the whole of Sind. I have 4,000 or 5,000 acres of land, but I assure you that not a single boundary mark will be according to the specifications. That is the case everywhere in Sind. Now, if I do not pay this, I know I would be penalised for it. Therefore I would suggest to the Honourable the Revenue Member that he should reduce the dimensions of the boundary marks.

The Honourable Mr. W. F. HUDSON: I propose to dispense with them almost altogether.

Khan Bahadur ALLAHBAKSH: Then I assure you that we will pay something less in *lapo*.

Another question is the "*Peech mubadil*",—change of water course. Suppose one zamindar has two *karias*. If he finds that he has not enough water in one, he naturally takes water from the other water course. Any tapedar can come and say: "The source is from this

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water course. You must take from this water course." No responsible officer—mukhtyarkar or Deputy Collector—visits the site and sees whether the zamindar is taking water from that particular bund or not. It is left to the tapedar. He can fill in the form and say that instead of taking water from this course, he has taken from that and can penalise the zamindar. That is another weapon in the hands of the tapedar. I would suggest to the Honourable the Revenue Member that as the Barrage is going to operate and everything is going to be systematical, it is no use retaining this Form F, so far as it pertains to the change of peech. At the same time, I assure you that if the tapedars were sincere and their object was to enhance the revenue of Government by filling in this form and penalising the zamindars, the assessment would have been three times what it is now. But they will not fill in the form because they know that if they do so, they will not get *lapo*. It is no use, therefore, giving that power in the hands of petty officers like tapedars. This is another suggestion I would make to the Honourable the Revenue Member. Government is going to get revenue, whether the zamindar uses water from this water course or that. It makes no difference, especially when both the water courses are owned by one zamindar. It may be different when there are partners in the water courses. If there are partners, it may be said that if one zamindar takes water from a particular point, he will deprive his other partners of water. In that case, let this form be retained. But what about cases where the water courses are owned by one man? I therefore request the Honourable the Revenue Member to see that where the water courses are owned by one zamindar no form is filled in. I think this will serve to a great extent to reduce the hardships of the zamindars. With these remarks, I support the resolution.

Khan Bahadur GHULAM NABI SHAH (Thar and Parkar District) (Addressed the House in Urdu): Sir, the honourable mover's resolution relates to the evil of *lapo* and *rasai*. This is an old standing evil from which Sind has been suffering without any relief coming to it, in spite of the efforts made by the Commissioner and other high officers of Government. The Lapo Committee appointed by Government some years ago went into the matter thoroughly and made certain recommendations with a view to stopping this evil. Their efforts have borne little fruit. The tapedar is still levying his one rupee as *lapo*, and in certain cases even two rupees per each survey number. I know that many higher officers of Government are opposed to the *lapo* system, but I cannot say the same thing of their staff. I also admit that some of the Assistant Collectors and Deputy Collectors do not favour *lapo* but I cannot say the same thing of their staff. The Honourable the General Member and the Honourable the Revenue Member and the Honourable the Home Member are perfectly aware of the existence of this evil system in Sind. The honourable member Khan Bahadur Shaikh Yakub Vazir Muhammad, the Collector of Sukkur, told us that at present one mukhtiarkar of Jacobabad is under suspension and that an enquiry is now proceeding into a charge of receiving *lapo*, etc. At the same time the honourable member told us, if

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I understood him rightly, that he found considerable difficulty in appointing seridars and that where seridars have been appointed, they have given up the business after a short time. Nevertheless, I am firmly of the opinion that if the system of appointing contractors to supply foodstuffs is adopted, that the evil of *lapo* will be checked to a considerable extent, but nothing can be done without the active support and cooperation of the Commissioner and the Collectors and their assistants. The Honourable the General Member said that a zamindar-contractor would mean a nominal seridar and the work would have to be done by the tapedar himself and as the tapedar would take his *rasai*, there would not be much difference in the situation. I do not quite agree with him. At least, let him give this plan a trial and see how it works in actual practice. Let him not condemn it beforehand without experiment.

My experience in Sind has been that the evil system which we have been discussing now obtains not only in the Revenue Department but also in the Engineering and the Police Departments in Sind. The Police Sub-Inspector and the Police Jemadar collect a fund out of which they can supply provisions to their District Superintendents of Police when the latter visit their charges on tours. The Darogah or Overseer of the Public Works Department collects his fund in order to supply the wants of his Executive and Superintending Engineers when they come on tour into their circles or beats. We have of course often been asked as to why the people pay *lapo* and thus negative the efforts of Government to put a stop to the system. It is all very well to ask such a question, but I will tell Government that the zamindars have to do every moment with the lower officers of these various departments and they find that if they do not conform to the established custom, they come into all sorts of troubles with the lower officers of Government. To go to the superior officers and get redress is of course out of the question because it is a sheer impossibility owing to the expense of time and money that it would mean. We have also been told that whenever we come across such exactions by tapedars, we should furnish proof of them to the higher officers so that the offending tapedars could be proceeded against. But you can understand, Sir, how very difficult, if not impossible, such a thing would be.

The honourable mover of the resolution seeks to punish the party which takes *lapo*, etc., just as much as the party who gives it. The honourable member Khan Bahadur Allahbakhsh has told us just now how clever the tapedars are and how, no matter what precautions and safeguards you provide, the tapedars can outwit the zamindars in the matter of water courses and so on. Therefore, unless the officer who takes *lapo* is punished and punished in a deterrent manner, it will be very hard to control this evil practice.

During one of his speeches on this subject, I believe one of our ex-honourable members Mr. Mountford, I.C.S. told this honourable House that he was surprised to see huge palaces built by officers whose salaries were not more than Rs. 100 and he said he was wondering as to the source

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from which those officers made all their money. The reason is not far to seek. We all know it. Even the Honourable Members in charge of the Police, the Revenue and the Irrigation Departments know it very well. The Commissioners in Sind know it. The District Collectors know it. If only they would make up their minds to help us to eradicate this evil from our midst, we might succeed. With lukewarm support, not much improvement would be possible. The Honourable the General Member advised that the district local boards should also cooperate in this matter. They will do so, I can assure him. I knew of a very good Collector, Mr. Madan, who promised to give us all the help that was needed to meet this evil practice. The honourable member Sir Shah Nawaz Bhutto told us of all the help given by another very good District Collector Mr. Monie in whose time the tapedars were not allowed to come near him. Our present Commissioner in Sind Mr. Gibson has shown that he too is sympathetic towards the zamindars of Sind and I hope he will also do his bit in checking the evil system of *lapo* and *rasai*. I trust that everyone concerned will do his very best to achieve the very laudable object which we have, and that this honourable House will accept the resolution placed before it by my honourable friend Syed Miran Mahomed Shah.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) (Gujarat Sardars and Inamdars): Sir, as the honourable the mover of the resolution has told us, this very subject formed the matter of a resolution brought before a predecessor of this Council by the late Mr. Bhurgri. Much has been said about this evil, the existence of which has been repeatedly admitted by Government, and so I shall make only a few observations.

I accept the statement made by the honourable member Khan Bahadur Shaikh Yakub Vazir Muhammad, the Collector of Sukkur, and also the statement made by the Honourable the Leader of the House and the honourable member Sir Shah Nawaz Bhutto that things have improved a lot of recent years. Whether the illegal exaction is called *lapo* or whether it is called *rasai*, in whichever form it is taken, the fact remains that Government and responsible officers of Government are conscious of the fact that in spite of their efforts so far the evil has not been eradicated. Looking at it from the moral point of view, I think it is the duty of Government to do their very best for the sake of good government of the country as well as for the protection of the poor who are forced by circumstances to pay amounts which have been acknowledged to be illegal payments.

The honourable member the Collector of Sukkur has told the House that as far as his touring goes, he travels light with only one clerk and that whereas in the old days the Collectors used to go about with a paraphernalia of about 15 clerks and what not, he can now move about in his motor car and do with only one clerk while in camp. This would of course reduce to a certain extent the *rasai* and *lapo* evil, but regarding tours, I should like to say that I am a bit conservative and I am of

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opinion that touring in motor cars at great speeds does not give the district officers much of an opportunity of mixing with the people living in the villages and getting to know them, getting to understand their grievances and their troubles. The officers do not come into that contact with the population which is necessary for the good government of the district. I for one would request district officers to tour more, from village to village, and to study things more minutely than they now do, instead of taking a morning trip on a flying visit, taking lunch and returning to the bungalow in the evening. To be able to get a grasp—a real grasp—on the conditions as they really obtain in the villages (and what is a district but a collection of various villages), it is necessary for the district officers to spend more time among the villagers, to discuss with them their problems and to understand their difficulties, and wherever necessary, the district officers should explain to the village people how they can stand on their own legs and not allow themselves to be subjected to these illegal payments. Whatever remedies may have been suggested by the honourable mover of the resolution, I think the real difficulty seems to be the absence of receipts for these payments. The absence of fixity of tenure in certain tracts largely contributes towards giving larger power in the hands of the subordinate officials. The *tapedar* is so much empowered as to take false receipts from the persons who are in possession of the land. Government should find out ways and means by which the zamindars will be protected, by seeing that the *tapedar* has no power to make false entries and fatten himself thereby.

As regards the suggestion made by the Honourable the Leader of the House, it will be agreed that the co-operation of the district local boards and the outside public is necessary to carry on the propaganda and educate the masses. I am in full sympathy with that suggestion, but, at the same time, Government should declare it once for all that they are not going to countenance this sort of practice. That sort of policy is absolutely necessary, for, after all, private propaganda does not go very far. If this evil is not checked by Government, my apprehensions are that other people will try to teach the right method to the people, and that would land the Government in a sad predicament. With these words, I support the resolution. I hope the Revenue Department, the Public Works Department and the Police Department also—because allegations are made against the Police, and it applies to them with greater force than even to the Revenue Department—will all combine and make an earnest effort to help the people and save them from the tyranny of this time-honoured system.

Mr. J. S. KADRI (Northern Division): Sir, I whole-heartedly sympathise with the spirit of the resolution, in so far as it relates to an evil, a time-honoured evil, deep-rooted in the country of Sind. It is said that *lapo* is a legacy of the past, but that is no ground why it should be allowed to be perpetuated. It is an evil which vitally affects the interests of the zamindars, the public, and the Government. I think, Sir, it is an evil which cannot be defended either on moral or political grounds.

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It therefore requires to be eradicated by the joint co-operation of Government and the public. The public of Sind is however, not sufficiently educated and bold enough to withstand the risk of discarding the system of *rasai* and *lapo*, as has been clearly explained by our honourable friends from Sind. I think as far back as 1902, when our Honourable President was in Karachi, he had worked hard to enlist the sympathy of the Government officers with a view to do away with this evil altogether or at least to eliminate it as far as possible, and the result was that there was a Government Resolution on the subject and that resolution has been instrumental in minimising the evil to a great extent, as testified by some of our Sindhi friends. This undesirable practice is no doubt, detrimental to the interests of the zamindars as well as of the public services, so far as the moral consequences go. It is therefore very necessary that Government should do their best to redress the grievance of the people by issuing stringent instructions to the heads of various Departments to bring about the eradication of this demoralising system. Unless Government comes forward seriously to uproot this evil, it will be very difficult for the people themselves to do much in this matter. As we have heard, the people are helpless and under the peculiar circumstances which prevail in the country incapable of eradicating this long-standing evil single-handed. The object of the honourable mover of the resolution will, I think, be served, if Government gives this honourable House an assurance that they will leave no stone unturned to check this corrupt practice and have it wiped out as far as it lies in their power. Then the co-operation of the zamindars and the public will step in, and as education advances and the people become more enlightened and conscious of their rights and privileges, through propaganda in the press and on the platform, there will be every chance of this illegal levy becoming extinct in the near future. With these few remarks, I wholeheartedly support the resolution.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, in supporting the resolution of my honourable friend from Hyderabad (Sind) I will not take much time of this House. What surprises me most is the statement made by the honorable member Khan Bahadur Shaikh Yakub Vazir Muhammad, the Collector of Sukkur, when he totally denied the existence of this evil at least within his own jurisdiction. I think the retort given by the honourable member Khan Bahadur Allahbakhsh, who comes from the same constituency, must have convinced him that his district is not an exception to the rule. Besides that, as far as I remember, when he was the Collector of Nawabshah district, the people made complaints about the prevalence of *rasai* in that district. I should say that, as an Indian Collector, he knows the habits and the ways of his own people better than a European, and I wish that he had been more accurate in depicting the true state of affairs that obtains in Sind.

Sir, I do not deny that efforts have not been made by responsible officials of Government from time to time to eradicate this evil. The people of Sind still remember Mr. Cewman who was Commissioner in Sind for a short time and who had acquired a reputation for himself as an avowed

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enemy of *rasai*. Similarly, Colonel Mayo is another English gentleman, who was Collector of Sukkur as well as Deputy Commissioner of Jacobabad, whose exploits are to-day sung by the villagers in the province of Sind. What has to be deplored is that the successors of these great British statemen and administrators have not taken that personal interest in eradicating the evil which their predecessors did.

Sir, the Honourable the General Member has paid a tribute to the energy and intelligence shown by the honourable members from Sind in discussing questions that have come before the Council, and has made an appeal that they would educate public opinion to such an extent as to make this evil impossible. I think there is much weight in the advice that he has given to us. But I would inform him at the same time that there is greater need to educate those who live upon the people and whose very wages are given from the earnings of the people. If the Government do not take serious steps to eradicate an evil which is a blot on any Government now-a-days, then the people who depend for their needs upon the officials cannot be expected to raise their voice against the evil, and if they raise their voice against it they do it at their own cost. It is the primary duty of a civilised Government to see that evils like *rasai* and *lapo* are eradicated once for all, and I think if the present day officials begin to evince that personal interest in the eradication of these evils which was manifested by some of the illustrious English administrators whose names I have given—Mr. Cewman and Colonel Mayo—then I see no reason why this evil cannot be eradicated. It is only recently that a mukhtiarkar has been taken to task for maintaining a regular *rasai* fund. The fact is that so many honourable members in this House coming from Sind have stated that a *rasai* fund is maintained by every head munshi at a taluka place, and I cannot understand why it is impossible for Government to find out for themselves whether such a fund exists or not. Those who maintain such a fund should be hanged on the nearest tree. As for myself, I can wait for Swaraj, I can wait for independence, I can wait for the new reforms, but I cannot wait for a single day so far as the tyrannies exercised over the people are concerned. I want to give an assurance to the Government that, so far as I am concerned, I will not talk of independence or freedom at least for two years to come, if they accept my co-operation and agree to my assisting them in eradicating the evil from Sind. I see no reason why this evil should not be eradicated. The Honourable the Revenue Member has been Commissioner in Sind, and if he takes the advice of the representatives of the people into consideration, I do not see why this evil cannot be rooted out altogether. Sir, we have been told to educate public opinion through the district local boards and the taluka local boards, but are Government prepared to issue instructions to the district officials and the taluka officials to accept our co-operation, to consider our reports, when it comes to our knowledge that a certain official is taking *rasai*? I may mention that all these officials in Sind live upon corruption. I shall be able to place facts and figures in the hands of the Honourable

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the General Member, if he were to institute an enquiry into the conduct of officials who live upon corruption in Sind.

My honourable friend Sir Shah Nawaz has rather minimised to a certain extent the existence of *rasai* by stating that minimum *rasai* exists at present. I do not know what he means by minimum or maximum *rasai*. At the same time he has stated that the *lapo* has increased. The net result is that there is no diminution in the total. What was formerly taken as *rasai* is now being taken by way of *lapo*. Therefore *rasai* does exist.

As regards the contractors, the extract read out by the Honourable the General Member referred to Mr. Jatoi rather than to Sir Shah Nawaz. I feel that the system of contract suggested by the honourable member from Hyderabad may help somewhat towards exercising a certain amount of check over the officials exacting *rasai* and *lapo*. But I do not think that the evil can be eradicated altogether unless officials of Government take a personal interest in the matter and consider it a blot on the administration. Unless that is done the evil will not be eradicated. With these words I support the resolution.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, the sum and substance of the arguments that have been advanced tend to show that they are in favour of my resolution. But a note of pessimism was struck by some of my honourable friends which I think is due either to their association with the evil or due to ignorance. I cannot blame my honourable friend the Collector from Sukkur as I cannot fail to explore the fountain head of his sympathy for these poor creatures, the tapedars, who he said cannot be the paragons of virtue. From the lowest rung of the ladder to the position he is now occupying, all along his official career, I think he has received assistance and sincere service from the tapedars, the poor creatures, for whom he has evinced so much sympathy. Therefore he cannot be blamed. Naturally if anybody has been sincerely sympathetic towards me and assisted me in my childhood, I must be grateful to him and would try to protect him. I was also not surprised to listen to the very few words of my honourable friend the enthusiastic speaker Mr. M. M. Karbhari who is always very keen to protect the interests of the agriculturists at the top of his voice. I believe that his remarks are due to his ignorance of the state of affairs in Sind. Various honourable members from Sind have stated their experience how they were threatened with prosecutions for incurring the displeasure of the officers. I myself was going to be prosecuted for bringing to the notice of the authorities corruption on the part of one inspector of police. His Excellency could not protect me and the Honourable the Home Member could not protect me. Four honourable members of this House were maligned. Neither His Excellency nor the Honourable the Home Member could save these honourable members from the invective of an Inspector of police, leaving aside the Deputy Superintendent of Police and the Superintendent of Police, because we wanted to expose an illegal action of his. There was a regular conspiracy

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launched against me and another honourable member from among the four who had complained of illegal act of the Inspector to the Collector.

The Honourable the PRESIDENT: That is a foreign matter coming in.

SYED MIRAN MAHOMED SHAH: I want to illustrate to the honourable members the position in which we stand in Sind. The conditions in Sind are not the same as in the Presidency. Here you can bring the officer concerned to book, bring his actions to light. That condition does not exist in Sind. When I reported to the superior officers that one Inspector had taken bribe, I was called upon to substantiate my statement; otherwise I was threatened with prosecution for defamation. If I were to collect evidence I would have to go to 24,000 people of my constituency. Could I go to these 24,000 people to collect evidence to prosecute any officer who troubles them? How can we show any sympathy to these officers? Being separated by distance you cannot realise the real situation. That is a wretched province which we want to be separated from the Presidency as soon as possible. I have clearly shown to you in the words of the members of that committee that on account of the intricacy of the administration no one can avoid giving this illegal gratification—whether he is a gallant Knight or anybody.

Another argument advanced by my honourable friend the Collector of Sukkur is this. The Collectors do not go on extensive tours and therefore this argument cannot hold good in their case. I ask him whether it is not a fact that certain dates are fixed during the course of the year when he has to go out on tour. If that is so, is it not a fact that the district officials carry their families with them? They must go out for four months. They take with them their immediate subordinate officers like the Dafterdars and Seristedars with them. Is it not consistent that in the ordinary course they require elaborate arrangements for their families? I do not allege that the district officials directly levy *rasai* or take *lapo*. But it affords an opportunity to the subordinates to rob people. I will again quote my honourable friend the Leader of the House and he will support me.

“The *rasai* levied by the subordinates and menials of the touring officers in various forms and by various means, as disclosed by the evidence, though not directly involving the higher officers, nevertheless reflects unfavourably on the administration.”

Therefore, in the interest of the administration this corruption on the part of the subordinates and the menials should be sternly suppressed. I want a stern suppression. That has been urged by every honourable member from Sind. It is on account of their strong efforts that *rasai* has assumed a little minimised form, though I cannot believe that it has diminished to the extent to which my honourable friend the gallant Knight wishes me to believe. I may be permitted to say that he has not got first-hand knowledge of the people in the rural areas. It is proved by the facts that he has migrated from his village to Larkana, perhaps to avoid inroads by subordinate officials on his bulky purse. Migration is an indication of that. My honourable friend Khan Bahadur Khuhro

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has also migrated to the headquarters, Larkana. So I have migrated to Hyderabad. My honourable friend Khan Bahadur Ghulam Nabi Shah has unreservedly exposed the illegalities perpetrated by officers in Sind. He lives in his village and his information is firsthand and unsophisticated. He did not follow our arguments in English. He therefore could not be said to have borrowed our arguments. He gave the firsthand information as to the conditions prevailing in the rural areas of Sind. On the 26th of the last month an article was published by a Zamindar Association of Sukkur district itself that *lapo* was being levied in spite of the strict orders of the Commissioner. We have been raising protests in our associations, on pulpit and platform to eradicate this evil, but we have got our limitations and our disabilities. Those prevent us from bringing every such officer to book, particularly when no sympathy and no response comes from the superior officials. If my honourable friend the Collector of Sukkur would co-operate with me I would extirpate the evil in no time. In a social function last winter I told the Deputy Commissioner, Upper Sind, that if he co-operated with the people and showed them sympathy and friendship the evil of corruption and demoralisation could be put down in no time. But if on the other hand you keep them at arm's length, then nothing could be done. I can invite the officials and extend my hospitality if they treat me on equal footing and show due courtesy and sympathy. If the officials co-operate with us, we can eradicate the evil in a considerably short time.

I cannot help, and it is my bounden duty, to thank the Honourable the General Member, who naturally, being our compatriot, gave a very good piece of advice. I really thank him for the very considered advice he has given us. I am going to try the experiment suggested by him. In every taluka I would convene meetings provided there is response from superior officials and some sympathy be extended to us. Every taluka member will try to eradicate the evil. I thank all the other members who have spoken in my favour. The experiment suggested by the Honourable the General Member should be tried.

As regards seridars the position is that the seridars were given a little piece of land, say about 10 acres, some several years back. In return he is asked to supply provisions free of charge and they are required to go on supplying the articles always which is impossible for them to do, and it is on this account that the system of seridars has failed. Therefore I have suggested an independent contract system on payment of bills which will be scrutinised by officials periodically. With these few remarks I expect my Honourable friend the Revenue Member to give a sympathetic reply, and accept the resolution.

The Honourable Mr. W. F. HUDSON: Sir, the honourable member from Hyderabad is rather optimistic, but I am a little disappointed when I look down the list of resolutions that he should have selected this one to be put before this honourable House. The honourable member, as we know, has a nimble tongue and a resonant voice, but he also has a fertile mind. If you look to pages 3 and 4 you will find that Government

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have spent a good deal of money on printing a large number of very interesting resolutions which, if time permitted, he would have been prepared to lay before this House. Now, it seems to me that it would be of much more interest if we were to discuss the cottage industries, the registration of money-lenders, or the exemption of the Mussalmans of Sind from the operation of the Child Marriage Act or the abolition of the "antiquated system" of granting chairs. Instead of these subjects of general interest, the honourable member has to my regret selected this threadbare topic which arouses interest only in a small section of the House, as has been clearly indicated by the condition of the House during part of the debate. Well, now, to me, Sir, of course, Sind and its domestic problems and the trials and tribulations of zamindars are of permanent and abiding interest, an interest that will last long after I lay aside my official harness. But I venture to suggest that the majority of the members of this honourable House must have become tired of discussing the problems of Sind zamindars during the course of the present session. However, Sir, the honourable member, by the turn of the ballot, has the right to inflict this resolution upon us and he has managed with the skill that is characteristic of his legal mind and with your consent and mine to combine two of his resolutions in one. It has given him one of those opportunities, which he never misses, of pouring invective upon the officials of Government, 98 per cent. of whom are his own countrymen. However, Sir, the House knows the honourable member by now; he has never learned the art of light and shade; he always paints with such a black brush that it is almost impossible to distinguish what the picture is. We all of us know that he has a very kind heart, but we have to take what he says with a very considerable grain of salt. I may assure the House, with the experience of a great many years, that his countrymen are not such rapacious scoundrels as he makes them, nor are the zamindars such miserable cowards as has been suggested in some of the speeches this afternoon.

Coming now to the resolution, Sir,—I mean the amended resolution—I have great pleasure on behalf of Government in accepting the second half, that is to say, that portion which recommends that Government should punish any one—I will not go so far as the honourable member from Karachi, and hang any one on the nearest tree—who is found guilty of any of the malpractices which have been referred to in this debate. There is nothing new in that; that has always been the attitude of Government. My mind goes back more than a quarter of a century ago to an incident which has always stuck in my mind. When I was a junior Assistant Collector, a certain official tried to extort from a small zamindar a little goat, a goat worth about Rs. 3. I am very glad to say, although we have been told that this never happens, that the small zamindar at once made a complaint to the Collector; the Collector held a summary enquiry; and as he found that the accused was guilty, although the man had 27 or 28 years of service, dismissed him. There was nothing remarkable about the fact, although as it occurred soon after I entered service it has remained in my mind. This sort of thing has

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happened over and over again ; it has been my painful duty on many occasions either to dismiss or to uphold orders of dismissal against officers of Government who have been convicted of an attempt to extort *lapo* or been guilty of malpractices in regard to *rasai*. Although of course we do not punish people unless there is a reasonable case against them, nevertheless when a reasonable case is proved, there is no question as to what the attitude of Government is in the matter, and no attempt has ever been made by any officer, to my recollection, in any way to defend such practices. So, Sir, I have great pleasure in accepting the second part of the resolution. I can assure the honourable member that that always will be the policy of Government, at any rate so long as my honourable friend the Leader of the House and myself stand here.

The Honourable Mr. G. A. THOMAS : What about me ? [Laughter.]

The Honourable Mr. W. F. HUDSON : Of course, I include the Honourable the Home Member. Well, now, Sir, we come to the question of *lapo*. I am not sure that it is strictly relevant to the resolution, although I admit the connection between *rasai* and *lapo*. The question of *lapo* was, if I may say so, dragged in at the end by the honourable mover. There are just one or two things which I want to say. I am not for a moment excusing or admitting the incidence of *lapo*, although I was very interested to hear from some of my honourable friends that they now pay a general rate of 3 or 4 annas per acre, because I quite well remember being told in the early days, when I started service, that it was one rupee an acre. Therefore, if there is any truth in that, we have made progress to that extent. But I do desire to emphasize the fact that *lapo* is not by any means a compulsory levy except with those who wish to get something in return. Now, I think I have told this story to this honourable House before, but as a good many of the members may not have been here then, I venture to repeat it now. In the second or third year of my service, I was having a talk one afternoon with a very big zamindar, who owned thousands and thousands of acres in three talukas and who certainly was the biggest man in that division. In addition to that, he was also an educated man. He came to me one day after tea and our talk turned on the question of *lapo* and the exactions to which the zamindars had to submit. I am quite certain that he told me that it was one rupee an acre. I grew more and more depressed, as I had no idea how this evil was going to be eradicated. I said to him, "You are an educated man ; why do you submit to it ?" He said that he never paid one pie of *lapo*. May I commend that to my honourable friends, some of whom—I do not wish to throw this up against them, because it was very honest of them to have admitted it—some of whom admitted that they themselves on occasions had—I will say—fallen in with this ancient custom ? One of the things which I wish to point out is this. It is no doubt perfectly true that the tapedar has a great deal more power than we should like him to have. That is an evil inevitable under the system, and I admit that his power is exercised in this

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direction : when he has received his *lapo* he shuts his eyes. Now, one of the things that will happen, undoubtedly as a result of the Barrage system, is that the tapedar's power will be greatly reduced. I may tell my honourable friend Khan Bahadur Allahbaksh that most of the things that he wanted me to do will be done by the rectangulation and sub-rectangulation which he himself and his friends opposed strongly last week. I think that form No. 8 will be reduced to a minimum, disputes about boundary marks will be reduced to a minimum, and the day will come when the honourable members will realise that by insisting on rectangulation and sub-rectangulation, Government did the best thing for them in the Barrage area that has been done for the last thirty years.

Khan Bahadur ALLAHBAKSH : What about those who are outside the Barrage area ?

The Honourable Mr. W. F. HUDSON : We will come to that later on. Now, Sir, about *lapo*, I entirely endorse the remarks of the Honourable the Leader of the House as regards the education of public opinion in this matter. That is undoubtedly the first step, and Government are quite prepared to co-operate in every way possible. But it is difficult to help people who will not help themselves. And my experience has been—and it is a pretty long experience dating back further than that of any one in this House, except my honourable friend (Sir Ghulam Hussain), further even than that of Sir Shah Nawaz Bhutto—that it is extremely difficult to get the zamindars to co-operate in this matter. How many scores, I was going to say hundreds, of times have I implored the zamindars to tell me if anything has been taken by myself or my servants or my establishment, which has not been paid for, and yet in my experience of twenty years, except twice, no complaint was made.

Now, it was suggested by some of the honourable members that Government has done nothing in the matter. I heard the honourable member from Hyderabad reading out a very interesting resolution issued by the Commissioner in Sind as far back as 1902, which I believe I helped the Commissioner to draft. From that time onwards a very definite attempt has been made to reduce this evil. I am not pretending that it has been entirely successful, but I think Sir Shah Nawaz Bhutto was quite right when he said that there was a considerable diminution in the system of *rasai*.

Then, coming to the report of the *Rasai* Committee, in connection with that also Government issued as strong an order as any Government could have issued, and time and again the Commissioner of Sind has issued orders to improve the state of things. Now, one of the recommendations of that committee is also the one which this resolution recommends, namely, the appointment of contractors. I would have been glad to accept that, if I thought that it was a practicable proposition. But I am sorry that I am not able to accept that part of the resolution, because experience has shown—this is not theory—experience has shown so far that it does not work, and I am not prepared to commit Government to it. This resolution says that Government may

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be pleased to appoint every year a certain number of contractors in each district. If I accept that I must try to put it into practice. But how can you make people undertake to contract against their will? It is quite true that we did make this experiment in a few places. We persuaded people to take it, but very soon they threw it up as a bad job, and I will try to explain to the House why they did so. It will be perfectly simple of course to get contractors in places like district headquarters, but they are not necessary there. There is a bazaar and anybody can go to the bazaar and buy the things necessary. The honourable members also suggested taluka headquarters. My personal experience is that even in taluka headquarters we can get the supplies from bazaars. Where we want contractors is really in the mofussil villages. If it were possible to say that in each taluka there are only four or five villages where the touring officials will go, then it might be possible to find contractors for those villages. But how is a contractor to deal with a problem like this? The Assistant Superintendent of Police is camping at Tando Mahomedkhan, and there is a contractor there, quite likely, prepared to produce as far as possible what this officer wants. But the Assistant Superintendent gets a telegram from a village ten miles south of Badin that there has been a murder there. He takes the first train to Badin, and gets off to that village ten miles away as fast as he can, either on a pony or by other means of conveyance. He knows that the investigation, as very often happens, will take him two or three days. Is he going to take the contractor along with him or is he going to starve? Who is there to provide him with the ordinary necessities of life, except the subordinate officers or the local zamindar? That is only one, very ordinary case. Then, take the case of an Assistant Engineer at Hyderabad. He gets news that a bund has breached twenty miles away. To put it right he has to go as fast as possible. Is he to take the contractor with him? The difficulty is to get a contractor in these places. There are such places in every district and in every taluka in Sind. My honourable friend has made an offer. He says that he will find the contractors. I want to close with the offer, if he is prepared to find a man who will supply provisions at a reasonable rate. The honourable member will see that the contractor cannot be allowed to charge three times the bazaar prices or anything of that sort. It must be a business proposition. We have already cut short the travelling and daily allowances of our officers, and we cannot expect them to pay three times as much for their supplies as they would be paying for them in their headquarters. But, as I said, if the honourable member can procure a reasonably substantial contractor who is prepared to take on the job and if the contractor is prepared to follow 25 different officers all going in different directions, then certainly Government will not stand in his way, and if the honourable member will go to the Collector and put his scheme before him, I am quite sure that the Collector will be only too pleased to accept it. Then, as regards the seridars, I tried my best to make the seridar system a success. We appointed nearly 200

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in the whole of Sind and some of them did actually succeed, but they could only do it in their own villages. Even there it was not entirely successful, although—I may say this for the information of honourable members who do not belong to Sind—there is nothing a zamindar in Sind appreciates so much as an inam. We give a remission of assessment of Rs. 75 and the man calls himself an inamdar when he is induced to do this work. Nevertheless, in my experience quite a large number of them came forward and pleaded that they really could not be bothered with providing the necessities of life and it was found that the game was not worth the candle. We really have made determined attempts to work the seridar system, and although it has been successful in some parts of Sind, it has certainly not been successful in others. I am afraid that the same difficulty will arise in connection with contractors. Nevertheless, if the honourable member can produce anything of that kind, we are quite willing to make the experiment. But I must say that I am not prepared to accept this part of the resolution as it stands, because that binds Government to do something which we have already tried and found, I regret to say, to be unworkable. I can, of course, give the House the assurance for which some of the honourable members asked—I really do not think it is necessary—and that is that Government have not lost sight of this particular evil. As a matter of fact we have been curtailing a good deal of touring. When I first joined the Commissioner's camp in the year 1900 he had 35 clerks. When I was Commissioner, I took only 3 clerks: my honourable colleague the Home Member also had 3. The Collector of Sukkur and most Collectors take only 1 clerk. We have also considerably curtailed actual touring. Although I incline to concur in my honourable friend the Thakor of Kerwada's opinion that touring in motor cars is not so useful as the old method, nevertheless, this motor car habit does reduce many of the difficulties in connection with *rasai*, because if an officer starts in the morning and returns in the evening, less *rasai* is required than if he stays for two or three days in the village; and with the development of roads in Sind which is taking place, though it is not very expeditious, there is no doubt that touring will become more and more simple, and the necessity for *rasai* will eventually disappear. Apart from all that, I can only give an assurance on behalf of Government that we are fully conscious of the fact that *rasai*, although considerably reduced in the last quarter of the century, does still exist, and we look to the zamindars and the local bodies to assist us in educating the people in the correct ideas on the subject, and we shall do our best to assist any one who will make any useful suggestions in this respect. With these words, I venture to suggest that the honourable member may see fit to withdraw his resolution, which I oppose solely on the ground that we have tried the contractor system and found it to be not feasible.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, in view of the assurance given by the Honourable the Revenue Member that he will assist every member of the public who comes forward to

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eradicate this evil and also give an option to find out certain contractors who would be willing to carry on the business and do everything possible to eradicate this evil, I beg leave of the House to withdraw the resolution.

Resolution, by leave, withdrawn.

PREVENTION OF BEGGARY.

Mr. SYED MUNAWAR : Sir, the resolution, which I rise to move, runs thus :

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

At the outset, Sir, the House will agree with me when I say that this social evil has nowadays become a veritable scourge and is widespread not only in the city of Bombay, not only in every district town of the Presidency—

An Honourable MEMBER : Including Sind.

Mr. SYED MUNAWAR : Yes, including Sind, but in every rural area also. I am glad to be assured by one of the honourable members from Sind just now that they too are inclined to support my resolution. Not only every social reformer, but every educated man and every sensible man for the matter of that, no matter to whatever community he belongs, will concur with me when I say that it is high time for us to adopt practical steps to solve this beggar problem at an early date.

Let me now analyse the various aspects of this question. As regards the existence of beggary in the whole of India, we find from the figures available that in 1923 there were 2,882,641 beggars. I quote this figure from the Legislative Assembly Debates where in answer to a question from Mr. Doraiswamy Aiyangar, the Honourable Sir Malcolm Hailey replied that in 1923 the total number of persons engaged in unproductive occupations were 28 lakhs and odd. In Bombay city, Sir, from a rough calculation made from crude census figures, it will be seen that 7,000 out of a population of 11 lakhs in 1921 were beggars. Out of this number, 1,000 were children in Bombay city, and as regards the other parts of the Presidency there were 14,000 juvenile beggars. Out of a population of 20 millions in the Presidency including Sind there are roughly 75,000 beggars. Now, Sir, the honourable member from Karachi reminds me of Brahmins and priests. Even excluding Brahmins and priests, the number has swollen to a big figure. This number relates to *bona fide* or professional beggars.

Before I proceed with the various aspects of this question, I think it is necessary for me to define what a beggar is, and I cannot do better than quoting here the definition given by the Government expert on the subject—I mean Mr. Starte, the Criminal Tribes Settlement Officer. Mr. Starte defines a beggar as follows :

"A beggar means any person found in any street, premises or place for the purposes of begging or receiving alms or of inducing the giving of alms, provided that such person shall not be deemed to be a beggar if he solicits or receives alms in such a way as not to cause annoyance in private premises or in religious places with the consent of the trustees

[Mr. Syed Munawar]

or in the immediate vicinity of religious places as defined by order in writing by the Commissioner of Police in Bombay city or by the District Magistrate of the district, provided also he is not by reason of any disease a danger to the public health."

Beggars can be classified into two kinds—real and unreal or impostor-beggars. The real beggars are those who are poor, old, diseased, decrepit and other disabled persons, who have no other avocation than begging. Professional beggars are mostly unreal; they are impostors; they are able-bodied persons.

The problem of checking this evil has been agitating the minds of the public including the honourable members of this Council, and including yourself, Sir. There are several landmarks in the history of this problem. The first landmark that I could pitch upon is the one which is presented by the brochure written by yourself, Sir, as early as 1900, entitled "Mendicancy in India". After that, in the Bombay City Corporation the matter was seriously considered several times. In 1917, the then Honourable Mr. Phiroze Sethna who was a member of this Council moved a resolution in this House for the appointment of a committee to suggest measures for the prevention of professional beggary. That committee was appointed at a time when the honourable member Mr. Kamat was also a member of this House. The committee submitted its report in 1920. The report contains startling disclosures about the widespread evil and the alarming proportions which it has attained during the last so many years. Consequent on that report, the Government asked Mr. Starte, the Criminal Tribes Settlement Officer, to submit a scheme for the prevention of professional beggary. Mr. Starte was even deputed by Government to visit institutions doing the work of utilising the labours of these able-bodied beggars in continental countries and in England. On his return from Europe, Mr. Starte issued a report, which is really a very illuminating document. Government have up to now taken very little action on that report. That is why I am moving this resolution to-day.

So far there has been established in Bombay city only one Beggars' Camp under the management of the Helpless Beggars Relief Committee, which is financed to a great extent by the Corporation and which receives a grant-in-aid from the Government also. This Beggars' Camp has so far admitted only 1,174 beggars, of whom 298 are Mahomedans, 220 are Marathas, 144 Mahars, 81 Bhayyas, 81 other Hindus, 60 Christians, 35 Wagnis, 32 Madrasis, 18 Mangs, 16 Thakurs, 15 Telugus, 15 Brahmmins, 14 Ahirs, 13 Chambars, 12 Pardeasis, 11 Kolis, 9 Pathans, 8 Garthis and 31 others.

It will be seen from these figures and these denominations that this social evil, this great vice, is prevalent among all communities in all places in the Presidency. There are even 15 Brahmmins who have taken shelter in this Beggars' Home. Now, Sir, this Home was started as a result of that committee's efforts. The Bombay District Benevolent Society was asked to receive beggars. The beggars were accommodated by them for some time, and then a committee was appointed, and under that committee this Beggars' Camp at Rowli Hill was started, and there these beggars were given shelter.

[Mr. Syed Munawar]

The Children Act, the Children's Home and certified Homes for Children under the Act are also the result of the Sethna Committee recommendations. Still much more has to be done under the said recommendations and under the Starte Scheme.

Now, Sir, turning to the other aspects of beggary as to whether it is sanctioned by religion, let me quote a few passages from the same brochure "Mendicancy in India". Neither Islam nor Hinduism, nor Christianity nor Zoroastrianism, sanctions beggary. As a matter of fact, the Parsis and the Borahs have taken the lead or rather have set an example to the other communities, even in the absence of legal powers to check this evil. There is not a single individual either in the Parsi or Borah community, who is seen begging in the streets and annoying the people. That is due to proper organisation and direction of charity in the said communities. You see here a wonderful example to be followed by the other communities. Unfortunately the other communities lag behind in this respect. There is too much of individual charity in them which is misapplied and misused with the result that there are too many paupers in those other communities.

A glowing illustration of the fact that Islam has forbidden begging is seen cited in the same brochure "Mendicancy in India", and it is this: An able-bodied man once approached Khalifa Omar, an Apostle of the Prophet Muhammad, for alms—

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I fully recognise the need for removing this evil and I request the honourable member not to dwell much on this point.

Mr. SYED MUNAWAR: If the honourable House considers this illuminating, I will quote a few more interesting passages.

The Honourable the PRESIDENT: The honourable member may proceed as he likes.

Mr. SYED MUNAWAR: The Khalifa ordered that the man should be given something. A little later, the Khalifa saw him begging in the streets and carrying a bag full of alms. The Khalifa noticed at the same time a camel carrying some bags for the "Baitulmal" or property commonly treasured and utilized for the service of God and man, and ordered that the bag be snatched from the beggar and emptied into the Baitulmal, and that the beggar be whipped. Such are the doctrines of Islam in respect of this demoralising evil.

Then, as regards the Hindu religion, Hinduism has made no provision for the maintenance of the poor, nor does it sanction the giving and taking of alms in general. It is true that the giving of alms to Brahmins is mentioned as a duty in the Vedas and Shastras, but the Brahmins of to-day cannot as a class be called beggars. Some Brahmins may play the part of hypocrites and beg alms, and on occasions like marriage may be given some offerings. Although Brahmins may be entitled under their religion to take alms, they as such have not reduced themselves to beggars.

[Mr. Syed Munawar]

Now, Sir, with regard to the practical methods for the prevention of professional beggary. The committee appointed in pursuance of the resolution of the Honourable Sir Phiroze Sethna recommended that there should be special legislation to deal with beggars, but that before legislation was passed some remedial measures should be undertaken. Mr. Starte is of the view that it is the duty of Government in co-operation with local boards and with the aid of voluntary agencies in urban and rural areas of the Presidency to set up committees of public assistance and associations of social service in the various areas concerned. As for the legislative measures, the committee's report says that they should be classified under three heads, punitive, preventive and curative. As a punitive remedy it is suggested that the District Police Act and Bombay City Police Act should be amended so as to give adequate powers to the police and the magistracy; that there should be a special enactment against beggary; that begging in streets should be made a cognizable offence; that there should be legal provision for treatment of first offenders and for that of habitual offenders. Coming to the curative remedies, it is suggested that just as a magistrate has power to pass a reception order in the case of a lunatic under the Lunacy Act or a leper under the Lepers Act, so should he have power to send a professional beggar, infirm or minor, to a recognised infirmary or an orphanage as the case may be. It is also suggested that there should be legal provision for the establishment of certified schools for the admission of such convicted beggars. In regard to certified schools, there are several institutions already existing in the Presidency, for instance Lady Willingdon Infirmary, Surat; the Hindu Mahajan Anathasram, Surat; the Hindu Anathasrams, Broach and Nadiad; Rao Saheb Mahipathram Anathasram and Orphanage at Ahmedabad; several Mussalman orphanages and other institutions in the City of Bombay and elsewhere. These institutions are fit for the reception of those ordered to be sent by the magistrates to such institutions. As regards remedial measures—

The Honourable the PRESIDENT: It is now seven. The honourable member has ten minutes more, and he may continue to-morrow.

The House is now adjourned to 1-30 p.m. to-morrow, Thursday, the 6th August 1931.

Thursday, the 6th August 1931

The Council re-assembled at the Council Hall, Poona, on Thursday, the 6th August 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
ALLAHBAKSH, Khan Bahadur
ASAVALE, Rao Bahadur R. S.
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BHUTTO, Sir SHAH NAWAZ
BOLE, Rao Bahadur S. K.
BOWERS, Mr. P. L.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLINS, Mr. G. F. S.
DHALUMAL LILARAM, Mr.
DESAI, Rao Saheb B. G.
DESAI, Mr. H. R.
DESAI, Mr. S. B.
DIXIT, Dr. M. K.
D'SOUZA, Dr. J. ALBAN
EWE BANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GOKHALE, Mr. L. R.
GOVER RORA, Mr.
HUDSON, the Honourable Mr. W. F.
JOG, Mr. V. N.
KADRI, Mr. J. S.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur S. T.
KARBHARI, Mr. M. M.
KHUHRO, Khan Bahadur M. A.
KULKARNI, Rao Saheb P. D.
MACKLIN, Mr. A. S. R.
MEHERBAKSH, Mr. S.
MEHTA, Mr. M. H.
MIRZA, SAHIBZADA M. A.

MODAK, Rev. R. S.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

QUESTIONS AND ANSWERS

BOMBAY PORT TRUST: PAY OF OFFICERS.

Mr. N. N. PATIL (Kolaba District): (a) Will Government be pleased to state whether it is a fact that some of the officers in the Bombay Port Trust are drawing more pay than the pay attached to the posts held by them?

(b) If so, will Government be pleased to state in regard to each of such officers (i) the grade and pay of the officer, (ii) the grade of the post, (iii) the reasons for allowing pay in excess of the scheduled pay of the post?

The Honourable Sir GHULAM HUSSAIN : (a) Under section 21 of the Bombay Port Trust Act, 1879, the Board is required to prepare and sanction a schedule setting forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each officer or servant. No officer of the Port Trust draws salary in excess of the amount sanctioned and set out in the Schedule of Staff.

(b) Does not arise.

BOMBAY PORT TRUST : REVISION OF PAY OF OFFICERS.

Mr. N. N. PATIL (Kolaba District) : Will Government be pleased to place on the Council table a statement showing in regard to each of the departments of the Bombay Port Trust—

(a) the number of appointments carrying a monthly pay of Rs. 500 and over, created since 1st April 1923, the designation and the grade and pay of each such appointment and the name of the present incumbent ;

(b) the number of appointments carrying a monthly pay of Rs. 500 and over, the emoluments of which have been increased since 1st April 1923, the designation, the grade and pay of each such appointment and name of the present incumbent ;

(c) the number of appointments carrying a monthly pay of Rs. 500 and over, the grades of which have been reduced and the same particulars as mentioned in (a) and (b) above ?

The Honourable Sir GHULAM HUSSAIN : Statements giving the information required are placed on the Council table.

(a) Statement showing the number of appointments carrying a

Designation	Grade pay when created	Present grade
		Grade
	Rs.	Rs.
1. Deputy Chairman	2,750—125—3,000	2,000—100—2,500 + 100 Motor Car Allowance. + 250 Personal Pay.
<i>Chief Engineer's Department.</i>		
2. Chief Engineer and Dredging Master, "Chelura"	650—30—800 with free quarters.	650—30—800 with free quarters.
3. 2nd Engineer and Relieving Dredging Master, "Chelura"	500—30—650	500—30—650
4. Dredging Master, "Barbus"	650—30—800 with free quarters.	650—30—800 with free quarters.
5. Chief Engineer and Relieving Dredging Master "Barbus"	650—30—800 with free quarters.	650—30—800 with free quarters.
6. 2nd Engineer, "Barbus"	500—30—650	500—30—650
7. Engineer, "Bustard"	400—20—500	400—20—500
8. Engineer, "Red Shank"	Do.	Do.
9. Engineer, "Widgeon"	Do.	Do.
10. Relieving Engineer, Dredging Fleet.	Do.	Do.
11. Engineer and Dredging Master, "Nautilus"	650 fixed with free quarters.	650 fixed with free quarters.
12. Junior Assistant Mechanical Superintendent.	400—25—500	400—25—500
13. Do.	Do.	Do.
<i>Railway Department.</i>		
14. Assistant Railway Manager	550—50—1,200	550—50—1,000
<i>Land and Bunders Department.</i>		
15. Personal Assistant to the Land Manager.	350—30—500	350—30—500
<i>Port Department.</i>		
16. Deputy Conservator	1,800—100—2,300	1,800—100—2,300
17. Pilot	750—30—1,230	750—30—1,230

monthly pay of Rs. 500 and over created since 1st April 1923.

and pay	Name of the present incumbent	Remarks
Pay		
Rs. 2,500 + 100 M.C.A. + 250 P. P.	Mr. W. R. S. Sharpe.	
710	Mr. P. M. Lyons.	
650	„ D. H. McClachlan.	
800	„ T. J. Cochrane.	
680	„ A. McGill Ardagh .. (On leave preparatory to retirement.)	Additional Officers had to be engaged for new vessels purchased for the Dredging Fleet, but several posts have since been abolished, <i>vide</i> statement in answer to question (c).
530	„ J. X. D'Souza.	
500	„ N. S. W. Dyson.	
500	„ A. Monteiro.	
420	„ E. Chamrette.	
500	„ C. G. M. Corke. (On leave preparatory to retirement).	
....	<i>Vacant.</i>	
250	Zafar Ahmed.	
....	<i>Vacant.</i>	
750	Mr. P. M. Boyce.	
440	„ R. G. Deshmukh.	
1,900	Commdr. A. G. Kinch ..	In substitution for the posts of Port Officer and Assistant Port Officer.
780	Mr. R. H. Friedlander.	

(b) Statement showing the number of appointments since 1st April 1923 carrying

Designation	Grade prior to increase in the emoluments	Present grade
		Grade
	Rs.	Rs.
<i>Land and Bunders Department.</i>		
1. Manager, Land and Bunders ..	1,150—75—1,750	1,800—100—2,300
2. Deputy Manager, Land and Bunders ..	800—50—1,100	1,000—75—1,450 + 100 Motor Car Allowance.
<i>Docks Department.</i>		
3. Deputy Docks Manager (Office) ..	750—50—1,000	750—50—1,000 + 100 Special pay. + 100 Personal pay.
4. Deputy Manager, Hamallage ..	900—50—1,200	1,000—75—1,450 + 100 Car allowance
5. Do. Docks ..	1,000—75—1,450	1,000—75—1,450 + 100 Car allowance
6. Do. do. ..	1,000—75—1,450	1,000—75—1,450 + 100 Car allowance
<i>Engineer's Department.</i>		
7. Surveyor ..	300—25—350	200—10—250 300—25—550
<i>Port Department.</i>		
8. Port Department Inspector ..	600—25—700	600—25—700 150 Personal pay. 50 Car allowance.

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a monthly pay of Rs. 500 and over and the emoluments of which have been increased.

and pay	Name	Remarks
Pay		
Rs.		
1,900	Mr. F. H. Taylor.	
1,225	" B. C. Durant.	
+ 100 Motor Car A.		
1,000	Mr. P. A. Davies.	
+ 100 Spl. pay		
+ 100 P. P.		
1,450	" W. G. H. Templeton.	
+ 100 Car A.	" F. A. Borissow ..	} A compensatory allowance of Rs. 100 for maintenance of a car.
1,450	" F. S. Williams ..	
+ 100 Car A.		
1,375		
+ 100 Car A.		
400	Mr. P. R. Sahashrabudhe.	
700	Mr. J. Munster.	
+ 150 Personal Pay	(On leave preparatory to retirement.)	

(c) Statement showing the number of appointments since 1st April 1923 carrying

Designation	Grade prior to reduction	Present grade
		Grade
	Rs.	Rs.
1. Deputy Chairman	2,750—125—3,000 100 Motor C. Allee.	2,000—100—2,500 +100 M. C. Allee. +250 Personal Pay.
<i>Secretary's Department.</i>		
2. Secretary	1,800—100—2,300	1,400—75—1,700
3. Dy. Secretary	900—50—1,200	700—50—900
<i>Accounts Department.</i>		
4. Sr. Assistant Accountant ..	*1,000—75—1,450	700—40—900
5. Assistant Accountant (Loan) ..	600—40—800	550—25—700
<i>Engineers' Department.</i>		
6. Deputy Chief Engineer ..	2,100—100—2,300	1,800—100—2,300
7. Chief Foreman (Workshops) ..	700—40—900	550—25—700
8. Shipwright and Carpenter Foreman (Workshops) ..	550—25—650	500—25—550
9. Boilermaker Foreman (Workshops) ..	550—25—650	500—25—650
10. 2nd Engineer, "Silurus" ..	640—30—700	500—30—650
11. Dredging Master ..	650—30—800	650—30—800
12. Engineer and D. Master ..	with free quarters. 500—30—650	with free quarters. 500—30—650
13. Do. ..	500—30—650	500—30—650
14. Engineer and R. D. Master ..	500—30—650	500—30—650
15. Do. do. ..	with free quarters. Do.	with free quarters. Do.
16. Engineer, Dredging ..	500—30—650	500—30—650
17. 3rd Engineer, "Silurus" ..	540—30—600	500 fixed.
18. Engineer, Dredging ..	400—20—500	400—20—500
19. Do. ..	400—20—500	400—20—500
<i>Railway Department.</i>		
20. Railway Manager ..	2,000—100—2,500	1,800—100—2,300
21. Deputy Railway Manager ..	1,150—75—1,750	1,000—75—1,600
22. Do. ..	1,150—75—1,750	1,000—75—1,600
23. Assistant Railway Manager ..	550—50—1,200	550—50—1,000
24. Do. ..	550—50—1,200	550—50—1,000
25. Do. ..	550—50—1,200	550—50—1,000
<i>Engineers' Department.</i>		
26. Sr. Assistant Engineer ..	*1,000—75—1,600	600—50—1,300

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a monthly pay of Rs. 500 and over and the grades of which have been reduced.

and pay	Name.	Remarks
Pay		
Rs.		
2,500 100 M. C. A. 250 P. P.	Mr. W. R. S. Sharpe.	
1,700 900	Mr. N. M. Morris. „ A. S. Bakre.	
860 485	Mr. W. E. McDonnell .. „ O. V. Hyde (official- ing).	*In substitution of the post of Deputy Accountant.
2,000 900 500 575 650	Mr. A. Hale-White. „ A. C. Strelley .. „ J. C. R. Walsh. „ G. B. Laws. „ R. McCracken. Post abolished.	Grade of Rs. 700—40—900 personal to Mr. Strelley.
....	Do. Do. Do.	
....	Do. Do. Do. Do. Do.	
2,300 1,750	Mr. D. G. M. Mearns. „ A. F. Watts ..	Grade of Rs. 1,150—75—1,750 personal to Mr. Watts.
1,225 1,200	„ H. A. Gaydon. „ S. G. N. Shaw ..	Grade of Rs. 550—50—1,200 personal to Mr. Shaw.
750 550	„ P. M. Boyce. „ M. E. A. Kizilbash.	
800	Mr. F. M. Surveyor ..	*In substitution of an Executive Engineer.

**BOMBAY PORT TRUST : EXTENSION OF SERVICE OF MECHANICAL
SUPERINTENDENT.**

Mr. N. N. PATIL (Kolaba District) : Will Government be pleased to state—

(a) whether it is a fact that the Trustees of the Port of Bombay have very recently granted an extension of service to their Mechanical Superintendent on the ground that the prospective incumbent wished to proceed on leave;

(b) whether the leave required was for reasons which were indispensable;

(c) what would have been the immediate annual saving in establishment charges if the extension had not been granted;

(d) what are the principles on which extensions of service are granted by the Trustees and whether these principles were departed from in the present instance; and, if so, the reasons therefor;

(e) whether Government will lay on the Council table a copy of the Trustees' proceedings in the matter?

The Honourable Sir GHULAM HUSSAIN : (a) Yes; an extension of six months.

(b) For reasons which the Port Trustees considered good and sufficient.

(c) There would have been no immediate saving.

(d) The principles are—

(1) that it is proved to the satisfaction of the Trustees that the extension is in the interests of the Trust, and

(2) that the officer continues to be thoroughly efficient and able to perform his duties.

There was no departure from these principles in the present instance.

(e) A copy of the proceedings is placed on the table.

Bombay Port Trust.

SECRETARY'S OFFICE :

BALLARD ROAD.

EXCEPT from the Proceedings of a Meeting of the Trustees of the Port of Bombay held on the 2nd June 1931.

Extension of service to Mr. R. McMurray, Mechanical Superintendent.

11. Submitted extract from the proceedings at a joint meeting of the Finance and General and Marine Committees* held on 26th May 1931, as follows :—

Submitted Chairman's note circulated with the marginally-noted papers to the Committee under Circular No. 102, dated 21st May 1931, as follows :—

References :—

Chief Engineer's No. E 1-6/

339 of 16th April 1931.

Chief Accountant's No.

E/CE-17 of 18th April 1931.

Service Particulars of Messrs.

R. McMurray and R. B.

McGregor.

Mr. McMurray, Mechanical Superintendent, attains the age of 55 on the 28th October 1931 and the Chief Engineer for reasons given in his letter of the 10th April recommends that his services be extended for the period one year.

** Present :—*

1. W. H. Neilson, Esq., Chairman.

2. Sir Ernest Jackson.

3. L. B. Tairree, Esq.

4. Meyer Nissim, Esq.

5. T. A. Stewart, Esq.

6. Rear-Admiral H. T. Walwyn.

7. A. B. Dalal, Esq.

8. E. C. Reid, Esq.

9. W. L. Clement, Esq.

10. R. R. Haddow, Esq.

11. C. W. E. Arbuthnot, Esq. (Special Member)

One Assistant Mechanical Superintendent was retrenched in 1928 and the superior staff of the Workshop is now as follows :—

- 1 Mechanical Superintendent.
- 1 Senior Assistant Mechanical Superintendent.
- 3 Assistant Mechanical Superintendents.

Due to the retrenchment there is no Assistant Mechanical Superintendent to fill leave vacancies and when one of them goes on leave the work has to be divided up between the others. The Chief Engineer points out that Mr. McGregor, Senior Assistant Mechanical Superintendent, who will act for Mr. McMurray, is due for leave next year, and while it is advisable to let him take this leave, it will naturally mean a certain amount of disorganisation if this leave is taken shortly after he succeeds to the post of Mechanical Superintendent. With this I agree, and I think the difficulty can be got over by allowing Mr. McGregor to go on leave as soon as Mr. Watt, Assistant Mechanical Superintendent, returns from leave in October next and extending Mr. McMurray's term of office by six months. This will avoid two changes in the post of Mechanical Superintendent in the year 1932.

We have one Junior Assistant Mechanical Superintendent and two apprentices (Indian) under training now but it will be some time before any of them will be fully qualified to fill the post, so it will be necessary to recruit a man to fill the post of Assistant Mechanical Superintendent due to Mr. McMurray's retirement. This could be done by getting an Electrical Engineer (and it should be possible to obtain a fully qualified Indian for this post) for a period of, say, three years, and appointing him from October next as supernumerary in the first instance. This would enable the new Assistant to be fully capable of carrying out the requisite duties before Mr. McMurray leaves and would also simplify future leave arrangements. The rate of salary for the new post can be fixed later on.

The Committee agreed that in the circumstances the proposed grant of an extension of service to Mr. McMurray for six months was in the interests of the Trust and decided to recommend the proposals as set out in the Chairman's note to the Board for sanction.

RESOLUTION No. 217.—The recommendations of the Committee are sanctioned.

TRUE EXCERPT,

A. S. BAKRE,

Acting Secretary.

No.

Forwarded to—

The Chief Engineer.
The Chief Accountant.

Mr. N. N. PATIL : With regard to (d), I want to know whether extensions are granted to Indian employees of the Port Trust or whether there is any different criterion for Indian employees in regard to this extension ?

The Honourable Sir GHULAM HUSSAIN : The same principle applies.

Mr. N. N. PATIL : Was not extension asked for by Mr. Turkhud, Assistant Accountant in the Port Trust, and was it not refused ?

The Honourable Sir GHULAM HUSSAIN : I do not know.

Dr. M. K. DIXIT : Was there any case where Indian employees asked for extension and were not given ?

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

Dr. M. K. DIXIT : It is for the Honourable the President to say whether it arises out of the question or not.

The Honourable the PRESIDENT : What is the question ?

Dr. M. K. DIXIT : Whether there were any instances where Indian employees asked for extension of service and were refused it ?

The Honourable the PRESIDENT : That does not arise.

MOTION FOR ADJOURNMENT.

The Honourable the PRESIDENT : Order, order. The honourable member from Surat (Mr. A. K. Resaldar) has placed an adjournment motion in my hands. I shall read it :

" This Council do adjourn in order to discuss the action of the District Superintendent of Police, Surat, in directing the trustees of the Naginchand Hall to withdraw the permission granted by them to Mussalmans of Surat to celebrate the Prophet's day and thus interfering in the performance of the religious obligations to the sacred memory of the great Prophet and injuring the feelings of the entire Muslim community, particularly in view of the unsatisfactory statement made by the Honourable the Home Member."

I have allowed it. Has the Honourable the Home Member any objection ?

The Honourable Mr. G. A. THOMAS : I object to it, Sir. My first objection is that it refers to an event which occurred nine days ago and, under the practice and traditions of this House, an adjournment motion should be moved within 24 or 48 hours of the occurrence of the event to which it relates.

My second objection is that I made a full statement yesterday and placed before the House all the information at my disposal. Several questions were asked, which I answered to the best of my ability. I can only repeat that statement to-day, and I cannot see any object, therefore, in spending more time of this House, which has only two days left, in rediscussing matters which were discussed at some length yesterday.

The Honourable the PRESIDENT : Has the honourable member who has asked for leave to move his adjournment motion, the leave of the House ? Those who support him will please stand in their places. (*After a count*) There are only 24 honourable members in favour of the motion and, therefore, leave is not granted.

The discussion on the honourable member Mr. Syed Munawar's resolution will now proceed.

DISCUSSION ON RESOLUTION re : PREVENTION OF BEGGARY—*resumed.*

Mr. SYED MUNAWAR : Sir, I will now continue from where I left yesterday. Yesterday I was suggesting remedial measures and I enumerated two classes of remedial measures. The third class is preventive measures. Under this head legal provisions are necessary against habitual offenders. Those who live in Bombay city and even those who visit it for a few days will bear me out when I say that the present position of beggary as it obtains in Bombay has become a positive nuisance and annoyance, and constitutes a serious menace to

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the peace and well-being of that city. The beggars go about begging from door to door, infest public streets, stand in front of doors of houses in congested localities, commit thefts and spend their earnings from beggary on numerous vices. Able-bodied persons who are neither lame nor disabled carry on the profession by singing on public streets. They refuse to take food but insist on receiving cash. Many of them who get rich food from Anathashrams, Sadavarts and Jamatkhanas sell that food, make money thereby and waste that money on vices and luxuries, while deserving crippled beggars owing to their physical disabilities are unable to move about to get their bread and go without food—

The Honourable the PRESIDENT : There are only five minutes more according to the limit laid down.

Mr. SYED MUNAWAR : I will have to claim your indulgence to give me at least ten minutes, Sir.

The Honourable the PRESIDENT : I will give the honourable member five minutes more than the time allowed under the rules. That means ten minutes from now.

Mr. SYED MUNAWAR : I shall now describe a scene as it has been depicted in the book "Mendicancy in India" :

"We are not unfamiliar with the scenes at the door of the Alms-giver. If we take a turn through a well populated city like Bombay on a holiday we are sure to see some Shaithia or a Mian Sahab standing on his spacious verandah with a heap of wheat on one side and a bag of cash nearby. There in the street is an impenetrable crowd of beggars, perhaps representing all parts of India. Indeed some have travelled like birds of passage from as distant countries as the Punjab, United Provinces, Bengal or Madras. It makes one blush to see these specimens of humanity falling on one another and elbowing each other as they force their way impatiently to the Alms-giver. He is in the meanwhile indiscriminate in his giving, and whimsical in his patronage, as he distributes the charity. First come first served soon becomes the order, and the strong carry the day, the weak go to the wall. In public bazaars also these vagrants do not give one a chance of shopping peacefully. They get their fill all the same. A Fakir or a Bawa cannot be refused ! That may bring calamities ! If refused, a departing sigh or even a meaningless curse may ruin the most prosperous ! These are the misguided beliefs of the people, and these their sympathies upon which grows fat the race of idlers !" (Pages 15 and 16 of "Mendicancy in India" by A. M. K. Dehlavi, Barrister-at-Law, printed at Ahmedabad in 1900).

I am confident, Sir, that the honourable House will understand and appreciate my solicitude to turn these vast hordes of unindustrious people into a productive force of honest labourers. How is this to be achieved ? This can be done by sending all able-bodied beggars to workhouses, industrial homes where all sorts of cottage industries may be provided for them. What is required is the initial expenditure. The recurrent expenditure will be met from their earnings. As for the initial expenditure, Government will do well to take the help of charities meant for these beggars, charities to distribute *khichdi*, particularly food to beggars daily, I mean Anathashrams, Sadavarts and Jamatkhanas, and such other institutions may be asked to co-ordinate and to receive beggars or to subscribe to the expenditure required for that purpose. The expenditure on feeding the poor may be subscribed by them to these industrial homes. This is not a mere ideal that I am putting before the House. It has been done in several countries like Bavaria, Holland,

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England, and the United States of America where agricultural colonies have been set up for able-bodied drones and have shown satisfactory results. I have referred to the formation of two bodies in this connection. One is a Committee of Public Assistance and the other is the Council of Social Service. The Council of Social Service may be composed of representatives from important bodies like the Chamber of Commerce, the Indian Merchants' Chamber, the Millowners' Association, the Marwari Association, the Grain Merchants' Association, the Social Service League, the Salvation Army and several other social service institutions who may be asked to nominate their representatives; and this body should be an advisory body. It must function to give advice to the Committee of Public Assistance which may be set up in every district and taluka town, and in every municipality.

As for the cost, Sir, the question may be asked how in these days of financial stringency Government is going to undertake such vast expenditure. I may suggest that, as is done in the United States of America, a small rate may be charged—a rate of one pice in the rupee of land revenue assessment or house-tax. This may be collected and any deficit that may be found may be supplemented by Government. This is quite a feasible suggestion, and the committee that my resolution seeks to appoint will throw more light with regard to the question of administration and finance. I have thus indicated constructive proposals to deal with this great social evil. As regards ways and means, the committee which my resolution seeks to appoint will be able to suggest them. I now appeal to the honourable House to accept my resolution, and I earnestly hope that the Honourable Minister for Local Self-Government, who happens to be a Parsi gentleman, by nature charitable, will accede to my request and take me into confidence while appointing this committee of officials and non-officials.

Before concluding, I must say that the object of my resolution in asking for the appointment of a committee is that though the last committee that was appointed in 1917, in pursuance of the Honourable Sir Phiroze Sethna's resolution, has submitted its report eleven years ago, it has been shelved up to now. Now, in the light of the suggestions advanced by me, I think it necessary for Government to appoint this committee and expedite its work, so as to remove this curse, this great blot upon this Presidency. Nowhere else in any civilised country, in any country in Europe, have I found such a vast army of beggars as I find in this Presidency. I hope every section of this honourable House will support my resolution and see that effect is given to it at an early date. With these remarks I commend my resolution for the acceptance of the House.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, I am in perfect agreement with the views expressed by the honourable mover of this resolution, and I feel that this is one of the items of social reform which evidently needs to be undertaken without further delay. But

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when the resolution under discussion asks for a committee of officials and non-officials for the purpose of suggesting practical steps, I submit I have to disagree for the very reason that the honourable mover himself gave in his opening remarks, namely, that this question is an old one, and, as a matter of fact, in pursuance of a resolution moved in this Council, the Government of Bombay did appoint a committee, which took evidence and submitted a report suggesting various steps, and among them the desirability of having legislation and amendments of the existing Acts such as the District Police Act, the City Police Act, and so on. I submit, therefore, that there is no need for a fresh committee to investigate these matters. As a matter of fact, the Press Note on the report of the committee that was issued by Government stated that the work of the committee had been fully appreciated. The Press Note also stated that the committee have carefully weighed the different aspects of the whole question and examined the views of representatives of various religious organisations concerned. The Press Note further states that there is no doubt of the desirability of definite steps being taken to prevent professional beggary. It further states that, with regard to the general question of beggary, with the cognate matter of the provision of relief for the honest poor, it is desirable, in the opinion of His Excellency the Governor in Council that this should be dealt with after the meeting of the new Councils under the constitutional reforms. So, in fact, a promise is contained in the Press Note that after the constitution of the new reformed Councils the matter would be taken in hand. If that is so, I think that all that we need now press upon the attention of Government is not the appointment of a further committee but to give effect to the recommendations of the previous committee by undertaking the necessary legislation. The recommendations contained in the report of the committee contain suggestions for a draft Bill. But it is a matter of great regret that there were so many committees appointed in the past, which have produced very full and comprehensive reports, and also made suggestions and recommendations, but all those reports have been lying on the shelves of the offices without any effect being given to those recommendations. For instance, the question of standardised weights and measures is as old as the hills. Committees were appointed, reports were made, legislation was suggested. In reply to a question of mine on the subject the Honourable Minister stated that legislation is being considered. My submission is therefore—without taking more time of the House—the need for some measures for the prevention of beggary cannot be disputed. We are all aware—the people in the mofussil as well as the people in the cities—what an annoyance it is—apart from other considerations—that we should be troubled by these beggars. As a matter of fact, it is a matter no doubt partly resting with ourselves in a way. If public opinion is sufficiently advanced, we might really prevent beggary to a certain extent by not giving alms as a matter of course when they are claimed. I know in my own place, 25 years ago, it was customary—in fact I suppose it was customary in

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other places also—on fixed days of the week, Mondays and Saturdays if I remember aright, for the beggars, men, women and children, to flock together and go round the streets, and everybody used to give alms. If we are giving alms and if they are maintaining themselves on charity, why should they care for work? As a matter of fact, there is a colony in Godoli in the Satara district. They are called 'Kudbude Joshis' and they go about begging alms and they say that it is their profession, and that they are bound to follow it. That is their attitude and we people do not put forth efforts to put down that feeling in them and discourage them from beggary. So all the blame cannot be laid at the door of others. It requires an amount of courage to come forward to put a stop to this thing by abstaining from giving alms whenever somebody comes for begging. However, some change has taken place during the last 20 or 25 years and public opinion is veering round the view that these beggars ought to be prevented from wandering in the streets, railway stations, and at places of entertainment and so on where we get down on business in a hurry, and these beggars pester us with demanding charity, and thus annoy us. That requires very drastic measures. If no special legislation is to be undertaken, provision can be made in the Bombay City Police Act and the District Police Act to give power to the police to take action when a complaint is made. This will go some way to give relief. The honourable mover has no doubt a very good case which is irresistible, but there is no need for any committee. In Madras in the year 1924, after the new Reforms, they appointed a committee which made recommendations. There is no lack of material on the subject. There is ample material and the only thing that is required is some legislation to give effect to the recommendations. If Government promise to undertake legislation, the purpose of the mover will be served and perhaps it will not be necessary to have a fresh committee appointed.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I rise to oppose the resolution. My object in getting up at an early stage of the discussion is that, if I gave the honourable House a very brief history of the case, I am sure the honourable House will be convinced of the fact that the creation of a new committee is going to serve no useful purpose at all. My opposition, however, does not by any means imply that I am not in full sympathy with the object underlying the resolution just moved. Any measure that is calculated to secure relief to the poor and the destitute is entitled to the whole-hearted support of the whole House. It is the most pitiable and helpless section of the society and I congratulate my honourable friend Mr. Syed Munawar on his having brought before this House the matter once again.

I may inform the House that diligent efforts have been made in the past to tackle this problem. During the last 16 years this question has been threshed out threadbare. The beggar question was first considered by the Bombay Corporation, who, in 1915, appointed a Committee to

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submit a scheme suggesting the lines on which it should be dealt with and in accordance with that committee's report a representation was sent by the Corporation to Government in 1918, requesting Government to take early steps to establish a Refuge, an Infirmary and Workhouse and to undertake legislation for a Vagrancy Act applicable to particular areas in the first instance but liable to be extended to any area in the Bombay Presidency at the discretion of Government. In the meanwhile a Committee was appointed by Government, in pursuance of a resolution carried at the instance of the Honourable (then Mr.) P. C. Sethna at the meeting of the Legislative Council held on the 6th December 1917 to consider and formulate proposals for the prevention of professional beggary and, in particular, for stopping minor boys and girls from being turned into or sent out as beggars and mendicants by their parents, preceptors or others, who might for the time being have the care of such minors. The Government Committee's report, which was published in 1920, contained recommendations for various remedial measures and suggestions as to how the expenditure involved should be met. After this report was received, Government enquired of the Corporation on what lines they desired Government to take action on the proposals contained in their representation referred to, so far as Bombay City was concerned, and requested them to furnish an estimate of the total cost of their proposals showing what share of the cost the Corporation would be prepared to bear and, in what manner, by a poor rate or otherwise, they would propose to meet this share, if any, of the cost. The recommendations and suggestions of the Municipal Corporation were received in July 1923. The main recommendation was to have a Settlement including *inter alia* an Industrial Home and Workhouse for able-bodied vagrants. As it was difficult to work out a rough estimate of the initial and recurring expenditure of a Settlement as designed in the Corporation's letter, Government in 1925 appointed Mr. Starte, Criminal Tribes Officer, Bijapur, on special duty to prepare a rough scheme for establishing and maintaining a beggar settlement in the vicinity of Bombay on the lines of a Criminal Tribes Settlement which should include *inter alia*—

- (a) An Industrial Home,
- (b) A Workhouse for able-bodied beggars,
- (c) An Infirmary for those incapable of doing any work.

Accordingly, he submitted a preliminary report dated the 16th March 1925. In that report he pointed out the importance of the issues involved and the need for further study. Thereupon, while he was in England on leave, he was asked to make a further study of English and Continental Institutions and methods, the study to be as short as possible in view of the present financial stringency. He studied the English and Continental systems of poor relief in Liverpool and Copenhagen, and submitted a more complete report on the subject at the end of December 1925. It was divided into two parts—

Part I—Consideration of the question as a whole for the Presidency.

Part II—Its particular application to Bombay City.

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His report contained several well thought-out and practical recommendations. As regards the cost of his proposals, so far as the Bombay City is concerned, the total recurring expenditure comes to Rs. 3,02,358, while the non-recurring expenditure amounts to Rs. 15,30,500.

Now, in this connection, it will be useful for the House to know whether any bodies interested in this problem were consulted or not. You will be glad to know that nearly eleven important public bodies were consulted and their opinions obtained. They were—the Bombay European Relief Association, the Helpless Beggars' Relief Association, Bombay Humanitarian League, the Society for the Protection of Children in Western India, the Seva Sadan Society, the Servants of India Society, the Indian Merchants' Chamber, the Bombay Chamber of Commerce, the Bombay Millowners' Association, the Marwari Association and the Social Service League.

There are many other things worth saying, but I do not wish to take up the time of the House any more, for the simple reason that I hope that I have been able to convince the honourable House that everything that could possibly be done to solve this very complicated problem has been done. I am perfectly certain that any new committee is not going to do anything more than what has already been done. As my honourable friend Rao Bahadur Kale said, what requires now to be done is to give effect to the recommendations which have already been made. That cannot be done at present for the simple reason that we have no money. I would, therefore, recommend to my honourable friend the mover of the resolution to have patience and keep this question in abeyance for further consideration at such time as the Government's finances, the finances of the Corporation and the finances of other public bodies, all of which are very low at present, improve. [Interruption.]

The honourable mover suggested the imposition of a tax on land. That is what he said a few minutes ago. But how to bring money to Bombay which is essentially a business place? Bombay will remain without much money.

Mr. SYED MUNAWAR : My resolution is not concerned with Bombay City alone; it applies to the whole of the Presidency. The question asked by the Honourable Minister is—How is the money raised by levy of a rate on land in the rest of the Presidency going to help Bombay City? That is not a proper answer to my resolution.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir, the honourable House will agree with me that when more important schemes have had to be left over for future execution, this matter can certainly wait.

Before I close my remarks, Sir, I can say that, so far as the question of funds is concerned, it is primarily the duty of local authorities to undertake schemes of this character, and then approach Government for any legislation or for grant. But from what I can gather from the

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speech of the honourable mover, he is relying upon Government to do everything that could be done in order to secure the relief which he wants to bring to the poor. In view of what I have said, I would again urge the honourable member to reconsider his decision and withdraw the resolution.

Mr. B. S. KAMAT : Sir, when the Honourable Minister jumped up to his feet, I was expecting that he had a satisfactory explanation or a ready scheme for the solution of this problem which has been hanging fire ever since 1917. But all that I heard from him was an advice to the honourable mover to have patience and to depend on an overflowing dose of sympathy, which in these days is cheaper than irrigation water, on the part of Government. The explanation was that Government, after the deliberations of this committee, deputed Mr. Starte to make enquiries not only in London but even in far off Copenhagen, a city which I know, from a personal visit, to be a charming place. But I wonder why one need go as far as Copenhagen to find a solution for an Indian problem. The Honourable Minister has explained that there is the difficulty of finance. There has been this difficulty ever since 1927, I know; but it does not explain why practically nothing was done between the years the question was reported upon and the recommendations of the committee were made and the years of prosperity when other schemes in the Bombay Presidency were carried out. After all, these recommendations involved an initial expenditure of 15 lakhs and a recurring expenditure of 3 lakhs. While lakhs and lakhs of rupees were spent on the development of Bombay between the introduction of the Reforms in 1919-20 and 1925-26, to say that during those years Government could not have spared 15 lakhs to do something in this social question is not a very convincing statement.

The Honourable Minister advised the mover of this resolution not only to have patience and to wait till better times, but further on he added that the initiative ought to come from the district local boards. As far as I can see, the recommendation of the committee, as pointed out, was that there should be co-operation between the local authorities and the provincial governments. Now, I do not agree that the initiative ought to come from the district local boards in this matter. In all schemes of social reform, so far as legislation at any rate is concerned, the duty lies on the local Government to take the initiative. If they want the district local boards to co-operate with them, let them ask for that co-operation. But all these eleven years, since 1919,—the year of the introduction of the Reforms,—to sit tight and say that we must have patience and that the district local boards should take the initiative is not a satisfactory reply. Something should have been done by the local Government in the way of initiating legislation and then inviting the co-operation of the local bodies to find out how to solve this problem of street begging.

Rao Bahadur S. K. BOLE : Sir, I offer my hearty congratulations to my honourable friend Mr. Syed Munawar for moving this resolution.

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He has done immense service to the public, and I wholeheartedly support him. I am glad, Sir, that the Honourable Minister has extended his sympathy, but at the same time I regret very much that that sympathy was only lip sympathy. That lip sympathy should now be translated into action. Sir, as has been pointed out, committees and committees were appointed, and those committees made several recommendations. The last attempt made by Government in this connection was to ask Mr. Starte to submit recommendations to prevent the nuisance of beggary. Mr. Starte submitted valuable proposals which were forwarded to the Corporation. The Corporation appointed a sub-committee for the consideration of this report and I was a member of the sub-committee. The sub-committee gave careful consideration to the proposals and drafted a reply to the Government. That reply, approved by the Corporation, was sent by the President of the Corporation to Government. In that reply the President says :

"I am to observe in the first place that Mr. Starte's report contains very valuable and useful suggestions for the prevention of professional beggary and that the scheme outlined by him reflects great credit on that officer for his thorough grasp of the whole problem. The Corporation are in general agreement with the ways and methods suggested by Mr. Starte for dealing with the beggar problem. They are also glad to note that most of the recommendations made by the Corporation in their letter No. 3364 dated the 17th July 1923 have been practically accepted by Mr. Starte. They however regret to find that Mr. Starte differs materially from the recommendations made by them in their aforesaid letter with regard to the question of dealing with religious mendicants and as to the expenditure to be borne by the Corporation in respect of any scheme that may be designed for the prevention of beggary in the city."

Sir, the Corporation accepted some of the proposals made by Mr. Starte and on some disagreed with him. I am of opinion that no beggars, whether professional or religious, should be allowed to beg for alms on public streets. The religious beggars can beg at mosques and at temples, but they should not be allowed to beg on the roads. What do we see in the city of Bombay? Go anywhere; at tram stands, at shops, anywhere you go, you will find beggars on the roads. They are pestering the public and the public get annoyed with them. It is high time Government took action in this matter. As regards religious beggars, my honourable friend Rao Bahadur Kale has given instances of Kudbude Joshis. But what about priests? How many priests will stand the test prescribed by Manu? Present day priests are nothing but parasites. Therefore, these priests should not be given differential treatment from ordinary beggars.

As regards the expenditure, I think the Corporation was right when they said that they were prepared to bear half of the recurring expenditure that would be incurred in providing a suitable centre for these beggars. But they were prepared to bear that expenditure so far as it related to beggars who were residents of Bombay. They were not prepared to bear the expenditure relating to beggars who come from outside and who rush to the city of Bombay and continue to be a burden to the city. I think they were right in this. It is said that the Bombay Government is spending more money on Bombay hospitals,

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but from the statistics it will be seen that the mofussil men—men who come from up-country—are deriving more benefit from the Government hospitals than the residents of Bombay. [An Honourable MEMBER : Question.] Study the statistics. Not only that. The municipality has started a hospital of its own—the King Edward Memorial Hospital—and in that hospital many eminent medical men are rendering honorary service. To take advantage of their advice many men from Gujarat, Kathiawar and other places come to the hospital. That can be seen from the statistics. I, therefore, think that this burden on account of outsiders should not be thrown on the shoulders of the Corporation. The respective districts should be asked to bear their share of the expenditure. If Government agree with these proposals, I think there will be no difficulty in starting the institution proposed by Mr. Starte.

As regards the non-recurring expenditure incurred in constructing the institution, the Corporation say that they will not bear that expenditure as it will not be used only by the residents of Bombay, but also by beggars from other places who would be admitted there. The Corporation is not to be blamed for this. The blame lies at the door of the Government for their inaction.

Sir, the Honourable Minister has stated that the local bodies should take up this question. I may tell, Sir, that the local bodies in Bombay are doing their humble bit in this matter. There is the Beggars' Home started by a private society. There are other institutions like the Lady Northcote Orphanage, Children's Home, Institution for the Blind, Bawla Orphanage for Muslim girls. There are several other institutions. There are Sadawartas and Jamat-Khanas also but able-bodied men take advantage of them and disabled and infirm men don't get any benefit of these institutions. Strong men rush forward and take the lion's share and disabled and infirm men have to starve. So, I submit that the local bodies are doing their best in this connection. But unless Government support this problem it cannot be solved. I may point out that this question is not left to the local bodies in countries like England. In England nobody is allowed to beg on the street. Public assistance is given in various ways such as unemployment pay and sick benefit which are given by Government mainly out of contributions made by employers and employees; old pensions are paid by Government out of taxes, blind pensions are paid through local bodies in the form of Government grants. Then there are boards of guardians and under their control are casual wards, workhouses for the infirm and the aged, special institutions for children such as the Group Cottage Homes and Scattered Homes. So, the legal obligation of relieving the necessitous poor is recognised in England as well as in many other European countries. I would therefore urge upon the Government the necessity of taking some legal action in this matter. This matter has been shelved for too long a time and as one of my honourable friends said it is no use appointing fresh committees. Mr. Starte submitted his report in 1925 and after that the Corporation submitted their proposals. So it

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is necessary to see what were the recommendations of Mr. Starte and what were the proposals of the Corporation and what should be done in the matter. Therefore, a fresh committee is necessary. If a committee is appointed, its first work should be to go into all the recommendations. I therefore request the Government to accept the resolution moved by the honourable member Mr. Syed Munawar and resume my seat.

Mr. A. K. J. BANGI (Southern Division): Sir, I rise to support the resolution. There can be no denying the fact that beggary is the curse of India and is, to some extent, responsible for its poverty. It may not be without interest to know, Sir, the various causes that contribute to the existence and spread of mendicancy. The first and foremost of these is the influence of the Indian climate which brings on a feeling of lassitude and disinclination to work. This is the reason why many a family will be found dependent on the earnings of a single bread-winner. The second contributory cause is the religious obligation to give alms, as among the Hindus. The third cause of beggary may be sought in the sanctity attached to an act of charity. Fourthly, the superstitious fear of calamity, descending on one's head through refusal to give alms to a beggar, acts as a further incentive in this direction. Fifthly, unemployment is the most potent cause of all, which has driven thousands to beggary. Islam strictly forbids beggary except under three circumstances, (1) when a man is made poor by standing as a surety to another, (2) when some unforeseen calamity has overtaken him and (3) when he is on the verge of starvation. Khalifa Omer is said to have got a beggar whipped, when, on search, his wallet was found to be full. In India begging has become a profession with many. The beggars act as a host of parasites on the earnings of honest and industrious people. There is certainly no objection to alms being given to the really deserving, such as the aged, the infirm, the decrepit and the sick. It is only the artful mendicant, who is able and strong enough to work, yet refuses to do it, and plays upon the credulity of the ignorant and practises fraud, that deserves to be put down with a firm hand. It is a meritorious deed to relieve the needy and protect the poor, but it is unrighteous to feed the undeserving. In England beggary was put down by an act of legislation. The Poor Law was enacted for the purpose of prohibiting beggary. Though some of its provisions were brutal in their operation, it had an instantaneous effect in suppressing the evil. The able-bodied beggars were sent to the workhouse, while the aged, the sick and the infirm were sent to hospitals. As a remedy against beggary caused by unemployment, big merchants were asked to find work for the unemployed. I may point out, Sir, that the Criminal Tribes Settlements have worked wonders in reducing crime during the last few years of their existence. Before they came into being, thefts, highway robberies and dacoities, sometimes attended with murder, were not uncommon. But ever since the introduction of the Settlement system, the offences have been largely on the decline. The adoption of some similar measures, Sir, may reduce beggary to the minimum even in

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this country. It may be within the memory of this honourable House that only a short time ago, Mustafa Kemal Pasha, the Regenerator of Turkey, by a single firman, eradicated mendicancy from his territory. He ordered all Dervishes and attaches to *Anqafs* or religious endowments to earn their livelihood by doing some private business or by entering the state service. Beggary can also be stopped, Sir, by a concerted action on the part of all the members of a community, as has been done by the Parsis, the Bohras and the Khojas, by readily lending a helping hand to any member of their community who is found to be in need of it.

With these few remarks, I heartily support the resolution.

Dr. M. K. DIXIT (Surat District): Sir, I congratulate my honourable friend Mr. Syed Munawar for bringing a resolution of this kind. As we have been told just now, this question has been hanging fire for the last 17 years without anything being done about it. I think this matter is very urgent. As this question of beggary is a great social problem, we must begin somewhere. I do not agree with the Honourable Minister when he says that the mover of the resolution should have patience and something will be done later on. For 17 years Government and other bodies have been considering this question. The reports of the committees have been before the Government for the past several years, but Government have not done anything. There are two things suggested in the report as far as remedial measures are concerned—one is some sort of legislation and another is finance. He quoted certain figures and said that 15 lakhs were required as the initial expenditure and 3 lakhs as recurrent expenditure. In those years which were considered prosperous by the local Government, nothing was done although something could have been done. Now when the finances have gone down and when our resources are very thin, we are told that our finances are poor and nothing can be done. This is an anomaly which I suppose Government at any rate should not take advantage of. After all, a small beginning made will not cost much. At any rate, before spending any money, if legislation is introduced to control beggary, I think the House will admit that Government will have begun somewhere. The Honourable Minister wants that the local bodies should take the initiative. I am afraid I am not at one with him there. It is the Government which should take the initiative; at any rate, an enabling Bill for local bodies to start organisations such as workhouses and poor houses is necessary. Suppose a local body or a municipality wants to start a workhouse and wants to see that the streets which are full of beggars are cleared of them, it cannot do so in the absence of some sort of law enabling it to do so. The municipality which starts a poor-house cannot get hold of a turbulent able-bodied beggar and force him to go to the workhouse because there is no law under which it can do it. Suppose the municipality holds the inducement of feeding that beggar there with free meals every day, what will be the result? That beggar will take the free meals all right and as soon as he has done so, he will go out and again start begging and collecting cash. In this way the nuisance

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will continue unabated. Unless there is some sort of legislation enabling municipalities to start poor-houses and unless certain powers are given to the municipalities enabling them to compel those beggars to stay in those workhouses and to make them work there, I do not think the local bodies can do much there.

The question is very important. There is one point which I wish to specially impress upon this House and that is the danger to which society is exposed by diseased beggars. I have seen times out of number diseased beggars, particularly beggars suffering from leprosy, moving about the streets and scattering contamination and infection in several places. I also blame the public to a certain extent because the usual practice with these charitably inclined people is to distribute some money to the extent of five or ten rupees or so once a week. It is not religious alms given, but the charitably inclined gentleman who wishes to give a little money in charity wants to give away say five rupees in charity. What he does is this, he wants to give one pie to one beggar but he has not got sufficient change in copper pies for the five rupees which he wants to distribute. With these five rupees he can distribute charity to about a thousand beggars at the rate of one pie each. What he does is that he asks some beggars to get all the pies that they may have gathered in their begging and he obtains 1,000 coins of one pie and pays five rupees in cash to the beggars who bring that change. This gentleman as a rule very often is a Parsi gentleman, and I have come across some gentlemen doing this sort of charity. After collecting 1,000 coins of one pie each, he sits at his shop well clothed, well dressed, probably after offering his prayers, and he thinks he is doing a very charitable act and goes on distributing one pie to each beggar. But he forgets that the 1,000 coins which he has collected are contaminated with dirt and infection from leprosy people. He keeps these contaminated coins on his table and starts distributing. He gives those contaminated coins to lepers as well as those beggars who are not suffering from leprosy, and in doing this charitable act of his he goes on spreading the disease. I am afraid he is not very careful about washing or disinfecting his hands before he enters his own home and he touches all kinds of things and carries the infection which he has caught from the coins which he has collected from diseased beggars. The lepers and other diseased persons to whom he gives the coins, in their turn go to vendors of foodstuffs such as *kurmuras* (parched rice) and they give those infected coins to the *kurmura-wallas* who in their turn take the coins and put them into their cash-boxes and with the same hand get hold of eatables and give them to the beggars. They in their turn go on distributing this sort of food which is infected to other people. This is how the diseases are spread. The matter is very urgent. It may look like an exaggeration on the face of it, but this is what actually takes place. I have seen with my own eyes and therefore I have asked some of my friends never to go to particular shops where these beggars go and buy their eatables. This is a sort of a vicious circle and the disease goes on spreading.

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This matter is not confined only to the disease of leprosy but it spreads also to many other infectious diseases like itches, scabies, etc. From this standpoint too, it is also very necessary that something should be done to eradicate or control the beggar problem. There are some private bodies which have undertaken to feed the poor. Of course they are careful enough to give food to those only who deserve it and they do not give food to able-bodied persons but only to those who are very old, infirm and are unable to do work for a living. In Surat there are two institutions, the Leper Asylum and Lady Willingdon Ashaktashram, i.e., Home for Disabled People. I am told that in Madras the Poor Houses and Mutual Benefit Association is doing good work. I have recently heard that the Madras Municipality has started a poor-house and "the Poor Houses and Mutual Benefit Association" contributes a certain amount of money, and I am given to understand that that Association is likely to begin to work along the same lines on this side also. After all, the initiative must come from Government. Legislation must be firstly introduced and passed and certain powers must be given to local bodies. Then and then only they can successfully deal with the problem of beggary. I am not very keen about appointing a new committee, but looking to the keenness of the honourable mover of the resolution, I think a committee working on honorary lines may be appointed so that there would be no charge to Government for the expenses of such a committee. There is no harm in having a committee of this kind and in revising the whole question, and even in examining the recommendations made by Mr. Starte who we are told will always be ready to give us the benefit of his experience which he has obtained of similar institutions working in Liverpool and Copenhagen. Such a committee will not cost Government anything and I see no reason therefore why the Honourable Minister should not accept the resolution. With these words I support the resolution.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I rise to support the resolution so ably moved by my honourable friend Mr. Syed Munawar. It is true that the finances of the Presidency are not very strong just now but, as has been pointed out by the honourable member Dr. Dixit, an honorary committee may be appointed so that the cost to Government will be nil or negligible.

Why a committee has become necessary can be proved by only one reason, namely, that the recommendations made by the committee appointed in 1917 have not been carried out. When the committee was appointed, it must have been the intention of Government that something must be done in the case of the beggar problem. In the same way, the Bombay Corporation have done their best to remove this anomaly from the city of Bombay specially for one reason that the citizens of Bombay have been bothered and troubled by the beggars who come not from the city itself but from out-stations. They belong mainly to the districts in the Bombay Presidency, but most of the beggars are from the Indian States. If the Honourable Minister goes through the

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correspondence that was carried on with the Government by the Corporation, he will find that generally most of these beggars in the city of Bombay come from the other provinces of India or the Indian States. If the Government makes out a case and asks the Indian States as well as the other Presidencies from which these beggars come to the city of Bombay to pay for their maintenance, or passes a law preventing these beggars from coming into Bombay, then I am quite sure the States and other Presidencies will be forced to pay something for the relief of the beggars who belong to them. It is only for this reason that the honourable mover has brought this resolution. It is not a fact that the beggars belong only to the city of Bombay, and therefore the Government will think twice before they say that the condition of their finances comes in the way, and I hope they will try to do something to eradicate the evil of beggary in the city of Bombay.

Rev. R. S. MODAK : Sir, I thank the honourable mover of the resolution for having brought this matter to the notice of this House. In no way can we justify professional beggary. I feel, Sir, that there is a very urgent need at the present time to take up this matter and to find ways and means to check it. It is as important to check professional beggary as it is to check any other crime. Sir, in some Western countries many systematic methods are being used to discourage beggary. In one particular case, when I happened to be travelling, an unfortunate creature came to me and asked for money in the street. I gave him some money, but when one of his countrymen saw that he ran up to him, snatched away the money, gave it back to me and asked me never to do it again in that country. I feel that beggary is a degradation to society and if other crimes cannot be checked without the help of legislation, I feel that this evil should also be tackled by legislation. It would please me to have a committee appointed by this honourable House, at any rate to bring in fresh proposals, and thus discourage beggary in our Presidency. I do not want to take the valuable time of the House by discussing the harmfulness of beggary, but I support the resolution wholeheartedly, and I trust that this honourable House will pass it.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Sir, the honourable member from the city of Bombay has given us some very interesting facts and figures in support of this resolution, and side by side he has given us his estimate of the teachings of various religions which militate against the spirit of begging. The problem is no doubt a very complicated and a knotty one, and in a country where millions of people hardly get one square meal a day it is no surprise that begging should exist in a very acute form. It is the duty of all of us to tackle this economic problem in the best interests of our country.

Sir, there are beggars and beggars. Some of them are driven to beggary on account of extreme poverty and on account of circumstances over which they have not any control. There are in India some beggars who might be called gentleman beggars. There are some Pirs, Syeds, Brahmins, Sanyasis, Bawas and many others who exercise

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a sort of religious control over the minds of the people, and I think my honourable friend does not contemplate that Government should bring in legislation against this sort of beggars.

Mr. SYED MUNAWAR : I protest against the remarks made with regard to Syeds and Pirs. I want to know whether all Syeds are beggars in his estimate.

Mr. SHAIKH ABDUL MAJID : I never meant to say that all Syeds are beggars. When I uttered the words "Syeds, Pirs, Brahmins, Sanyasis and Bawas," I meant that there are in our country people calling themselves Pirs, Brahmins, Syeds, Sanyasis and Bawas, who live upon the charity of the people and who exercise a sort of religious control over the minds of the people. If the resolution of my honourable friend intends to touch these men who otherwise cannot be touched, then I think there is some substance in it.

Sir, the difficulty in India is that we people have got very strange notions about charity. Our charitable persons also are in a way responsible for the existence of this sort of beggary that is in vogue in India. Apart from that, when there are people in India who possess lakhs and lakhs of rupees and who do not spend their money in establishing homes and asylums for the poor, why do you condemn a class which, merely by force of circumstances, has been compelled to take to begging? My honourable friend stated in the course of his speech that it was compulsory on Mussalmans to pay *zakat* out of their earnings. I ask him, how many Mussalmans are there in India who pay *zakat* in accordance with the teachings of Islam and spend their *zakat* in the right manner as taught by the teachings of Islam? I do not say that my honourable friend coming from Bombay does not pay *zakat*, but knowing the condition of the community as I do, I can assert that the majority of us do not pay *zakat* as we ought to pay. Similarly, I say if other well-to-do and moneyed people spend their savings properly, or at least devote a part of their money to the education and protection of the poor people in India, of course the problem would not exist in the acute form in which it exists to-day. It is very easy to call upon Government—and my honourable friend must know that I have no love for Government, I never spare Government whenever I can—it is very easy to call upon Government to put a stop to beggary and to start homes and asylums, while the richest people of India are not coming forward themselves to tackle this problem. One honourable member from this side of the House has stated that the people from other parts of India, who form the bulk of the beggars in Bombay city, should not be allowed to enter Bombay city. Well, Sir, Bombay city is a cosmopolitan city, and people from all provinces come to the city of Bombay for their professions. The city of Bombay is the richest city in the whole of India. It is but natural that beggars from different provinces of India should come to the city of Bombay in the same manner as all the riches of India come to the city of Bombay. I think that it would be absolutely impossible for any Government to

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exercise that sort of check over all beggars who happen to come to Bombay in the same manner as it will not be possible for Government to prevent beggars from the city of Bombay going to other provinces. My honourable colleague from Bombay city should not think that I am not in sympathy with the spirit of his resolution. I am for it, but what I mean is that, in the first place, our own well-to-do people should act in accordance with the teachings of their religions and should give charity and spend charity in the right manner. As soon as that is done, the problem will be easily solved, and Government also may be expected to lend its helping hand in the solution of this problem. So long as the economic condition of the Indian people has not materially improved. I think the problem of beggars cannot be satisfactorily solved. With these words, I support the resolution.

Rao Saheb P. D. KULKARNI (Poona District) : Sir, I rise to support the resolution. Begging is the worst evil existing particularly in this part of the world, i.e., in India. Particularly in India begging is prevalent to a great extent, and from every point of view it is condemnable. The country is deprived of its wealth in various ways by the existence of this evil, and we should look to the question from an economic point of view. The country is deprived of the labour of so many persons. As stated yesterday by the honourable mover of the resolution, I think, they number hundreds of thousands in this part of the country. On the other hand, the country is to support them. Not only this but they make much money in the profession. So many beggars come to the pilgrim centre under my charge and I have occasions to see their real nature. They are a nuisance to the sanitation also. They are turbulent in manner; they possess large amounts. They are a source of trouble to society. They ask for money in season and out of season. They are made so by the misdirected charity of the men of religious trend. I remember a story which I read in the history. It is an incident that took place during the time of Aurangzeb. Once Aurangzeb thought of giving a sumptuous dinner to the fakirs. The arrangements were made accordingly; but the condition laid down was that the fakirs should give their rags to the emperor and in return they should receive new clothes from him, to which the fakirs objected very much. This condition from the emperor was a surprise to the then officers and sardars of the emperor. The fakirs however were deprived of their rags forcibly after the dinner was over and new clothes were given to them. To the surprise of all much money was found in the rags and Aurangzeb could fight many wars with that money of beggars. That is an example of what can come out of beggary. Begging is a sort of tax levied by beggars on the poor resources of this country; and there is unanimity of opinion as to the necessity of eradicating the evil as soon as possible. [An Honourable MEMBER : Will Government be benefited ?] You must not see the case in that way. Charity of Indians in many cases is misdirected and it should be brought to the right path in order that it may help in solving the economic problem before us in this case.

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Another thing which I wish to bring to the notice of the honourable House is this. Something was said about the Brahmins and priests. When once a thing is condemned by certain men, is it to be condemned on all sides without giving due consideration to the merit of the case? I do not see that any special right is given to Brahmins which other persons do not possess. Beggary is condemned by every caste and every community. No special *magna charta* is granted to Brahmins empowering them to beg at their free will. The point is misunderstood by the other classes. Brahmins are allowed to beg in a certain stage of their life. At the time when they prosecute their religious studies, with a view that they may devote their whole time and attention to the study. While they are not prosecuting their studies, this monopoly of begging is not given to them. The Satya Samajists have formed a separate priest class of their own and they have got their own Jagatguru to govern them. A separate caste of priests they are creating now by their action. This prevails in every caste. No honest Brahmin will come forward and support beggary. [Some Honourable Members: No, no.] What is the use of saying "No, no"? [One Honourable Member: Do they not receive *dakshana*?] They receive *dakshana* from householders for whom they have to perform some religious work. That is not a polished way of beggary. They are paid for their labour in an indirect way. [Interruptions.] I do not wish to be interrupted. Let me address the House.

The Honourable the PRESIDENT: Why does the honourable member allow himself to be interrupted?

Rao Saheb P. D. KULKARNI: My point is that the evil is prevalent in every caste whether they be Mahomedans, Hindus or Christians. It is an evil which should be eradicated by any means, either by appointing a committee or by bringing a legislation before the House as soon as possible. It is high time that something should be done to eradicate this evil once for all and to make the country free from this burden. Beggary is depriving the country of its wealth and labour. My object in rising to speak on this resolution is to remove the misapprehension about the Brahmins who are wrongly said as licensed beggars. I again point out, Sir, that only those Brahmins who are engaged in prosecuting their religious studies can beg under the existing religious rules. I have expressed my own views and in that light I support the resolution before the House now.

Mr. J. S. KADRI (Northern Division): Sir, prevention of beggary is a matter of very great importance. I say, of national importance, because it affects the economic, religious and social life of the country. The question of beggary is an old and antiquated one, and it has been threshed out very closely and minutely by various committees already appointed by Government. It is understood that Government are sympathetic towards this question and keen about its solution. But the problem bristles with so many practical difficulties, that Government cannot afford to treat them lightly. The responsibility for the solution of this question

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lies chiefly with the people themselves who are encouraging professional beggary in various ways. The question has a religious tinge about it and it cannot be tackled very easily by Government without the whole-hearted co-operation of the people of various castes, creeds and communities. As is evident from Islamic tenets, beggary is absolutely forbidden by Islam. Our holy Prophet emphatically discountenanced beggary and encouraged industry. His motto was "Al Fakro Fakri," meaning "Poverty is my pride." The Syeds who are descended from the Prophet have always tried to act up to his precept and have even sacrificed their lives and property for the propagation of Islam and the improvement of their co-religionists. Syeds and Pirs have rendered invaluable service to Islam. Here is a living example of my honourable friend Mr. Shaikh Abdul Majid, who has become a convert to Islam as a result of the preachings of Syeds and Pirs.

Mr. SHAIKH ABDUL MAJID: I have not become a convert to Islam as a result of the preachings of the Syeds, but as a result of my own studies.

Mr. J. S. KADRI: I am glad of the news. What I mean to point out is that the Syeds and Pirs whose religious duty is to serve their co-religionists by imparting religious instruction to them and serving as their religious and spiritual guides, are worthy of all veneration and reverence, and as such they should not be mixed up with this question of beggary. [An Honourable MEMBER: They are excluded.] There lurks some misconception or rather prejudice against Syeds and Pirs in the minds of a section of Mussalmans who call themselves reformers. This point, however, has no bearing on the main issue of the resolution. The problem to be dealt with by this honourable House is to find out ways and means, and offer practical suggestions for remedying the evil of professional beggary which is rampant in the country. It is no use becoming hair-splitting on minor points not directly bearing on this question.

The crux of the question is how to finance the various schemes which are proposed or suggested for doing away with professional beggary. Beggary is admitted to be an evil, both by Government and the public. It has to be eradicated. But, what about the money which is required to eradicate it? I would make a suggestion. All communities, particularly Hindus and Mahomedans, have got numerous religious, charitable trusts which are specially meant for the poor and the needy. If these charities are properly organised and co-ordinated, we shall have money available to manage such institutions as poor houses, infirmaries and industrial homes which would provide honest occupation to professional beggars. So, the solution lies with the Hindus and Mussalmans themselves. If they organise their trusts and place them on a proper basis, and if Government legislate for the proper management, organisation and utilisation of these trusts, the Government will not only be doing, their duty, but they will be helping the various communities in uprooting the canker of beggary which eats into their vitals. I think the beggars have a claim on Government. Most of the professional beggars, *fakirs*

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sadhus and *sannyasis* patronise the Government by contributing their quota to the revenue of the Excise Department. They have been helping forward the sale of Charas, Ganja, Bhang and other deleterious drugs to which they are addicted. A large amount of their income, whether earned by fair means or foul, goes to Government through the Excise Department. I suppose they contribute lakhs of rupees to the coffers of Government. So, if Government sets apart a part of their Excise revenue to assist the beggars to stand on their own legs, by providing occupation and industries for able beggars and by providing relief for the weak and the infirm, I think Government would be doing a duty which they owe to the beggars. If Government would take real interest in the matter, even without undertaking any legislation, by issuing an appeal to philanthropic and charitable persons, they would succeed, as they have succeeded in the case of the Governors' Hospital Fund for which they were able to secure several lakhs of rupees for the extension of relief to the suffering humanity. At the same time, people who have religious trusts in their charge, will come forward to contribute large sums for constructing poor houses and infirmaries and even establishing hospitals and dispensaries for the poor beggars. I think by such measures, they will be helping the country at large in the matter of sanitation and public health. Many beggars have to beg, simply because they have got nothing else to do. But if beggars are provided with a Workhouse where the able-bodied among them will be doing some sort of work suited to their physical capacity, I think they would soon be accustomed to depend upon their own exertion rather than upon begging for their livelihood. When the sense of self-respect is evolved among the beggars, they will begin to look down upon beggary as a heinous profession. In our Presidency, there are among Hindus several sects of *sadhus* with Mahants as their Gurus, who own large estates and have big funds at their disposal. These big people, who are supposed to be the religious heads of their sects, can be persuaded to contribute their quota from their funds towards the upkeep of poor houses and the medical relief of beggars. Before I conclude, I would enquire of the House whether it is really necessary to have a committee appointed to investigate into the ways and means of preventing beggary. I am of opinion that instead of embarrassing Government with a proposal to appoint a committee—and committees do not always result in practical good, so far as I know—we must ask Government to undertake legislation for regulating religious and charitable trusts and thereby assist us in finding money for financing schemes and adopting remedial measures for the prevention of beggary.

With these words, I support the principle of the resolution, but do not favour the appointment of a committee, which will mean so much expenditure of money, energy and time, particularly because the matter has already been threshed out fully in the past and we have got enough materials for our purposes. What is wanted is practical action in carrying out the various suggestions made by Mr. Starte in his report to Government.

Mr. L. R. GOKHALE (Poona City): Sir, we must be thankful to the honourable member for having given us an opportunity to discuss this question of beggary in this House. I believe the question of beggary is entirely a social problem, and I do not think it can be a subject of State action either by legislation or otherwise. What I mean to say is this, that the societies to which the beggars belong must look after them and must try to improve their lot or to improve the condition in which they move. I divide the beggars into four classes, roughly speaking: the privileged beggar is one class; the able-bodied beggar is the second; the helpless beggar is the third and the needy beggar is the fourth. We have in India beggars divided into these four classes. The privileged beggar belongs to the Hindu, Mahomedan and Parsi communities. They are called *Dasturs* among the Parsis—

Mr. M. M. KARBHARI: I object. They are not beggars.

Mr. L. R. GOKHALE:—Brahmins are priests among Hindus, Syeds among the Mahomedans.

Mr. SHAIKH ABDUL MAJID: There is no priesthood in Islam.

Mr. L. R. GOKHALE: I never said that is sanctioned by Islam. I describe the thing as it is popularly understood. I am sure beggary is not sanctioned by any religion, be it Hindu, Mahomedan, Christian or Zoroastrian. It is the duty of any society to support some people, whatever name you may give to them. That is the real meaning of beggary. Unfortunately in this resolution the word "beggary" is used in a wide sense. The honourable mover says that practical steps should be taken for the prevention of beggary and that too throughout the whole of the presidency. The wide form of this resolution is certainly objectionable. What I suggest is this. These privileged beggars I would style as priests. People who differ from me are free to choose their own name for them. There is a class of persons whose existence is absolutely necessary for the welfare of society, persons without care of personal interest or gain, and they are the chief advisers of people in matters of religion. Whether such persons belong to the Brahmin community or the non-Brahmin community or to any other community matters very little. But there ought to be a class of persons whose principal duty would be to guide the people generally in spiritual matters, and that class of people ought always to be protected. I style that class of people as privileged "beggars". I would not like to use the word "beggars" in regard to them, as other honourable members have done, but I only have to *adopt* it. This privileged class is entitled to every sort of help and even respect from us. It is a part of their duty to give advice to the people—

Rao Bahadur S. K. BOLE: Are they doing their duty now?

Mr. L. R. GOKHALE: Some of them are doing; others are not, because their *sishtyas*, whether they belong to the Brahmin community or the non-Brahmin community, also forget their duty.

Rao Bahadur S. K. BOLE: Are they not following the example of the Brahmins?

Mr. L. R. GOKHALE: They are not; they are, on the other hand, going against them. Their chief idea is not to imitate the Brahmin,

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but to go against him, which they are unable to do. Whatever that may be, the point remains that this privileged class, whether they live in a Christian monastery, a Shankaracharya *mutt* or a Mahomedan mosque, are absolutely essential for the well-being of society and they should not be considered as beggars.

Secondly, you have the able-bodied beggars, whose problem is really serious. As my honourable friend has stated, you will find a lot of them—they are not paupers—making a living by working upon the sentiment of the general public. I am told that in Bombay there are contractors who supply infants or babes, four or six months old, or grown up persons with limping feet or unsound limbs to able-bodied men and women who go round and work upon the sentiment of the people by showing these infants or lames and make two or three rupees a day and give one or two rupees to the contractors. Such class of people ought to be dealt with, I think, by some sort of Government measure.

As regards the helpless beggars, we have to help them.

Then, there are the needy beggars by which term, I mean the poor students belonging to the Brahmin or non-Brahmin class, who come to us for help in the way of fees or food. We have a great number of them in Poona, studying in various schools and colleges. It is our duty to assist them by organising charitable funds, and they must never be driven to the necessity of going in the streets to secure help in the way of funds for paying school fees and for food. That is a class that deserves our help. A committee appointed to look into the question, whether it be official or non-official, will not be of any use. I think that leaders of society ought to form associations or societies which will tackle this question. I do not think Government legislation or Government machinery under the present circumstances will be of any practical use for the solution of this problem so general and so wide which is no doubt in some respects an evil.

Mr. A. N. SURVE (Bombay City, North) : Sir, charity is a quality of the heart, not of the head. If we wish to solve the beggar problem, we shall have to look at it from the point of view not of the head but of the heart. This question, Sir, is not purely a social question : it is a mixed question. Its solution lies partly in legislative measures and partly in social organisations. Therefore, I think that those honourable members who have tried to shelve this question as being purely social have done a great injustice to that class of beggars who are comprised, according to the nomenclature given by the last honourable speaker, in the category of helpless beggars. Sir, helpless beggars must be provided for. If we say that this is not a question to be dealt with by legislation, I do not see any way as to how we can relieve the helpless beggars. Helpless beggars are there and we must provide for them out of humanitarian motive. There is the further consideration, viz., that many of these helpless beggars are carriers of contagion. So far as the protection of society at large is concerned, you must take some action. You cannot say that it is a social question and that

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society must try to find a solution for it. For solving this question, we have to come to the legislature.

Again this question, Sir, is as ancient as the world itself. Many charitable gentlemen have given their attention to it. It has been tackled in one form or another in different places and times. And I am glad to say that I have come across a book with the title "Mendicancy in India". It is a paper which was read before His Highness the Maharaja of Baroda by our Honourable the President himself. It is a very high compliment to him that after 32 years he has the good fortune of seeing that his worthy example is being copied in this House. What are we doing? Our worthy President at that time read that paper before His Highness the Maharaja of Baroda and we are doing the same thing, only we are addressing the representatives of the King. We are appealing to the benches opposite who form the Government to devote their mind to this question. It is a very serious question and its seriousness increases when a large population is kept in a small area like that of Bombay City whose population is 12 lakhs, among which there are a few beggars full of sores and other contagious diseases. If you allow them to mix with the people at large, the danger to public health is very great. I request the benches opposite to look at this question in this light. I pray you not to shelve it. By shelving it you will be avoiding your duty in two ways. You will not be making provision for the beggars who need it and you will be exposing society at large to the danger of contagion.

The second point I would like to mention is that some members think that it is no use appointing a committee; that we had already appointed one committee. That is true, the Bombay Government had appointed a committee in 1920 and it has been pointed out that since the publication of the report nothing has been done. Well, I think it is a matter of viewing at things. I notice that some good has come out of that report. I am referring to the legislative measures which have been passed on the recommendations made in that report. For instance, the report refers to juvenile beggary and the House is aware that since the publication of that report we have passed in this House the Act of Prevention of Cruelty to Children. Now, Sir, under that legislative measure, what have we done? We have, by passing that measure, practically given protection to one section of beggars—the juvenile beggars. To-day if you find an orphan in the streets of Bombay, he will be immediately brought under the operation of the Act and he will be carried to certain institutions which are meant to house such juvenile beggars. Therefore, I do say that some good does come out of a committee and out of its report. To say that nothing has come out of that report, I think, is a misstatement.

Another point is about the beggars' camp maintained at Rowley Hill in Bombay. We have taken some steps in that direction. The helpless beggars found in the streets were isolated at one end of the city,

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We have one hill—Rowley Hill—to the north of Bombay, and there these beggars were taken and fed. Whether that beggars' camp is still functioning or not I do not know. [An Honourable Member: It is functioning.] For some years it had a very useful career. If it is not functioning as effectively now as before, steps may be taken to revive it. Thus beggars falling under the categories of juvenile and helpless are provided for in the city of Bombay. In this way, it will be noticed that some good has come out of the Report of 1920.

Now, Sir, there are certain other beggars whom my friend called the privileged beggars. I beg to differ from him in one respect. In every religion there are some persons who are mistaken for beggars. But I think they are not real beggars but they render some sort of service to the community at large. I give the instance of our Hindu beggars who go under the name of "Vasudev". I am mentioning this because he is considered as a beggar, whereas he is not a beggar. He renders specific service and that service is that early in the morning he goes along the streets of a village or a town with a small reed pipe and a small tinkling bell in his hand. He goes on calling the different names of God. The real service he renders to the public is to rouse the public from their beds in the morning. That service is nowadays being done by alarm clocks. But in the old days when alarm clocks were not available, this "Vasudev" always roused the people from their slumbers. He did not render only that service; he went further. He led the minds of the people heavenward by the repetition of the names of God and further still when he received some alms, he asked the donor the name of his ancestors and when the names were given to him he repeated one small song which meant that the descendant of such and such a person had given alms and as a result of the charity his ancestors received consolation in heaven. There is some meaning in this. The meaning is "Your forefathers have done good acts; you also follow in their footsteps and act in your lifetime in an equally honourable manner." The real meaning of these services has been perhaps obliterated or misunderstood. I for one will not consider that kind of servant of the society as a beggar. Similarly in the Muhammadan localities of Bombay early in the morning the fakirs go on singing songs. I think by the repetition of these songs they are really leading the thoughts of the people heavenward and they are doing a kind of spiritual service. These fakirs therefore cannot be called beggars, because they are actually rendering service. Therefore, these fakirs or "Vasudevs" of the Muhammadan or Hindu communities do not really fall within the scope of the beggar problem.

The Honourable the PRESIDENT: Two minutes more.

Mr. A. N. SURVE: I will finish, Sir.

There are difficulties in the way of legislation. Unless some voluntary organisation comes into existence, legislation is useless; therefore, to cry out for legislation for suppressing beggary without starting associations

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to enforce it is knocking at the wrong door. Take for instance the Prostitution Act. Until a society was formed, the Act remained a dead letter. I say, therefore, that two agents are necessary in such cases and these agents are legislation and social organisation. I think it is very advisable that this resolution should be passed and that a committee should be appointed because times and angle of vision have changed since 1920, and there is every likelihood of more good coming out of the deliberations and findings of a new committee. I therefore support the resolution wholeheartedly.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): Sir, I am in entire agreement with the underlying purpose of this resolution. But the honourable the mover of the resolution could not have selected a more tardy, more cumbersome and more wasteful procedure than the appointment of a committee. This is particularly the case in the present instance because we have before us the considered report of the committee appointed by the Government in the year 1918. In the Press Note which forms the preface to the Report, the Government pay a well-deserved tribute to the labours of the committee in these words :

“ The report, in addition to its succinct record of all the conclusions arrived at by the Committee, with the reasons leading up to those conclusions, embodies also in its appendices a mass of informative material and evidence obtained and sifted by the Committee in the course of its investigations.”

Therefore, unless conditions have changed a good deal in the last decade, all the material and all the data necessary for action are in front of us. I know, Sir, events move apace in this world, especially after the war, and I am prepared to admit that things have changed even in this changeless East. At the same time, I am not prepared to admit that conditions have so altered during the last 10 years as to necessitate the appointment of a fresh committee.

Now, Sir, as the Bible says, “ The poor will always be with us.” Even Soviet Russia, with its unfettered experiment in socialism which purports to do away with poverty by levelling up all distinctions and by a redistribution of wealth, even holy Russia, has not been able altogether to banish poverty from its boundaries.

Dr. M. K. DIXIT : There are no beggars in Russia.

Mr. PESTANSHAH N. VAKIL : But poverty is rampant even in the richest countries in the world. People who are able to work in order to maintain life are oft-times not in a position to secure work and are thus reduced to beggary. But the society there looks down upon beggary; the beggars themselves are ashamed of it. It is considered to be a crime against society. Whereas this is the state of affairs in the West, in the East and particularly in India, it is exalted and glorified into a religious act of self-abnegation. And what is the result ? Under the garb of religious mendicancy an army of paupers, really work-shy people and loafers, throng the streets of cities and pester honest people who are willing to work for their living. And, as my honourable friend Rao Bahadur Kale pointed out, even distant villages are not immune

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from the nuisance of able-bodied beggars. This is the problem before us. Beggary and mendicancy are in this country. That is never denied. The materials collected by Mr. Starte and his committee are also there. The crux of the question is, what action is necessary for reducing its proportions, because you cannot altogether do away with beggary? I am not at all in agreement with the opinion of my honourable friend Mr. Gokhale that this is not a fit case for action on the part of Government. I think it is a suitable case for the combined efforts on the part of three several bodies, the Government, the semi-public bodies like district local boards, municipalities and charitable institutions, and thirdly, society itself. This is pre-eminently a case for the joint co-operation of all these three bodies. Now, coming to the first, what have the Government done? The statement made by the Honourable Minister for Local Self-Government is rather disappointing. The promise held out in the press-note that "this will be dealt with after the meeting of the new Councils under the constitutional reforms" has not yet been carried out. It is more than 10 years since these Councils were constituted, and yet, beyond sending Mr. Starte to Copenhagen and Liverpool, Government do not seem to have done anything very tangible and that is the complaint on the part of the non-official members. Some practical measures should, therefore, be immediately taken to mitigate this evil.

As regards the municipalities and public bodies, enough has been said by speakers who have preceded me, and as for society, I think that question has also been adequately dealt with. I shall therefore only add one remark, and that is that the appointment of a committee at this stage is not going to help in the solution of the problem. What is required is an assurance on the part of Government that they will take immediate steps to give effect to the recommendations of the committee. As to how Government can help in the solution of the problem, they can help in two or three ways, namely, (1) by passing the necessary legislation. For instance, they should empower the police immediately to send able-bodied beggars into lock-ups and to compel them to work—

The Honourable Sir GHULAM HUSSAIN : Work where ?

Dr. M. K. DIXIT : Make policemen of them, I suppose !

Mr. PESTANSHAH N. VAKIL : That is exactly what is suggested in this report. The report makes valuable suggestions. As has been pointed out by my honourable friends Dr. Dixit and Mr. Surve, some of these beggars, the unfortunate ones, are also a menace to the health of society in general. Something is necessary in that direction surely. Then secondly, the Government commands the largest resources. Of all the public bodies and institutions the Government is the agency which has the largest funds at its disposal, and if Government is not in a position to tackle this problem, which other public body, I ask, will be coming forward to undertake this responsibility? And what, after all, is the financial responsibility? The Honourable Minister

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says that the non-recurring expenditure is 15 lakhs and the recurring annual expenditure is 3 lakhs. He has not given any detailed information, but surely 3 lakhs is not such a mighty amount in a budget of 15 crores, and Government—

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: That is for Bombay City only.

Mr. PESTANSHAH N. VAKIL: At any rate, I should request Government to make a beginning and place before this Council a revised estimate. Since Mr. Starte's scheme was submitted to Government prices of commodities have considerably fallen, and it is just possible that there will be a substantial saving in the initial expenditure of 15 lakhs, and perhaps the Government will find itself in a position to make a beginning, by way of an experiment. It is only by actually working the scheme that defects will be brought to light. I therefore have nothing more to add, except this that Government should give a tangible proof of their desire to help in the solution of this problem.

(After recess)

Notice taken that 25 members were not present. Bell rung for three minutes under Standing Order V, 1. House counted; and 25 members not being present—

The Honourable the PRESIDENT: I am extremely sorry to find that until this moment there were only 23 members present. But there are 25 members present now. It is an important thing for the House to consider that we are going on with the Private business, and it is really the concern of Private members to see that there is a quorum. Unfortunately, there is no team work or a well organised system on the non-official side of the House. Otherwise, they would have seen to it that they did not lose some hours of the time allotted to them. When it is Government business, I think Government sees to it and takes care that the attendance is more than 25. The President has no choice left to him except to adjourn a meeting if the quorum is not present, and the quorum is 25.

Rao Bahadur R. R. KALE: If Government members are not there to listen to the debate of the non-official side, how is the non-official side to be encouraged? They think it is a waste of time.

The Honourable the PRESIDENT: That would not apply in the present case. The Member of Government concerned is the Honourable Minister for Local Self-Government, and he is here; so also the Honourable the Leader of the House, who represents Government. So the fault lies with the non-official side of the House.

Mr. R. B. SHINDE (Satara District): Sir, it has been said by many of the honourable members that the question of beggary has a social aspect. But I think it has an economic aspect also. Sir, the fact is that the centre of economic equilibrium of this country has been disturbed. In bygone years we find that there was not so much beggary in India, because the indigenous industries were flourishing,

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but since the advent of British rule the indigenous industries have been ruined, and, in fact, if anything has to be done, the economic equilibrium ought to be restored which will remedy the problem of beggary. The indigenous industries of the country ought to be helped by Government, and in order to do so of course there ought to be the co-operation of the people.

Now, I do not think it is necessary to bring the beggars under the clutches of any law to be passed by this Council, because it is not the desire of persons to beg, but they are compelled by the circumstances to beg, and if they are not allowed to beg, and if they are to be brought under the clutches of the law, naturally they are ruined. If at all Government wants to help them, of course they can very well open industrial homes or work-houses. The Honourable Minister has said, from the reports and the information that the Government has collected by referring this question to many of the local societies that the Government is thinking of doing, and it would be very good if these measures are brought into force at once.

Now, Sir, coming to the question as to which of the beggars should be given the advantage of industrial homes and work-houses, I think that would depend upon the differentiation of the beggars according to the communities from which they come. One of my honourable friends said that in India no religion has given a sanction to beggary. That may be true to some extent. Sir, I do not wish to refer here to the question of Brahmins *versus* Non-Brahmins. But take the example of Saint Ramdas and also of Saint Tukaram. The followers of Ramdas do actually beg, and even the followers of Tukaram, when they go to Pandharpur, think it their right to beg and fall at the feet of the god.

Rao Saheb P. D. KULKARNI : I protest against it, because—

The Honourable the PRESIDENT : Order, order. The honourable member addressing the House is not yielding.

Mr. R. B. SHINDE : I am referring to this question only so far as the Hindus are concerned. We cannot guarantee or say definitely from what books we start so far as our religion is concerned, but the Saints like Tukaram and Ramdas are taken as religious persons, and they have given their sanction to this kind of religious beggary. There is nothing in my speech that will go against the Brahmins, because even the followers of Tukaram do the same thing. If the Vedas are taken as the religious books of the Hindus, then there is no sanction given in the Vedas to religious mendicancy. But after the Vedas, other religious teachers sprang up and they have sanctioned it. In order to remove all these difficulties—because whenever religion is brought into practical every day life, naturally our actions are ruled and brought under the clutches of religious convention—in order to remove this kind of intellectual beggary, The Satya Shodhak Samaj has been started with its doors open to persons of all the communities. There is nothing in it which is against the Brahmins or against the Non-Brahmins. I say, Sir, it is intellectual roguery or an art to deceive

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other people. Instead of begging like ordinary beggars, these people go from door to door, influence the minds of the poor people by the recitation of Mantras, and ask for alms in order to feed themselves. We can actually see that those who are placed in charge of the god-idols the Guravs, Pujaris and Badawes so far as their character is concerned, have been spoiled to such an extent that they deserve to be taken to Yeravda. If Government at all start industrial homes and work-houses to help the beggars, of course, at the time of putting the beggars into such institutions, this kind of intellectual beggary should be taken into consideration. Such institutions will come to the relief of the real and helpless beggars.

As I have already said, Government should also try to restore the economic equilibrium by helping the indigenous industries of the country. In my opinion, the problem of beggary is more of an economic nature than a social one, and Government ought to come to the help of the beggars instead of penalising them and bringing them under the clutches of the law.

Dr. P. G. SOLANKI: Sir, I rise to support the resolution moved by my honourable friend Mr. Syed Munawar, with some reservation. I am very glad to find that the question of beggary has given an opportunity to members on the opposite side to give their views on the question. But on the side of Government, members seem to be indifferent, while really they ought to take the question seriously. It is a great slur on the good and fair name of the city of Bombay and I believe my honourable friend Mr. Syed Munawar has brought this resolution for the city of Bombay in particular, and for the whole of the presidency, in general. I am speaking particularly for the Bombay city which is flooded with these beggars. Sir, in the category of beggars members of many communities come in. The honourable member Mr. Gokhale, said that the Brahmins should not be treated as beggars, though they may be receiving *dakshana* and making claims upon people who can afford to do so. I want to be clear on that point. In the Vedic times any young man belonging to any parentage living in India—(I am open to correction by my learned Brahmin friends on the other side)—who wanted to have education, was encouraged and helped by rich people as well as the rulers. Institutions were started by the ruling princes for that purpose. Even up till very recently the Maharaja of Baroda was spending a lakh of rupees per year for the education of the children of Brahmins. That is a very laudable idea. I do not deny that. I wish really aspiring young men of any community ought to be given encouragement even by the State. I have nothing to say against that. But that noble custom has been degraded. Brahmins have used that custom as an instrument and a privilege and they insist on this right to beg. Among Brahmins, there are two sects—one is Grihasthas and the other is Bhikshukas. If my honourable friend Dr. Dixit is here; he will bear me out. I do not know whether that division of Brahmins prevails in Maharashtra. *Bhikshu* is a beggar. In olden days it was an honourable term. Among the Buddhists the *Bhikshuks* are seekers of truth and they dedicate their lives to religion.

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Even now, these *Bhikshuks* go about in yellow robes from door to door begging food but they accept food only to sustain themselves. Sir, I want to refer to a remark made by the honourable member Mr. Gokhale. He said that the number of beggars is increased by the depressed classes. But it is quite the contrary. I would invite my honourable friend to come to Gujarat and point out even a single depressed class or untouchable class man, except one, who is very destitute and supportless and quite unable to work and earn his daily bread. There is a class of depressed classes known as Wankars who will prefer death to begging. If you ask them about begging, they will at once say that it would be a disgrace and degradation to live on begging. It is only people who are destitute and unable to secure any occupation that are compelled to resort to begging among these classes. I presume the honourable member Mr. Gokhale referred to the Vagris and such other castes which are unfortunately merged in the classification of depressed classes in the Primary Education Act Schedule. They are a class of criminal tribes and owing to the discrepancy in the Primary Education Act, they were included among the depressed classes. That is the reason why the nomenclature of the depressed classes has been revised by the Starte Committee. Such a stigma of beggars should not be applied to the depressed classes. No more insult should be added to the injury inflicted by the Hindu society for the last so many centuries.

Speaking about the Brahmins, they can claim a share in every walk of life and in the earnings of any respectable gentlemen and even from a labourer. [An Honourable MEMBER : Depressed classes.] Yes ; even from the depressed classes. The Brahmins are held in such high respect and reverence that, when a depressed class man sees him, he pays him respect and, if he is a professional beggar, he gives him alms.

The Honourable the PRESIDENT : Is that the aim of the resolution and is it relevant ?

Rao Bahadur G. K. CHITALE : His aim is to abuse the Brahmins, because the other side is silent.

Dr. P. G. SOLANKI : If it is taken as an abuse——

Rao Bahadur G. K. CHITALE : Certainly.

Dr. P. G. SOLANKI : If it is understood as an abuse by Rao Bahadur Chitale, then I do not want to go into further details. The honourable member Rao Bahadur Chitale can reply to me....[*Interruption.*] on this particular point when he gets his chance to speak on the subject.

Regarding the beggar question a committee was appointed and Mr. Starte has made a splendid report. If the recommendations of the report had been given effect to, there would have been no necessity for the honourable member Mr. Syed Munawar to bring forward this resolution before this honourable House. I request the Honourable Minister in charge to take prompt action on the recommendations made in that report, so that there will not be any necessity of appointing a committee and taxing the finances of this presidency. During the times of financial

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stringency if we appoint a committee, it will be a burden and a drain upon the Government revenue. If the Honourable Minister assures this House that prompt measures will be taken by him, then, I would request my honourable friend Mr. Syed Munawar to withdraw the resolution. With these words I resume my seat.

Rao Bahadur B. R. NAIK (Surat District): Sir, I rise to support the principle underlying the resolution but I am not prepared to support the latter part of it relating to the appointment of a committee. It has been pointed out by the Honourable Minister for Local Self-Government that a committee was appointed so far back as 1918 and the question was thoroughly threshed out then. Since then, the question is before the public and Government. Further to my mind no useful purpose will be served by appointing a committee, because the materials to be collected by the committee that is to be appointed is already there. The problem of beggary is a very important problem and every one will admit that it is also a great nuisance to the general public but as has been pointed out by the previous speakers, beggary is a social problem connected with the economic condition of the country. In a country where the average income per head is 0-1-7, how are you going to stop this beggary by legislation? I believe no amount of legislation would stop beggary unless the economic condition is improved.

As has already been pointed out, there are three or four classes of beggars. As regards the beggary among the high class Brahmmins, the priestly class, and among the Sayad Moulvis [*Interruption.*] I do not call them beggars, they are respected by the community and they receive alms from the public for which they have to give something in return. They are the spiritual teachers. They are teachers of religion and they give all sorts of lessons to the general public and in return they get alms from the public. Therefore, if you want to stop beggary of this type of the priestly class, which is still respected by the people, you will have to change the mentality and sentiments of the public. Even by legislation, you cannot prohibit these priestly beggars. The other class of beggars are those who are helpless and driven to beggary through circumstances. No one likes to be a beggar if he or she can help it. Men, women or children lose their self-respect by beggary. There is a proverb in Gujarati which says that the best occupation is agriculture; the next best is commerce; the third which does not carry any respect is service; and when one finds nothing to do he has to beg. Therefore, I say that most of the beggars in the country are compelled to adopt beggary owing to the economic condition of the country. The question of beggary will be partially solved when the economic condition of the country improves. It has not been stopped in any country by legislation without providing for them State help. Therefore I say that I support the principle underlying the resolution. As regards professional beggary, there is a certain class in which able-bodied men, women and children take to it. I do not know how this will be distinguished from the real beggars. The honourable mover of the resolution wants to stop beggary in the streets. [*Interruption.*] There are beggars

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from door to door. The street beggary can be stopped. But there is a lot of other beggary going on, what I call a refined beggary. How are you going to stop it?

Another aspect of the question—I do not know the exact figures—but there are about 5 million sadhus in the country. Before you prevent these people from begging, it is the duty of the State to educate public opinion. If you prevent this class from begging, it will give offence to religiously minded people. Rightly or wrongly there is a religious instinct ingrained in men, women and children that by giving alms to these sadhus, they are rewarded in the next generation. It may be religious or sentimental. That is a tradition existing in the country for a long time and you cannot root out this tradition which has been established for years. Unless you change the mentality and educate people that it is a sin to give alms to these sadhus, or able-bodied people it is impossible to prevent them from begging. In this direction it is the people who should be educated first that they should not encourage beggary by giving alms. Supposing a committee is appointed and on its recommendation Government bring in a legislation which is passed by the House, are Government in a position to find funds for putting it into effect? First of all, we must try to maintain some poor houses in the country. Begging cannot be checked by legislation, unless some provision is made for them. Unemployment is everywhere. Even in England there is this unemployment and Government are providing relief to the unemployed from State funds. Here, how are you going to provide for them? Fifty per cent. of these beggars will be unemployed. Therefore, you must have funds to establish these institutions before legislation can be undertaken.

It was stated by an honourable member that these beggars live in insanitary condition and carry diseases from one place to another. It may be true. But may I ask whether diseases are carried only by the beggars? How many of our agricultural workers and industrial labourers are dwelling in insanitary places? Insanitation is there throughout the country. It is no use talking about insanitary conditions in a country where a prisoner is better fed and clothed than an ordinary peasant. But that is a separate problem. I do not support the resolution as it stands, but I would ask the Honourable Minister in charge of this department to see if he cannot take some steps which might be acceptable to this side of the House at the present stage, such steps which will be preliminary to what Government may do when funds are available.

Mr. SYED MUNAWAR: Sir, I am gratified to find that no fewer than sixteen honourable members of this House, including the Honourable Minister, have expressed full sympathy with the spirit of the resolution. The Honourable Minister said in the course of his speech that the initiative should come from local bodies. But my honourable friend Mr. Kamat has pointed out that unless Government initiate legislation nothing will be done in regard to the solution of this great problem. The honourable member Dr. Dixit has emphasized the fact that during the eleven years

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that have elapsed after the submission of the report of the last committee on the subject, no action has been taken. He also touched on the question of dealing with beggars who are infected with leprosy. I quite realise that there is financial stringency staring this Presidency in the face at present. But, Sir, Government may ask the committee which is sought in my resolution to suggest palliative measures which will not involve Government in any heavy expenditure. There are ways and ways of going into the problem. At least a beginning can be made with regard to the solution of this vital problem. For instance, with regard to legislation, this committee will be able to suggest the various amendments necessary in the existing Acts, the District Police Act, the City Police Act, the Lepers Act, the Municipal Acts and so on. Besides this, the committee will be able to find out whether and by what means the co-operation of the charitable institutions dedicated to the relief of beggars can be sought. It will also be able to point out where a beginning can be made. As has been suggested by my honourable friend Dr. Dixit, the committee to be appointed may be an honorary committee, so that the need of spending money on the travelling allowances of the committee may thereby be obviated. This committee will be able to suggest practical steps to be taken at once without launching Government into any alarming expenditure. It will also suggest in what ways and by what means the district local boards and the municipalities can be asked to co-operate with Government in the matter, so as to minimise Government expenditure. It is obvious that it is the primary duty of Government to take the initiative in the matter. To leave the problem to be solved by district local boards and not to give them any legislative sanction amounts to nothing, and will lead to no solution at all. I will, therefore, appeal to the Honourable Minister of Local Self-Government to consider my proposals and accept my resolution.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, the honourable member Mr. Kamat was silent as regards his attitude in respect of the suggestion embodied in the resolution, namely, the formation of a committee, and his attitude was not understood. But I was glad to find later that he was not in favour of the committee. I was rather surprised when the honourable member said that he did not attach much importance to the experience gained by a study of the conditions obtaining in other countries with regard to this question of beggary. I submit that if a study in the western countries was necessary in respect of agriculture and other important problems, it is all the more necessary in a matter like this where there has never been any legislation before in this country. Sir, the only question which this House has to consider is whether a committee should be appointed or not. I said in my first speech that there was no disputing the fact that there is a great need for the eradication of this great evil and Government were fully conscious of this fact and were alive to the gravity of the situation. We are not shrinking from a rigorous examination of this question. But the point is that this question has been most exhaustively dealt with by the committee that was appointed in 1921. I did not hear any suggestion

[Sir Rustom Jehangir Vakil]

made by any of the honourable members here which has not been taken into account by the committee that was appointed in the year 1921. Now, the amendment of several Acts, special enactment for the protection of children, allocation of costs to other provinces and Indian States with regard to infirms, suggestions to make the provision of the Lepers Act more stringent, enumeration of beggars provided for at the census, the suggestion to devise a method of co-ordinating private charities, and all cognate questions have been fully considered by the committee that was appointed in the year 1921. Subsequent to the submission of the report of that committee, as I said before, Mr. Starte was deputed to take this matter in hand, and we have had some further recommendations from him. Now, what is a new committee going to do? That is what I want to know. In the first place, the committee will have to deal with the problem of beggary not only so far as the Bombay City is concerned, but also so far as it affects the whole of the Presidency. That is what the resolution wants and that is what I heard the honourable mover to say. At the fag end of his speech the honourable mover suggested that a committee might be appointed which would not involve any expenditure to Government, a committee which would not draw any travelling allowances. May I know whether the formation of such a committee is not possible without the intervention of Government? They can appoint any committee they like, and it is open to them to make enquiries with a view to solving the problem, and then they can address the municipalities, the Corporation of Bombay and the district local boards, and arrive at certain concrete and constructive recommendations which this House will be able to consider.

SYED MIRAN MAHOMED SHAH: May I know under what section of the Local Boards Act a district local board can appoint a committee?

The Honourable the PRESIDENT: The Honourable Minister did not suggest that the committee should be appointed by the district local board.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: You can appoint a committee irrespective of any public body or Government, since they are not going to charge anything for their travelling, but are merely going to investigate the problem further.

The point was made, Sir, that the Municipal Corporation of Bombay was willing to give a grant. I am afraid that, in view of the contemplated amalgamation of the City Improvement Trust with the Bombay Municipality, I am not quite certain whether the Municipality of Bombay will be prepared at the present moment to renew the offer which they seem to have made in the year 1927. This amalgamation will add considerably to the responsibilities of the Municipal Corporation—

Mr. B. P. WADKE: When will the amalgamation take place?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL:—and I think it is not a very sound policy to count upon the offer which was

[Sir Rustom Jehangir Vakil]

made about 4 years ago when absolutely different conditions obtained financially.

Now, I want to know whether, even if a committee were appointed, any recommendation which that committee will make will not involve expenditure; and I have made it very clear that at the present juncture, in the present financial stringency, it is not possible either for the Government or the Municipal Corporation of Bombay to offer any financial assistance. The only thing I can suggest in the meantime is that the problem of beggary might be, in an indirect way, effectively dealt with by withholding public patronage which this profession has been receiving. That is the impression I got from almost every honourable member who got up to speak. If the patronage were withheld, I am sure they will find the evil much lesser than it is at present.

With regard to assurance, I must confess that I am not in a position to hold out any promise which I am not able subsequently to carry out. The financial position is very uncertain; it may take some time before it is—

Sardar BHASAHAB RAISINGHI (THAKOR or KERWADA): On a point of information, Sir. After all, what will be the actual expenditure if the committee is appointed? It cannot be very prohibitive.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: The only assurance I can give is that, as soon as the financial condition of Government appreciably improves, Government will be very glad to take in hand this question again and try to do what they possibly can with a view to the eradication of this evil. I hope that in view of my explanation the honourable the mover may be inclined to withdraw his resolution.

Question put and lost.

COMMITTEE re : DECCAN IRRIGATION WORKS.

Rao Bahadur G. K. CHITALE : (Ahmednagar District): Mr. President, I beg to move the following resolution :

"This Council recommends to Government to appoint a committee consisting of the following gentlemen to consider and report after taking evidence as to how the financial aspect of the irrigation works in the Deccan can be improved, having regard to the fact that the present return on the amount of about Rs. 10 crores, which is sunk in their construction, is even less than one per cent. and to suggest ways and means to improve the same....."

Then I mention the names of the members.

The Honourable the PRESIDENT: Is the honourable the mover very particular to move the second part of the resolution?

Rao Bahadur G. K. CHITALE: I shall only refer to that; I am not very particular about the personnel of the committee.

The view which I wish to put before this House is an extension of the views that I had advocated at the time of my budget speech and is a corollary to the discussion that we had on the retrenchment proposals. We can improve the finances of the Presidency in two ways; first by retrenchment, and next by improving the receipt side of our income.

[Rao Bahadur G. K. Chitale]

Now, with respect to the problem, it appears, Sir, on authoritative data which cannot be challenged that the irrigation works are divided into productive and unproductive. It appears from the data that at the end of the year 1929-30 there were 32 irrigation systems classed as productive. Of these 1 was under construction and 1 not in operation. Of the remaining 30, 11 have been in operation for over 36 years, 1 for over 25 years and 18 for over 7 years. In 12 of these systems the return on the capital invested shows an indication of falling below the productivity standard and the question of classifying one as unproductive is, I understand, before Government. In view of this continual failure, in the rest of the 11 cases an abnormal increase in working expense occurred without a corresponding increase in revenue. In 4 others the receipts were less than even working expenses.

Now, this is the picture of our productive works in the irrigation system which ought to be an asset. In the unproductive class there are 54 systems including 5 under construction, 1 in abeyance and 1 abandoned. Of the remaining 40, the revenue of 21, that is half the number was insufficient to cover the working expenses and in 12 cases there was a marked decline in gross receipts as compared with that of 1928-29. In 13 concerns there occurred an abnormal increase in working expenses not accompanied by an adequate increase in receipts.

Thus, the revenue position is that on the productive works the net revenue is about 20·65 and on unproductive 8·60, total 29·25. The interest charges on the first come to 6·98 lakhs, the interest charges on the second 49·11 lakhs, total 56·9 lakhs. Thus on the first, that is, productive works, we have a return on capital of 1·4 per cent. but excluding the Lloyd Barrage which ought to be excluded, the mean total sum at charge was 191 rupees mostly in Sind which alone is giving us about 10 per cent. and in the rest, namely, the mean sum at charge for the rest of the works which comes to about 12·70 lakhs, the return is 68 per cent. The picture is that the irrigation system in our Presidency is giving us no return absolutely worth the name and, as a matter of fact, it appears to be eating away a large part of the Presidency's finances.

We will now turn to the other side of the picture. Comparing ourselves with other provinces, we find—these are again authoritative figures taken from the Government of India wherein our returns have gone but they are for the years 1928-29—that in the province of Madras there are 72 lakhs and over of irrigated acres and the percentage to area sown is 18·7. In Bombay we have about 403,229 irrigated acres and the area sown comes to about 1·1 excluding Sind. In United Province the same percentage is 9·6, in Punjab it is 36·1. In Burma it is 11·3 and so on. That is, from the point of view of the utility of the works to the agriculturists in general, we find that the area sown is only 1·1. So, not only is the irrigation estate not paying us an appreciable revenue, but it has not been even of much use to the agriculturists and therefore the argument that they are protective works will not hold good.

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Turning to the problem now in hand, I will make one point clear at this stage. It appears from the public reports and the House also knows, that from the point of view of paying revenue sugarcane is the best commodity. On that you get about Rs. 45 an acre. It appears that we had reached the summit in the year 1926-27 when there was brought a large area under sugarcane which varied, I might say, from 38,000 acres to about 42,000 acres—I will not be quite exact there. But in 1929-30 it appears to have fallen by two-thirds, and if my figures are correct, they came to about 14,000 acres. In 1930 it is reduced still less, and I am afraid that in the year 1931 the reduction will be still more. I have, therefore, put before the honourable House the point of view of the earning capacity of our irrigation system and I am also trying to put before the House the earning capacity from the point of view of the agriculturists by the ratio of the total amount of irrigable area to the area sown. The House knows that the only difference between the other side and this side of the House is—and I say so most emphatically—that the Irrigation Department is not keeping pace with the business methods of all other concerns which they ought to do. I may state that as soon as they found in 1925-26 that the area was going up and that the people were hankering after more acreage, they increased the rates from Rs. 45 to about Rs. 66 when the department was under the charge of our friend Sir Cowasji Jehangir. He held several meetings and in view of what he himself saw, he did not enforce those rates. It is necessary at this stage of the case to state that I myself intervened as I had been studying this question for over ten months from the practical side of it. I approached the Honourable the General Member who is now the Leader of the House and led a deputation. I was anxious then to get correct figures and he, no doubt from honest motives, wanted to help me. He only told me that a committee was enquiring into the matter and that I could put forward my case before it, but when I went there, to my astonishment I was treated more as an advocate, which is my usual profession, but I was not allowed to take part in the discussion at the Round Table and to demolish arguments that could be advanced behind our backs. I protested and I stated there that this was not the fairest way of dealing with a problem which concerns both Government and the people, but they were obdurate and they said, "We will consider between ourselves and send in a report to Government." That report gave us a little here and a little there from the point of view perhaps of vested interests; I must say so because you are not prepared to take the tillers of the soil, namely, the bagayatdars, into confidence and to allow them an opportunity of demolishing the argument across the table and you are going to forge your own proposals behind their backs and you are not even going to grant my request—a very simple request—that if these decisions are taken they may be treated as tentative and may be sent over to the bagayatdars in order that they may send in a representation along with that so that Government may be able to consider both sides of the question. That is the way in which this problem has come to the front. Now, I am making a point of this. It is this, that I find from the published reports so far again

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that in spite of all this we find researches and larger amounts being spent irrespective of the taxpayers' capacity to bear the strain. The House will remember—I am speaking only of the Deccan Irrigation, I am not attacking the Lloyd Barrage but in the Deccan proper you will find, as I have said, that the irrigated area and our income are being reduced. Still I find that last year there was an amount of about 125 lakhs being spent on the extension of the new canals. And may I tell you that we are not earning even one per cent., only .68 per cent. is our earning, and I am absolutely sure that the Honourable the General Member will remark that on the amount which has been spent, namely, 25 lakhs in the last two years, there will be running up a bill for current repairs of $2\frac{1}{2}$ per cent. That is their method, a very good business method, namely this that "put in the money irrespective of the return; then see that the repair charges are added on, namely, at the rate of 2.5 per cent. and then see what lies on the lap of gods." My point is that there is an amount of one crore of rupees yet to be spent. If you are not able to make good and to make good use of the present acreage of irrigation which on the figures you are not making, then I say where is the guarantee and where is the business method in going ahead and spending money and being the worse and worse for it? May I put it to the Honourable the General Member that this is not the business method and the sooner the knife is applied and this amount of one crore of rupees is saved irrespective of any other thing, the better it would be? And I think you would at least be saving at the present rate of interest an amount of $6\frac{1}{2}$ lakhs. It appears that that proposal is not to be found in the Retrenchment Committee's recommendations, but it appears to me that that problem is not yet solved. In such cases, usually I do not want to attack them, I merely wish to draw their attention to it. I know it is a problem which may bristle with difficulties, technical and otherwise, and therefore I thought it proper that I should invite attention to that point which ought to be looked into from the financial point of view by experts, and then after getting their verdict on this, we should go ahead and frame our proposals.

One more point I will make and it is this, that as far as we could see, it appears to me and I believe it is no breach of confidence here, that the Accountant-General or the Auditor-General for the matter of that, has commented very seriously and very severely on this phase of the financial aspect of our irrigation systems. There is a warning which is uttered by a very high authority and, therefore, I pray that the Honourable the Leader of the House, who is the Member in charge of this portfolio, would do well to accept my proposition. I do not insist upon the personnel which I have mentioned, but I would like to put forward the view that no amount of quibbling and no amount of saying that the vested interests alone will look into this picture will do for me. I want independent people who are experts in their own business and who would look at it from that outside point of view. Therefore, the personnel that I had as a matter of fact suggested was made on that basis. I might say that I had put as

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chairman our old Finance Member (Sir Chunilal Mehta) who was with us for a very long time and I thought that he would be able to manage this particular problem from an eminent and a practical point of view, but he has informed me unfortunately that he has no time to serve. Then I had stated that in my opinion in these matters an expert who is a retired Chief Engineer is the most proper person to guide our deliberations and from that point of view I had suggested the name of Mr. Vartak who has served not only here but also in Sind. He has just retired and is therefore fresh and he can bring to bear his freshness and his experience upon this rather intricate problem, and I had mentioned then our Finance Secretary (Mr. Wiles) and I said that he should also serve on the committee, but I have no objection even if he is now made the chairman of the proposed committee. In fact it is his business to look after the financial side of it, he is our watch-dog, and as a matter of fact I shall have absolutely no grievance against him even if he is made the chairman. The Commissioner, Central Division, comes in because he has now investigated the problem in which the officers of the Agriculture Department, the Revenue Department and the Irrigation Department have collaborated and he has very probably sent in his own proposals and is in touch with this problem and though he has not served here for a very long time, he is acquainted with it and then I have mentioned only a few persons including my humble self, but I do not insist on even myself being included as my Non-Brahmin friends may take objection because I am a bore to them, but I tell them, Sir, that this is not a personal problem, this is not a problem about which my Non-Brahmin friends including the honourable member Dr. Solanki need be afraid—Brahmin brains are there and so long as the Brahmins possess those brains, they are not afraid of anybody. Under those circumstances, I say that I am not very particular about the personnel. I am particular upon one point that if anything could be found by experts so that we could have useful suggestions by which the finances could be improved, then it would be a very good saving to Government. That only is my view and I have tried to do my honest best from that point of view. If my resolution commends itself to the House, I hope it will be accepted.

The Honourable, the PRESIDENT: If the latter portion of the resolution is not insisted upon in view of the honourable mover's remarks that he is not particular about the personnel, the resolution will read as follows :

"This Council recommends to Government to appoint a committee to consider and report after taking evidence as to how the financial aspect of the irrigation works in the Deccan can be improved, having regard to the fact that the present return on the amount of Rs. 10 crores, which is sunk in their construction is even less than one per cent. and to suggest ways and means to improve the same."

Rao Bahadur G. K. CHITALE: I agree, Sir, to the form in which you have read the resolution.

The Honourable the PRESIDENT: Has the honourable member the leave of the House to amend his resolution as read out by me?

Question put and leave granted.

Resolution, as amended, proposed.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I rise to support the resolution moved by my honourable friend from Ahmednagar. The situation is really very critical from the financial point of view. Crores of rupees have been sunk for irrigation in the Deccan, but the results so far have been not only very disappointing but I fear they are going to be disastrous. If Government think of increasing the rates of assessment or water rates to make up for the loss, then I think those proposals will never be acceptable to the non-official members nor to the public, and the remedy has got to be sought by examining the whole system of running the administration of the Irrigation Department and enquiring into the causes which have brought about this loss. Of the 48 systems which are put down as unproductive, only 6 are yielding a very small profit. The rest, that is to say, 42 are working at a loss. I should like to draw the attention of the House to some of the figures contained in the Administration Report, to indicate where to some extent the loss is accruing. As was pointed out by the honourable mover, the working expenses are considerably higher than the revenue yielded. Take the case of the Shirsuphal tank. The gross revenue is Rs. 5,110. The working expenses include two kinds of expenditure. One is the revenue management and the other is the charges for maintenance and repairs. The revenue management is costing the Government a good deal. For preparing the bills to collect only Rs. 5,000 the establishment charges are Rs. 13,000. Similarly, in the case of the Yerla river irrigation works, the gross revenue is Rs. 20,800, while the revenue management is costing Rs. 24,000. I may cite other instances, but they are all given in the Irrigation Administration Report, and I would recommend honourable members to go through them to see where and how the cost of establishment has increased. Then again, Sir, I would refer to the final issue of the Public Works Department budget, XIII, for 1929-30, and there it will be found that the percentage of the cost of establishment on the outlay on our irrigation works in the Deccan and Gujarat is 192. Is that a business proposition ? It is not as if only for this particular year this rise in the establishment charges has taken place. If the figures since the year 1921-22 are studied, it will be noticed that there has been every year an increase in the cost of establishment. If I mistake not, the percentage was 60 or somewhere about that figure in the year 1921-22, and by the year 1929-30 it has gone up to 192 per cent. Is there no scope for considering this problem from this point of view ? My honourable friend to my left suggests retrenchment. We have reserved these matters for further consideration. We have issued a *questionnaire*, and I hope my honourable friend Mr. Jog will appear before the Retrenchment Committee and give his advice. All the same, it is absolutely necessary that this matter should receive the earnest consideration of Government and also of the public ; of the public because any increase in the rates would be resented by the public and that ought not to be done at all. In these days Government should show that all possible avenues have been tapped, and if the public are convinced that there is no other way, then they may consider the question of increasing the water rates.

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I was told that a conference of the irrigation officials and officials of other departments was held a few weeks ago. The results of that conference are not known. If the deliberations of the conference and the decisions which it arrived at were made public, it would be very good. All the same, I think that there is a case for the appointment of an expert committee, and I wholeheartedly support the resolution moved by my honourable friend from Ahmednagar.

Rao Bahadur R. R. KALE (Bombay University): Sir, if I rise to take part in this debate, I do so not to inflict any speech in support of the resolution. When we are on the eve of financial bankruptcy, I feel sure that it is a matter of the utmost importance that the Government itself should come forward with proposals to investigate sources of revenue as well as sources of retrenchment. The question of salaries is an important one, but this question of irrigation expenditure is, in my humble opinion, of equal importance, and therefore it will not be necessary for members on this side of the House to make any speeches in support of it. I do hope and trust that we are simply assisting the Honourable the General Member, the Honourable the Finance Member and other members in this matter by asking for an enquiry which, in their own interest, they ought to undertake.

Mr. SHAIKH ABDUL MAJID: On a point of information. I want to know from the honourable mover of the resolution the real object of this resolution—whether he wants to improve the financial aspect of the Irrigation works in the Deccan by asking Government to sink a few crores more on irrigation works—

Rao Bahadur G. K. CHITALE: No, no.

Mr. SHAIKH ABDUL MAJID:—or by effecting retrenchment in the administration.

Rao Bahadur G. K. CHITALE: I have stated that an amount of one crore of rupees, which has yet to be spent, ought not to be spent. I have also suggested that as the ratio of irrigable area to areas sown shows such a large deficit, the present method of irrigation should be brought up to date, so that as large an area as possible may be cultivated even at smaller rates, while Government are insisting upon higher rates. I say it is a matter which is well worth looking into by experts. I am not an expert. I cannot say how the rules should be relaxed and in what particular manner. Therefore, I have suggested that there should be an expert committee which should guide us.

Rao Saheb P. D. KULKARNI (Poona District): Sir, the grievances of the irrigators are of long standing. The shoe pinches, but the wearer knows better where it pinches. There were so many proposals made on the floor of this House by my predecessors. Some are for appointing committees and others are for eradicating the grievances directly as soon as possible. So many promises were given and so many complaints

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are made in this matter. But when we take into consideration the opinion and experience of the irrigators themselves, we come to know that no real relief is given to them at all, except a little one which was promised by the Honourable the General Member in the Bombay session, i.e., of making a ratio of 1 in 3 acres of the block of sugar. But that concession also is not so much capable of giving as much relief as was expected from Government. To appoint a committee—I am not against that principle in this case—is to kill time. That is my experience at least in such cases. Now the cup is full to its brim and the indebtedness of the irrigators has gone to its apex. To lose time is to allow them to destroy, and they will be going from bad to worse if the officials are allowed to treat them in a way they are following now. The rules which are framed and passed are of such an impracticable nature that up till now many of them could not be enforced. Some of them are now and then enforced according to the whim of the officials. Steps are being taken to make them hard and fast. Sometimes, the amount of fine fixed under the rule is prescribed to much more extent by issuing a circular by the officers even. So many things are done arbitrarily and the irrigators are annoyed thereby. Irrigators are not allowed to have their representative on the committee. They are never heard. They are heard as mere witnesses or as advocates engaged by their clients. They are never taken into confidence by the Government. They are not allowed to have a voice in casting their destinies also. That is the worst thing. No opportunity is given to them even to ventilate their own grievances.

The remedy suggested by the honourable member Rao Bahadur Chitale, of appointing a committee is not the only way. The suggested measure is not quite competent to meet the wants of the day. Committees and committees are going on. What I urge now here is that instantaneous relief must necessarily be given in the matter by doing away with the grievances which were so broadly and vehemently placed before this House and the Honourable the General Member by the honourable member from Ahmednagar in his speech at the time of discussion of the budget in last February. Also, there seems to be the unanimity of opinion that complaints are rarely heard, and they are never redressed. Only promise of patient hearing will serve no useful purpose. The proposed committee is to examine and ascertain measures to improve the financial condition of Irrigation. But, at the same time, the interests of the irrigators must not be overlooked. With that condition, i.e., the committee will be empowered to hear grievances, I give my support to the proposal.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I take part in this debate not because I am against what the honourable mover has said in his speech, but I want to point out one or two things which have to be taken into account in calculating the return that we get from the irrigation works in the Deccan, and I mentioned them in the course of my reply to the budget discussion in the last session. When we calculate

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the interest which we get on our irrigation works, we have also got to take into consideration the prevention of famine, which saves the Government a lot of expenditure. If no expenditure had been incurred in the construction of these irrigation works, we would ordinarily have been obliged to spend a lot of money on famine relief. Since these irrigation works were started, famines have practically disappeared from the Bombay Presidency. That is one thing. We have also got to take into consideration the additional money which we put into the pockets of the agriculturists in the shape of higher produce which they get. So, these are factors which also have got to be taken into account in calculating the return which the Government get from these works. Of course, if you make a calculation on paper, then it is only, say, 1 per cent., $1\frac{1}{2}$ per cent., or 2 per cent. That may be the percentage according to the calculation, but to that we have got to add the money which we save by the prevention of famine, and the additional money which we put into the pocket of the agriculturist. All these are the gains which also should be credited to irrigation works.

Then I have also to bring to the notice of the honourable members as to why the area under sugarcane went down. Unfortunately, the prices of sugar and *gul* went to rock bottom, with the result that the cultivators did not get even the money which they spent for preparing *gul*, the prices having gone down. That is one factor. The second factor is that at the time when prices of sugar had gone up, the cultivators, without caring to see what return they would get, because the prices were good, went on having too much cultivation (expecting a good return) of particular areas of land. The result was that they took too much water and too much manure. When the prices went down, the law of diminishing returns came in and they still continued to have intensive cultivation, so that they spent a good deal more for manure and took too much water, but they did not take into consideration the fact that the yield was poor and was not commensurate with the money they spent upon it. While I was Minister of Agriculture —

Rao Saheb P. D. KULKARNI : Is this argument applicable to second class irrigation works also ?

The Honourable Sir GOVINDRAO PRADHAN : They are mainly for prevention of famine.

Rao Saheb P. D. KULKARNI : The depression in prices is not the only ruling factor in decrease of area in first class irrigation works.

The Honourable Sir GOVINDRAO PRADHAN : I am not questioning what the honourable member says. I am pointing out why the area under sugarcane went down. It was for these two reasons. Then a sugar expert, Mr. Sawyer, was brought and he held two conferences to find out why it is not paying in the Deccan to grow sugarcane. One main reason he put forward is this. The cultivators wanted too much return from a particular area, with the result that they used too much manure without seeing whether what they spent on the land

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gave a commensurate return. Instead of having too much return from a particular area, if they had confined themselves to taking less water and putting less manure, they would have profited. These two things I wanted to bring to the notice of this honourable House.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I may say that this is not a new view, but that is a view which I find promulgated broadcast by Government engineers in the *Times of India*, a cutting of which I have got before me. It is this :

" Government engineers with whom I have discussed the matter question the accuracy of the statement that the sum which has been sunk in irrigation in the Deccan is not showing any more than one per cent. return, and believe it to be a considerable exaggeration. At the same time they point out that times have changed and with them the Government outlook on irrigation schemes.

When proposals for the various Deccan projects were launched, the Government was chiefly concerned with insuring the people of the Deccan against famine which used to devastate the country about once every eight years. The works were solely designed as 'protective' works and were not intended to be 'productive.' As protective works they have been entirely successful, and if account had been taken of the saving to the country the percentage return on the money invested would now be very much higher than the accounts show.

When the schemes were launched and water finally supplied to the parched lands, land values soared and many lakhs of rupees, totally unearned, went into the pockets of the Deccan landowners. No attempt was then made to meet any of the capital cost of the scheme by recovering any of this 'windfall' although I understand that Government have been considering for some time whether means cannot be devised to secure some share of this unearned increment."

That is the view which is put forward by the Honourable the Finance Member. I wish to combat it this way. Really speaking, Government does a great wrong in relying upon the figures given by their officers and generally it is perfectly human to see that Government officers should try to protect and say as much as they can in favour of the particular schemes which have miscarried. Now, the point of view which I wish to combat by practical experience is this : The view that the lands are giving lesser and lesser return, because they have been over-manured and over-watered is not correct. As a matter of fact the only experiment that they have made at the Manjri farm under their own guidance of expert officers of the Agricultural Department is no good an answer to the practical experience of those people who have been doing it as business for the last 20 years. While I may say that, I am in a peculiar position, because as I said in the criminal cases that I was engaged in I had the good fortune of looking into the accounts of several of these irrigators—the amount that is spent on manuring and the rest. What the fact was that the Agricultural Department became jealous of the fact that while the agriculturists can get a yield of 55 to 70 bales per acre they on the Government side on the same class of land got a yield of 30 or 35 bales per acre. I even challenge the officers who have served on the Godavari canals which have been running for a pretty long time that that was so and as an explanation was needed, that explanation was based on the solitary fact of the Manjri farm the accounts of which were kept by them.

[Rao Bahadur G. K. Chitale]

Another point is this, though we are not here to combat that view, but they say that a large amount of money went into their pockets. May I tell them even now that the money went into their pockets while the war was on? You will find that the rates have been going down since the year 1921-22. As a matter of fact the elasticity of the rules which should have been there has not been brought into force. What their grievance is I shall tell you. The reserve department which has been supported has spent lakhs of rupees, though they may have converted some lands which were first water-logged there. Government do not tell what it cost them to reclaim those lands. If you, as a matter of fact, take into consideration the cost of reclamation of the water-logged area, wherein you find at the tail end of the course splendid lands, and there was no dearth of it as it appears from the statistics, is it business again, I ask, to spend lakhs and lakhs of rupees on water-logging, not saying that this land is only fit for this and not for the rest? I may mention here that we have not been fortunate to have rectangulation and sub-rectangulation, because people do not know what to plant, when to plant and where to plant. These are the mistakes which I wish to be corrected and I do beseech Government not to rely so much upon the figures which have been supplied to them, because they are on their own defence and therefore their testimony, as we call it, is not altogether disinterested. More than that I will not say. There is a similar instance in the irrigation system in Sind, wherein we find two crores of money has been spent with a minus return. Mr. President, you will find that in reply to one question that has been put by my honourable friend Mr. Kamat, the nominated member,—it is in the 11th list on page 11—it appears that they spent 2 crores and 54 lakhs of rupees on an unproductive work in Sind with a minus figure for the return. Therefore that minus figure was not given. Then, why do you spend on working expenses? Why should you not scrap it? [Interruption.] Lloyd Barrage is there—a very big scheme. I am pointing out that they do not even want people to know what that minus figure is—two crores of money has been sunk in Sind, where the lands are absolutely parched up every bit of which is required and so these protective works must have been undertaken. The return is minus. This state of things ought to be looked into and deserves to be looked into, I say, by experts, because I would not match my knowledge, even though practical it may be, with the theoretical side of the experts. When they come for cross-examination, the practical, I hope, will get the better of the theoretical of which you can be absolutely sure.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I am one of those who do not believe in the fetish of committees. But I find there is a desire on the other side that Government should appoint this committee. In order to meet the wishes of the other side of the House, I accept the resolution, except in regard to the personnel, which Government will appoint. At the same time, I may warn the honourable House that this committee, or any other committee which we may appoint, will not be able to turn the protective works in the Deccan

[Sir Ghulam Hussain]

into productive. I am very much afraid that, when the recommendations come, we will find that we have wasted money on the committee. My honourable friends who will be members of the committee will see how they are criticised by the irrigators themselves. However, in order to meet their wishes, and to give them an opportunity to investigate the matter and satisfy themselves, I accept the resolution.

As regards the extra crore proposed to be spent upon irrigation works in the Deccan, I may inform the House that we are not going to spend this amount owing to the improved methods of irrigation and economy in the distribution of water.

Question put and carried.

STARTE COMMITTEE'S REPORT ON CONDITIONS OF DEPRESSED CLASSES.

Dr. P. G. SOLANKI : Sir, I beg leave of this honourable House to move my resolution. The resolution which is on the agenda is modified by me with the permission of the Honourable the President, the Honourable Minister and the Secretary. I hope the House will have no objection to the modified resolution which I move. It runs as follows :

That this Council recommends to Government to give immediate effect to the following recommendations of the "Starte Committee" appointed by the Council to inquire into the educational, economic and social conditions and disabilities of the depressed classes and aboriginals in the Bombay Presidency—

(a) to appoint forthwith a "Backward Classes Board" as recommended in the committee's report ;

(b) to launch the smaller of the two schemes mentioned in the report under the heading "Backward Classes Officer" in Appendix III ;

(c) to adopt in all the schools and colleges and in all the Government offices and in the various departments under the control of Government and local bodies, such as local boards and municipalities, the schedule of the revised nomenclature of the depressed classes as published in Appendix II of the committee's report.

Sir, early this week, the Government and this House were kind enough to sanction a supplementary grant for the appointment of an Assistant Backward Classes Officer and a staff to work under him. To-day I have the good fortune to move this resolution, urging the appointment forthwith of a Backward Classes Board. There is a keen desire on the part of Government and of all the communities in this Presidency that the depressed classes and the aboriginals should be raised in their status and that the injustice under which these classes have been suffering for centuries past should be removed. I will read out the recommendations of the committee itself, with a view to save the time of the House.

"We consider it to be essential that the needs of the backward classes should be considered as a whole and that there should be some one definitely charged with the duty of seeing that their progress is continuous and their rights upheld. Though their uplift must come mainly through education it is by no means the only way in which help is needed. Education alone will not solve the problem. Highly educated depressed classes are still treated as untouchable, and refused the ordinary rights which they should share equally with the rest of the community. We should emphasize the grave danger to the rest of the community if the backward classes are neglected. We have been much

[Dr. P. G. Solanki]

impressed with the growing sense of bitterness of the depressed classes, especially the younger and more educated members, who are realizing their inherent rights as human beings, and the injustice under which they now labour.

The interests of the aboriginal tribes are specially liable to be overlooked as they are very unorganised, and have no effective means of making their grievances and needs known and redressed. We therefore consider that it is very necessary that a Backward Class Board with a Backward Class Officer working with it should be appointed to watch over their interests."

Sir, in the Madras Presidency, there is a Backward Classes Officer, who is known as the Labour Commissioner, and his main duty is to look after the interests of the depressed classes and the aboriginal tribes. The grade of that officer is that of a senior Collector. I am glad to know that Mr. Starte, who was the chairman of the committee, has been confirmed as the Backward Classes Officer as mentioned in the supplementary grant that was sanctioned.

Sir, this resolution does not involve any fresh expenditure or financial responsibility on the Government. The members to be appointed on the Backward Classes Board will be honorary members. The only payment they will require will be travelling allowances for attending the meetings of the Board which may be held four times in the year, and that amount has already been provided for in the supplementary grant already sanctioned. Therefore, there is no fresh demand made for any extra grant. The resolution is therefore non-controversial. The committee's recommendations regarding this Board are—

"We are of opinion that this officer should have a board associated with him for consultative and directive purposes"—

I wish to lay emphasis on the words "consultative and directive"—

on important problems relating to the backward classes. The board will help to keep him in touch with current public opinion, and in shaping that opinion towards the removal of the disabilities of the backward classes.

"In this connection we recognise the growing importance of the Legislative Council as a means for considering the needs of these classes and enforcing their rights and for shaping public opinion to assist in their uplift, but the Council needs assistance from a small body of persons who can spare the time to study the subject in more detail. We therefore propose the institution of a Board called the Backward Classes Board mainly composed of the members of the Legislative Council."

then the committee make specific proposals as to the composition of the board. Three persons who represent the depressed classes from this Council, three persons to represent the aboriginal tribes.....[*Interruption.*] Is my resolution in order, Sir?

The Honourable the PRESIDENT: The honourable member has been permitted to move it in the amended form.

Dr. P. G. SOLANKI: For the enlightenment of the opposite side, I wish to quote these passages from the report.

The Honourable the PRESIDENT: The House is following the honourable member, and if he speaks briefly, it will be to the interest of the House.

Dr. P. G. SOLANKI: According to the recommendation of the committee, I propose that the Backward Classes Board should

[Dr. P. G. Solanki]

be instituted. I leave it to Government to choose the personnel in accordance with the recommendations of the committee. Now, as regards part (b) "to launch the smaller of the two schemes", I am grateful to this House and to Government for having sanctioned a part of the smaller scheme already. Though that scheme has not yet been fully sanctioned, yet I hope that immediate action will be taken in consultation with the members of the Board and the Backward Classes Officer.

Coming to part (c) of my resolution I would lay special emphasis on this portion. It will not require a long time to put it into effect. Government have only to insist upon the adoption of the revised nomenclature recommended by the committee in all schools, colleges, Government offices and various departments under the control of Government and local bodies. During the last four years I have very bitterly realised the inability of one or two persons of the depressed classes, however educated they may be, in this Council to bring to the notice of the officers the grievances and disabilities of the school going children of the depressed classes as well as of the depressed classes as a community. All my efforts till now have not met with any great success. I have not received very satisfactory replies from the departments concerned to my questions put in this House. Many communities which are not really depressed classes were included in the nomenclature of "depressed classes" by the officer in charge who prepared the schedule under the Primary Education Act, and these communities took advantage of certain concessions which were meant for the real depressed classes. I may mention one instance. There is a community in Gujarat known as Barots. You yourself know them, Sir, and some of the Gujarati honourable members opposite, may be knowing them. They are bards to the Rajas and Sardars. It is very anomalous that such communities should be included in the term "depressed classes" and that they should thus be allowed to share in the concessions primarily intended for the real depressed classes. Joshis and many other professional communities which are touchable were ushered in as depressed classes under the Primary Education Act. The Starke Committee has gone carefully through the Primary Education Act Schedule and in the revised schedule only the actual depressed classes are included in that nomenclature. I earnestly request the Honourable Minister to issue instructions for the adoption of the new schedule without any further delay.

With these words, Sir, I move this resolution and commend it to this honourable House for accepting it unanimously.

Question proposed.

Rao Bahadur S. K. BOLE: Sir, I whole-heartedly support the resolution moved by my honourable friend Dr. Solanki. Sir, since his nomination to this Council, my honourable friend Dr. Solanki has been rendering valuable services to the depressed classes. He has tried to ventilate the grievances of the depressed classes on the floor of this House and tried to get them redressed at the hands of Government.

[Rao Bahadur S. K. Bole]

Although he sometimes did not receive satisfactory replies from Government, still he has tried to get the door opened. I admire his tenacity and he deserves thanks, not only from the depressed classes, but also from the other communities. I am very glad to see that Government now is doing something for the depressed classes. Up to this time Government were negligent of their interests, but they have now taken up their cause in right earnest and are trying to do something for their uplift. Sir, the Starte Committee's report is before us. People say that it is no use appointing committees; but the Starte Committee was appointed as per resolution moved by my honourable friend Dr. Solanki, and Government have come forward to give effect to the recommendations made by the Starte Committee and have announced their intention to take up certain measures mentioned in the report. The honourable the mover wants Government to appoint an advisory board; and I hope Government will take steps in right earnest and give effect to the resolution before the House. With these words, I support the resolution.

Rao Bahadur R. R. KALE (Bombay University): Sir, I should say that my view has always been that, in a case like this, where a committee has been appointed as the result of a resolution passed by this House, the recommendations made by that committee should be carried into effect at the earliest possible moment. When the Government themselves appoint the committee, it must be compulsory on the Government to carry out the recommendations of the Committee. Otherwise, the mere appointment and production of a report of the committee, instead of doing any good, only adds to the discontent that already prevails. As soon as Government receives the reports, I think it is their duty to take steps to give effect to the recommendations made therein. Then the public will know that some good has come out of the labours of such a committee.

As far as the resolution before the House is concerned, I take it that the appointment of an advisory board does not entail any further financial burden and there should, therefore, be no objection whatever to accept this recommendation. This board of advisers will be of assistance to the officer, and this assistance, in my opinion, is necessary for him to carry out his duties in the true spirit.

With regard to nomenclature also, I do not see why there should be any objection to that also. It has resulted in something which was not intended and it ought to be removed by issuing a notification. It should have been done already without any resolution being moved in that behalf. I therefore do think that the Government should accept this resolution and there should not be any further discussion.

. The Honourable the PRESIDENT: There is no point made against the mover that he need reply. I think I shall call upon the Honourable Minister to reply.

Dr. P. G. SOLANKI : Sir, I thank the honourable members on the Government benches in anticipation that they would accept my resolution.

The Honourable MOULVI RAFIUDDIN AHMAD : Mr. President, I think the honourable member who has moved this resolution ought to thank Government for the action which they have already taken on the report of the Starte Committee. It is a matter well known to us, both in this House and outside, that in the present year the Government of Bombay were placed in a very unfortunate position and we had to reject many useful proposals and recommendations of committees. But, so far as the Starte Committee's report is concerned, the House knows that Government came forward with a supplementary demand and have practically made provision for all that was needed and asked for in this resolution.

With regard to the first part, the appointment of a Backward Classes Board, provision has already been made in the budget, but I may inform this House and the honourable mover of the amendment that the Backward Classes Officer, namely, Mr. Starte will begin his work from September 1st. I had an interview with him and he told me that he would come and see me some time after he assumes charge and then he would let me know the names as well as the proceedings which Government ought to adopt in connection with the formation of this board, and therefore, although in principle I accept the resolution and I will make provision, I cannot at this time say that we shall appoint this board at once as this resolution asks us to do, but we shall be guided by the opinion of Mr. Starte and we shall no doubt grant this demand also but after some time, after consulting Mr. Starte and the Assistant Officers under him.

With regard to the second, Government have already accepted the smaller scheme and the House has made provision for it and therefore nothing need be said about that now.

With regard to the third, the nomenclature, you, Sir, will find that the depressed classes commonly are put under the backward classes, and it is extremely difficult for us to find out what is real and what is not real, included in these depressed classes. Therefore, we have sent a circular round to all the Commissioners and Collectors to have their opinions with regard to the names mentioned in the nomenclature by the Starte Committee. As soon as their replies are received, Government is thinking of accepting this part of the resolution also. I think there is nothing more to be said. There is no Government in the whole of India which looks at the present time more after the interests of the depressed classes than the Government of this Presidency.

An Honourable MEMBER : The Madras Presidency.

The Honourable MOULVI RAFIUDDIN AHMAD : In Madras they may have done much more in the past, but I say at the present time, and I am very proud to say that soon after this committee's report was received, something really substantial has been done. With this

[Moulvi Rafiuddin Ahmad]

assurance, I am sure the honourable member will withdraw his resolution and Government will carry out all that is needed.

Honourable MEMBERS : No, no. Why don't you accept the resolution at once ?

The Honourable MOULVI RAFIUDDIN AHMAD : I accept it in principle, but with the proviso which I have mentioned.

The Honourable the PRESIDENT : May I ask the Honourable Minister one thing ? I think from his speech the House has understood that he has practically accepted the resolution with a small amendment that the words "immediate" and "forthwith" be struck out, in which case the Honourable Minister would be willing to accept the resolution, I suppose ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, Sir.

Dr. P. G. SOLANKI : I should like an assurance from the Honourable Minister that, when the names for the proposed Backward Classes Board are considered, the honourable members of the Council will be consulted with regard to those names,—I mean sitting members.

The Honourable MOULVI RAFIUDDIN AHMAD : Government will consult all persons that are interested in this question and whom Government think it necessary to consult.

The Honourable the PRESIDENT : The resolution, minus the words "immediate" and "forthwith," will now be put to the House.

Question put and carried.

The Honourable the PRESIDENT : If the honourable member the Deputy President wishes to move his resolution to-morrow, I will adjourn the House now.

Mr. N. E. NAVLE : I will move it to-morrow, Sir.

The Honourable the PRESIDENT : The House is now adjourned to 1 p.m., to-morrow, Friday, the 7th August 1931.

Friday, the 7th August 1931

The Council re-assembled at the Council Hall, Poona, on Friday, the 7th August 1931, at 1 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ALLAHEBACH, Khan Bahadur
ASAVALE, Rao Bahadur R. S.
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BOLE, Rao Bahadur S. K.
BOWERS, Mr. P. L.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. H. B.
COLLINS, Mr. G. F. S.
DHALUMAL LILARAM, Mr.
DESAI, Rao Saheb B. G.
DESAI, Mr. H. R.
DESAI, Mr. S. B.
DIXIT, Mr. M. K.
D'SOUZA, Dr. J. ALBAN
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GOKHALE, Mr. L. R.
GOVER RORA, Mr.
HUDSON, the Honourable Mr. W. F.
KADRI, Mr. J. S.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KAMBLI, the Honourable Dewan Bahadur S. T.
KARBHARI, Mr. M. M.
KHUHHO, Khan Bahadur M. A.
KULKARNI, Rao Saheb P. D.
MACKLIN, Mr. A. S. R.
MEHEERBAKSH, Mr. S.
MEHTA, Mr. M. H.
MIRZA, SAHIEZADA M. A.
MODAK, Rev. R. S.
MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.

NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.,
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MUNAWAR, Mr.
 TALFUR, MIE BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

QUESTIONS AND ANSWERS

HAJ PILGRIMS, BOMBAY AND KARACHI: REFUND OF RETURN PASSAGE MONEY.

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

(a) whether it is a fact that owing to certain defects in the relevant regulations affecting the refund of Haj pilgrim passage money, thousands of rupees were claimed and recovered by the shipping companies from the Commissioner of Police, Bombay, or directly appropriated by them as their own money, though in reality the amount belonged to the pilgrims and should have lapsed to Government for the relief and repatriation of destitute pilgrims, in the event of there being no claimants to the same;

(b) the amount so appropriated every year since the year 1926;

(c) whether there is any provision in the Indian Merchant Shipping Act authorising Government to inspect the books of shipping companies with a view to ascertain the amount of unused and unclaimed tickets that has lapsed to them ;

(d) whether it is a fact that a certain shipping company has consistently evaded payment to the legal heirs of deceased pilgrims when they applied for refund of return passage money through the Commissioner of Police, Bombay ;

(e) if the reply to (d) is in the affirmative, whether Government consider it advisable to introduce the system of deposits to the exclusion of the system of return tickets as recommended by the Haj Inquiry Committee, to remedy the evil in the future ?

The Honourable Sir GHULAM HUSSAIN : As the honourable member is aware, the Local Government are merely the agents of the Government of India in regard to "Haj Pilgrimage". Their information is, however, as follows :

(a) It is a fact that owing to certain defects certain Shipping Companies refused to refund monies due on unclaimed unused return passage tickets and that a large sum of money had to be refunded to one of the Shipping Companies as a result of these defects.

(b) It is not possible to state the amount withheld by Shipping Companies since the year 1926 as the Pilgrim Department has no means of ascertaining such figures from the books of the Shipping Companies concerned.

(c) No.

(d) Yes.

(e) The matter is under the consideration of the Government of India in connection with the recommendations of the Haj Inquiry Committee.

RESOLUTION re : ABOLITION OF BLOCK SYSTEM IN DECCAN CANALS.

Mr. N. E. NAVLE (Ahmednagar District) : Sir, the resolution that stands in my name and which I propose to move reads as follows :—

"This Council recommends to Government that the block system now existing in almost all the Deccan Canals areas be stopped and that water charges be levied according to the crops grown by irrigators."

Sir, before I proceed to explain the object of this resolution, I must, rather for the information of the honourable members who come from Gujarat and other parts of the Presidency and who are not familiar with the block system that is obtaining under the Deccan canals—explain exactly what this block system means. The block system simply means that when an irrigator under the Deccan canals has to apply for permission to cultivate sugarcane, for every acre of sugarcane he has compulsorily to apply for 3 acres, the remaining 2 acres being allotted to crops called seasonal. He is permitted to grow sugarcane in one acre out of a block of 3 acres, provided he grows seasonal crops in the remaining 2 acres of the block, and he has to pay in a lumpsum for that small unit of block. Now, Sir, how this system has been ruinous

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from the point of view of the agriculturists, the irrigators, under the Deccan canals, I will try to explain.

Sir, it is well known that *gul* is going down in price in the market, and there are various difficulties in the way of the irrigators under the Deccan canals. I do not speak in the name of the Saswad *malis* alone; but I also plead for the poor agriculturist who is both a petty irrigator and the owner of the soil. Matters have been made very difficult for him by the application of the present block system. It is now very difficult for him to grow sugarcane. Under the block system, as I have explained, he has to apply for 3 acres, out of which 1 acre is to be utilised for sugarcane cultivation, other seasonal crops being grown on the other 2 acres. But the fact is, whether he grows seasonal crops on the remaining 2 acres or not, he is charged water rate for those 2 acres, and that becomes an additional burden on the expenses which he has to incur for the growing of 1 acre of sugarcane in the block. This, Sir, is really a hardship which has no justice in it from any point of view. Why should not an irrigator be asked to pay exactly for the area which is really and actually brought under cultivation by him? Is it justice, Sir, that he is required to pay water charges for areas not brought under actual cultivation? If we examine the blocks under the Deccan canals, what do we find? We find that it goes rather difficult for the agriculturist to bring all the 3 acres under cultivation, to grow seasonal crops on the 2 acres, and therefore in that block he keeps the 2 acres fallow. In many cases that has been the case, and the difficulty is that he is made to pay water charges for all the 3 acres, besides the rent which he has to pay to the owner of the soil for all the 3 acres.

Now, Sir, I will try to explain how this block system came into existence. It was introduced by Sir M. Visvesvaraya. He was a famous engineer and he introduced the system.

The Honourable Sir GHULAM HUSSAIN: He is also a zamindar.

Mr. N. E. NAVLE: He introduced it with a different motive. His intention was to guarantee water to the irrigators for six years. That object has been very skilfully defeated by the experts of Government in the Irrigation Department, especially when the technical department, viz., the Development and Research branch came into the charge of Mr. Inglis. He it was who made rules which became rather hard and difficult for the irrigators to follow.

Now, the system has been in vogue for years, and a clamour has been raised since its introduction by the irrigators under all the canals in the Deccan. There have been meetings and conferences of the irrigators in the Deccan and deputations have waited upon the Honourable the General Member. Deputations have waited upon the predecessor of the present General Member, Sir Cowasji Jehangir, and upon the present General Member, and the deputationists have put forward their grievances with regard to the present block system. I must say here that Sir Cowasji Jehangir and the present General Member were extremely sympathetic, and I must pay them a compliment here in as clear terms as I can, that they were extremely sympathetic in ascertaining and

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understanding the view-point of the irrigators themselves, and they tried their level best to remove some of the grievances of the irrigators. Sir, an influential deputation of the Deccan irrigators waited upon the Honourable the General Member last March when we were in session at Bombay, and I remember, as I was one of the deputationists, when my honourable friend Rao Bahadur Chitale pleaded for the deputation because he was the leader of the deputation, and he put forward a strong plea for the abolition of the system as such, though the question about which the conference met was rather different, namely, the application of 1 to 4 block instead of 1 to 3. The Honourable the General Member got information telegraphically, and when he was convinced of the justice of the demand of the irrigators, namely, that the introduction of the 1 to 4 block was ruinous from the point of view of the agriculturists, he issued peremptory orders to abolish that system. But, Sir, even though the 1 to 4 block system has been abolished and the old 1 to 3 system is allowed to be continued, is it not an injustice, when trade depression is prevailing in the whole of the world, and the prices of *gul* have gone down, is it justice that the agriculturist should be harassed by requiring to pay for the additional 2 acres when those 2 acres are useless for him as they are not brought under cultivation in many cases? I do not say for one moment that if the irrigator grows seasonal crops in those 2 acres he should not be made to pay for it. I admit that if he utilises the 2 acres by growing seasonal crops, Government have every right to levy water charges. But if it is not profitable for him to bring those 2 acres under cultivation on canal water, if he is satisfied with cultivating only 1 acre by growing sugarcane with the irrigation water, and would depend upon rain for the remaining 2 acres, then why make it compulsory for him to pay additional water rate for the 2 acres? It is not just and proper that this harassing difficulty, should be placed in the way of the irrigators.

Sir, many of the honourable members know that there is a syndicate called the Belapur Syndicate at Belapur in the Ahmednagar district—Belapur is a large commercial town in the Ahmednagar district—and this syndicate is running a sugar factory. The block system is not applied to the area which is brought under cultivation by the Belapur Syndicate. Is it not difficult for the ordinary irrigator, who has no technical knowledge and the costly implements which this syndicate has, to work under the present block system, when a powerful company like the Belapur Syndicate is exempted from the rules of the block system? The block system is not applied to that company, and it is not compulsory for them to grow any seasonal crops at all.

An Honourable MEMBER: Why?

Mr. N. E. NAVLE: I am informed that a special concession has been given to them, and I am complaining against that. Sir, I plead that this system be now abandoned and that the irrigators be allowed to pay only for the acreage which is really brought under cultivation on canal water. That will simplify the present system, which is made

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rather cumbrous by difficult intricate rules and regulations being introduced in the working of the block system by Mr. Inglis.

Sir, I had a conversation on this subject with some responsible officers of Government in the Irrigation Department, and they are convinced of the justice of the demand of the irrigators contained in my resolution. It has to be seen what views are being held by Government over this very important subject. Still, as I gathered it privately from a responsible officer of Government in this department, their fear is that Government revenue is going to suffer if they abolish the block system. I do not agree with that view for a moment. On the contrary, I definitely assert and say emphatically that Government will stand to gain by the abolition of the block system. Their treasury will not suffer, their revenue will not suffer; on the contrary the revenue will go on increasing if the block system is abolished. It is very easy to see that if the difficulty which is introduced by this system in the way of the irrigators is removed, the area under sugarcane will increase and go on increasing as the years pass by, and in that way the returns from the canals, the revenue which we get now will go on increasing. It is for this reason—consider it from any point of view, from the Government point of view as well as from the irrigators point of view—that I do not think the present system is profitable from any side, from any view which you may take of the matter. The irrigators are clamouring for its abolition, and the Government treasury also is suffering. It is therefore beneficial, from the irrigators' point of view as well as the Government point of view, that this system be abolished forthwith.

Mr. M. M. KARBHARI: On a point of information. Under the block system has sugarcane cultivation decreased during the last few years?

Mr. N. E. NAVLE: The honourable member has asked an important and pertinent question on the subject, and as far as I know I can say that the area under sugarcane has decreased on account of this block system.

The Honourable Sir GHULAM HUSSAIN: Prices?

Mr. N. E. NAVLE: They have an effect on the area under cultivation but it is not the only deciding factor. That is one of the reasons. But you cannot neglect the very important question on the other side. You have made it difficult by means of your own technical and useless rules to grow more sugarcane on the canals. How is it justifiable? It is not justifiable either from the point of view of revenue to Government or from the point of view of the agriculturists. Therefore I say that it is high time that the system was done away with. Sir, I know that Government may find it rather difficult to accept my resolution *in toto*; and therefore I am prepared to go so far as to accept a compromise. I am prepared to accept a position like this. If Government abolish this system temporarily say for 5 or 6 years as an experimental measure in order to see whether they lose in their revenue or get more, I am prepared to accept that position. If Government find at the end of

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the experimental period that they are getting more revenue, I do not see any reason why that system should not be abolished permanently, nor can Government advance any reason for its further retention. It was only yesterday that the Honourable the Leader of the House accepted the resolution moved by my honourable friend Rao Bahadur Chitale in order to inquire into the grievances of the irrigators. In this case the irrigators have many a time waited in deputation, memorialised Government, and held public meetings and forwarded their resolutions to Government. If Government at least abolish the system temporarily as an experimental measure to see the results, I am prepared to accept that position as I am sure that Government will then be convinced that the block system is not profitable even from their stand-point. Sir, I therefore urge that the system be stopped. With these words I move my resolution with the hope that it will be accepted by this honourable House.

Mr. SHAIKH ABDUL MAJID : I would like the honourable member to throw light on the question whether the block system is the same as rectangulation or it is different.

Mr. N. E. NAVLE : Rectangulation is different from the block system. Question proposed.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I must state that the problem has many phases and cannot be isolated from the consequential results. It is necessary to state at the beginning that Government and their officers are now in possession of all the facts bearing on this matter and it is true to state that the *bagayatdars* in almost all the Deccan canals, including the Girna canal, have put forward their views not only in public meetings or conferences, but they have put them into writing and forwarded them to Government. I had the honour and privilege of leading their deputation, and I may say, as it very often happens, self-interest prevailed more than it ought to. I tried my best to collect and co-ordinate the several views of these irrigators in different canals and analyse their grievances under certain main groups. As I said yesterday, Government had appointed a committee under the presidency of the Commissioner, Central Division, in which the Revenue Department, the Agricultural Department and irrigation officers were represented. After I had collated the whole information, I had given them in writing my own views of the case. But as Mr. Mackie had left, the deliberations of the conference could not be finished. As the present Commissioner is a new man to the work, it was pointed out that the same conference should take place and I have obliterated myself from it. They had their own case from their own point of view. I must say that the *bagayatdars* were given fullest opportunity to give their statements in vernaculars and in English. It is no doubt true also that, as far as possible, Government have by now given them such prompt relief as was possible on account of the lowness of price of *gul* and other products; I must thank Government and their officers for giving that relief as promptly as possible. Not only that, but their main complaint about

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the reduction of the block area has been considered at least for this year pending the fullest possible investigation into that problem by the committee which I have referred to, and possibly decisions are now to be come to by Government as a whole.

The complaint of the *bagayatdars* and others is only that they have not been made aware of the views of the officers who deliberated in that conference, because they are afraid that perhaps a one-sided view of the matter may be taken by Government, as they have not been given proper representation to explain away suggestions by either the irrigation officers, or agricultural officers or officers of the Revenue Department. I must say here that the two points of view, as a matter of fact, will again be collated by the financial experts committee—I hope and believe that it is intended by the resolution distinctly as it is—after taking evidence. Then these *bagayatdars* would be given one more opportunity to state their views and state their data, so that those views could be dissected by cross-examination and it could be seen as to how far they can spend. That is how the matter stands at present. I understand that the resolution is not to be taken to vote. I think the main purpose of it is to know whether orders have been passed by Government as a result of the deliberations of that conference. If these orders have not been passed, the tentative conclusions of the conference should, in fairness and justice, be circulated to the *bagayatdars* and their associations, so that they may give their opinion on the views that have been so far formed. The point is of some importance, because what we have been stating all along with due regard to the financial phase of the problem is that you cannot extort one rate for all seasons and for all times; especially as these seasons and times are changing fast, the prices of the agricultural products are now at rock bottom and all that they want is an assurance. If they grow any particular crop, there must be at least some margin of profit, let alone the revenue to Government.

There is another man from the research department. Owing to the difficulty of there being no rectangulation or sub-rectangulation, the people themselves do not know where they stand, what kind of crop they will be allowed to reap and what land would be considered suitable by the research officer, who has almost superseded the functions, if I may be allowed to say so, the ordinary functions, of the Superintending Engineer for Irrigation. To state one instance among many, suppose I get five acres for sugarcane. The research department, which ultimately means the mistry, comes forward and says that about one guntha or 5 gunthas of this land are not fit for sugarcane. I have to leave those five gunthas and I am supposed to grow sugarcane in the rest of the area. Then there are other matters—the land which is occupied by the bunds, which must be of certain dimensions and so on. I have also to bear the acreage rate that is levied. I think it is not proper and I believe there is a substantial grievance. When you say that the acreage rate will be Rs. 45 an acre, if it is true that bunds take up 5 to 8 gunthas or one-fifth or one-eighth of the area, how is it possible to define that he

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shall pay one-fifth or one-eighth of Rs. 45 for getting no crop? Their complaint is that in practical experience the rate is not Rs. 45 per acre but Rs. 60 or varying from Rs. 55 to Rs. 60. But this is a problem which we cannot solve in this House, because it may be said that it is not true or that when we levy that rate of Rs. 45 we always mean subject to the rules and so on. But there is a substantial grievance. The *bagayatdars* themselves do not know where they stand, and they do not know what will happen and so on. There is an atmosphere of uncertainty which ought to be removed. I understand that the problem is considered from all points of view by this conference, as far as I could see. The trend of opinion of the revenue officers in the conference seems to be that they are quite willing to relax the rules, if my information is correct,—of course it is a public gossip and I cannot vouch for it. We do not know what the decision of the Government is. The Honourable the General Member may accept the position of the majority, but if he takes a snatch vote, I would simply say that that is no decision at all. Even decisions come to unanimously must wait. One can very well realise that the three departments could not have worked as a team, because there are different viewpoints among them in relation to these problems. I think, therefore, that it is necessary in the interests of the *bagayatdars* that the conclusions that may have been arrived at should be recirculated, especially in view of the fact that another committee is going to look into it, and that final orders should not be passed at this stage. This new committee is not going to take a long time to be appointed; their materials are almost ready; only the sifting of those materials remains. I, therefore, pray to the Leader of the House that he should give an opportunity to the *bagayatdars* to state what they have to say with respect to the conclusions which have been tentatively reached, either unanimously or only by a snatch vote. I think that will serve the purpose of this resolution. As I said, it is not intended that it should be taken to a division.

Rao Sahab P. D. KULKARNI (Poona District): Sir, crores of rupees have been spent in constructing the canals in the Deccan. Yesterday a statement was made from the Government benches that they were all protective works, works to protect the people from famine. Looking at the present policy followed by the department in this case, I think that it is better to save the people from this sort of protection. People are harassed by the officials and they are very much tired of the tyrannical rules forced on them. The rules are applied in such a tyrannical way that people are pouring in their applications requesting to cancel their blocks. The news has been published in the newspapers that out of 20,000 acres irrigated under the Nira Left Bank Canal, blocks of 14,000 acres have been applied for, for cancellation. That is the sort of protection that the people think is being given to them by these canals. I wish to answer one point that has been raised in this connection by some members. They want to know whether the area under irrigation is decreasing day by day. Yes. It is also admitted by the department in the Irrigation Administration Report for 1929-30, but no adequate

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reasons are given by Government for that decrease. Let me first take the case of Godavari Canals, where land is cultivated mostly by tenants. The report shows that in the case of lands under that canal there is a marked decrease in the irrigated area :

"The decrease in the area irrigated and the consequent decrease in assessment on the whole Godavari system was due to less perennial irrigation during the year under report. About 2,400 acres of blocks were cancelled by the irrigators during the year on both the canals."—(Page No. 26, paragraph No. 57)

That is the case with the area on the Godavari Canals. Let us see what the position is with regard to the area on Nira Left Bank Canal, where land cultivated by tenants is less in proportion when compared with the Godavari Canals. It is stated in the report :

"The decrease in the perennial area is due to the cancellation of perennial block areas by the irrigators. The area under perennial blocks during the year (1929-30) was 18,905 acres in the Nira Left Bank Canal against 19,627 acres of the preceding year."—(Page 26, paragraph 57)

This clearly shows that there is a decrease in the irrigated area of Class I Irrigation Works and people do not want to take advantage of the protection that is given by Government so kindly by constructing these canals at a cost of crores of rupees of the public. It is owing to some tyranny that people are not taking advantage of the facilities given to them by Government in this case. Let me quote the reason given in the same report for this decrease :

"The heavy decrease in the area irrigated and the consequent decrease in assessment was due to water not being taken for irrigation by the cultivators."—(Page 30, paragraph 63)

The cultivators are not taking water—that is the reason given here. But why are they not taking the water ? The reason given in the report for this is that there is a depression in the *gul* market. May I ask whether the depression is confined only to the *gul* market ? No. There is a drop in the prices of *bajri*, *jowari* and all other seasonal crops also. If the argument about depression applies to *gul*, it should apply to other crops also, with the result that the cultivators should not be cultivating any other crops also. Now, what we find is that the decrease in acreage is seen only in areas under first class irrigation works. In second class irrigation the area is not decreasing. If the depression in the *gul* market affects the lands under first class irrigation, it should affect also the lands under second class irrigation works. And consequently there should be no demand for water for sugarcane in the second class irrigation areas also. It is admitted in the report that the demand for water for irrigating sugarcane crops is increasing in the second class irrigation lands. The real cause for the decrease in area in first class irrigation lands is the block system which is applicable only to first class irrigation lands and not to second class irrigation lands. The report says as regards second class irrigation lands :

"The area irrigated during the year was 942 acres, which brought in an irrigation and gross assessed revenue of Rs. 3,806 and Rs. 4,120 respectively, the corresponding figures for the previous year being 656 acres and Rs. 2,735 and Rs. 2,914."—(Page 49, paragraph 108)

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From these figures it is clear that in area under second class irrigation works there is no decrease ; on the other hand, the irrigated area there is increasing. The decrease is only under first class irrigation works. Why are not people taking advantage of the protection given by Government ? I say that it is due to the hard and fast rules which are forced on the people against their will and which operate against the interests both of Government and of the agriculturists.

I use the phrase " block system " here as it is understood by the local irrigators. There are three kinds of lands (1) lands under perennial irrigation, (2) lands under 8 months' lease and (3) lands under 4 months' lease (or rabi lease as they call them). I will first take the case of lands of the perennial blocks. They are placed under great many disadvantages in every possible way. It has been argued by the supporters of the block system that it is to the advantage of the tenants and that the tenants will be ruined if that system is not applied. That is really a lame excuse, which I shall presently expose. Under the block system, if a tenant wants to cultivate sugarcane in an acre, he has to take a lease for three acres. That means that in order to cultivate one acre of sugarcane he will have to pay irrigation charges for three acres. Therefore, from the point of view of the tenant, the block system is not profitable. Now, take the case of the owner. If an owner has ten acres of land, he is restricted to grow sugarcane in one block, i.e. three acres and for getting water to that block he has to make a contract of six years with the department. Even though he may not be able to cultivate sugarcane in any year, he will have to pay the irrigation charges for those three acres for that year. If the rule restricting cultivation to these particular three acres is not enforced there, he will be able to put all plots of his land of 10 acres under sugarcane by instalments year by year if he finds that process profitable to him. This is not allowed now under the existing rules. In this way, owners are also unfairly restricted and put to loss. Therefore the system is neither to the advantage of the tenant nor to the advantage of the owner.

Then, another argument put forward by the department in support of the system is that this block system prevents waterlogging. May I point out that this block system is not in existence in area under Mutha Canal and yet for the last fifty years there has been no complaint of waterlogging there ? There has also been no complaint of waterlogging in the areas under second class irrigation works, although this block system is not in existence in those areas.

Mr. P. L. BOWERS: May I explain, Sir, that there is little or no perennial irrigation on second class works, where cultivation is nearly all seasonal ?

Rao Saheb P. D. KULKARNI: There are many perennial crops in that area, and I shall prove it by quoting figures from Government report on irrigation. There is no complaint of waterlogging in the area under sugarcane in second class irrigation works. Waterlogging is not a good excuse for continuing this block system. I have already placed a map in the hands of honourable members of this House and from that it will

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be seen that bunds of one foot height and width are required to be constructed at a distance of each 20 gunthas. Under this block system in that way 5 gunthas per acre are unnecessarily wasted. Agriculturists cannot take advantage of that area. On these 5 gunthas out of every 40 gunthas no cultivation of the nature of sugarcane is allowed, although they have to pay the prescribed proportionate charges on these 5 gunthas without getting any advantageous return from the gunthas occupied by bunds. In the Nira Left Bank Canal area they have to pay Rs. 66 for one block of 3 acres, i.e. for cultivating sugarcane on one acre of land—the other two acres being practically left without cultivation as other crops are not going to be paying to the irrigator in any way.

Mr. L. R. GOKHALE : On a point of information, Sir,—

Rao Saheb P. D. KULKARNI : I do not yield.

The Honourable the PRESIDENT : The honourable member may proceed.

Rao Saheb P. D. KULKARNI : The other two acres are meant by the department for seasonal crops. In the map which I have circulated now to honourable members there are three parts, A, B and C. The area marked A and coloured green is to be reserved only for sugarcane cultivation. Seasonal crops are allowed on B and C plots as shown in the map. But honourable members are aware of the fact that seasonal crops are not paying crops now-a-days and therefore people are not naturally inclined to grow seasonal crops on these two blocks. They are to keep them vacant and thus sustain additional loss from them. The worst of it is that the bunds of the prescribed height and width are made compulsory even in plots shown in the map as B and C and consequently the agriculturists have to bear heavy charges on that head even in respect of seasonal crops. And what crops are sown in plots B and C? *Jwari* and *bajri*. For growing these crops they are compelled to construct bunds of standard measure at a distance of 20 gunthas. That is a great hardship on the agriculturists. They cannot concentrate their whole attention on the paying one acre which is meant for sugarcane. By these rules it is diverted to the other plots where *jwari*, *bajri* and ground-nuts etc. can only be grown. And they have to bear the burden of Rs. 66 for these 3 plots i.e. one acre of sugarcane. In that sum one rupee is added for the purpose of rounding the figure. I do not know under what mathematical system they are obliged to pay this additional rupee. According to the usual mathematical system they will have to pay Rs. 65 only. One rupee is not an insignificant amount, Sir, when it is a question of charging thousands of acres now irrigated.

My another point is that this so-called useful bund system is not enforced in Government farms at all. Are they not situated in India? Have they got another climate? Have they got another kind of water? No. In that respect, I think, similar conditions obtain in Government farms also. Yet they are not forced to adopt this bund system. They are not also forced to plant sugarcane in one acre and leave the other

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two acres for seasonal crops. The bund and block systems are not enforced in the case of the Belapur Sugar Syndicate. If it is to the advantage of the agriculturists, why has it not been made applicable to Government farms and the Belapur Syndicate? They are also growers.

The Honourable the PRESIDENT: The honourable member has already exceeded his time by five minutes. He has taken 20 minutes already.

Rao Saheb P. D. KULKARNI: If you allow, Sir, I will take up only two or three minutes more.

The irrigators' lot is miserable. The main reason for this is, I suppose, that there is no co-operation between the Agricultural and Irrigation Departments here, presumably because the Agricultural Department is a transferred one and the Irrigation Department is a reserved one. That is the defect of dyarchy. In the proceedings of the Royal Commission it is recorded that one of the Directors of Agriculture complained that there is no co-operation between the two departments.

Rabi leases also are of a six years' binding, they are not free from defect of this block system. The six years' contract acts as a great hardship on the agriculturists and is having a bad effect on the irrigators when they are to pay though it rained. Therefore my request is that Government should come forward with some assurance to the effect that they would try to remedy the grievances of the agriculturists without any loss of time. Otherwise, as my honourable friend from Ahmednagar said, the matter will be stretched too far. I think this question of such vital importance should not be passed on so easily. We are the representatives of the people and want to safeguard their interests and in this it can be secured without detriment to the interests of Government. Therefore we must concentrate our minds in eradicating the difficulties of the irrigators and we should see that they are not ruined. They are now on the point of being ruined and by their ruin Government is sure to suffer great loss. It is therefore in the interests of Government, also to come to the rescue of the irrigators immediately and give them as soon as possible the just relief which they have been demanding for years. With these remarks, I again request Government to come to the relief of the agriculturists with definite assurance in the matter.

Mr. L. R. GOKHALE (Poona City): Sir, my honourable friend from Poona Rural (Rao Saheb Kulkarni) has made a very valuable contribution in his own way to the discussion of this question. I am sure, Sir, that this question of the block system has a great bearing on the well-being of the irrigators of certain canals. It may be stated that this block system obtains in the areas irrigated by the Godavari, the Pravara and the Nira and it does not obtain in the areas irrigated by the Mutha canal. That is the only canal to which the block system does not apply. No doubt this system was introduced with an eye to the good of the irrigators. Under that system the irrigator is assured of a certain

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quantity of water for a certain period, generally six years. That is one advantage. Secondly, he is also assured that he can grow, along with sugarcane, other crops. Now, suppose one crop fails, sugarcane may not have sufficient demand or may be lost by reason of some disease or some other reason or the cultivator may not be able to secure sufficient capital. In that case other crops are useful to him to make both ends meet. So, from that point of view I think this system was introduced. But the circumstances have now changed and I think that at least for some years to come the present character of the block system should be changed. This demand at present has a good deal of force in it.

This block system has been defined in short by the honourable the mover of this resolution. But I will read the definition given in the rules. That will tell us what exactly the block system means :

"Block System" means a system of water leases for a period of years in areas specially demarcated for this purpose on which perennial, and other crops which will not require water after the expiration of the lease period may be grown during the lease period on terms agreed on and recorded in the contract.

According to his definition, those crops which are permanent, such as gardens of guava or orange gardens are not included in it. Only those crops which are seasonal are to be included. This system is subject to certain rules. It will be seen from page 17 of the Rules how this system is worked. I am referring to the Public Works Department Rules of the Irrigation Department. At page 15 a form is given. That form mentions the details which are to be supplied to the authorities for obtaining the irrigation water under this system. And then on page 17 certain notes are given. In these notes there are the conditions laid down. My request to the authorities is that a change should be made in 3 or 4 out of these conditions. These three conditions in particular are working harshly against the irrigator. I will read the first important condition :

"Sugarcane may be planted in not more than one-third of the area of the plot entered in column 11 (of the form on page 15); or in lieu of sugarcane hot weather crops and perennial crops other than sugarcane may be grown in half the area of the plot entered in column 11."

That is, if there are 21 acres, in 7 acres alone sugarcane may be planted, in lieu of sugarcane other crops may be planted in 10½ acres. In the remaining area, other crops are allowed to be grown.

The third rule reads :

"In the remaining 2/3 or 1/2 of the plot on which sugarcane or other perennial crops, as the case may be, are not allowed to be grown, water will be given for irrigation for about 8 months, i.e., from the commencement of the monsoon till the 14th of February following."

The fifth rule is :

"Water rates shall be payable so long as water is available for the whole period of the permit whether a plot is irrigated or not....."

It will be seen that this is a somewhat inequitable condition, to say the least. Whether the plot is irrigated or not, the irrigator has to pay for

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the whole period the charges for the water. I may tell the honourable House, Sir, that the charges levied are as follows :

Sugarcane areas	..	..	..	..	Rs. 45 per acre.
Kharif	..	..	..	..	" 4 "
Rabi	..	..	..	..	" 8 "
8-monthly crops	..	..	..	..	" 18 "

If out of 3 acres, 1 acre is sugarcane, the charge will be Rs. 45 and if in the other two remaining acres you have Bajari crop or wheat or gram (*harbhara*), rabi crops, the charge will be Rs. 8 and for the 8-monthly crops such as ground-nut, *tur*, etc., the charge will be Rs. 18. This is the rate of charges charged for the block system. It will be seen that for the last 2 or 3 years nearly, this block system has worked to the disadvantage of the irrigator, because the sugarcane crop has not remained a paying concern on account of competition having increased due to which prices have gone down as regards jaggery and particularly sugar. The other crops also are not paying. At one time when the prices were very high, all these crops paid very well, but now they do not.

The Block system is intended to be an assurance to the irrigator that he will get sufficient water for his sugarcane crop but along with that assurance there is this condition that he must also pay for the remaining acres at a certain rate which is rather penal and inequitable. All that is now demanded is that this condition under rule 5 should be varied in favour of the cultivator, and it should not be argued that he is bound, even if he does not cultivate the remaining area of two acres, to pay for that area—

MR. P. L. BOWERS : May I ask the honourable member to read the remaining portion of the rule ?

MR. L. R. GOKHALE : I am coming to that. If, on the other hand, he does not, there is a certain rate given which is $1\frac{1}{2}$ times. My contention is that he should not be charged at all and there should not be compulsion upon him to irrigate or to grow anything upon the remaining area. I am aware as I said of the subsequent clause to which I will refer later on. The present position is that no sooner you apply the block system than there is the legal obligation on the irrigator to cultivate all the areas and if you do not cultivate you are penalised under the second clause to which reference is made by the honourable member opposite (Mr. Bowers). It is under this clause if in any particular year an applicant is unable to irrigate the entire plot he should apply for exemption before the 15th November in form VII which may be obtained from the sub-divisional officer ; should such exemption be granted subsequent to the permission to irrigate, the area exempted will only be given at a higher rate of $1\frac{1}{2}$ and *if water is available*. This makes the matter doubly inequitable, "if water is available". That is a condition which is not very fair. As a matter of fact the department is bound to give him water, and simply because he applies for an exemption you put in the condition "if water is available" and you say that if water is available, then only it will be given to him and furthermore at a rate

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which is higher. No doubt the rule should be so amended that if the man applies within that period the rate will be the same as agreed upon for the period and for the area in which he will grow crops or which he will bring under cultivation—whatever that rate may be, Rs. 4 or it may be Rs. 18. What is wanted is that there should be an equitable arrangement between the irrigator and Government. What at present goes on is that there is a strict business-like condition, perhaps too business-like. I do not think this sort of attitude under the present circumstances is desirable. That is the whole point in this discussion, and I hope Government will see its way to modify these rules so as to suit the present needs and conditions of the bazaar.

Mr. H. B. CLAYTON : That is not quite in accordance with facts. The fact is that first of all there is a contract by which Government agrees to supply water and the cultivator agrees to take it. If the cultivator desires not to have that water, as the rule provides he can ask for permission not to take it and in that case he is not charged. If, on the other hand, subsequently he changes his mind again and says "I want the water, which since I once refused it you have agreed to give to somebody else", then he is charged $1\frac{1}{2}$ times the rate at which he was originally entitled to receive that water. That is the position as I see it.

Mr. L. R. GOKHALE : I thank my honourable friend, but he does not give me anything new. No doubt there is a contract, but I submit with due respect that we should not be Shylock-like, and even if the contract is there, yet if a particular irrigator cannot fulfil the contract, Government should not insist upon it—

Mr. H. B. CLAYTON : Why ? Is Government always to be the loser ?

Mr. L. R. GOKHALE : I know it is a little one-sided business, but Government should remember that in the times through which we are passing the position of the irrigator has become very miserable and there should be some sympathy and a soft corner for the irrigator on the Government benches. That is my special plea. You may say that Government have every right to insist upon the contract, but my reason is that under the present circumstances it should not be done. Secondly, Sir, this period comes on the 15th November. The form is to be obtained at a certain office. Our people are not competent enough to understand the importance of observing the time limit. If a man goes on the 16th November, he is told "No". What I want is that the irrigation rules must be administered with sympathy and not with an eye to the treasury. No doubt, if there is an eye to the treasury only, there will be no sympathy. What is wanted badly is sympathy for the poor irrigator. I would therefore ask Government to revise these rules in keeping with the remarks of the honourable members who addressed the House on this question.

The Honourable the PRESIDENT : Five minutes more.

Mr. L. R. GOKHALE: Yes, Sir. It will be seen, Sir, that the complaint about the bunds is not a trifling one. Under the rules it is laid down that no crop shall be planted within six feet of the edge of a main water-course but the decision as to what is a main water-course will rest with the Executive Engineer. The condition that no crop shall be planted within six feet means that a large strip of land on both sides of the water canal has to be left uncultivated. Either this rule should be modified or the charges should not be made for the area so compulsorily left uncultivated. That area is charged. My honourable friend Rao Saheb Kulkarni was perfectly right in saying that there were so many bunds compulsory under the system and that all these bunds required certain margins and these margins meant a larger proportion of charges of irrigation and if nominally the charge is Rs. 45 it jumps to more than Rs. 55 or Rs. 60. Apart from the question whether the irrigator leaves a certain portion uncultivated or not, the result of the whole situation is that charges are unnecessarily heavy and therefore this rule as regards the six-feet of the edge should be also modified. I think the Executive Engineer is made an authority under rule 4, which says that the decision as to what is a main water-course will rest with the Executive Engineer. But though I do not exactly make bold to suggest what other officer should be mentioned therein, I believe that the Executive Engineer is not a very proper officer as he is interested in the charges which are to be levied from the irrigator. I think if that power is given to the Collector of the district or any other independent officer, it will be more convenient, my point being that there ought to be some independent authority between the Executive Engineer for Irrigation and the agriculturist. That is my suggestion.

Of course, I admit that the reduction in the area irrigated under the various canals is not necessarily due to the block system. It can be argued and it is arguable, but it cannot be denied that that is one of the reasons or perhaps the main reason of reduction in the irrigated area and, as I have tried to show, the nominal charge of Rs. 45 gets multiplied under various circumstances. This is certainly one more reason why the block system is becoming unpopular. The people cannot afford to purchase water from Government at such a high rate.

The honourable mover said that he did not represent the Malis of Saswad. I do not quite understand the point that he wants to make. The Malis of Saswad have entered into very large contracts with Government on this block system and it is they who are hard hit, and if anybody is suffering most in the Presidency, it is these Saswad people. They went in for hundreds of acres in some cases. Times changed. Some say they speculated. They may have, but who does not speculate? Even we have noticed speculation in cotton contracts. Speculation is no doubt a sin but it is not a sin within certain limits. So, these Saswad cultivators are hard hit and it is they who first deserve our sympathy.

I do not know why this question is not going to be put to a division. Perhaps if it is put to a division, it would not be quite difficult for us to carry the resolution, but as the mover does not seem quite keen about it, I do not know why I should insist upon it.

Mr. N. E. NAVLE : Not to press this resolution to a division is never my intention. If no sympathetic reply is forthcoming from Government, I will certainly press it to a division.

Mr. L. R. GOKHALE : But I do not think that Government should desire a division on this point. That is what I wanted to say, because as the House is situated now and as the question is of such vital importance, very likely Government will not ask for a division. So, if Government is prepared to concede the point, we need not ask for a division. Otherwise, it is certainly necessary that the sense of the House should be taken on this question by a resort to a division.

With these few words, I support the resolution and pray that Government will think over this question with sufficient sympathy for the poor agriculturist.

Mr. P. L. BOWERS : Sir, may I tell the honourable member from Ahmednagar that, so far, the report of the Irrigation Conference held last month has not been received by Government ? I may also inform him that Government are contemplating the formation of an Irrigation Advisory Board from amongst the cultivators of the Deccan, and I can promise safely that if there are any points in their resolutions which they are not unanimous about, or on which Government want further information, such points will be referred to this Advisory Board, which Government propose to form in the near future.

As regards the block system, to which a reference was made this afternoon, let me say that there is nothing new in that system. The block system was derived from the "phad" system, which had been in vogue for generations on some of the bandharas of Nasik and Khandesh. The "thal" or area commanded by a "bandhara" and channel is usually divided into four nearly equal parts or "phads", the whole of which is brought under irrigation annually. Each "phad" is divided into an equal number of shares of fields according to number of owners. In any one year the whole of one "phad" is devoted to rice, another to sugarcane, the third to wheat, gram, peas, etc., and the fourth to bajri or kharif, jowari, etc. In the next year the same crops are grown, but on different "phads" in rotation. This rotation continues without interruption, the only periods of fallow being the intervals between the crops. This system is termed quadrennial rotation, and the rates they pay in Khandesh for these "phads" are, I believe, Rs. 16 an acre. The block system is derived from this, but instead of having quadrennial rotations the blocks are allowed triennial rotations. When this system was introduced on the Nira Left Bank Canal, there was a tremendous increase in cultivation, and the cultivation was systematised. With your permission, Sir, I will read what Sir M. Visvesvaraya said in his report about the many difficulties which were met with on this canal before the block system was introduced. This is what he said :

"At present the distribution of area to be watered from season to season among all the villages under command of a canal, especially when there is an increase in the demand and a simultaneously short supply, is one of great difficulty. The capacity of the canal staff is taxed to the utmost in order to ensure a fair distribution and mature as large an area as possible. The area irrigated varies considerably from year to year. The increased demand occurs usually when the rainfall is deficient. In a year of pressure like that,

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there is much difficulty in distributing the water-supply between sugarcane and rabi crops on some canals. What proportion of the water should be set apart for sugarcane and what for rabi and other cold weather crops? Suppose a proportion is fixed by a rule of thumb method, how are such areas to be distributed by villages and how again between the individual cultivators of each village?

"Some villages have small areas under irrigation while others may be over-irrigated. Capitalists monopolise the water-supply for large areas. The poorer cultivators cannot obtain capital and have no chance in a year of plague or famine. Regulation on some system is necessary to prevent these inequalities.

"Another common difficulty is when the cultivators spend large sums on manure and prepare lands for sugarcane and then submit their applications. Some ignorant or perverse cultivators do this before making sure that water-supply is available. Exceptions have had to be made to help poor cultivators but the concessions have frequently led to a repetition of the irregularity."

This was the system which was in vogue on the Nira Left Bank canal before the introduction of the block system.

Sir, I think the most serious objections to this system have come from the Godavari and the Pravara areas. On those canals, when irrigation was first started, there was a tremendous rush of people, mostly the Saswad Malis, who took up the land and went in for sugarcane cultivation on a large scale. In those years the prices of *gul* were high, and the tenants benefited, as they cultivated practically nothing but sugarcane. The effect of their overmanuring and overwatering in order to obtain a heavy yield of cane was that not only cultivation had to be abandoned in very large areas as the land was spoilt, but they were also responsible for the waterlogging of very large areas adjacent to their fields and for a certain amount of salt efflorescence. It was to stop this that the block system was introduced into that area. The present outcry against the block system is, I think, mainly due to the fall in the prices of *gul* coupled with the fact that in the last few years rainfall has been sufficient and well distributed. The cultivators do not like to pay for water when the rains are sufficient, but they are perfectly willing to pay for the water if there is not enough rainfall, and the block system is really an insurance against scanty rainfall, as the cultivator is guaranteed water for his kharif and rabi crops.

With regard to what the honourable member from Poona said about rabi leases, may I inform him that on *talus* where we have not got an assured supply the system of rabi leases is popular? As an example, on the Ekrak tank where the assured supply is not sufficient for more than 2,500 acres, the whole of this area is taken up in leases; and when I was Superintending Engineer, Central Circle, I had numerous applications for the leased area to be enlarged.

I have not got the actual resolutions passed in this Irrigation Conference; they considered the simplification of the canal rules. I believe that they are going to be simplified considerably as there is a sub-committee sitting at present to try and make these rules more understandable by the cultivators.

As regards the complaints about the block areas, it is proposed to carry out experiments on the Godavari and Pravara canals in which 6-year leases will be granted for sugarcane only. I am not quite certain what

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will be charged for cane under these leases, but it is obvious that some increase in the cane rates will have to be made as there will be loss of efficiency and loss of assured revenue on other crops and extra cost to Government for annual selection, measurement, and demarcation, because we shall not know, as we do in the ordinary block system, exactly where these cane areas are, and so they will have to be demarcated and measured annually. The objection to this experiment is that the declared policy of Government for many years past that the "right of water" is "to the land" and not "to the individual" is to be departed from. This policy has been followed in the past even in the case of the Mutha averages. So the proposal is a complete departure from the policy of Government. If honourable members desire it, Government propose to try that experiment. I do not know whether it is going to be a success or not, or whether it is going to be an advantage to the cultivator, because he is giving up his rights to water for seasonal crops, his rabi and kharif cultivation. In the years when rainfall is scanty, where there is a rush of applications for water, he will have to take his chance with the other cultivators. The money which he now pays under the block system is an insurance of his right to receive water whenever he wants it. Under the proposed system he will get it for sugarcane only. I should not like to bank on the success of this experiment, but if the cultivators want it, they may gamble on it. I do not think it is wise of them to do so, but if they want it, we are prepared to try it.

The honourable member from Poona made rather a large point about waterlogging. The areas under these second-class tanks, to which he referred, are small and they are very much nearer the main drainage lines than those on the big irrigation systems, where areas may be 5 miles or so away from the drainage lines. On these second class irrigation works, there is an extraordinarily small amount of perennial irrigation. It is not the ordinary 4 months or 8 months irrigation which causes waterlogging; it is perennial irrigation which causes it.

Another point is that the decrease in area under second class irrigation tanks is generally due to the fact that there is not sufficient water in these tanks, and the decrease is due to the decrease in the rainfall. Generally, in most of these works, we have a fairly good demand for water, and we meet it as far as possible, and if we cannot meet it, then the area under cultivation decreases. On the main big works, except in the case of the Mutha canals, we have at present water sufficient to meet the irrigators' demands for the whole of the year.

With these remarks, I think I can assure the honourable members on the opposite side that Government understand now what the cultivators' difficulties are, and in the conference that was held the other day I think a really honest attempt was made to meet the cultivators and to make the irrigation rules simpler. With these words, I would ask the honourable the mover of the resolution if he will not consider fit to withdraw it.

Mr. N. E. NAVLE (Ahmednagar District) : Sir, I do not think that I need say much by way of reply. I am thankful to the honourable members who have participated in this debate, and I thank the honourable member from Ahmednagar (Rao Bahadur Chitale) and the honourable members Rao Saheb Kulkarni and Mr. Gokhale for their sympathetic speeches. I have to refer to only one remark made by the honourable member Mr. Gokhale, when he quoted one sentence from my speech, which he took to mean that I did not so much represent the Saswad Malis. Far from that, Sir, what I said was that I am not only a representative of the Saswad Malis, but also of the owners of the soil in the irrigated area. I do represent the Saswad Malis, as I know I am their representative.

I am thankful to the honourable member Mr. Bowers, who made a very lucid speech on the subject. He gave a definite promise to this House that Government were prepared, if it was the desire of this side of the House, to start an experiment in this matter, by dropping this system on the two canals, viz., the Godavari and the Pravara canals. I am glad that he has given that promise on behalf of Government. But I would ask him, why not carry on the experiment on the Nira Left Bank canal also? Why exclude that particular canal where the block system now obtains? It is the largest area; it is a big canal, and by such invidious distinctions between canal and canal you are making the position rather worse both for irrigators and Government. If you want to carry on an experiment in the Deccan where the canals exist, why exclude a particular area and give additional cause for complaint on the part of the irrigators under that canal? In that way, there would be a flood of petitions to Government complaining that they are making invidious distinctions between the irrigators of different canals. They would complain that concessions have been given to the irrigators under the Godavari and Pravara canals, whereas those concessions have been denied to them. That would be the position. Therefore, I would beseech Government, especially the Honourable the General Member, that he would be sympathetic enough to assure this House that if Government is carrying on an experiment, it will be carried on under all the canals including the Nira Left Bank canal, and no canal where the block system now exists would be left out. With these words, I request that the resolution may be accepted by Government.

The Honourable Sir GHULAM HUSSAIN : Mr. President, the Joint Secretary, Public Works Department (Mr. Bowers) has dealt with this question. He has shown this honourable House the necessity of the block system and its advantages, and he has traced the source of the complaints made against the block system. Sir, several honourable members spoke to me about these complaints, and in accordance with their wishes, I referred all these matters, including the question of the block system and other grievances of the irrigators, to the Irrigation Conference, over which the Commissioner, Central Division, presided. All these questions have been considered by that conference, and Government have not yet received the recommendations of the conference. There is a request on behalf of the other side that, before

[Sir Ghulam Hussain]

giving effect to these recommendations, Government should take into confidence the representatives of the irrigators. The honourable member, the Joint Secretary, Public Works Department, has just now informed the House that an advisory committee of irrigators will be constituted shortly. I should like to inform the House that on those recommendations on which there is no unanimity of opinion, the members of the advisory board will be consulted.

As regards the new experiment, the honourable member, the Joint Secretary, promised it to this House. But the honourable mover of the resolution wants it to be extended to all the canals. I may point out to this honourable House that I accepted a resolution yesterday brought by my honourable friend relating to the financial aspects of irrigation. Is this honourable House going to handicap that committee? Let them go through the existing system and see whether the present system should be abolished and a new system should be introduced. We will be handicapping the committee if we scrap the existing system before their enquiry. Let the whole matter be first investigated by that committee. Let them consider the *pros* and *cons* of the present system and make recommendations. They will take into account the financial aspect of the irrigation works in the Deccan. If the honourable mover insists upon going to a division, it will handicap the committee which we appointed only yesterday; and therefore I hope the House will vote against it. The honourable mover and every member of this honourable House know that Government are very sympathetic towards the irrigators. Whenever the irrigators have approached me or my secretaries, we have taken prompt action and given them prompt relief whenever and as far as we could. Therefore I would request the honourable member to withdraw his resolution.

Mr. N. E. NAVLE: On a point of information. I would like to know from the Honourable the General Member whether he wants to go back upon the definite promise given by the Government member, the Joint Secretary, Mr. Bowers, who said that they are prepared to start on the experiment in the Pravara and Godavari canals in pursuance of my resolution. Does the Honourable Member deny that such a promise was given by Mr. Bowers in his speech?

The Honourable Sir GHULAM HUSSAIN: We are ready to carry out this experiment. We are not going to have the system for ever. We are trying that experiment on these two canals, but we are not making it the rule to scrap the block system and introduce a new system. To carry out the experiment in the Pravara and the Godavari canals, that is the promise we have made.

Mr. N. E. NAVLE: In the light of the reiterated assurance given by the Honourable the General Member, I think that it is advisable for me to withdraw the resolution, as the resolution has been accepted by Government for Godavari and Pravara canals for experimental purposes.

Resolution, by leave, withdrawn.

Dr. M. K. DIXIT : Sir, in view of the statement made by the Honourable Minister for Local Self-Government and in view of the reply to a supplementary question that the publication of the electoral roll will be done before the 15th of this month, I do not think that any useful purpose will be served by moving the resolution. Therefore, I do not move it.

Mr. A. N. SURVE (Bombay City, North) : Sir, my first resolution having lapsed by reason of my having moved the motion, I am now moving the second resolution standing in my name on the agenda.

The Honourable the PRESIDENT : The first resolution should not be moved, not because of the motion he has moved, but because the nominations to the Round Table Conference have already been made. The question is out of date and so he can move the second resolution.

Rao Saheb P. D. KULKARNI (Poona District) : Sir, may I not be allowed to move my resolution ?

The Honourable the PRESIDENT : Is that not the same as the one which was just now discussed ?

Rao Saheb P. D. KULKARNI : There is a difference of principle between the two. The honourable member from Ahmednagar recommended to have the charge according to the crops and I have clearly stated in my resolution that it should be according to the area occupied by the crops.

The Honourable the PRESIDENT : The honourable member has used all those arguments in his speech on the last resolution.

Rao Saheb P. D. KULKARNI : At that time this distinction was not discussed. The Nira Left Bank canal has been now excluded in giving the facility because it is those people who started the movement against the block system and made an agitation. That is the fact told by the newspapers also.

The Honourable the PRESIDENT : We are not to be guided by newspapers.

Rao Saheb P. D. KULKARNI : No, we are to follow the facts. That is the reason which is likely to be ascribed by the irrigators of that side. Under the wrath of Government they may say they are excluded in getting the facilities which are now promised to Godavari and Pravara people.

The Honourable the PRESIDENT : Does not the honourable member think that, if he is allowed to move the resolution, the whole ground will be traversed over again ?

Rao Saheb P. D. KULKARNI : No, Sir ; I will make out a different case of the irrigators of Nira Left Bank canals than those of Godavari and Pravara.

The Honourable the PRESIDENT : What about the other honourable members ? It is almost the same point.

Rao Saheb P. D. KULKARNI : The Nira Valley Canal area is not charged according to the area under crop. That point was not made.

[Rao Saheb P. D. Kulkarni]

clear in the honourable member Mr. Navle's resolution which will be made now if I am allowed.

The Honourable the PRESIDENT: That is distinction without difference.

Rao Saheb P. D. KULKARNI: Whatever the difference may be, it is there and on that ground let me have a chance to place my views before the House on that point.

The Honourable the PRESIDENT: It will be my painful duty to stop him if the honourable member repeats the arguments already advanced by him. On technical grounds I allow him to move the resolution.

Rao Saheb P. D. KULKARNI: Particularly, I must thank the Honourable the President for having given me an opportunity to move my resolution and place before the House the grievances, particularly, of the Nira Left Bank canal irrigators.

The Honourable the PRESIDENT: Very sorry I had to do it.

Rao Saheb P. D. KULKARNI: Speaking about the grievances of the Nira Left Bank Canal irrigators, I daresay that there is ample water now.

The Honourable the PRESIDENT: The honourable member has to move the resolution first.

Rao Saheb P. D. KULKARNI: The resolution I move runs thus:

"This Council recommends to Government that the block system now existing in almost all the Deccan Canals areas, be stopped and that irrigation charges be levied, taking into account only the actual areas occupied by the crop itself."

I am moving an amendment to the resolution if allowed kindly.

The Honourable the PRESIDENT: No, the honourable member has stood on his rights; I too would be strict.

Rao Saheb P. D. KULKARNI: This is my resolution. I crave the indulgence of the House for some time. Only because the irrigators of the Nira Valley Bank canal made particularly so many complaints with a view to get redress for the grievances of the irrigators in general, they are taken to task by Government now by withholding the concession in their case only. Their present condition is that they are crushed under heavy debts and are already on the verge of bankruptcy, and this state has come to them as a result of the application of this rule. Owing to the extension of the Bhatgar dam, there is ample water there. The Nira Left Bank canal has been irrigating the lands for so many years. They have not received any concession from Government as yet, as the irrigators of the other canals have received. Looking to the state of their indebtedness, which will be ascertained even from the record of rights, this concession will be justifiable in their case only. Give them relief at present as of right. They are in wretched plight and I hope their pitiable state will be taken into consideration by Government. I request the Honourable the General Member to sanction this concession at least temporarily to the irrigators of Nira Left Bank canal.

[Rao Sahab P. D. Kulkarni]

I make this humble request on behalf of the irrigators of the Nira Valley Bank canal. I have given trouble to honourable members to hear me. This may be made fruitful by giving their support here to my proposal now placed before them.

Question proposed.

The Honourable Sir GHULAM HUSSAIN: I fear the honourable mover has not received any support from the House.

Question put and lost.

Mr. A. N. SURVE: (Bombay City, North): Sir, I beg to move:

"This Council recommends to Government not to renew this year the temporary liquor licence to the refreshment stall in the second enclosure of the race-course at Poona."

Sir, this resolution is self-explanatory, and it is meant to save people who are bent on ruining themselves by visiting the race-course. The non-official side of this House is greatly against race-gambling. It is obvious that every sort of encouragement is given to the punters. Sir, it is the duty of Government to protect its subjects from the ruin to which every gambler is exposed. But what we find in our Presidency is that every facility is given to persons who wish to gamble. For instance, when meetings are held at Poona trains are rushed from Bombay to Poona and return tickets are given at cheap rates to people who travel by those trains. When people want to go on pilgrimages to holy places, they are not allowed such cheap rates as are given to the punters at the races.

Another point is that when a man enters into a race-course, he gets into an excited frame of mind and there is danger of his getting excited still further and losing his money, if this facility for drink is provided for him. In order that these gamblers may not lose their sobriety, this licence should not be renewed.

There is another factor, and that is the re-introduction of bookies for the first time after many years. Till now there was only the totalisator which is a mechanical contrivance. Therefore, whether a man was sober or not, his chances of loss were regulated by that mechanical contrivance. But now, the bookies have been introduced and the stakes will be very large. In view of that fact also there is very good reason why the liquor licence should not be renewed.

Then, Sir, you will see from the wording of the resolution that I have confined it to the second enclosure only. The second enclosure is patronised only by the middle class people, and as these middle-class men who come from Bombay are in humble walks of life, it is absolutely necessary that they should be protected.

For all these reasons I commend this resolution to the favourable consideration and acceptance of the House.

Mr. SYED MUNAWAR: Mr. President, I rise to support the resolution moved by my honourable friend from Bombay City (Mr. A. N. Surve). I have myself tabled a resolution on the subject. Besides, in February last, I have made a representation to the Honourable Minister that the temporary liquor licence given in the second enclosure of the race-courses

[Mr. Syed Munawar]

at Bombay and Poona be cancelled in the be stinterests of the middle and lower and labouring classes that generally resort to that enclosure. Sir, the honourable mover of the resolution has made out a case. The revenue that will be lost to Government by the cancellation of this licence will be amply met by the tax on the licence fees derived from bookies which was agreed to at the last Council session. The revenue from bookies will more than counterbalance the loss incurred by closing down the liquor shops in the second enclosure. It is a grave danger to allow liquor shops to remain in existence in the second enclosure for any length of time. The second enclosure liquor licence is only temporary, and it can be cancelled immediately after the expiration of this year. The Honourable Minister for Excise was himself, I understand, disposed to cancel this licence at the end of the last official year. Now, in view of this resolution, I hope that the Honourable Minister will cancel the licence immediately so that the families of those labourers that indulge in gambling at the race-course may be saved from further ruination due to liquor shops in the second enclosure.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I rise to support the resolution moved by my honourable friend Mr. Surve. The second enclosure is generally visited by persons who are of small means and unable to support their families. It is the poor people who flood the second enclosure both in Bombay and in Poona race-course. When there is the liquor shop in that enclosure, first of all they spend some money on liquor and go on gambling recklessly, because after drink they lose their sense. Sir, I am sorry that the resolution is confined to the second enclosure only. It ought to have been extended to the first enclosure also. I am sure that the licence fees which Government get from this liquor shop must be very small, as the licence is only temporary. Government will not, therefore, lose much if they give effect to this resolution.

Moreover, there are so many shops outside the race-course, and I do not see any reason why a liquor shop should be allowed to be opened in the compound of the race-course.

I will show that it is not even in the interests of the punters that there should be a liquor shop in the compound of the race-course. If the rider, who is called jockey, drinks and rides a horse, the punters who put faith in the capacity of that horse may lose their money. Therefore, for that reason also there should be no liquor shop in the race-course. If a liquor shop is allowed inside the race-course, it will ruin not only the poorer classes but also the richer classes who are big punters. I therefore hope that the Honourable Minister of Excise will see his way to discontinue this temporary licence in future. With these few words, I support the resolution.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): Sir, the overcrowding on the Government benches may be explicable, but the scramble for room on the non-official benches is indicative of the interest that the

[Mr. Pestanshah N. Vakil]

honourable members take in these temperance questions. Now, this resolution seems to me to be an attempt to reform the race-goers by instalments. The honourable mover seems to have taken his cue from the management of the Singer Sewing Machine Co. or, perhaps, the company that sells refrigerators. Ordinarily what is sauce for the goose should be sauce for the gander. But no. The reforming zeal of the honourable mover stops short of the first enclosure. Why? Is it suggested that the visitors to the first enclosure are past redemption, or is the honourable mover afraid of catching a tartar in what he is pleased to call the "punters" of the first enclosure? I should have thought that, if any body of men required the assistance of the reforming zeal of temperance preachers, it is the race-goers of the first enclosure, because the very indigence of the poor is a sufficient guard against the temptation to which they would be exposed. But what about consistency? I think consistency is a vice of which the present-day politicians are not often found guilty. Therefore, unless my honourable friend the mover extends the scope of the resolution and makes it applicable to the visitors of the first enclosure, I for one am not prepared to support him, although I myself am a believer in temperance.

Mr. B. P. WADKE (Bombay City, South): Sir, I must thank the honourable mover of this resolution for having brought this with a good motive to relieve the poor visitors of the race-course who go there under a temptation to make more money but who generally lose money not only in the race but also in drink. Sir, yesterday in this House a good show was exhibited by all communities, Hindus, Mahomedans, Brahmins and non-Brahmins, when dealing with the question of beggary and the official benches witnessed it complacently. Sir, Government should have investigated the causes which promote beggary instead of finding measures to stop it. Instead of encouraging the spread of education which is one of the chief nation-building activities, Government have reduced by 5 per cent. grants to primary education, increased college fees and stopped scholarships. I submit, Sir, there are civilised forms of gambling introduced by Government by various enactments. Government should investigate whether they cause beggary. As has been pointed out, professional mendicancy or Fakiri is the chief curse of India and on account of laziness, beggary has increased. Instead of criticising such resolutions as the one moved yesterday, Government should have taken proper steps to stop this civilised gambling, viz., racing and the licences for all intoxicating drugs from which a considerable revenue is derived by Government, and thereby it will be much better for the people. With these words, I support the resolution moved by my honourable friend Mr. Surve.

Mr. A. N. SURVE: Sir, I need hardly make any reply. Those honourable members who have spoken have supported me. I think it is the general opinion in the House that the temporary licence granted to the liquor shop in the second enclosure should not be renewed. The

[Mr. A. N. Surve]

honourable member to my left (Mr. Vakil) has asked me to widen the scope of my resolution. But my submission is that the number of race-goers who visit the first enclosure is very limited. They all belong to a very select company of rich persons, and I think that rich people are able to take care of themselves. The non-official side of this House does not think it necessary to take any protective measures against these persons. But that is not the case with middle class people who visit the second enclosure. As has been pointed out by various speakers, the second enclosure is visited largely by poor and middle class people and we are concerned with their welfare. Trains are rushed from Bombay to Poona and those persons who lose are the citizens of Bombay city. For these reasons I was moved to place this resolution before this House and I trust that the Honourable Minister will be pleased to see his way to accept it. I may remind this House that a resolution of the same kind was accepted by Government and the third enclosure was removed from the race-course. I moved that resolution on the floor of this House and Government, seeing that it was necessary to give protection to the poor people from the evil tendency, had the wisdom to accede to my request and the third enclosure was done away with.

I again repeat my request that the Honourable Minister will be pleased to see his way to accept the resolution without compelling us to go to a division of the House.

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, I am sorry that I am not in a position to comply with the request of the mover of the resolution. This licence has been granted for the last 14 or 15 years. I do not know why, all of a sudden, he has now emerged from his slumber and come forward to say that this year the temporary licence should be stopped. The only reason that he has given is that bookies have been introduced. As you know, Sir, there were bookies before. At that time also this licence was given. I am not quite convinced that the introduction of bookies makes the least difference in the matter of the sobriety of the people who go to the second enclosure. I am, Sir, opposed to this resolution on the basis of equality for all. Why should rich men get the privilege of drinking after the fatigue and the sorrows of the race-course and why should the poor and middle class people be deprived of it? My honourable friend always jumps up to demand every right that is given to the rich man to be given to the poor man also. I cannot understand why on this occasion he does not fight for the rights of the poor classes with regard to their choice of refreshments. Moreover, I may inform my honourable friend that I have not received any complaint from the race-course authorities with regard to any disorders in the second enclosure—

Mr. SYED MUNAWAR : I have made a complaint.

The Honourable MOULVI RAFIUDDIN AHMAD: Not from the authorities of the race-course. I have received a complaint from the honourable member Mr. Syed Munawar and also from the honourable the mover of the resolution. But they are well known as champions of teetotalism and also they are against the races and gambling. I therefore think that the same consideration cannot be paid to their representation as is due to that of the people that go to the races and see conditions for themselves. The complaint that is now made seems to me to be against the races itself. If the honourable member had brought in a resolution saying that all drinks at the race-course should be put a stop to, perhaps something might have been said in its favour, although some honourable members might have been strongly against it. I am quite sure that the frequenters of the second enclosure are able to take care of themselves. As one of my honourable friends remarked, this protection from intoxicating drinks is needed more for the first enclosure than for the second. The people who visit the second enclosure are more sober; there are among them some religious people even, who go there and sometimes they also have recourse to refreshments when they lose their money. All the same no case has been made out for this resolution. Moreover, I may inform the honourable member that the licence has already been given. If my honourable friend would produce any substantial reason showing that evil has resulted from the license and if the racegoers themselves would support him, I shall consider the case. No case has at present been made out in favour of the resolution.

Question put and lost.

Mr. SHAIKH ABDUL AZIZ (Central Division): Sir, I beg to move the following resolution:

"This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the Hindu and Muslim Devasthan properties (i.e. Wakf properties) in the Presidency excluding the city of Bombay, and their present use by the managers and to suggest means and measures to make the occupants and possessors use a sufficient portion of the income from such properties for the Devasthans."

Sir, I have brought forward this resolution simply to point out that the wakf properties are not managed properly in the Bombay Presidency. In the year 1929 a resolution regarding the Muslim wakf properties was moved in this honourable House by my friend Mr. Syed Munawar. As the result of the resolution a committee was appointed and that committee has submitted its report. The report has been circulated to honourable members of this House. Up to this time, except in one respect, no action has been taken on the report. From that report it will be seen that many of the charitable properties in Bombay are not being managed properly by their "Mutwallis". Though they were in possession of the properties, they did not come forward and say that those properties were wakf properties and were dedicated to some charitable purpose. On the contrary, they use all the income derived from

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these properties for their personal use. After so much exertion and effort, very few persons in the city of Bombay have come forward to give a real statement about the charitable properties. But many of those properties are still hidden and the people in charge do not disclose them. The effect is that the purpose for which these properties were dedicated by the donors is not fulfilled and the public at large cannot take any benefit from the income of these properties.

We know, Sir, that there is financial stringency and there is no money with the Government. If, therefore, the charitable properties are discovered and the income is used for the purpose for which it is intended I think that most of the difficulties in the way of education and other purposes will be remedied. With that view I have brought this resolution, so that the management of charitable properties will be conducted in such a manner that the purpose for which they are dedicated will be achieved.

I myself know so many properties in the mofussil and the Honourable Minister who is in charge himself knows that in Ahmednagar, West Khandesh and in Satara there are many such properties which are really not used properly by the persons who are in possession or charge of them. I cannot say that all of them are using these properties for their own personal and private purposes to the exclusion of the purposes intended or laid down by the donors, but from the information which I have got, I can say that many of these properties are not properly administered or used for the purposes for which they were given by the donors. I can cite one instance. In Sindkheda in West Khandesh there is such an instance as I have in mind. There is a mosque for which I think more than 100 acres are dedicated for repairs and management of that mosque, but that mosque is lying in a dilapidated condition without any management and there is no *bhangi*, *pesh imam* or sweeper or any one to look after it. In the same way there is a charitable property at Dhulia, the purpose of which is that all the travellers who come there should be treated and looked after. Until a few years back some portion of that property was used for that purpose but now-a-days no part of the income is used for the purpose for which it was given and nearly all the income has been and is being used by the persons who have got possession of that property for their own purposes. In the same way in Ahmednagar there are some funds for education and these funds are not properly managed by the trustees there. There are so many complaints against the mismanagement of those funds but nothing has come out of them, so unless something is done by Government in the way of creating a board to enquire into all such properties and into the way in which such properties are being managed, nothing much will be accomplished. If Government take action, many such properties which are at present unknown to Government will come to light and those which are not managed well will be compelled to produce their

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accounts and in this way many of the present obstacles will be removed.

I am not aware whether or not there is some legislation already on the statute book for the control of Hindu devasthans, but for the Mussalman wakfs an Act was passed in 1923 in the Legislative Assembly and that Act was applied in 1926 to the Bombay Presidency. That Act has however really accomplished nothing. At that time the Bohra community was excluded from that Act but that bar has been removed by a resolution brought forward by my honourable friend Mr. Syed Munawar in this Council and Government has taken action on that resolution. But what I wish to emphasize is this that the Act in existence is not giving good results. What happens in the mofussil is this that persons come there with their accounts but nobody goes into the details of those accounts. They file those accounts and go away and some other persons who have properties in their possession do not even come at all. There is no means by which those persons can be compelled to come forward and to give their accounts in order to show in what way they have been using the income from those properties. Sir, it is good in one way that a committee was appointed for the city of Bombay only and that committee has made its report. Similarly, I say that another committee should be appointed for the Bombay Presidency as a whole. Failing that, if the recommendations by the Bombay city committee are applied to the rest of the Bombay Presidency, even then much good will result. Because that committee was confined to the city of Bombay only, I felt myself compelled to move the present resolution so as to cover wakf properties in the mofussil also.

Khan Bahadur ALLAHBAKSH : Including Sind.

Mr. SHAIKH ABDUL AZIZ : Of course, including Sind as there are some wakf properties in Sind also.

Now as regards Hindu devasthan properties, I enquired from some of my Hindu friends here and they said that there was no need of doing anything for the Hindu devasthans and their properties.

Hindu Honourable MEMBERS : Who said so ?

Mr. SHAIKH ABDUL AZIZ : I am not going to divulge the name of that gentleman, but suffice it to say that I did enquire and I did get a reply that there was no need of doing anything for the Hindu devasthans.

Hindu Honourable MEMBERS : No, no.

The DEPUTY PRESIDENT (Mr. N. E. NAVLE) : Order, order. Let the honourable member go on uninterruptedly.

Mr. SHAIKH ABDUL AZIZ : I am glad that my Hindu friends are in need of such measure and they will support me. With these remarks I request that my resolution should be accepted by the Honourable Minister in charge.

The DEPUTY PRESIDENT: I may inform the honourable House that the honourable mover of this resolution moved his resolution in an amended form which was allowed by the Honourable the President, and so I will read and put it to the House in the amended form as under:

"This Council recommends to the Governor in Council to appoint a Committee of officials and non-officials with a non-official majority to enquire into the Hindu and Muslim Devasthan properties in this Presidency excluding the city of Bombay and their present use by the managers and to suggest means and measures to make the occupants and possessors use a sufficient portion of the income from such properties for the devasthanas."

Rao Bahadur R. R. KALE (Bombay University): Sir, while I agree with the anxiety of the honourable mover of this resolution to have some measure by which the object which he has in view, viz. the control of the accounts of these devasthan properties, whether Muslim or Hindu can be secured, I have to part company with him when he proposes a committee for this purpose, because it will be seen that this is a question which is as old as the hills. Before the reforms, attempts had been made from time to time to bring resolutions, and also in this very House a Bill was brought in the year 1911 by the Honourable Sir Ibrahim Rahimtoola, the Leader of the Mahomedan community, who was afterwards the Leader of this House and the President of this honourable House until a few years back. In that year 1911 a Bill was actually introduced and I think it went to the stage of a select committee, but ultimately it was dropped. Later, there was a resolution in this very House, in fact I myself had moved a resolution in the year 1923 by which I sought that some kind of legislation should be introduced for the purpose of removing the abuses that have been so rampant in the matter of the management of the devasthan properties. That resolution was discussed at considerable length and I pointed out at the time that the old order of things had changed since the reforms. The reason why the Government of the day was reluctant to undertake any measure in this direction was that it was a sort of a socio-religious question and Government were afraid that they would be interfering in matters which might be regarded with some suspicion by the communities with whom it was concerned. But it was pointed out, immediately after the reforms came and when the Government of India passed a Bill in the year 1920, by Sir William Vincent in the course of the debate that the Bill was limited in its scope but at the same time it afforded an indication that the Government of India was now prepared to allow local Governments to undertake legislation on lines which would be appropriate to the conditions of the particular provinces. The Bill that was passed was merely a permissive sort of measure and then we understood, Sir, that some legislation would be undertaken on the lines that might be suitable for each province by the local legislatures. But to our regret we must say that no attempt has been made so far to tackle this very important question. When I moved my resolution in the year 1923, the Honourable the then Leader of the House, who was no less than the Honourable Sir Ibrahim Rahimtoola

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who was the sponsor of the Bill of 1911 as I stated, in 1911, said that this is a matter which ought to be brought forward in the form of a Bill by a private member. Taking up the suggestion, I myself began a correspondence because the Bill could not be brought without the sanction of the Government of India, and I must say that the correspondence which I started in the first years of this Council resulted in several explanations being called for time after time and ultimately it came to nothing until the Council was dissolved. In the year 1927, I think, I again brought the matter to a head by asking the Local Government to take the necessary steps to obtain the sanction which was required before any private member could be enabled to bring a measure before this House. Then again, the draft Bill which was submitted by me was returned for amendments and after I had again sent it, still some further amendments were considered necessary. In the end I said that I was not going to make any further amendments, but would leave it to the Government to frame the draft in their own way and let us have a measure of some kind before the House, so that the House would be enabled to bring in any amendments they liked, and thereby an opportunity would be afforded to the members of the House to see in which form such a Bill would be appropriate to the condition of the country. There the matter has rested, and I have not heard anything further from the Government on that point. What I urge is that there is ample material with the Government. There is the Bill of 1911. The Bill was circulated for opinion, and although I was not in the Council then, still as a member of the public I had occasion to give my own opinion on it in another capacity. Again after the proposals which I had made in my Bill in 1923, the matter was referred to several local bodies and also to the local officers in the districts for their opinions and for collecting some statistics. My point is that all the information that is necessary in this behalf has been already in the possession of the Government, and therefore I say that the appointment of a committee is really not now necessary. The materials which are necessary for this purpose must be in the possession of the Government, and the time has come when they should certainly tell the honourable members on the opposite benches whether they are thinking of taking any steps whatever to further the cause which all of us both—Hindus and Mahomedans—have at heart, so far as the management of these Devasthans, which are spread over the whole of the Presidency, is concerned. I submit, Sir, that if the honourable members on the other side give us some inkling of their mind, and if they give us an undertaking or assurance that they themselves will, in the near future—I must be guarded and not say immediately—they will bring some legislation in this behalf, then the purpose of this resolution will have been amply served, and perhaps the honourable mover of the resolution will consider whether it is necessary to press this resolution to a division. In my opinion, the object of having a committee has already been attained, so far as I am aware, and therefore we now await the initiative to come from the

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the Government in the form not of an enquiry but in the form of a definite measure, however small it may be. I know there are difficulties in the way of tackling this question. Some say that we should have more powers to control Devasthans, while others say that we should interfere as little as possible, and so on. The best remedy, in my opinion, is for the Government to bring forward a Bill, and then it will no doubt be open to honourable members on this side to suggest amendments to the Bill, to accept the principle, and the whole matter can be disposed of satisfactorily in that way. I therefore hope that the honourable members on the opposite benches will give some explanation as to their attitude on this subject. As I say, from the time that the Government of India passed their Act in 1920 opinion has changed distinctly in favour of some kind of popular measure by which some control can be established over the management or mismanagement of these Devasthan properties. If Government indicate what their attitude on the subject is, I think the purpose of the resolution would be amply served.

Mr. J. S. KADRI (Northern Division): Sir, the question of control over religious trusts has been mooted for a very long time, and in consequence of a motion brought forward by my honourable friend Mr. Syed Munawar, for investigating into the condition and management of Mussalman charitable and religious trusts in Bombay city, Government had appointed a committee, of which I had the honour to be the Secretary. From the experience I have gained as Secretary of that committee, I find that it is an undisputed fact that the religious and charitable trusts of the Mussalmans are not properly managed and utilised for the purposes for which they were intended. I think the Hindus have also the same complaint, and I find that, after the report of our committee was published, even the Parsis have moved in the matter, and they are going to draft a Bill which they want to bring in the Legislative Council in course of time. So, it seems that all communities are unanimous in regard to this question, which is of very great magnitude and importance to the public at large, and in which Government also is very keenly interested. As pointed out by my honourable friend the mover, there is, I think, a large number of trusts which are still shrouded in mystery and of which no benefit is derived by the beneficiaries concerned. As regards the wakfs and trusts which are well known to the public, some are well managed and properly utilised, but there is not a small number of such trusts which are either mismanaged or misused. Government has, I think, already taken action on the report of our committee by withdrawing exemption from certain trusts intended for certain sections of the Mussalman community, and that has given enormous satisfaction to the Mussalman community at large, including even the Dawoodi Borahs who were enjoying exemption from the operation of the Wakf Act for some years. I have been receiving a number of communications on this subject from well known societies and eminent gentlemen of the Dawoodi Borah community itself, and

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I think Government also have received such expressions from the Dawoodi Borah community itself.

Now, the enquiry which was made was particularly in connection with the Mussalman trusts in Bombay city, and the House would naturally be inclined to know the attitude of Government in regard to the final decision they are going to take on the report of the Wakfs Committee. That will give them an insight into the future attitude of the members on this side, showing them the way they should act in future. We should like to know whether Government are prepared to take any action by undertaking any legislation on the subject, or whether they expect the communities concerned to move in the matter by bringing in private Bills on the subject. I for myself am thinking of bringing in a Bill for the management of Mussalman wakfs in case Government is not inclined to undertake this duty. So, instead of lengthening the discussion on this matter, the best course would be for this House to hear the views of Government on this subject, and then we shall be in a position to come to a decision for our own communities. I think the interest of the various communities is common in one respect, that the public at large is interested in the question. But there are diversities of customs and practices, and it would be better for each community to have its own legislation, suited to the requirements and needs of the people concerned. I would request the Honourable Minister to enlighten us about the views of Government, and I should, therefore, request him to inform the House whether they are going to issue any orders on the Wakfs Committee report which has already been published by them, and in regard to which they have already taken some action by withdrawing the exemption from certain sections of the Mussalman community. I think we should wait for his views on the subject before we go on further with the discussion.

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, the subject of the resolution is already under the consideration of Government. I may inform the House that exactly about two years ago I had made a speech on the resolution of the honourable member Mr. Syed Munawar, when he moved his resolution asking Government to appoint a committee with regard to the Mahomedan wakfs in Bombay city. On that occasion, I had pointed out that the Government of Bombay had been considering this question even forty or fifty years ago. A draft bill had actually been prepared, but on account of certain objections on behalf of certain communities, that Bill was totally abandoned. In the year 1911, as the honourable member Rao Bahadur Kale has pointed out, a private member, Sir Ibrahim Rahimtoola had brought in a Bill for the regulation of Mussalman wakf properties. I was a member of the select committee on the Bill, which had received the blessings of the then Council. It was sent to the Government of India but on account of some technical difficulty the Bill was not allowed to be proceeded with, and we had to go without it. Then a private member in the Assembly brought in a Bill for Mahomedan wakfs, and what is now known as the Mahomedan Wakf

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Act. This was applied, by a resolution of this Council, to the Bombay Presidency in 1925. Since then it was pointed out to me and to Government that, although this Act was applied, there were in it a number of difficulties on account of which the object was not gained. Many of the managers and trustees escaped their responsibilities, and the benefits of the trusts did not accrue to the people concerned. Government, therefore, appointed a committee, of which my honourable friend Mr. Kadri was the Secretary and the Collector of Bombay the President. That committee was necessarily appointed for the city of Bombay first, because the largest number of trusts were in the city of Bombay, and secondly because we wanted to try the experiment in a limited area before extending the same to the Presidency. I had expressed clearly in my speech that that was the object of Government.

Now, the report of this committee is before us and Government have already taken a considerable step in withdrawing exemptions enjoyed by certain sections of the Mahomedan community. The honourable member Mr. Kadri has already referred to the telegrams of public satisfaction received by Government regarding them. The other recommendations of the committee are under the consideration of Government. One of the recommendations of the committee is that there should be no enabling clause. In the original Wakf Act, there is an enabling clause which allows the local government to give exemptions to certain communities residing in their territories. But it is an all-India subject and therefore I cannot say anything with regard to that, except that we shall forward the recommendation of the committee with our views on the subject.

Other recommendations, as I have already said, are under the serious consideration of Government and I think Government will be in a position to come to a decision regarding them in a very short time.

With regard to the trusts of the Hindu and other communities I think the position was very lucidly and briefly explained by my honourable friend Rao Bahadur Kale. The facts are as stated by him. He had himself brought in a Bill and serious objections were taken to certain amendments and then the honourable member dropped the Bill and left the matter to Government.

Rao Bahadur R. R. KALE: I did not bring in a Bill. I could not, without the sanction of the Government, bring in a Bill. I submitted draft Bills, proposals and so on to Government for their sanction only.

The Honourable MOULVI RAFI UDDIN AHMAD: The honourable member himself has explained the difficulties of the amendments. He, therefore, left the whole matter to Government regarding the trusts of Brahmins, Parsis and other communities. The honourable member gave that information to the House. I am able to say at this moment that the Bill was considered very recently by the Remembrancer of Legal

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Affairs. That Bill is under the consideration of Government. Only a few days ago we considered the Bill and possibly it will be referred to Collectors and others and the public for opinion. I am therefore in a position to say that Government is not sleeping over it but they are alive to the importance of the measure. In a few months the Council will be in a position to know more about it. There will be no useful purpose served by appointing a committee. The object has already been attained so far as Mahomedans are concerned. As the honourable member Rao Bahadur Kale said the Committee is not necessary in the case of Hindus. I think it is best for the honourable member to withdraw the resolution with the assurance I have given to the honourable House.

Mr. SHAIKH ABDUL AZIZ : As everybody knows, the committee was appointed for the city of Bombay. Whatever materials were collected relate only to the city of Bombay. In the mofussil there are so many other trusts. I think nothing is known to Government about their management.

The Honourable MOULVI RAFIUDDIN AHMAD : I think I have already explained that we will, if necessary, apply all these provisions to the Presidency including Sind. Besides, I explained to the honourable member the difficulties with regard to the administration of the Wakf Act and that they are common to the whole Presidency, so that the measures which will be taken to remedy them will also remedy the evils in other parts.

Khan Bahadur A. E. PATEL : May I know from the Honourable Minister in charge whether the Bill that is proposed to be brought will be limited in its application to the Hindu Devasthans only ?

The Honourable MOULVI RAFIUDDIN AHMAD : As far as Mahomedans are concerned, there is the Wakf Act and so that Bill will be limited to the Hindus.

Mr. SHAIKH ABDUL AZIZ : As a result of the assurance given by the Honourable Minister, I beg leave of the House to withdraw the resolution.

Mr. PESTANSHAH N. VAKIL : If the proposed measure is going to be applied to the Hindu community and the Wakf Act is to be applied to Mahomedans, what about other communities ? Why should not a comprehensive measure applicable to all communities be brought ? Will the Honourable Minister throw light on it ?

Rao Bahadur R. R. KALE : So far as my proposal is concerned, it is of an all-embracing nature.

The Honourable MOULVI RAFIUDDIN AHMAD : If it is brought to my notice, I will seriously consider.

Resolution, by leave, withdrawn.

The Honourable the PRESIDENT : The honourable member Mr. Gokhale.

Mr. L. R. GOKHALE : A reply has been given to the question I put about the interests and rates. So, I am not moving the resolution. If I do not move the resolution now, then under Standing Order X, 11, I will not be able to move it at the next session.

The Honourable the PRESIDENT : Move it.

Mr. L. R. GOKHALE : What I want to do is this. It is stated there :

"A resolution of which notice has been given by a non-official member and which has been admitted, if it is not moved during the session, shall be deemed to have been withdrawn."

Under 12 (2) of the same Standing Order :

"When a resolution has been disallowed under the Rules or Standing Orders or has been withdrawn with the leave of the Council, no resolution raising substantially the same question shall be moved during the same session."

The Honourable the PRESIDENT : That is if the honourable member moves it. If he does not move it ?

Mr. L. R. GOKHALE : Shall I have a right ?

The Honourable the PRESIDENT : That is quite a different point entirely.

Mr. L. R. GOKHALE : I do not move the resolution.

The Honourable the PRESIDENT : Which is the resolution the honourable member Khan Bahadur Khuhro wishes to move ?

Khan Bahadur M. A. KHUHRO : Resolution No. 2. With regard to No. 1, I do not want to move it, unless it is properly amended.

The Honourable the PRESIDENT : What is it that the honourable member wishes to do ?

Khan Bahadur M. A. KHUHRO : The following portion in resolution No. 1 is out of place :

"Until the reduction is effected all the recoveries of the land revenue, which have not been made so far, be forthwith suspended."

because Government have already issued orders on the 6th or 7th July.

The Honourable the PRESIDENT : What would the honourable member like to do ?

Khan Bahadur M. A. KHUHRO : I request your permission to move my second resolution.

The Honourable the PRESIDENT : If the honourable member says that Government have met the public demand in respect of the important part of the first resolution, he may on that ground move the second resolution. But the House is not aware of the fact, except possibly through the Government Gazette. I do not know how the demand of

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the people has been met. The honourable member says that Government have issued orders regarding the remissions, etc., somewhere in the month of July.

Khan Bahadur M. A. KHUHRO: That is so.

The Honourable Mr. W. F. HUDSON: I do not remember the exact date, perhaps in the end of June or beginning of July. If the honourable member refers to Sind,—there is nothing in the resolution to show that it refers to Sind,—I think the order was issued in the last week of June.

Khan Bahadur M. A. KHUHRO: The Government of Bombay have sent instructions on the 2nd or 3rd of July and we got the Commissioner's press note about the 7th of July. The intimation thus received by us about the Government decision was after I got the letter from the Secretary about the ballot. Therefore, I had no opportunity to inform the Secretary about my intention to move my resolution no. 2 first.

The Honourable the PRESIDENT: The honourable member has evidently anticipated me in what I was just going to point out. It is the duty of honourable members to inform the Council office of any resolution which they do not wish to move in view of certain circumstances, and of the resolution which they want to stand first in the list against their names. The honourable member fully knows the Standing Orders. I would, however, allow him to move the second resolution after recess.

(After recess)

FLOODS IN RATNAGIRI DISTRICT.

Notice taken that 25 members were not present; House counted; and 25 members being present—

The Honourable Mr. W. F. HUDSON: Sir, the House will remember that in response to a question put to me by the honourable member Mr. Surve, who is now conspicuous by his absence, I promised to make enquiries as to the report of the floods in Ratnagiri. I wired to the Collector and he replied on the 4th:

"Heavy rains in Malwan caused damage to crops alongside creeks, some houses collapsed and a few lives lost by overturning of boats. Will report details on receipt of mamlatdar's report."

Later on, on the 6th he wired to me:

"No relief measures likely to be necessary from Government. Newspaper reports were exaggerated."

Sir, it is no surprise to us that the newspaper reports were exaggerated. We have heard of that before in connection with the floods, but I would assure the House that if a later official report shows that there is any need for official relief, we shall anticipate the wishes of this House and make such provision as is necessary.

Mr. V. A. SURVE (In Marathi): Sir, I have received a letter, which I have shown to the Honourable Member, to the effect that 26 villages were flooded, 773 houses were lost, and about 6,000 people were

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rendered homeless and left without food, and that a relief committee had distributed 2,000 pieces of clothing and 52 bags of rice, and that Government had not done anything. The floods occurred on the 24th, but it has taken so long for the Honourable Member to receive this report.

The Honourable Mr. W. F. HUDSON : Sir, I have nothing to add to what I have said.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, I beg to move :

" This Council recommends to Government that the powers with regard to the appointment and selection of the head-masters of the Government high schools that have at present been delegated to the Director of Public Instruction may in future be exercised by Government themselves."

Sir, as I find that there is a very small number of honourable members present here and that there was even difficulty in securing sufficient number of honourable members to form a quorum, I am inclined to make a short speech. The resolution relates to the appointment of head masters and it is a reasonable recommendation that I am asking the House to make, and I do hope Government will have no objection in accepting it. The honourable members of this House know that all gazetted appointments, such as those of professors, assistant professors, deputy educational inspectors, etc. are made by the Government of Bombay themselves. As these head masters have to deal with questions of policy such as admissions, etc. in relation to the schools under their control, I urge that it is very necessary that all the communities, depressed classes, Mussalmans, non-Brahmins, etc. should have a proper share in these appointments. Our Government is becoming more and more democratic from day to day, and we are now on the eve of getting full democratic government in India. Consequently as Government is becoming democratic, the tendency has been to centralize powers in the hands of Government. In connection with the district school boards and municipalities this honourable House has accepted that even nominations should rest in the hands of Government. The reason for this is that the non-official side has felt that if Government which is responsible to this House has such powers in their hands, then honourable members of this House will be able, by means of questions or resolutions, to bring any abuse or misuse of such powers to the notice of Government and bring their viewpoint to the attention of Government. This particular power of appointment and selection of head masters was handed over to the Director of Public Instruction a few years ago, without the previous consent of this honourable House. We are at a loss to know what the particular reason was which induced the late Minister of Education to delegate this important power to the Director of Public Instruction. I am led to think that it may have been because he was worried by honourable members of this House belonging to the various communities urging that the appointments should be proportionately distributed among all classes and communities, so that questions regarding fair and equitable admission of boys belonging to different communities might not arise, and he wanted to shirk

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his responsibility. I am not casting any reflection on the gentleman, who is not in this House, but I say that that may be one of the reasons and one can easily draw such inferences. We have been seeing that questions are put by honourable members suggesting that admissions are not regulated properly. My honourable friend Dr. Solanki the other day even said that a boy or a girl was not admitted into a certain school. This question of admissions creates complications for Government and they have to interfere in very many cases, and correspondence increases thereby. Therefore, not only from the point of view of the representation of all classes in these appointments, but also from the point of view of admissions, and therefore for the administrative facility too it is better that Government should take over this power from the Director of Public Instruction. I can give various instances of this nature, but it will take a long time of this House if I were to quote all of them. I was a member of the select committee on the bill relating to city municipalities, and I remember that the members of the select committee after a lengthy and forceful discussion recommended that the power of nomination on the municipalities should be given to Government, and not to the Commissioners, as it used to be before and that was ultimately approved by this honourable House. So, I think it would be a wise policy for Government to take back to themselves this power from the Director of Public Instruction. The advantage that the honourable members of this House will derive from that will be, that they will have a chance of seeing that the rights and privileges of every community and every class, and even the recognition of individual merit, are properly safeguarded and that there is no cause for anyone to complain that he was superseded and proper justice was not done to him. If the power is given to any subordinate of Government, it will be very difficult for the Honourable Minister, who has to act upon the information placed in his hands, to redress the grievances that honourable members here place before Government. If the power were to be exercised by Government then that difficulty will automatically disappear, and when there is a reasonable demand from the public Government will be in a position to meet that demand and even anticipate that demand and do the needful. I think this resolution is a very reasonable one and should be accepted by this honourable House.

Question proposed.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): Sir, the honourable the mover will pardon me, but I have not been able to follow him at all. What is the meaning of "Government"? It is a corporate body and it must act through one of its agents. And if the Director of Public Instruction is not Government, I fail to see whom he means by Government. Does he mean the Honourable Minister of Education? If he means the Minister and if he is not satisfied with the Director of Public Instruction, he only substitutes one bad man for another. That is the only inference that I could draw. Now, I am sorry his speech was not characterized by clarity of reasoning. He has travelled over an enormous ground; he talks of injustice to certain communities.

An Honourable MEMBER : And individuals.

Mr. PESTANSHAH N. VAKIL : And individuals, may be.

Now, we have heard much about communal claims here. We have had enough of them. I pay a ready tribute to the zeal with which the honourable member Dr. Solanki has espoused the cause of his people. But, after all, there should be a limit to communal zeal, and to trot out communal claims in season and out of season is certainly not to be admired.

Now, as regards the appointments of head-masters, if there is one appointment more than another which should not be made on communal claims, it is the post of head-master. He moulds, as it were, the destiny of hundreds of students and, if such responsible offices are given on communal lines and not on claims of merit, it will be an evil day for this Presidency. On this ground I am disposed to look askance at the resolution.

Mr. M. H. MEHTA (Panch Mahals District) : Sir, I oppose this resolution. I would like to support what my friend Mr. Vakil said. The appointments of head-masters should rest with the Director of Public Instruction, who is in a position to know the conditions prevailing in the various schools under him and he will be the proper person to make the selection. Even if this power is transferred to the Minister, still the Minister will always be guided by the opinion of the Director of Public Instruction. The other day a question was asked how a Muhammadan came to be appointed as Superintendent in the Director's office and the Honourable Minister's reply was that the Director had reported that he was the most competent person to occupy that office. So, even if this power is transferred to the Minister, still he has got to be guided by the Director of Public Instruction. Therefore if that officer makes the appointments, there is nothing wrong. On the contrary, if the claims of other persons are ignored, there will be an appeal to the Minister. I am therefore of opinion that there is no necessity for any departure from the present practice.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I think, Sir, that communalism has run amok in many of the departments of Government and I think that the sooner the last nail is put in the coffin the better. What is meant by this resolution? The thin end of the wedge of putting an end to the administrative machinery of Government. If head-masters' appointments are made by Government, why not those of the teachers? I am speaking quite frankly. So long as the ministry is drawn from the point of view of communities, I think it will be the gravest danger to give that power to any of the ministers, because even if a minister may act from the most honest motive, his actions are likely to be misunderstood. In the case of certain persons who may be very amiable and very able, the moment it is found that they are Muhammadan or Maratha or any other caste, motives will be attributed unnecessarily and his honour will be sullied. In these circumstances, I do not think that public interests will be served by the acceptance

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of this resolution and I hope this House will not allow trotting out of communal horses any longer on its floor.

Mr. J. S. KADRI (Northern Division): Sir, I find that the resolution brought forward by the honourable member from Larkana has not been properly understood by some honourable members. I do not believe that he wanted to bring in communalism in this resolution. If the resolution is judged on its merits, it would be admitted that the head-masters' posts in the educational department should be under the direct control of Government, irrespective of the Minister, whoever he may be or to whatever community he may belong. All the higher gazetted posts in other departments are filled by Government, and there is no reason why appointments to such gazetted posts in the Educational Department should rest with the head of the department. Of course the head of the department will be advising and guiding the Minister in filling up the posts of head-masters, but the Minister should be the proper person to look into the merits of the candidates of various communities and pass final orders thereon. At present it happens that the head of the department has his own views and sometimes his own prejudices and as a result, some injustice is done to deserving persons. I can cite instances to prove this. An assistant of 15 years' service was made head-master in supersession of a number of senior and more deserving assistant masters in the Southern Division. There was a hue and cry raised against this appointment and many complaints were made but no redress was given. The head-master was a Hindu and he had served under me. I myself had reported that he was not fit to be considered for that post, because he was a junior and did not possess any high qualifications. But some influence worked in his favour and he succeeded. Thus several senior men were superseded and poor fellows had no remedy. Some of them made representations to the Director of Public Instruction and even to Government but they were not heeded as all petitions had to go through the head of the department, and he did not care to forward them to Government. He has got the power to keep back the appeals, if he so chooses. Great injustice is likely to be done to deserving persons in the department, if the power of appointing head-masters vests in the Director of Public Instruction. Formerly this power rested with the Government and I think it was only as a temporary measure that it was delegated to the Director. Without casting any reflection upon and with due deference to the present Director of Public Instruction, I may say that the power of appointing head-masters in the Educational Department would be well placed in the hands of the Minister rather than of the Director, who is, I think, not quite in a position to judge matters independently, because he is not in direct touch with the head-masters and he is likely to be led away in his judgment by prejudices of his subordinates or by other extraneous influences. The Minister of Education is, therefore, the proper independent authority responsible to this Council, who can very well decide and make higher appointments. With these words, I support the resolution moved by the honourable member Khan Bahadur Khuhro.

Khan Bahadur ALLAHBAKSH (Sukkur District): Sir, I rise to support the resolution moved by my honourable friend Khan Bahadur Khuhro. Sir, I was surprised to hear the previous speakers, honourable members Rao Bahadur Chitale and Mr. Vakil when they said that this resolution is on communal lines. It appears to me that the honourable members are more communalistic. They have looked at the resolution from their own point of view.

Honourable members will remember that the first protest in regard to this question came from these very benches which were originally occupied by the Nationalists and which are at present occupied by these honourable members. The honourable member Mr. Swaminarayan objected to the power remaining with the Director of Public Instruction. Now, because the portfolio happens to be in charge of a Muslim Minister, honourable members—

The Honourable the PRESIDENT: Order, order. I do not think that sort of motive need be imputed at all. The honourable member is entitled to argue, but cannot impute motives against honourable members.

Khan Bahadur ALLAHBAKSH: I have no intention of imputing any motive. These were the facts. At one time this question was raised by the Nationalist party, that this power should be with the Minister rather than with the Director of Public Instruction.

An Honourable MEMBER: Mr. Swaminarayan was an independent member.

Khan Bahadur ALLAHBAKSH: He was a leading member of the Nationalist party—

Mr. P. R. CHIKODI: No, he never joined the Nationalist party.

Khan Bahadur ALLAHBAKSH: We know full well that under the present procedure the Director will be the master of the situation so far as the appointments of head-masters are concerned. If the powers are with the Minister, he will get the recommendations from the Director; and there will be the Secretary and both the Minister and the Secretary can consider the recommendations and decide the matter. Even if the Minister and the Secretary do not agree between themselves, then the papers are to put before the Cabinet. Therefore there are more safeguards if the powers are delegated to the Government rather than to the Director of Public Instruction. With these words, I support the resolution.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I rise to support the resolution moved by my friend Khan Bahadur Khuhro. Sir, it has been stated by the honourable member Rao Bahadur Chitale that he has brought this resolution from a communal point of view. As far as I can see, there is no communal question at all. The question is whether the power of appointing head-masters should be left to the Director of Public Instruction or should be transferred to Government (the Minister of Education). Sir, whenever we the representatives of the people ask questions to the Minister, he always bases his replies on the information

[Rao Bahadur R. S. Asavale]

supplied to him by the officer in charge of a particular department. In fact he should be in possession of all information about the department under him. But now what happens? He depends on the information supplied to him by the officers under him, and when he replies on those bases we the representatives of the people become helpless in getting the correct information as sought for by our questions put. There is no communalism in this question.

We do not say that any incompetent man should be appointed to the post of headmaster. If such argument had been put forward, then the honourable members who occupy the opposite benches and possess the opposite view could have come forward and said that as we wanted to appoint only incompetent men we had brought up this resolution and that it was not in the interests of the department. Sir, it is quite natural that, on the eve of attaining *Purna Swaraj* or *Swaraj* as we are demanding and clamouring for, we want our own representatives to be in sole charge of the department. But some of us now say "No, let the charge be with one of our servants but not with us". Is it not a fact that the Ministers are selected from our own midst? They represent us. Should not therefore we trust in them rather than trusting our servants or their subordinates? I therefore strongly support the resolution and urge that it should be accepted by Government.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I fail to understand why communal colour has been given to a question which is quite colourless. I hope the honourable members recognise that there is nothing of communalism in this resolution which runs as follows:

"This Council recommends to Government that the powers with regard to the appointment and selection of the headmasters of the Government high schools that have at present been delegated to the Director of Public Instruction may in future be exercised by Government themselves."

I think the honourable mover of this resolution used some words to the effect that the interests of the different communities may be safeguarded if the powers are transferred to the Government and perhaps those words have led to the belief that there is some communal motive behind it. May be, I do not know it, but as the resolution appears on the paper, it does not convey any idea that there is any communalism in it.—

Mr. PESTANSHAH N. VAKIL: On a point of personal explanation, Sir. Although there is nothing in the wording of the resolution to suggest a communal tinge, the honourable mover advanced argument after argument pointing out the injustice that has been done not only to his own community but to other communities.

Khan Bahadur M. A. KHUHHRO: The honourable member has completely misunderstood me. That was one of the arguments which I advanced, but when I get up to give a final reply, I will explain what I exactly mean and I hope I shall prove that my speech has been completely misunderstood by the honourable member.

Mr. SHAIKH ABDUL MAJID: Sometimes in discussing matters of general interest, some such arguments are unavoidable. For instance,

[Mr. Shaikh Abdul Majid]

I would only refer to the resolution that was being discussed only one or two hours before this, I mean the Wakf Properties resolution, when the honourable member Mr. Pestanshah Vakil himself suggested that for the Parsi community—

Mr. PESTANSHAH N. VAKIL: I did not say anything of the sort. I did not even use the word "Parsi". I said, "What about the other communities?" and I pleaded for an all-embracing Act.

Mr. SHAIKH ABDUL MAJID: As I said, he wanted to include all the communities (his own community included) within the purview of that resolution which was then under discussion, and so long as we exist in India as different communities, it is but natural that sometimes references are made to the names of communities. Howsoever this aspect of Indian life may be regretted, the truth is that it is the rank communalism and caste-ridden mentality of the major community which has given birth to the small communalism of the minor communities. If there had been manifested a little bit of broad-mindedness on the part of the majority community and if they had displayed a national outlook on things and questions affecting India, then I think this communal sentiment from the smaller communities would have also disappeared.

The resolution does not discuss personalities but it refers to a question of principle only. We have every respect for the Director of Public Instruction or the other officials of Government who are performing their duties honestly. One thing which has compelled my honourable colleague from Larkana to propose this resolution is simply this that in the Legislative Council he will be in a position to bring the grievances, if any, very easily and most effectively to the notice of the Honourable Minister of Education if he happens to exercise the power of appointing the headmasters of high schools. He has very clearly stated that the interests of all the communities can well be safeguarded if the power is given to the Honourable Minister of Education. I do not agree with the remark that fell from the lips of one honourable member whom you, Sir, checked from attributing any motives that simply because the Honourable Education Minister happens to be a Mussalman, therefore this communal colour has been given. I myself do not like that—in fact we are not sure how long the Honourable Minister of Education is going to retain his Ministry and his portfolio because, who knows, he may die to-morrow (although I wish him long life) and the portfolio may be transferred to another Minister whoever he may be—a Mussalman, a Hindu, a Parsi, or a Christian, European or an Indian. Those nationalists who are giving a communal colour to this resolution are simply revealing their own communal outlook as they have always done on each and every question that has come before this Council.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I rise to heartily support this resolution. I think the honourable member Rao Bahadur Chitale might have misunderstood the *bona fides* of the honourable mover of this resolution. The honourable mover simply

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means to say that a headmastership being an important post the person occupying which is in charge of an institution imparting secondary education, the making of an appointment to such a post should be in the hands of the Minister. Why should it be so? I will explain. There should be no hiding of the fact that it is necessary from the point of view of the various communities and classes to get proper representation for the posts of headmasters. It is no use concealing this fact, because the communities feel so and until this feeling disappears completely from their minds, we must not lose sight of it, however much it may be deplored. Supposing the power continues to be vested in the hands of the Director of Public Instruction—I of course do not desire to cast the slightest reflection upon the impartiality of the present incumbent—justice in appointments cannot invariably be done. In these days we cannot accept the argument that it is only the heaven-born Brahmins who should have the privilege of imparting education and that they alone should be appointed as headmasters and that it is they and they alone who can impart education to the children of all other communities. Take for instance the Amil community in Sind. Why should they alone have the privilege of imparting secondary education? It is not fair to other communities. If the head of any institution belongs to any community, he can, without doing injustice to any other community, employ all his powers to encourage his own community to send their children to his school. That particularly is the case on our side, because Mahomedans are generally averse to education. If there are Mahomedan headmasters in a fair proportion with requisite qualifications, our desire for knowledge and our literacy are both bound to improve considerably. The honourable member Rao Bahadur Asavale raised this particular point about the qualifications of candidates. We do not mean to say that you should employ Mahomedan matriculates as against Hindu M.As. Requisite and necessary qualifications should be there and if they are at par, then proper representation should be given to the Mahomedan community as also to other backward communities. If the non-Brahmins feel that in any particular locality, the Non-Brahmins are predominant, then they ought to be given a fair representation in the appointments of headmasters provided that they possess the requisite qualifications.

As to the remark made by my honourable friend Rao Bahadur Chitale that he detests the idea of this power being vested in the Minister so long as he (the Minister) is returned on a communal electorate, I presume that he still thinks that even in the next reforms there will be no separate electorates, but that the joint electorates will be given wholesale. That is a point which is being contested for a long time now in the country without there being any settlement at all. In fact, we can safely assume that at least for the next ten years we are going to have separate electorates. Therefore, we shall have Ministers from different communities. Does he suggest therefore that this power should not be vested in the Minister's hands? The Minister will of course exercise that power with the assistance of his Secretary. Such an idea should not in my opinion find expression at least in this Council. One argument

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advanced was that the Director of Public Instruction is an agent of Government. If that is so, the Assistant Directors are the agents of Government, the Inspectors are the agents of Government, the Deputy Educational and Assistant Deputy Educational Inspectors are also agents of Government, and similarly the headmasters are also agents of Government. In fact, every officer is an agent of Government. By the term "Government", we mean to say the central body which is the final authority. The Governor acting with the Minister makes the appointments. The Minister acting on the advice of his Secretary behind him makes a recommendation to the Governor, and the Secretary of course is guided by the reports received from the subordinate officers. It is after all the Governor who has to give his final sanction. So it will not absolutely be the Minister himself who will give the final sanction. He will act in conjunction with His Excellency the Governor. The honourable members can at least have faith in the impartiality of His Excellency the Governor. His Excellency has to look to the interests of every community and has to maintain the equilibrium of the rights and liberties of all communities under his charge and His Excellency will have to do this at least until such time as we form such a nation on this earth that nobody will ever talk of any particular community but of one Indian nation. The very fact that the honourable member Rao Bahadur Chitale opposes such a resolution is in itself a proof that we are still actuated by communal considerations. Why is it that he opposes the resolution and why is it that the representatives of the backward classes do not oppose it but support it? Why is it that the members of the advanced communities oppose it and the members of the backward communities support it? There is a sharp line dividing the two, as everybody can see it plainly. That is the distinguishing feature, there is the line of demarcation. The communities which are already advanced cannot make up their minds to part with their power and with the rights which they have so long enjoyed backed up by machinery which in the Presidency is represented and dominated by Brahmins. So far as I have been able to see of the office of the Director of Public Instruction, the staff of that office is composed largely of Brahmins and the predominant element is the Brahmin element in that office. In fact, if I am not mistaken, even my non-Brahmin friends complain that their community is barely represented. There is of course a little sprinkling of red Fez caps here and there, but that is infinitesimal. I believe also that repeated representations have been made to the Honourable Minister to give their due share to the backward communities in the office of the Director of Public Instruction. My point is that from the point of view of the machinery on which the action of the Director of Public Instruction depends, it seems necessary that the resolution moved by my honourable friend should find acceptance with this House. The better plan would seem to be that instead of demolishing the whole machinery of the office of the Director of Public Instruction which is not an easy task, the power should be vested in the hands of the Honourable Minister of Education

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supported by his Secretary with His Excellency the Governor as the final authority to give sanction. For all these reasons, I think this is a simple and innocent resolution which, far from being opposed, deserves to be supported by each and every honourable member on the non-official side of this House.

With these few remarks, I support the resolution and resume my seat.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to lend my hearty support to the resolution moved by my honourable friend Khan Bahadur Khuhro. What does the resolution ask for? It asks that the powers now delegated to the Director of Public Instruction of making selections and appointments of head masters of Government high schools should now be withdrawn and should henceforth be exercised by the Honourable the Minister in charge of the portfolio. I do not see how communalism or any communal feeling could be introduced in an impartial debate like this. I heard, Sir, with great attention the speeches of two or three honourable members who preceded me, and it seems a reference was made to the speech of my honourable friend from Ahmednagar Rao Bahadur Chitale. The power of selection and appointments of headmasters is now exercised by the Director of Public Instruction and one honourable member said that the Director is a delegate or an agent of Government. He is a delegate or an agent of Government no doubt, but he, in his turn has to depend upon the members of his office. He is necessarily guided by the expert opinion that is provided by the machinery of his own office. Look at the office of the Director of Public Instruction. Times out of number questions have been tabled, and the Honourable Minister has been deputationised on this point, viz., that adequate representation should be given to the backward communities and Mahomedans in the office of the Director of Public Instruction, but without much effect. Of course, the Honourable Minister had great oral sympathy for us. His predecessor also, Mr. Jadhav, had his sympathy towards us, but these Honourable gentlemen could not do much in the matter. Naturally, they cannot displace or dismiss the men already in service, nor can we ask any responsible Minister or Member of Government to do that. Their hands are tied, they are guided by the rules and regulations; but the request now is that, as the Director is necessarily and essentially guided by the experts of his office, and as the office consists predominantly of persons belonging to the forward classes who have proverbially very little sympathy for the interests of the backward communities, it is but proper that the power delegated to that officer should now be withdrawn and it should be exercised by a person who is selected as Minister in charge of the portfolio.

An Honourable MEMBER: Not by our choice.

Mr. N. E. NAVLE: The Minister may be selected by His Excellency the Governor, but after all, even though he is a Minister, he does not lose his position as an elected member of the Council, and to that extent he is responsible to this House. I do not think that an honourable member, as soon as he leaves the non-official bench and adorns the

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Government bench as a Minister of the Government, loses his position as an elected member altogether. Sir, he continues in both the capacities; he is an elected member—elected by a particular constituency—and he is also a responsible Minister of Government, responsible to this house and amenable to its vote.

Sir, I do not mean that I have less confidence in the Director of Public Instruction or the Deputy Director. I have the honour of knowing these two gentlemen, I mean the present incumbents of these offices, Mr. Beckett and Mr. Grieve; they are excellent persons, and we have no quarrel with them. They are following an excellent policy. They are really sympathetic towards the demands of the backward classes. But at times they cannot do anything for these classes. The office does not allow them to do so, because certain difficulties are created by the office. Artificial difficulties are shown in the way of backward class candidates. The office puts proposals before the Director in such a manner that it is impossible for him or for the Deputy Director to accept the proposals of the backward classes. It is no use saying that the Director himself is an impartial man. It cannot be disputed that he is an impartial man, and that he is sympathetic towards the claims of the backward classes candidates; but then his hands are tied by his office. I should therefore give my congratulations to the honourable mover of this resolution, that he has come forward with this resolution, that the power delegated to the Director of Public Instruction should be withdrawn and be exercised by the Honourable Minister himself. I wholeheartedly support the resolution which, I hope, will be accepted by Government.

Mr. P. R. CHIKODI (Belgaum District): Sir, the arguments advanced by those who have supported it have failed to convince me of the principle underlying this resolution. Sir, apart from the question of safeguarding the interests of the backward communities, there is the question of efficient administration. The question is whether the power which is centred at the headquarters should or should not be delegated and exercised by those who are subordinate to the central authority. That is to say, whether there should be a decentralisation of the powers vested in the central authority. I say that this resolution offends against that well known canon of administration, namely, decentralisation. The power which is now delegated to the Director of Public Instruction is sought to be withdrawn by this resolution. That power, I think, was delegated only three years ago, and within the period of three years, may I know whether it has been abused by the Director of Public Instruction so much so that the matter deserves the attention of this House by means of a resolution moved in it? Sir, it means a serious reflection on the administration of the Director of Public Instruction.

Honourable MEMBERS: No, no.

Mr. P. R. CHIKODI: In my opinion there has been no abuse of the powers exercised by the Director of Public Instruction, and if that is so, then there is no case at all for withdrawing them. They

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cannot have it both ways. Either they must say that these powers have been abused, or they must admit that the resolution is prompted by feelings other than those of the interests of efficiency of administration.

Sir, I have been a very staunch advocate of the cause of Non-Brahmins and my opposition to the resolution need not be interpreted as being prompted by any prejudice against the interests of the non-Brahmins. I may quote here to-day an instance. When there was a Brahmin Minister in the person of Dr. R. P. Paranjpye, I had a complaint against a Brahmin Principal of a College, and I got him punished, and I received thanks from the Government for my action. That example is well known, and shows that I am as staunch an advocate of the cause of the backward communities and Mahomedans as any body else. But here the question of communities does not arise at all. Suppose a certain policy is laid down by the Government or this Council and that policy is not carried out by the Director of Public Instruction or by his subordinates, then it is the Minister of Education who remains responsible to this House and the Minister cannot evade that responsibility. Do they or do they not admit this principle? If this principle is admitted then a resolution of this sort, asking Government to centralise the powers already delegated to the Director of Public Instruction is not the right remedy. If the office of the Director of Public Instruction does not carry out the orders of the Director of Public Instruction, or if the Director of Public Instruction has abused the powers vested in him, I hold the Honourable Minister responsible and ask him why this is so and what step he would take to set the matters right? That is exactly what obtains in all forms of responsible government. If this House lays down a policy, which is accepted by Government, and if that policy is not carried out by any of the subordinate officers of Government, I admit there is room for complaint and the remedy is for the Minister to take the necessary disciplinary action. But in the present instance, I do not think it has been proved that the Director of Public Instruction has not made right use of his powers. Therefore, I think that this resolution is going against one of the best principles of administration, viz., more and more powers have got to be decentralised. The right and proper course would be for this Council to expect the Minister to take all the necessary steps for safeguarding the interests of the communities, if they are going to be adversely affected by any actions or orders of subordinate officers. I therefore oppose the resolution as it stands.

Rao Bahadur S. K. BOLE : Sir, I rise to support the resolution. Sir, it is but natural that members of the communities which have so far enjoyed a monopoly of holding posts in the Educational Department, when they see such resolutions moved in the Council, should be excited. Sir, this Department was the preserve of that privileged community. My honourable friend Mr. Kadri had asked a question as to the number of clerks in the Director of Public Instruction's office, with their castes, and the reply was that there were about 42 Brahmin clerks, 6 non-

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Brahmins and 3 Mahomedans. When the backward classes and Mahomedans see that their claims are neglected, of course it is their duty to come forward and bring up such resolution. From my own knowledge I can say that in the district of Thana there were teachers, qualified and senior teachers, belonging to the non-Brahmin community, but their claims were neglected by the Brahmin Inspector. They were superseded and the Brahmin teachers were put above them. When I came to know about it, I did not know what to do. But I went up to my honourable friend Mr. Kadri who was then there. He has no doubt sympathy for the backward classes, and I told him about the grievance. He then took up the matter in right earnest and redressed the grievance. The other day in one other Department there was a clerk. He was a B.Ag., and was working as an acting clerk for five years. By manipulation his Brahmin head put above him other clerks belonging to the Brahmin community, and this poor man was left behind, and he is not still confirmed. When this is the state of affairs there is no other remedy but to bring such resolutions and if such resolutions are brought the members of the privileged classes smell communalism. Let them say whatever they like but I submit that my honourable friend Khan Bahadur Khuhro has done well in bringing up this resolution, and the powers delegated to the Director of Public Instruction are required to be withdrawn as asked therein. Sir, I do not know whether the Director himself makes these appointments, or whether he in his turn delegates his powers to somebody else. I do not know that. I would go further than the resolution and say that in the case of clerks also the right of appeal to the Minister should be allowed. Then only the people belonging to the backward classes and the Mahomedan community, who have been neglected up till now will get justice. Till then I do not see any prospect of justice being done to them. When we go to the Executive Councillors and Ministers with our grievances in respect of clerks they say "The powers have been delegated to the subordinate officers what are we to do?" They express sympathy, but that sympathy does not help us. So, I would go further and ask my honourable friend to bring in a resolution next time with regard to the clerical establishment of the Director of Public Instruction's office. With these words, I support the resolution.

Dr. P. G. SOLANKI: Sir, I rise to support the resolution moved by my honourable friend Khan Bahadur Khuhro. Sir, this resolution does not mean any destruction of the privileges of the advanced classes. It means that the Director of Public Instruction should consult the Minister and the Secretary under him with regard to the appointments of head masters. I am sorry that such an innocent resolution should be looked upon with suspicion by the honourable member Mr. Vakil. He comes from a community which is well known for its catholic sympathy for the backward and downtrodden communities. I was rather surprised to hear from the mouth of a gentleman belonging to the Parsi community that the honourable member Khan Bahadur Khuhro has

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brought forward this resolution with the object of putting forward communal claims. Sir, the honourable members in this house and the people outside this hall who talk about communalism and charge others with being communalistic, are themselves the most staunch communalists. Sir, it is these people, with the object of safeguarding the interests of their own community, who lay such charges at the doors of others. I never expected that the honourable member Mr. Vakil would utter these words. I thought that only the advanced classes among the Hindus had such perverted ideas, but to-day I find my honourable friend Mr. Vakil doing the same thing as the advanced classes. Perhaps he believes that he is one of them as he is sitting among them on the same bench and might have got the infection of a sense of superiority from them but he will be very soon disillusioned by personal experience. In the nearest future many occasions will arise to convince him of it to find it out—though rather too late—that he is never accepted as one of the privileged Brahmin class. I admit that among the Brahmins there are many good and noble persons. It was Dr. Paranjpye, a Brahmin, who formulated the scheme of scholarships for the depressed classes and did his best to improve the education of this poor community. At the same time I would give my praise and tribute of honour to persons like the late lamented Gokhale, Ranade and Bhandarkar who did render very great services to the backward communities. But from this it does not mean that the majority of the advanced classes, and Brahmins, are sympathetic towards these backward and depressed communities, because they are very orthodox and staunch communalists in their outlook. It has been stated by many speakers and particularly by the honourable member Rao Bahadur Bole, how the rights of the backward communities and of even Mahomedans, are being suppressed by the head clerks in the Government offices and headmasters in schools. In order to remedy that evil, this resolution has been brought.

I do not see the reason, why the honourable member Mr. Vakil objected to this resolution. I know no man of his community who has done an injustice to the backward communities upto now. But now I know this that Mr. Pestanshah Vakil is an exception to his community. Even young men of his community were done injustice by the members of the advanced classes and the Brahmins. Many influential persons of his community have told me that young men of their community are done injustice in all departments and in schools by men belonging to orthodox Brahmin and other communities who are at the helm of affairs. I do not want to reveal the names of these persons. The honourable member Mr. Vakil belongs to a very rich and influential family which is above all such harassments and free from troubles of seeking services in the various departments. He does not know the difficulties of securing services, the difficulties of serving under the privileged Brahmin classes, and the advanced classes. [Interruption.] There are backward communities in education, the Mahomedans, the Marathas and the

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non-Brahmins and the depressed classes and there are many educated young men among them. There are graduates, and some with honours among them. Their claims are not considered at all. Since I have been here in this Council I have heard from educated men of the depressed classes that they have no chance of getting into Government service as long as the Brahmins and advanced classes are in charge of offices as head clerks and superintendents. The result will be discontent among them, the non-Brahmins, the Mahomedans and the depressed classes and the disastrous consequences following the discontent. In order to avoid that, this resolution has been brought. What harm is there, if the Honourable Minister who is the head of the department is consulted by the Director of Public Instruction. Is there any humiliation to the Director of Public Instruction in consulting the Minister and the Secretary. I should think that the Director of Public Instruction would welcome this proposal. It is good for him. He will be relieved of the responsibility, and thereby will be free from the charge of being partial or of showing favouritism. It was stated by the honourable member Mr. Chikodi that if any subordinate officer commits any mistake in any Government department the head of the department will be responsible for it. Here, the Minister of Education will be responsible for any misdeed or misconduct or mistake of the subordinate officers in his department. If this responsibility lies on the head of the Honourable Minister of Education, then why should the Honourable Minister himself be not given a voice in the appointment of headmasters? It is not too much to say that if this power is given to the Honourable Minister everything will be all right. It happens so that the present Minister is a Mahomedan and the honourable mover of the resolution is a Mahomedan. I hope the Honourable the Minister may hold the post for a long time. A stray remark made by the honourable member Mr. Shaikh Abdul Majid surprised and moved the whole House. If, after some years, the present Minister chooses to retire from his office and a man from the most orthodox Hindus may occupy the place, then, what will be the fate of the depressed classes? I have had experience of this during last four years. But having taken into account all the odds, I still do feel that a responsible Minister will not go against the interests of the backward communities.

Lastly, I would like to put one question to the honourable member Mr. Vakil. Does he not want the children of the backward and depressed classes to come up? Does he not want them to be enlightened and educated? May I again ask him whether he believes that the privileged and advanced classes will always reserve and preserve all the powers and posts and seats for them after two years? Does he not see the events coming on? Does he still believe that the times will remain the same for ever, without the privileges of the backward and the depressed classes being recognised in any of the departments of Government? If that is his idea he is sorely mistaken. He must be ready to take times, as they come. He must remove the idea from his mind that the members

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of the Mahomedan and other backward communities are not proud of their country and are not Indians. They are as much Indians as anybody else. If you want to have any political advance, you must take them onward with you. You cannot have *swaraj* without taking them on with you; and even if you have *swaraj* without their advancement, you cannot keep it longer and enjoy it. With all the emphasis I can command I support this resolution and hope that the House will pass it unanimously without a single dissenting voice.

The Honourable Sir GHULAM HUSSAIN: Sir, I think that the discussion has reached a stage when I should intervene, because I see that the main issue underlying this resolution has been side-tracked. The proposition has been expanded by importing extraneous considerations. The question underlying the resolution as it appears to me to be whether this House is in favour of decentralisation or not. Now, there is a Minister, whoever he may be whether a Mahomedan, a Hindu, a Christian or a Parsi. The question is whether you want to have the power with the Minister, who is responsible to the legislature, and is removable by the legislature, or whether you want to have this power with an executive, which is not responsible to you. As far as I remember, we had delegated the power of nomination to the local bodies to the Commissioners. I perfectly remember that these very benches opposite me went against that principle. (Honourable Members: No. no.) You said that we should not delegate these powers, and that these powers ought to be in the hands of the Minister who is responsible to you. The issue at present is whether you are in favour of decentralisation or not.

Secondly, I understand that these headmasters are gazetted officers. So, the question is whether you want the appointments of gazetted officers to be made by Government, or whether you want that power to be delegated by Government to their officers. To my mind, these are the two main issues, and Government would like to have a lead from this House.

Mr. P. R. CHIKODI: May I know the grounds on which these powers were delegated to the Director of Public Instruction three years ago?

Mr. B. S. KAMAT: Sir, the Honourable the General Member very kindly invited expression of opinion from this side of the House on this issue. Unfortunately, I was not present here when the honourable mover moved his resolution and when some speeches were delivered. But the main question, as the Honourable the Leader of the House has explained, is the question whether we are now in favour of decentralization or whether we like to centralise all the powers in the hands of the Minister, whoever he might be for the time being. I consider the question has to be looked at from two points of view—one the administrative, and the other the constitutional side of it.

Speaking first on the administrative side, I believe I can remind some honourable members of this House that an officer Mr. Shillidy who inquired into the working of the office of the Director of Public Instruction in 1926 has proved that the hands of the Director of Public Instruction

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are so full and that he is so busy that it is impossible for him to look into all these appointments. (Honourable members: Hear, hear.) Instead of advocating delegation of powers to the hands of the Director, Mr. Shillidy has gone much further to say that if the Director of Public Instruction is relieved of all work which he has now to attend to, such as appointments, transfers and so on and if all such work is still further delegated to the educational inspectors, at any rate of minor appointments, it will be a great relief to the Director of Public Instruction. In other words, Mr. Shillidy is decidedly in favour of decentralisation. This is from the administrative point of view. I honestly think there is a great deal in that. On the other hand, I know there is a great deal perhaps, so far as my backward class friends are concerned, in their point of view that the office of the Director of Public Instruction, as constituted at present, may be confined to one particular section of the community as an accidental circumstances and that community may be a dominant one. Now, Sir, I for one during the course of my public life have never willingly taken part in any communal discussion or controversy. I am rather reluctant as a rule to take part in this controversy on a communal basis. I personally happen to belong neither to the backward community as described in official literature, nor do I happen to belong to the community which is under discussion, namely, the community which is said mainly to constitute the people in the clerical staff of the office of the Director of Public Instruction. I shall therefore attempt to take as impartial a view of the case as is possible.

Looking at the resolution therefore from a detached point of view, I do not see the logic of the remarks and the observations which have fallen from a good many of my honourable friends. Assuming, for the sake of argument, that a great deal of injustice is done to certain communities in the matter of appointments of headmasters, because of the fact that the office of the Director of Public Instruction is predominantly composed of one particular community, I do not see the logic of the remedy which is suggested. In the first place it was open to my honourable friends to prove by facts and statistics that in the matter of appointments of certain headmasters, injustice has often been done. They should have quoted the number of appointments made, the number of Brahmins appointed and the number of non-Brahmins not appointed and therefore disappointed. From that point of view, by facts and figures they should have shown that the Director of Public Instruction has not been able to look into these appointments with fairness so as to withstand the influence of his office. Assuming however that this has happened and the allegation has been proved by facts and figures, I do not see the logic of the remedy proposed. If such a state of things prevails, it means that the Director of Public Instruction must overhaul his own office and have a mixture of communities in his staff; it does not mean that the powers delegated to the Director of Public Instruction should be snatched away from him and given to the Minister. As has been pointed out by the honourable member Mr. Chikodi the remedy suggested is not sound, no doubt it is a reflection on the Director of

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Public Instruction. What are the implications of this resolution? It means that the Director is a simpleton and that he does not know how he is imposed upon by his office. On the other hand, the resolution implies that if the powers are restored to the hands of the Minister, the Minister would be partial to the community to which he belongs and to the backward communities which would always as it were depend upon him. I do not think that any Minister, be he a Mahomedan, be he a Brahmin, or be he a non-Brahmin, will deliberately do so. Hopes should not be concentrated in a Minister always to help one community at the expense of another merely because he happens to belong to a particular community. It is an assumption unjust to a Minister. It does not always follow that if the power is retained in the hands of the Minister he will necessarily sacrifice the claims of other communities than his own. Whether he belongs to the backward classes, Mahomedan community or Brahmin community, the Minister must impartially look after the interests and claims of all the communities concerned. I have thus shown, Sir, that the remedy suggested by my friends is not the right one.

Now, I have my objections to this remedy on constitutional grounds also. Transfers, promotions, etc., should be substantially left to the permanent services. Many of my honourable friends who have looked into the constitutions of other democratic countries must be aware of the fact that generally in other countries powers of appointments and recruitment are not concentrated in the hands of the Ministers, because of the fear of political influence affecting these appointments. Political influence is a factor which is not peculiar to this House; it is a factor which is in existence in other countries as well. It may not be entirely based on communities, but the fear is—and this fear is common to other countries—that the Minister may promise appointments to friends and relations of men who help him to get into power. That is what is meant by political influence. The tendency in democratic countries is to take away such powers from the hands of the Minister and to hand them over to an absolutely independent and impartial body like a public services commission. I think it has been pointed out by important committees and political commissions that the time is now ripe in India to take away all such powers from the Ministers—even from the Brahmin Ministers for the matter of that—and to give them to an independent and impartial body like a public services commission. Members are aware there has been such a public services commission in existence for the Government of India for the last few years, and to my mind the permanent solution of the question now lies in establishing Provincial public service commissions for each province. I for one think that if some of my friends are labouring under certain disadvantages, because of the composition of a particular office, the real remedy is to look for redress for any injustice in promotions, etc., to an independent body like a provincial public services commission. That commission should be composed no doubt of men belonging to different communities. It may be composed of five persons; there might be thereon a Mahomedan, a backward class man and a depressed class man and also representatives of other

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communities. Any cases of injustice to public servants belonging to a particular community may be referred to such a local public services commission. That is the right remedy. The remedy is certainly not centralisation. It is no use casting reflection upon the Director of Public Instruction or the Minister or complaining about the composition of the personnel of the office of the Director of Public Instruction. If you like, you overhaul that office. I again repeat that there might be grounds for the feeling of dissatisfaction and discontent in certain backward communities so far as the appointments emanating from the Office of the Director of Public Instruction are concerned. Consciously, unconsciously or sub-consciously, the Director may have been influenced by his office, but assuming, as I say, that the accusation has been proved by facts and figures, the remedy suggested in the resolution is not the right one. The real remedy is the institution by legislation or by Government order of an absolutely impartial and independent body to take care of these appointments and selections, and to redress the grievances of aggrieved public servants.

Sardar BHASAHAB RAISINHJI (THAKOR OF KERWADA) *rose*.

The Honourable the PRESIDENT: Does the honourable member want to address the House? Does not the House think that they have discussed this question sufficiently?

Sardar BHASAHAB RAISINHJI (THAKOR OF KERWADA): Sir, I want to answer one point which has been raised by the honourable member Mr. Kamat. He referred to the decentralization of powers. In regard to that, I ask if the Honourable Minister, who is responsible to this House for giving effect to the policy dictated by them, is divested of all the powers, how can he give effect to the policy desired by the House? The honourable member Mr. Kamat has said that the Minister should not interfere in the internal administration of any department. I do not pretend to be a great authority on constitutions, but I find that the Labour Party in England, when they come into power, appoint governors of their own choice from their own party. I do not know how any constitution will work if our Ministers are divested of powers to make such small appointments as headmasters. It may happen that in a particular place a man suited to that locality is needed. The Director of Public Instruction, as has been admitted by the honourable member Mr. Kamat, is overworked, and therefore there is no chance of his looking into it. But the Minister, who comes in daily contact with the people, will be the proper person to select the proper individual for that locality.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I was very sorry to hear certain remarks which were made by honourable members who opposed the resolution. The honourable member Mr. Kamat, for whose opinion I always entertained great respect, has surprised me the most. His arguments to-day were most fallacious, and, if I may say so, they were to a certain extent reactionary. He said that the entire power of appointments and selections should rest with the public services commission. He would not trust any Minister in the future Government

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to exercise that power. I do not think any independent politician will accept his view. Sir, I do not think that his argument will convince anyone who is a broad-minded nationalist and who claims independence and self-government. His views will surprise any honourable member on the non-official side of the House. If, Sir, we are going to distrust our own people, our Ministers who are responsible to this House, as unfit to govern, it is absolutely useless to claim self-government for India. If this honourable member will deliver this speech in a public platform I assure him that he will find very few to listen to him and he will easily be pooh-poohed.

Sir, I am thankful to the Honourable Leader of the House for giving a correct interpretation of my intention and the intention underlying the resolution.

As there was a very small number of non-official members present in this House, and as I thought that it was a self-explanatory resolution, I did not want to waste the time of the House by laying stress on every argument. I could have illustrated every one of my arguments.

The Honourable the PRESIDENT : The honourable member cannot do that now.

Khan Bahadur M. A. KHUHRO : That is why I did not deal with my resolution fully. As I was only partially heard, there have been misunderstandings and misquotations.

The honourable member Mr. Kamat said that Mr. Shillidy came and admitted in his evidence before the Retrenchment Committee.

Mr. B. S. KAMAT : I did not say before the Retrenchment Committee. It was in 1926-27.

Khan Bahadur M. A. KHUHRO : It might have been somewhere else, but he said that Mr. Shillidy said that the Director of Public Instruction was overworked, and, therefore, he could not look into everything that was placed before him. We believe Mr. Shillidy's statement that the Director of Public Instruction is overworked, because in my own experience in connection with the management of a school board, I come into frequent correspondence with the Director and find that matters are delayed sometimes six to ten months in his office, although the correspondence relates to such trivial matters as supplies of stationery or appointment of peon, etc., involving expenditure of not more than Rs. 5 to Rs. 15 per mensem. The honourable member Mr. Kamat further said that Mr. Shillidy suggested as a remedy that the power to a certain extent should be delegated to educational inspectors. Every sensible gentleman should agree with me that it will be a retrograde step. The sum and substance of the honourable member Mr. Kamat's argument was that he trusted the educational inspector, a subordinate of Government, but distrusted the Minister who could be displaced by the vote of the Legislative Council. I do not think anybody will accept the argument that an ordinary officer of an

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educational inspector's rank should be trusted better than an Honourable Minister responsible to this House.

As the Leader of the House has put it, the whole question is whether power should be decentralised or centralised. If the House is going to favour centralisation of such power in Government, as they have favoured it all these years, then they will support my resolution. The tendency of this honourable House in the past has clearly been to centralise power in Government.

My honourable friend Mr. Pestanshah N. Vakil, who calls himself a nationalist, said that these powers should be handed over to the subordinates. This is the first time that this argument has been used in this House. My honourable friend Mr. Vakil has come here in the place of Mr. Swaminarayan, who undoubtedly was a nationalist and a very staunch believer in congress creed. My honourable friend has come here to-day because of the attitude of the Congress towards the elections. My honourable friend who claims to be a nationalist will have bitter experience in the future; with all his present activities as a friend of nationalists, and a supporter of their creed, he will have no place in this House when the Congress will fight the elections, and he will soon realise how his nationalist friends have treated him.

The Honourable the PRESIDENT : An evil thought that.

Khan Bahadur M. A. KHUHRO : That is my view based on sound reasoning. I think that the ministry is now working on the principle of joint responsibility as laid down by the Montagu-Chelmsford Report and the Government of India Act and the ministry in the future will all the more work on the principle of joint responsibility. We are surely going to have a ministry which will be jointly responsible to the House, and we shall have representatives in it of all the important sections and communities, not only Brahmins, but non-Brahmins, depressed classes and Mahomedans. We must have the representatives of all these important sections to make it a successful and a popular ministry. And this joint responsibility will be a proper safeguard for all the interests of the various communities. If you were to use this argument before any real nationalist—nationalist in the real sense—he will think that the arguments which have been used against the resolution are reactionary arguments. The honourable member Mr. Swaminarayan rightly protested, and most strongly too, at the action of the Honourable Minister, in weakly yielding this power to the Director of Public Instruction. My honourable friend Mr. Kamat wanted one instance of unfair decision of the Director. I may tell him that so many honourable members gave instances but unfortunately the honourable member Mr. Kamat was not present from the commencement of the debate on this question but he came in the middle of the debate and therefore he did not hear previous speakers. Therefore his argument against the resolution shows that he is not well informed. My honourable friend Mr. Kadri actually quoted the instance where injustice had been done and some other instances too were quoted by some other honourable members. I need not therefore

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repeat it. Some honourable members have stated that it is not possible for the Director to look personally into every case and decide what is just. I do not know whether the attitude of honourable members who are trying to oppose my resolution should be taken to mean that there should be Brahmin Raj in the Presidency and Amil Raj in Sind. If it is the attitude of the honourable members with that mentality that whenever a resolution is brought by an honourable member belonging to the backward classes, it should be viewed with an eye of suspicion, I do not know what is going to be the fate of provincial autonomy in this Presidency. I happen to be from the Muslim community and therefore it appears my resolution is going to be opposed by such members. Because my friend Rao Bahadur Bole belongs to the backward classes, therefore his resolutions also must be opposed by them. This is absolutely a narrow view of the situation. Those honourable members who call themselves nationalists should not show that spirit and should not unnecessarily be opposed to it. If they choose to call themselves nationalists, they should also act as such. I would not call those nationalists who would try to oppose everything brought in by anybody else on the communal issue. I will remind those honourable members who oppose my resolution that less than a week ago my friend Dr. Solanki asked a question in this House whether it was not a fact that a girl was not allowed admission in a certain municipal school. The management of the school supported the action of the headmaster. Honourable members who oppose my resolution say that I am a communalist, that Dr. Solanki is a communalist, that Rao Bahadur Bole is a communalist. But is this the attitude to be taken up by the nationalists? Is this the right spirit to be adopted by the school board, I ask them in all seriousness, to disallow admission to a depressed class girl by supporting the action of the headmaster?

The Honourable the PRESIDENT: It was not a headmaster of a high school who was concerned in that case.

Khan Bahadur M. A. KHUHRO: I mean to say that my honourable friend Dr. Solanki had grave suspicion that it was done whether by the headmaster or the school board because she belonged to the depressed classes.

We must work as fellow-men. We must trust each other, have confidence in each other. It is not that only one community will rule over the whole country. One community cannot dare to override the claims of other communities. Only one community cannot monopolise the power. It will be joint responsibility with proper representation of all classes.

The Honourable the PRESIDENT: The honourable member has very few minutes.

Khan Bahadur M. A. KHUHRO: I need not say much more in support of my resolution. I have made it amply clear and I hope this resolution will not be opposed by any member of the House.

The Honourable MOULVI RAFIUDDIN AHMAD : Mr. President, I am very sorry that the debate has taken an undesirable turn. I thought that this resolution would be disposed of within 10 minutes. It seems, Sir, that honourable members who have spoken upon this resolution have not studied the subject.

The Minister makes all gazetted appointments in the departments under him. The Minister of Agriculture makes all gazetted appointments in the Agricultural College. My honourable friend on my right (Sirdar Sir Rustom Wakil) makes all the appointments in the Medical College—gazetted appointments of professors, assistant professors and so on. And the Minister of Education makes the appointments of principals, professors, assistant professors, lecturers, assistant lecturers. And if he is not accused of partiality in all these appointments, how is it reasonable to suspect his impartiality in the case of Head Masters.

I may tell you why this particular power was handed over to the Director of Public Instruction. My honourable friend Mr. Kamat was quite right in saying that Mr. Shillidy, who was the Retrenchment Officer a few years ago, had recommended that in the interest of decentralisation the power might be handed over to the Director of Public Instruction. As a measure of experiment, therefore, it was decided by my predecessor Dewan Bahadur Harilal Desai that the appointments of headmasters might be made by the Director of Public Instruction. I am very sorry that reflections have been cast upon the character of the Director of Public Instruction. I can assure you that the Director of Public Instruction is beyond such reflections. He is not to be blamed at all. The power was only delegated to him. Sir, whatever may be said in this House, I am trying my best to hold the scales even between all communities, and whatever the extremists may say, people have come and honestly and conscientiously acknowledged that I was doing the right thing. Take the instance of my reply to Mr. Abercrombie last week. The honourable member Mr. Kamat came and informed me that I acted most impartially in my judgment about the Fergusson College. Excepting those people who are extremely prejudiced, every member will easily understand that the Minister, in the matter of appointments, has to act according to his conscience and according to the best recommendations that he receives. With regard to this power, two questions were put to me two years ago, one by the honourable member Mr. Swaminarayan. He asked me why this power was delegated and why it was not taken back. I told him that the Minister very often depends upon the recommendation of the Director of Public Instruction and not much harm is done if he exercises that power. Again this question was repeated and I was asked to consider the revision of the Government Resolution seriously. I must confess that my predecessor Dewan Bahadur Harilal Desai himself told me that he would support, if I would desire the reversion of the power to Government. I was most surprised to hear the speech of my honourable friend Mr. Chikodi against the resolution. He had himself written a letter to me bitterly complaining against the appointment of Mr. Rambramha as Head Master made by the Director of Public Instruction (Mr. Lory).

Mr. P. R. CHIKODI : I must explain, Sir,—

The Honourable MOULVI RAFIUDDIN AHMAD : The honourable member will have an opportunity of explaining.

The Honourable the PRESIDENT : The honourable member will not have another opportunity.

Mr. P. R. CHIKODI : I did write a letter to the Honourable Minister complaining about the appointment. That was a matter between a Brahmin and a Brahmin, and not between a Brahmin and a non-Brahmin, nor between a Hindu and a Mahomedan. The complaint was not made on communal ground, nor for the purpose of showing that the powers had been misused and should be withdrawn. The Director of Public Instruction may have his own reasons for appointing a particular man. That does not mean that the Director was influenced by his office or he misused his powers. In the case I have complained against, the Director was not at all influenced by his office into appointing a wrong man.

The Honourable MOULVI RAFIUDDIN AHMAD : I never said anything of the kind. I said I received a letter from the honourable member questioning the judgment of the Director of Public Instruction. He further asked me to receive a deputation of certain persons on the subject. I did receive a deputation at his request and they all complained to me that the judgment was wrong (and there were subordinates also in the deputation) and I told them that if the judgment was wrong in their opinion and if any injustice was done to them, they could send an appeal. They said that it was useless because they had to send it through the Director of Public Instruction who sometimes suppressed applications and sometimes made his own remarks and they were afraid of him. That was the view which they placed before me. I admit that sometimes the judgment of the Director may be wrong ; sometimes my judgment may be wrong. But to say deliberately that the Director of Public Instruction allows himself to be unduly influenced and guided by his subordinates, is, a libel upon him.

Well, Sir, as I explained, the power was delegated by my predecessor. I have already said that all other gazetted appointments are made by me—principals, professors, and so on. The argument now is that it is anomalous that only the power of appointing headmasters should rest with the Director. On that ground perhaps a good case can be made out. But, Sir, as has been pointed out, the Minister is generally responsible for his department. He has to exercise supervision over the department. His responsibility, in any case cannot be denied. With regard to this particular matter, I had given a reply two years ago that the Government were considering this matter. As the honourable member has brought this resolution, I am entirely at the disposal of this House. If the House thinks that this power should be exercised by Government as the power in the case of other appointments is now exercised, I am ready to take the power back. I am however not anxious to take it back. I am bound to add that since the present Director of Public Instruction has taken charge no complaint has been received by me.

[Moulvi Rafiuddin Ahmad]

On the contrary there was a complaint in this House that the Director of Public Instruction appointed a Muhammadan junior clerk as a Superintendent in his office. Perhaps some people might have believed that I made the appointment over the head of the Director of Public Instruction. I therefore quoted in my reply the very words of the Director of Public Instruction in support of the appointment. It will be seen that so far as the Director of Public Instruction is concerned, he is perfectly impartial. I would not like to take the power back from him on the ground of partiality. But if the House wishes that as other appointments are made by the Minister, so the appointments of headmasters should also be made by him, I shall have no objection to resume the power. I leave it to the House to decide.

Question put and carried.

✓ Rao Bahadur S. K. BOLE : Sir, the resolution that stands in my name runs thus :

"This Council recommends to Government to take immediate steps to introduce a Tenancy Bill in the interest of tenants in khoti villages of the Ratnagiri and Kolaba Districts."

This khoti system is nothing but an institution of serfdom and I do not know whether Lady Simon, who is reported to have collected some information about slavery, has come to know about the serfdom that exists in the Konkan. The khots had no proprietary rights in land in the Konkan but were farmers of revenue like revenue patels in the Deccan. But after the advent of the British rule, the revenue patels in the Deccan remained revenue patels and did not claim any proprietary rights in the land but in the Konkan the khots managed to get proprietary rights in the land because they possessed not only brains but they possessed *ultra*-influence. In the Bombay Gazetteer it has been said that 90 per cent. of the tenants were permanent occupants of the land and it is after the advent of the British rule that the khots began to acquire proprietary rights in the land. Mr. Coles, who was deputed to make an enquiry in this connection, says :

"The plaguy question of the Collectorate has been to define the term Khot. I consider him a farmer who has usurped great privileges when no check was at hand....."

Then Captain Wingate was asked to make a report in this connection. In his report he says :

"The rights of the khots appear to me to fall very far short of an absolute proprietorship of the soil. All ryots have a claim to permanent occupancy, but, owing to our revenue officers imagining the Khots to be proprietors of their villages and all the cultivators to be merely tenants-at-will, and thus declining to interfere for the adjustment of disputes between the Khot and his ryot, the Khots gradually acquired increased power."

The Khoti Act was passed in the year 1865. It was based on wrong information supplied by the khots and when the Act was passed in this Council, there were representatives of Khots but not of the tenants. That Act was amended in the year 1880. The tenants being ignorant

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and illiterate and quite innocent of the art of carrying on a successful agitation, allowed their rights and claims to be neglected and made it easy for the Khots to get the cultivators' names removed from the settlement register. The Khots being expert agitators, Government finally yielded to the Khots' agitation and so their names were entered in the register and the names of the cultivators were ordered to be removed from that register. After that Rao Bahadur Desai, a responsible revenue officer, was asked to make a report, and in his report he says:

"Both the offices have been in existence side by side from the sixteenth century, though the patil's origin may be traced to more distant times. But until 1818 neither of them were allowed to encroach beyond their original limits. But all this equality of treatment ceased directly the British Government took charge of the Konkan territories, because for the time the administration had to view things through eyes not their own. The discovery of truth became a matter of chance: conflicting opinions, sometimes running to extremes, prevailed. In such a confused state of things, it was thought by Government to be the safest policy to let things alone, so that they may find their level. It was an unequal contest between the ryots and the Khots; and eventually when Government intervened, the matter became worse, because they had exaggerated notions of the khots' rights and privileges. The result of all this is manifest in the Government Resolution No. 2474 of 1876 and the Khoti Act based thereon. Such is, in brief, the history of the khoti question in this district. It affords a most instructive illustration of how an error which a timely contradiction would have entirely removed, develops by mere repetition—first pleads the sanction of usage, and backed eventually by a misinformed legislature, derides all fair attempts at its exposure."

The DEPUTY PRESIDENT: There is no quorum in the House.

Rao Bahadur S. K. BOLE: You may ask the Secretary to ring the bell, Sir.

The DEPUTY PRESIDENT: [After a count.] The honourable member may go on.

Rao Bahadur S. K. BOLE: In the year 1922 I moved a resolution and asked Government to appoint a committee to go into the grievances of the tenants of the khoti villages in the Konkan districts. Mr. Mountford, who was then Revenue Commissioner, Southern Division, visited Konkan at the time, promised to go into the matter, said that the Provincial Co-operative Institute was going to appoint an Enquiry Committee which would go into the matter and asked me to withdraw the resolution. But this matter was not referred to the Konkan Co-operative Enquiry Committee at all. Therefore, I and my honourable friend Mr. A. N. Surve moved similar resolutions in the year 1925. Then again Mr. Mountford proposed to make an enquiry in the matter. At first he told us that we would be members of the committee along with him but he afterwards informed us that he would conduct the inquiry himself and we should be present at the enquiry upon which we refused to take part in that enquiry. That enquiry proved a one-sided enquiry because, whereas the khots' representatives were there, there was no representative of the tenants. The tenants were called there and they were asked to state their grievances or complaints against khots in the presence of the khots. How can they make complaints in the presence of the khots? It was just like asking the sheep in the presence of the wolf whether there was any complaint against the wolf. The

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process of reducing the permanent tenant to a state of Upri is going on and the tenants are subjected to great hardships. Mr. Mountford says in his report attached to Revenue Department, Government Resolution, No. L.C. 2083, dated 21st July 1926 :

"In the investigations which I have held I have found that the large majority of the tenants at will who cultivate khoti khasgi have been on the land for 50 years and more and I admit their position to be extremely difficult. They have to pay to the khot one-half of the gross produce and in some cases more. Their houses are on the khots' land, as gaotian is khoti land. Their cattle have no grazing except in the khots' grazing lands; as there are no public grazing grounds. They have to perform all kinds of labour that is demanded—ploughing or threshing, transplanting, fuel-cutting, carrying goods to the khots' house, etc., on a pittance of one anna and a meal a day. It is useless to point out to the tenants that they should not work on these terms. Tenants at will of the khot reply that although they and their fore-fathers have cultivated the khots' lands continuously they are tenants at will and cannot risk the khots' displeasure which might end in their being turned out of their lands and therefore they have to comply. Refusal would mean loss of grazing, loss of fuel, loss of house and loss of land. A permanent tenant is only a man whose name is entered in the settlement register, i.e., a man who has cultivated continuously through his fore-fathers since 1845. Permanent tenants also must supply "forced" labour whenever, as is generally the case, they depend on the khot for grazing and fuel. Refusal to work on very poor wages means loss of these privileges."

Then, Mr. Mountford in his note says :

"I append a note on khots in general and Upri tenants, as an appreciation of the habits of both parties is necessary to arrive at a correct estimate of the value of complaints. Apart from 'veth', a good deal of petty exactions undoubtedly takes place, except among the better class of khots, as is to be expected when we have khots of all classes, Brahmins, Parbhus, Marathas, Sonars, Mahomedans. It is not possible to improve the condition of the tenants at will who have to bear a crushing burden of rent and are at the mercy of the khot for their grazing, except by improving the rate of pay for enforced labour."

Further, Mr. Mountford writes in his note under the heading "The Tenant-At-Will" :

"The Upri tenant is one who has cultivated for many years. A permanent tenant under the Act is one who was a permanent tenant in 1845. Thus, tenants of 70 years' standing are Upri. They have improved the land, are wedded to the soil which they have improved, and except in the coast villages, where some go to Bombay, they have no alternative but to submit to all the exactions of the khot under penalty of eviction from land which their fathers and grand-fathers and in some cases great-grandfathers have cultivated before them. They have to provide labour to plough the khots' lands and to thresh and harvest where the khots themselves cultivate; they have to cut fuel and take it to the khots' houses and so forth on a miserable pittance ranging from 3/4 of a seer of grain up to 2 annas and a meal. The fruit of jack trees raised by their fore-fathers, which is an important item of food in the Konkan, is taken by the khot. There may be 40 khots and they have to work in most villages for each and every khot. They dare not refuse as they stand to lose this land. Moreover they have no grazing grounds and they have to use the khots' lands for grazing. There are no village sites except in khoti land and they have to live on the khots' land. Any refusal to work for the khots entails refusal of grazing, impounding of their cattle and the danger of eviction from their houses. They can neither afford to buy a village site nor grazing land even if Government were to acquire such. They enjoy privilege of free grazing and fuel and so are subject to any amount of forced labour the khots may demand under pain of losing these privileges. The Khoti Act does not protect them from eviction at any time and forced labour is therefore the rule on every khoti estate and is exacted by every khot and co-sharer of the estate and some estates have 80 such. The condition of these Maratha Kulwadis, oppressed by the khot, is pitiable: their physique is poor: their clothing rags. They are all illiterate. The conditions of Kulwadis, especially in the inland talukas like Chiplun is no credit to our administration: but in all the correspondence underlying our khoti settlements which I have studied from 1865, no attempt has been made to secure them any rights."

The DEPUTY PRESIDENT: Order, order. Is the honourable member going to read the whole of the report?

Rao Bahadur S. K. BOLE : No, Sir. I am only——

The DEPUTY PRESIDENT : I should advise him, in the best interests of his own resolution, that he should read to the House only relevant portions of it.

Rao Bahadur S. K. BOLE : What I am reading is very relevant. The report goes on to say :

“ The prevalent idea that they can go elsewhere if they are rackrented is false in its entirety. They cannot and will not go elsewhere. They pay half or more of their gross produce and must labour for the khots as well as cultivate the fields they rent from the khots at this very high rate of rent which is paid in kind. The Government official in the village is the Police Patil and he is invariably a khot or a near relative as he must be able to read and write, and no Kulwadi can read or write. Hence no complaint is listened to. This latter point I am dealing with and have directed that in all villages where there is complaint of “ veth ” (and that is in 90 per cent. of most villages) the Police Patilship must be changed and if possible given to a permanent tenant.

“ The improvement of land whereby a level plot of rice is won from a sloping hill by stone levelling the land and erecting stone dams which collect silt deposit over a run of scores of years must be seen to be understood, and it would be but fair to pass a Tenancy Act whereby compensation for improvement should be a necessary corollary to eviction of a tenant of over 12 years' standing.”

The Honourable the PRESIDENT : That is a quotation which seems to have no end.

Rao Bahadur S. K. BOLE : Sir, Mr. Mountford has seen it fit to report that a Tenancy Act is necessary and depicted a true picture of the miserable condition of the tenants and stated in the report how they are harassed. It is not necessary, therefore, to make a long speech in support of my resolution as there is no time. I would only appeal to the Honourable the Revenue Member to accept my resolution. Sir, I want, to see that the whole khoti system is abolished, but that will come later on. For the present, many of the grievances of the tenants would be removed if a Tenancy Act is passed by Government. It is true that the tenants are very poor. They do not know how to agitate. But they are of course awakening now, and I hope Government do not want them to follow the example of the tenants in the United Provinces and the Punjab ; I hope Government do not expect the khoti tenants to create disturbances. I therefore hope that my resolution will be accepted by Government.

Question proposed.

Mr. N. N. PATIL (Kolaba District) : Sir, from the agriculturists' point of view, this is a most important resolution, which has been moved by my honourable friend Rao Bahadur Bole. I know full well that the honourable member Rao Bahadur Bole is taking the keenest interest in the amelioration of the poor agriculturists to whatever class or community they belong. He is the president of the Konkan Cultivators' Union, of which I have the honour to become the secretary. Under the auspices of this union many meetings were held in Kolaba and Ratnagiri districts. There were two big conferences held one at Pen in the Kolaba District and another at Khed in the Ratnagiri district. This resolution urges upon Government to abolish the khoti system. We are opposed to the khoti system. Unfortunately the tenants are systematically and conveniently exploited by the khots of the Ratnagiri

[Mr. N. N. Patil]

and Kolaba Districts. All the tenants have been reduced to the condition of mere serfs. These khots have means of their own which they use in systematically exploiting the poor and the ignorant agriculturists. At the time of taking rents from the tenants, these khots use invariably the false and big measures and for this rent no receipt is given to the tenant. So far as measures are concerned, I should like to say that they are merely lifeless things made of wood but you will be amused to see how they grow like living animals. We call the measure *phari* which should lawfully hold 12 *adholis* of paddy. But at the time of taking rent the *phari* instead of holding only 12 *adholis* holds from 14 to 16 *adholis*. So, they grow like living animals.

The Honourable the PRESIDENT : I should like to draw the attention of the honourable member and the honourable member next to him (Mr. V. A. Surve) that there are only 20 minutes to seven left now. If I have to put the resolution, then the Honourable the Revenue Member must have a chance to reply. I would, therefore, ask honourable members to limit their speeches to five minutes each.

Mr. N. N. PATIL : Without making any further remarks on the point, I whole-heartedly support the resolution moved by my honourable friend Rao Bahadur Bole.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : Mr. President, I rise to oppose this resolution. He who has no land ought to become a tenant under the man who has got lands ; he who has no power has to obey those who have power. That is the situation. In the Ratnagiri district, there are 25 lakhs of acres of land. It is incorrect to say that the khots ill-treat their tenants and extort rents from them by foul means. I can give an instance of a clerk under a khot becoming a khot himself. In the Chiplun taluka, there is one agitator against the khots. As a result of his instigation a suit was filed against khots, which was decided in the High Court in favour of the khots. These tenants receive four annas per day as wages and they are supplied in addition two meals a day. The total remuneration represents Rs. 17-8-0. What the honourable member Rao Bahadur Bole says about their remuneration is not right. All this trouble has been brought about by one Mr. Bendke, who is a lieutenant of the honourable member Rao Bahadur Bole. He is working there and creating discontent among these tenants.

Rao Bahadur S. K. BOLE : Sir, the honourable member is making allegations against a gentleman who is not present here. Is it permissible ?

Mr. V. A. SURVE : He is going among the people creating discontent among them.

The Honourable the PRESIDENT : The honourable member Rao Bahadur Bole has raised the point that the speaker is referring to a gentleman who is not present here and therefore cannot reply.

Mr. V. A. SURVE: Then, I will leave it at that. The argument of my honourable friend the mover of the resolution comes to this. If a man occupies my house for a number of years then he should get the possession of it. Let us take the analogy of the workers in the cotton mills of Bombay. If the argument of the honourable mover of the resolution is carried to its logical conclusion, the cotton mills should belong to the workers.

The Honourable the PRESIDENT: The honourable member has only a minute more.

Mr. V. A. SURVE: These tenants do not all belong to the district. They were brought there by the khots. They came from various parts of India, from Maharashtra, Karnatak, and even such a remote place as Rajputana. A complaint has been made that the khots do not pass receipts for the amounts which they receive from their tenants. As the law stands, ample provision has been made to compel the khots to give receipts for the amounts received by them. No special legislation is required. The Revenue Department can deal with the defaulters under the present law.

I therefore oppose the resolution moved by my friend Rao Bahadur Bole.

The Honourable the PRESIDENT: I shall now call upon the honourable mover to reply.

Rao Bahadur S. K. BOLE: Sir, there is no time to give a reply to the honourable member Mr. Surve. If time permitted, I would have repudiated the allegations made by him, but as there is no time, I disregard them.

The Honourable Mr. W. F. HUDSON: Sir, the honourable the mover, I suppose, has made his last speech for this session, a fact which, I am sure, he regrets as much as we. I am now going to make my last speech without any regret at all, and it is going to be a short one owing to the exigencies of the clock. I agree, of course, with my honourable friend on the other side when he says that this is the most important resolution that has been moved in this session, but the emptiness of the benches opposite would hardly suggest that fact to a casual observer.

I do not propose to follow the honourable the mover into the history of the *Kulas* or *Khots*. As far as I know, I do not think I have ever seen a khot, but I am sure I would have recognised him had he been, as suggested, in wolf's clothing. But when I heard from the mover of the privileges to which a khot is entitled, I wished for a moment that I was one myself. [*Laughter.*]

As to this tenancy legislation which the honourable member wishes us to undertake,—and it seems to me he proceeded rather light-heartedly,—I would just like to give a word of warning. Tenancy legislation has been undertaken in many parts of the world by many Governments,

[Mr. W. F. Hudson]

and although I do not profess to be an expert in the complete history of it, I think every educated man knows that it has very seldom been a success. It has, indeed, been the cause of the downfall of many Governments and in many cases it has failed to help the people for whose benefit it was passed. That being so, it obviously behoves us to move very warily in this matter, even if we are persuaded that there is, in certain parts of the Presidency, some need for legislation of this kind. There is no doubt that Government has taken a considerable interest in the matter of late years. There is a vast amount of literature on the subject before me at the present time; but if we have not moved in the matter, and if my predecessors have not moved in the matter, I feel sure it is because they were painfully conscious of the rocks and the snags which surround this form of legislation and because they were not convinced that the remedy would not in some ways be worse than the disease.

Having said that much, Sir, I will let the House into a secret, which probably they know, and that is that some years ago a Bill was prepared to deal with the question of Tenancy legislation; and after the most careful consideration of that Bill, Government decided not to proceed with it.

Now, there are various forms which this legislation could take. It could take the form of some slight amendment of the Land Revenue Code which would apply to the whole Presidency. It could also take the form of a new Bill for Tenancy legislation for the whole Presidency. It can also do what the honourable member confines himself to in the resolution, that is to say, it can deal only with the khoti villages. Government at the present moment are considering which of these three alternatives, if any, they should undertake. They are not committed to anything, and I am sorry to inform the honourable mover that I cannot accept this resolution in exactly the words in which he has put it, that is to say, he recommends the Government to take immediate steps to introduce a Tenancy Bill in the interests of the tenants of the khoti villages of the Ratnagiri and Kolaba districts, and I say that because we are not yet convinced either of the necessity of legislation or of the form (if we were convinced of the necessity of legislation) which such legislation should take, but I hope the honourable member will be content with the assurance which I am now about to give him, namely, that Government will take immediate steps further to consider the desirability of introducing a Tenancy Bill in the interests of the tenants in those districts. I may say that in making that promise I propose to carry it out very literally. Early tomorrow morning, when my honourable friend will doubtless be still asleep, I shall be considering a file as big as that box dealing with the whole correspondence which has arisen out of these proposals, and I would therefore suggest to him that he would do well to follow the advice which he himself gave today to another honourable member, namely, to withdraw the present resolution and bring in another at the next session.

Rao Bahadur S. K. BOLE : In view of the assurance that has been given by the Honourable the Revenue Member, I beg leave of the House to withdraw my resolution.

Resolution, by leave, withdrawn. ✓

The Honourable the PRESIDENT : I have now to intimate to the House that I have received a Commission from His Excellency directing me to announce that he is pleased to order that the present session of the Legislative Council should be prorogued. Accordingly, by virtue of this Commission of His Excellency, I declare the Council prorogued until the date of which due notice shall be given. This Council is now prorogued.

APPENDIX 1.

BILL No. III OF 1931.

(A Bill further to amend the Bombay Irrigation Act, 1879.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879) have the honour to report as follows :—

We have carefully considered the Bill and have made considerable alterations therein. The reasons for the principal alterations are noted against the clauses as re-drafted. We have amended the original plan of the Bill to suit the convenience from a drafting point of view. The consequential changes which have been necessitated by the insertion of new provisions have been suggested to be made in the Act itself, and the new provisions themselves, which are only applicable to lands irrigable by the Lloyd Barrage Canals, have been suggested to be incorporated in a special part (Part XI) at the end of the Act as it stands at present.

Clause 2.—This corresponds to clause 3 of the original Bill, and the only alteration made therein is due to the re-numbering of the proposed new sections in a separate part by themselves at the end of the Act.

Clause 3.—This corresponds to clause 5 of the original Bill.

Clause 4.—This clause provides for the introduction of a new part (Part XI) in the original Act.

Proposed new section 90.—This section incorporates the principle which was accepted in the Council that these provisions should apply in the first instance to lands irrigable by the Lloyd Barrage Canals only. We have omitted the words “in Sind” after “the Lloyd Barrage Canals,” because we understand that some of the lands irrigated by the Lloyd Barrage Canals do not fall strictly within the territorial limits of the province of Sind. We have also provided that before this part is extended by a notification to lands irrigable by other canals in Sind, such notification should, in the first instance, be laid on the table of the Council and should be approved by it on a motion made by Government to that effect.

Proposed new section 91.—Sub-section (1) corresponds to section 20A which was proposed to be inserted by clause 2 of the original Bill. In re-drafting this clause we have provided that the Canal-officer who exercises powers under this section should not be inferior in rank to an executive engineer. We have omitted the words “for the settlement of any dispute concerning a water-course,” because we think that the provision “for the more efficient distribution of water” is sufficiently comprehensive for all purposes.

*Note.—The signatures of Mr. V. N. Patil, Khan Bahadur M. A. Khuhro, Syed Miran Mahomed Shah, Khan Bahadur Allahbakhsh Umar and Sir Shah Nawaz Khan Bhutto, Kt., will be notified when received.

[Appendix 1—*contd.*]

In sub-section (2) we have laid down what procedure is to be adopted after objections have been called for under sub-section (1). We think that a period of thirty days is sufficient for the purpose of lodging any objections with the Canal-officer. We have also provided for an amicable settlement of any objections as between the Canal-officer and the holder of land. We think that if no such settlement is arrived at, the matter should be referred to the Collector whose decision, we consider, should be final and conclusive subject to such orders as may be passed by the Commissioner in revision.

Sub-section (3).—This sub-section bars the jurisdiction of civil courts in the matter of entertainment of any suit or application in regard to the proposed alignment or construction of a water-course. We are of opinion that speedy disposal of objections is essential in cases of this kind and a recourse to the civil courts, if allowed, is bound to hold up the construction of water-courses and the efficient distribution of water throughout a canal system.

Sub-section (4).—We realise that a landholder should not be called upon to pay twice for the alignment and construction of a water-course. We have therefore provided that any further alterations in the alignment or construction of a water-course which has been newly constructed should be carried out at the expense of Government.

Proposed new section 92: Sub-section (1).—This corresponds to sub-section (1) of the new section 20B, which was proposed to be inserted in clause 2 of the original Bill.

Sub-section (2).—This sub-section is intended to provide for the contingency which may arise if the holder of land exercises the option given under sub-section (1) of constructing the new water-course himself and then fails to construct it either to the satisfaction of the Canal-officer or within the period specified. We think that in such a case the Canal-officer should have power to construct or re-construct the same in whole or in part.

Sub-section (3).—This sub-section incorporates the provision that was made in sub-section (2) of the new section 20B which was proposed in clause 2 of the original Bill, the only difference being that the sub-section as re-drafted by us provides for the handing over of the possession of the water-course, after it has been constructed, without waiting for the payment in full of the cost of constructing the water-course. This is necessary, because, as will be pointed out later, we have made a provision for the cost being recovered in instalments which may extend over a period of twenty years.

Sub-section (4).—Part (a) of this sub-section lays down how the cost of constructing water-courses is to be apportioned among the holders of the land concerned. We think it equitable that the whole canal system of a particular canal should be taken as the unit and that the cost should be distributed on an acreage basis. We realise that it is not altogether fair that lands which have a water-supply at the present time should be called upon to pay for the cost of constructing new water-courses in the same proportion as lands which have never had a water-supply so far are called upon to pay. We have therefore provided that

[Appendix 1—*contd.*]

occupied lands which have not been cultivated during the last twenty years should pay three times and Government lands should pay twice the rates chargeable to occupied lands which have been cultivated during the last twenty years. We have made our meaning clear by adding an illustration to show how this is to be effected.

Part (b) of this sub-section is intended to provide for the contingency that may arise if a part of the new water-course is constructed by the holders of the land at their own expense and the remaining portion is constructed by the Canal-officer in virtue of the power given to him under sub-section (2) of this section. We think it is but fair that credit should be given to the holders of land for the cost they have incurred in constructing a part of the water-course and that in arriving at the cost per acre of constructing the water-courses the area of the land which would have been irrigated by the water-courses partially constructed by the holders of the land should be excluded from the calculations and that the rate per acre should be levied only on those lands which would not have been so irrigated. We have made our meaning clear by adding an illustration to show how this provision would actually work.

Part (c) of this sub-section provides for the cost of the water-courses being recovered, at the option of the holders of the land, in not more than twenty annual instalments, and we think it right that the rate of interest levied when the option is so exercised, should not exceed the rate which Government have to pay on their own borrowings on the date on which the sum due from the holders of the land becomes payable.

Part (d) provides for the recovery of the amounts payable by the holders of land under the provisions of section 57 of the Act.

Sub-section (5).—This sub-section corresponds to sub-section (3) of section 20B which was proposed to be inserted by clause 2 of the original Bill.

Explanation.—In re-drafting the explanation in the original Bill we have provided that the cost of the preliminary survey operations should not include more than two-thirds of the cost of the main rectangulation and sub-rectangulation. We think that both these operations are essential for the purpose of laying down the water-courses scientifically and that the major portion of the cost should therefore be recovered from the holders of the lands which would benefit directly from these scientifically constructed water-courses.

Sub-section 6.—This sub-section takes the place of section 35A which was proposed to be inserted by clause 6 of the original Bill. In view of the fact that all lands in the Barrage area will receive water and the fact that a provision has been made in sub-section (4) of this section for the more equitable apportionment of the cost of constructing water-courses, we do not contemplate that any questions for the payment of compensation would arise. We have therefore in re-drafting this part of the Bill made a provision for a petition being presented to the Collector by any person who considers himself to be aggrieved by the order of

[Appendix 1—contd.]

the Canal-officer as regards the apportionment of the cost of construction of a water-course. Just as the Collector's order as regards compensation under the abovementioned section 35A was proposed to be made final by the mention of that section in section 36 of the Act [clause 7 (a) of the original bill], so we have proposed that the Collector's decision at regards the apportionment of costs should be final and conclusive subjects to revision by the Commissioner.

Proposed new section 93.—This section takes the place of clause 4 in the original Bill. We have, however, added an additional proviso that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who is entitled to a supply, if such stoppage was due to any action of the Canal-officer in changing or transferring the sources of water-supply under the provisions of section 91 during the period between the 1st of June 1926 and the coming into operation of this Act. This provision is essential to cover the cases of water-courses the construction of which has already been undertaken, the case of water-courses to be constructed in future being covered by the amendment of section 28 proposed in clause 3 of this Bill.

Clause 7 of the original Bill.—We have deleted this clause as it is no longer necessary. (a) The finality given to the Collector's order under sub-section (6) of the proposed new section 92 makes the amendment of section 36, proposed here, unnecessary. (b) As the provision for compensation has been done away with, the amendment proposed here is also unnecessary. (c) It follows therefore that the marginal note need not be amended.

Clause 8 of the original Bill.—As the provision for compensation made in section 35A, which was proposed to be inserted by clause 6 of the Bill, has been deleted, the amendment of section 38 proposed in clause 8 of the original Bill becomes redundant.

We recommend that this report, with the minutes of dissent, if any, and the Bill as amended be translated and published in Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette* and in Sindhi in the *Sind Official Gazette*.

(Signed)	G. B. PRADHAN,
(")	W. F. HUDSON,
(")	R. R. KALE,
(")	P. G. SOLANKI,
(")	S. N. ANGADI,
(")	V. N. JOG,
(")	B. S. KAMAT
	(subject to a minute of dissent),
(")	G. V. PRADHAN,
(")	ABDUL LATIF HAJI HAJRAT KHAN,
(")	A. N. SURVE
	(subject to a minute* of dissent).

* Will be published when received.

[Appendix I—contd.]

(Minute of dissent by Mr. B. S. Kamat, M.L.C.)

(1) In the notes to the clauses, in clause 92, sub-section 5, Explanation, delete the sentence after the word "sub-rectangulation" and in order to bring the language of the note in conformity with the language of the sub-clause substitute the following :—

"We are advised that both these operations are essential for the purpose of laying down the water-courses scientifically; while the holders of the land would be directly benefited by such rectangulation Government also would benefit indirectly therefrom. We have therefore provided that the cost of the preliminary survey operations shall not include more than two-thirds of the cost of the main rectangulation and sub-rectangulation."

(2) I would omit the illustration to sub-clause 4 (b), clause 92, of the Bill as amended. I consider this redundant. It unnecessarily overloads the sub-clause, which appears to be sufficiently clear.

2nd July 1931.

(Signed) B. S. KAMAT.

(Minute of dissent by Mr. A. N. Surve, M.L.C.)

Standing Order VIII, 6 (f)—Council Manual, page 234, provides for hearing "representatives of special interests affected by the measure" and in view of the grave issues involved in the bill and the interests of the public affected by its provisions, I consider that it was necessary to have followed this procedure, especially because all the relevant material which would have considerably helped the forming of a right judgment was not forthcoming.

Again, the omission to make use of the procedure laid down in Standing Order VIII, 6 (3)—Council Manual, page 234, was in my opinion a grave defect which has considerably affected the value of the report.

Moreover, the attitude of Government with reference to this bill is of a double character. It is called upon to be fair and equitable in its capacity as "Administrators" and at the same time it has to look to and to take care of its own interests as "holders of land". That these functions are mutually conflicting and do not permit of reconciliation is made apparent by the proposed section 92 (f) (a) which subjects Government lands to *twice* and occupied land not cultivated before 1911 to *three* times the assessment for the calculation of costs. As Government will be selling these lands to purchasers in due course of time, it is unfair that these lands should be lightly burdened as compared with other uncultivated lands, which are held by inhabitants of Sind or of this Presidency, especially because there is no guarantee that the purchasers from Government may not be inhabitants of other Presidencies or even foreigners. If this contingency occurs then a stranger will be receiving preferential treatment, as against the inhabitants of Sind or of this Presidency who may be holding lands which were not cultivated

[Appendix 1—*contd.*]

before 1911, in the matter of burden of assessment of costs. This is hardly fair or even just if we consider that the stranger has not contributed a single pie to the Government revenue, whereas the holders of land have been contributing to the revenues which keep the Government functioning and enable it to undertake and to carry out schemes of the nature of Sukkur Barrage.

Similarly calculation of costs on "acreage basis" irrespective of costs incurred in particular areas [section 92 (4) (a)], ousting of jurisdiction of civil courts [section 91 (3)] and retrospective effect (section 93, first proviso) illustrate the extent to which principles of legislation are disregarded at the behest of the spectre of the financial prospects of the scheme. In an "Emergency Bill" provisions of this nature may be permissible but in the present bill their presence is objectionable on two grounds, viz. (1) that the duration of the bill is not limited in time, and (2) that its operation may be extended to future undertakings.

The concession involved in the remission of one-third cost of survey for purposes of rectangulation and sub-rectangulation, is more apparent than real, inasmuch as it saddles the holders of land as a matter of fact with two-thirds of the cost for the supposed benefit which in actual practice they never receive. These operations—scientific as they are called—result in giving a barely sufficient supply of water to holders of land who formerly received enough or more. It is alleged that they are benefited when as a matter of fact they are receiving a reduced supply; the portion thus saved is supplied by Government to new landholders in return for which it receives payments.

In this manner the holder of land is subjected to a double loss involved in reduced supply of water and the burden of two-thirds part of the costs. It is therefore hard to accept the proposition that the holders of land would be benefited—directly or indirectly is no matter of concern—when it is apparent that the benefit is one-sided only and accrues solely to Government. But apart from the merits of the question, the fact is that the idea of rectangulation was borrowed from the Punjab some three years ago and has been in operation since then in the Barrage area. It, therefore, follows that the charges for these items were not included in the estimates by Government when they were framed or placed before the Council for discussion. Therefore, it would hardly be fair to ask the landholders to bear the costs at all, but even to ask them to bear two-thirds of the costs is, in my humble opinion, perfectly unjust on merits and unwarranted by reason of omission to include this item of costs in the estimate which was placed before the Council. I, therefore, submit that the whole cost of these operations should be borne by Government alone.

I am of opinion that the provisions for ousting the jurisdiction of civil courts made in section 91 (3) and also in section 92 (6) are in excess of the powers of the Select Committee. As a matter of fact, these provisions constitute altogether a new matter which was not in the original bill when it was discussed in the Council. It will be a question

[Appendix 1—*contd.*]

for decision whether the Select Committee was within its powers in incorporating these provisions which constitute a grave and serious invasion of the rights of a fundamental character enjoyed by the subjects of all civilised and well ordered Governments.

For these reasons, I beg to differ from my honourable colleagues on the following points, viz. :—

- (1) Discriminatory assessment of costs as between Government lands and lands occupied but not cultivated before 1911 ;
- (2) Division of costs of rectangulation and sub-rectangulation survey between landholders and Government ;
- (3) Calculation of costs on acreage basis ;
- (4) Ousting of jurisdiction of civil courts ; and
- (5) Extension of application to other areas in Sind which may be improved and remodelled in future.

On these points I beg to submit my proposals as stated below :—

- (1) Holders of lands occupied but not cultivated before 1911 should be assessed at twice and Government at three times for purposes of costs of construction.
- (2) Costs of rectangulation and sub-rectangulation should be borne entirely by Government.
- (3) Some more reasonable and workable unit should be adopted in lieu of the unit of canal system proposed by the Select Committee.
- (4) Jurisdiction of civil courts should not be excluded—not at least in cases of other canals to which the Act may be extended in future.
- (5) Clause empowering extension of the new chapter to other areas should be dropped.

(Joint minute of dissent by Khan Bahadur M. A. Khukro, M.L.C., and Syed Miran Mahomed Shah, M.L.C.)

We regret that we cannot agree with the contents of the report of the Select Committee, which is more or less written without our co-operation and consent, as representatives of the Province of Sind, which is going to be affected a great deal by the operation of the proposed amendments in the Irrigation Bill.

It would have been in our opinion really a very desirable step on the part of the Committee to have decided to visit at least some important centres like Hyderabad, Sukkur and Larkana, in order to see things for themselves and record evidences of the representatives of the Zamindary Associations who speak for the agriculturists affected.

If this could not be done, at least the representations and the protests of Sind public ought to have been translated and circulated among the members of the Select Committee prior to its deliberations.

[Appendix 1—*contd.*]

In new clause 92, sub-clause (f) (a), we do not feel that the decision of the Select Committee is based on any sound reasoning or any just and fair consideration in apportioning the cost of the construction of Karias with respect to the three kinds of lands existing in Sind. Justice demands that the discrimination should have been based on fairer and more liberal considerations, because lands that are cultivated at present do not benefit to any considerable extent by the change of irrigational system and therefore the proportion of cost assigned to them is far more in proportion to what they will gain, consequently we hold that the proportion of their payment should be reduced further. It would have been in fact proper to exclude this class altogether from payment in view of the infinitely small and negligible advantage that may be derived by them. Furthermore the discrimination made between the private waste lands and Government waste lands is held by us to be wholly unsound and unjustified, when a private landholder whose land is uncultivated is imposed the burden of paying in ratio of 1 to 3, there is no justification whatsoever that the Government should escape that rate and pay at the ratio of 1 to 2. We therefore propose that the share to be borne by Government waste lands should also be raised to the same standard as that of the private holdings, as both lands will benefit alike.

We also fundamentally disagree with the explanation to sub-clause (5) as it is worded, involving the principle of debiting two-thirds of the cost of main rectangulation and sub-rectangulation to the landholders. We disagree with this decision of the Committee on this consideration that the main rectangulation and sub-rectangulation was and has been undertaken by Government without obtaining the consent of the private landholders, who strongly maintain that by this rectangulation survey they in no way benefit, but it is the State alone that benefits. There are only two obvious advantages of this survey, viz., the proper and equitable distribution of water whereby only those lands benefit which do not get adequate water at present; and they by getting adequate water supply would be liable to pay land assessment, which is evidently a gain to the State. Secondly it facilitates the assessing of land revenue on each Khatedar, which also is the sole concern of the State. The Zamindars have got used to the present survey and they have no cause to complain. It is no use trying to say that they are paying more land assessment at present by not cultivating their entire survey numbers: they being too big and unwieldy. They know their interests better and therefore it is for them to come forward if they so desire to have their lands surveyed by the rectangulation survey and in that case those people who think that they will benefit by this survey are at liberty to bear whole or two-thirds of the cost, as the Government settles with them.

Besides we wish to make it clear that the bill, as it was originally introduced in the last session, nowhere gives the indication that the cost of rectangulation and sub-rectangulation survey was intended to

[Appendix 1—*contd.*]

be charged to the landowners. We therefore strongly maintain that two-thirds cost of this survey imposed on the agriculturists is not justified, but that it should entirely be borne by the Government.

As decided in the Select Committee, the Civil Court has jurisdiction of hearing appeals in all matters of dispute except alignment and construction of water-courses. But we feel that the present clause 92, sub-clause (6), belies that decision inasmuch as the word Civil Court does not appear anywhere. We would therefore suggest that the word "Civil Court" should be inserted in view of the decision of the Select Committee after the word "Commissioner" in the last line of sub-clause (6).

We also strongly object to the second proviso to clause 93 which intends to deliberately deprive the owners of lands from claiming compensation even if they suffer by losing a crop in the event of a slow and untimely procedure in altering the source of water supply, by a Canal-officer. We therefore suggest that this proviso should entirely be eliminated.

These are the reasons which we feel are of a great consequence and we wish to press them in the next Council session hoping that justice would be done by the Legislative Council as a whole to the landed class of this Province and we cannot therefore be a party to this Report of the Select Committee.

*(Minute of dissent by Sir Shah Nawaz Khan Bhutto, Kt.,
C.I.E., O.B.E., M.L.C.)*

I disagree with the explanation, as it is worded, involving the principle of debiting 2/3rds of the cost of main rectangulation and sub-rectangulation to the land holders. I disagree on this consideration that the main rectangulation and sub-rectangulation was and has been undertaken by Government without obtaining the consent of the private land holders, who strongly maintain that by this rectangulation survey they do not benefit anything, but it is the State alone that benefits. There are only two obvious advantages of this survey, viz., the proper and equitable distribution of water whereby only those lands benefit which do not get adequate water at present and they by getting adequate water supply would be liable to pay land revenue assessment, which is evidently a gain to the State. Secondly it facilitates the assessing of land revenue of each Khatedar, which also is the sole concern of the State. The zamindars are used to the present survey and they have no cause to complain. It is no use trying to say that the agriculturists are paying more land revenue assessment at present by not cultivating their entire survey numbers, they being too big and unwieldy. They know their interests better and therefore it is for them to come forward if they so desire to have their lands surveyed by the rectangulation survey and in that case those people who think that they will benefit by this survey are at liberty to bear the whole or 2/3rds of the cost, as the Government settles with them. But I strongly maintain that the principle of inflicting

[Appendix 1—*contd.*]

2/3rds of the cost of this survey on the agriculturists, will not be fair and that the State should bear it entirely. The agriculturists will never be prepared to undertake this burden of the cost of survey which it was never imagined by any of us would ever be recovered from the land owners. Even the explanation as it was worded, when the Bill was originally introduced in the last session, did not by any chance contain anything whereby it could have been presumed that the cost of rectangulation survey was intended to be recovered from the land owners.

As decided in the Select Committee the Civil Court has jurisdiction of hearing appeals in all matters of dispute except alignment and construction of water-courses. But the present clause 92 sub-clause (6) does not explicitly carry out that decision inasmuch as the words "Civil Court" do not appear anywhere. I would therefore suggest that the words "Civil Court" should be inserted in view of the decision of the Select Committee after the word "Commissioner" in the last line of sub-clause (6).

I also strongly object to the second proviso to clause 93 which intends to deliberately deprive the owners of lands from claiming compensation even if they suffer by losing a crop because of a slow and untimely procedure in altering the source of water supply, by a Canal-officer. I therefore suggest that this proviso should be entirely eliminated.

BILL No. III OF 1931.*A Bill further to amend the Bombay Irrigation Act, 1879.***(As amended by the Select Committee.)**

Bom.
VII of
1879.

5 & 6
Geo. V,
c.61.

WHEREAS it is expedient further to amend the Bombay Irrigation Act, 1879, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title and commencement.*—This Act may be called the Bombay Irrigation (Amendment) Act, 1931.

Bom.
VII of
1879.

3. 2. *Amendment of section 24 of Bom. VII of 1879.*—In section 24 of the *Bombay Irrigation Act*, hereinafter called the said Act, after the word "water-course" the words "and no land occupied by a water-course constructed under section 20B 92" shall be inserted.

5. 3. *Amendment of section 28 of Bom. VII of 1879.*—In section 28 of the said Act, at the end of clause (e) for the full stop a semi-colon shall be

[Appendix 1—*contd.*]

substituted and after the said clause the following clause shall be inserted namely :—

“(f) whenever the source of water-supply of any land dependent on any water-course is ordered to be changed by a Canal-officer under section 20A 91.”

6. New section 35A of Bom. VII of 1870.—After section 35 of the said Act the following section shall be inserted, namely :—

“35A. Compensation on account of change of source of water supply.—(1) Any person aggrieved by an order of a Canal officer under section 20A may present a petition for compensation to the Collector for any loss arising from such order, and the Collector may, after consulting the Canal officer, award to the petitioner reasonable compensation for such loss.

(2) In making an award under sub section (1) the Collector may direct that the amount of compensation shall be paid by the holder or holders of the land which may have benefited by the order made under section 20A :

Provided that no order shall be passed under this section against any person unless he has been heard or has had a reasonable opportunity of being heard in the matter.”

7. Amendment of section 36 of Bom. VII of 1870.—In section 36 of the said Act,—

(a) for the words “ either of the last two preceding sections ” the words and figures “ section 34, 35 or 35A ” shall be substituted ;

(b) after the word “ awarded ” the words “ or the person by whom the compensation shall be payable ” shall be inserted : and

(c) for the marginal note, the following shall be substituted, namely :—

“ Decision as to amount of compensation or the person by whom it shall be payable under section 34, 35 or 35A conclusive.”

8. Amendment of section 38 of Bom. VII of 1870.—In section 38 of the said Act for the word and figures “ and 35 ” the word and figures “ 35 and 35A ” shall be substituted.

4. Insertion of a new Part XI.—After section 89 of the said Act, the following heading and sections shall be inserted, namely :—

“ Part XI.—Special provisions for certain lands
irrigable by the Lloyd Barrage Canals.

90. Application of this Part.—This Part shall apply, in the first instance, to lands irrigable by the Lloyd Barrage Canals only. The Governor in Council may, from time to time, by notification in the “ Bombay Government Gazette ” extend this Part to lands irrigable by such other canals in Sind as may, from time to time, be improved or remodelled for the more efficient distribution of water therefrom :

[Appendix 1—contd.]

Provided, however, that no such notification may be published until the scheme in respect of it has been laid on the Council table and approved by the Council on a motion made by Government.

2. ~~New section 20A and 20B of Bom. VII of 1879.—After section 20 of the Bombay Irrigation Act, 1879, hereinafter called the said Act, the following sections shall be inserted, namely :—~~

~~“20A. Power to change source of water supply.—Whenever it appears to any Canal officer that it is expedient to change the source of water supply of any land, either for the more efficient distribution of water or for the settlement of any dispute concerning a water course, he shall serve a notice on the holder or holders of the land, and if he proposes to transfer the source of water supply of the land to any existing water course, on the owner or owners of such water course also, calling upon them to state their objections, if any, to the change; and if no objection is raised, or if any objection is raised and is found by the Canal officer to be insufficient or invalid, the Canal officer may change the source of water supply of the land in such manner as he thinks expedient.”~~

91. Power to change source of water supply.—(1) Whenever it appears to any Canal officer not inferior in rank to an Executive Engineer that it is expedient to change the source of water supply of any land for the more efficient distribution of water, he shall serve a notice on the holder or holders of the land and, if he proposes to transfer the source of water supply of the land to any existing water course, on the owner or owners of such water course also, calling upon them to state in writing their objections, if any, as to the alignment or construction of the proposed water course.

(2) (i) If no objection is raised within thirty days from the date of service of the notice, the Canal officer may change the source of water supply of the land in such manner as he thinks expedient.

(ii) If any objections are received within the said period of thirty days, the Canal officer shall give the holder or holders of land concerned a reasonable opportunity of being heard and may, if the said objections are settled, proceed to change the source of water supply accordingly.

(iii) If no settlement in respect of the said objections be arrived at between the Canal officer and the holder or holders of land concerned, the Canal officer shall forthwith refer the matter to the Collector whose decision, subject to any orders that may be passed in revision by the Commissioner, shall be final and conclusive.

(3) No civil court shall entertain any suit or application as regards the proposed alignment or construction of a water course.

(4) If after the construction of any new water course the Canal officer finds that any further alterations in the alignment or construction of the said water course are necessary, it shall be lawful for him with the previous sanction of the Collector to carry out the necessary alterations at the expense of Government.

[Appendix 1—contd.]

~~"20B. Construction of new water courses and liability of land holders for payment of cost thereof.—(1) If in pursuance of the provisions of the last preceding section it shall appear to the Canal-officer that new water courses should be constructed for the irrigation of any land in place of any existing water courses, it shall be lawful for him to construct such water courses as he thinks necessary:~~

~~Provided that if the holder or holders of such land agree to construct such new water courses at his own cost to the satisfaction of the Canal-officer within a specified period, the said officer shall give the holder or holders an option of so constructing the same.~~

~~(2) The cost of constructing any such water course shall, where the water course is constructed by the Canal-officer, be paid by the holder or holders of the land to be irrigated by it to the Canal-officer. The Canal-officer shall, on completion of the water course, give to the holder or holders of land concerned notice thereof and of the sum payable by them on account of the cost of constructing the water course. On such notice being given, such sum shall be due from such holder or holders of land to the Canal-officer. On receipt of payment in full of the cost of constructing the water course the Canal-officer shall make over possession of the water course to the holder or holders of land concerned.~~

~~(3) Every holder of land to whom possession of a water course is given in accordance with the provisions of sub-section (2) shall be an owner of such water-course.~~

~~Explanation.—For the purposes of this section 'cost of constructing a water course' shall include the cost of aligning the water course and of such preliminary survey operations as are necessary for such alignment."~~

~~92. Construction of new water-courses and liability of landholders for payment of cost thereof.—(1) If in pursuance of the provisions of the last preceding section it shall appear to the Canal-officer that new water-courses should be constructed for the irrigation of any land in place of any existing water-courses, it shall be lawful for him to construct such water-courses as he thinks necessary :~~

~~Provided that if the holder or holders of such land agree to construct such new water-courses at his or their own cost to the satisfaction of the Canal-officer within a specified period, the said officer shall give the said holder or holders an option of so constructing the same.~~

~~(2) In the event of the holder or holders of any land failing to construct any water-course either to the satisfaction of the Canal-officer or within the period specified in this behalf, the Canal-officer may construct the same or reconstruct the whole or any part thereof as he thinks necessary.~~

~~(3) The Canal-officer shall, on completion of any such water-course as is referred to in sub-section (1) or (2), give to the holder or holders of land concerned notice thereof, and shall make over possession of the water-course to the said holder or holders.~~

[Appendix 1—contd.]

(4) (a) The cost of constructing all water-courses which have been constructed in whole or in part by the Canal-officer and are fed by the same canal system shall be calculated on an acreage basis and charged on the lands irrigated by them in the following proportions, namely :—

“ Occupied land which has not been cultivated since the 1st day of August 1911 shall be assessed to three times and Government land shall be assessed to twice the rates chargeable to occupied land which has been cultivated since the date aforesaid.

Illustration.—The total cultivable area under a canal-system is 6 lacs of acres. Out of this (1) the area of occupied lands not cultivated since 1st August 1911 is 1 lac of acres, (2) that of Government land is 2 lacs of acres, and (3) that of occupied lands cultivated since 1st August 1911 is 3 lacs of acres. Assuming that all the water-courses for irrigating these lands are constructed by the Canal-officer at a cost of Rs. 10 lacs, the apportionment of the cost of construction will be as follows :—

As the assessment of the cost is to be recovered from these lands in the proportion of 3 : 2 : 1, the rate per acre will be found by distributing the cost of rupees 10 lacs over the total area as if the area of the land in class (1) was 3 lacs of acres, that in class (2) was 4 lacs of acres and that in class (3) was 3 lacs of acres, i.e. a total of 10 lacs of acres which gives a general acreage rate of Re. 1. Thus occupied land not cultivated since 1st August 1911 will pay at the rate of Rs. 3 per acre, Government land will pay at the rate of Rs. 2 per acre and occupied land cultivated since 1st August 1911 will pay at the rate of Re. 1 per acre.

(b) Where the holder or holders of any land have, under the option given to them by the proviso to sub-section (1), constructed only a part of the water-course irrigating their land and the remaining part of the water-course is constructed by the Canal-officer as provided in sub-section (2), such holder or holders shall be charged the cost of constructing such remaining part only. Such cost shall be arrived at by first ascertaining the extent of the area which will be irrigated by the portion of the water-course constructed by the Canal-officer and then applying the acreage basis to the said area.

Illustration.—The total cultivable area under a canal-system is 500,000 acres and a zamindar who holds 10,000 acres of cultivable land under the canal-system avails himself of the option given by the proviso to sub-section (1) to construct his own water-courses but actually constructs only a part of such water-courses within the prescribed time. The Canal-officer decides first the extent in acres of the area served by such water-courses as have been constructed by the zamindar to the satisfaction of the Canal-officer and finds that it is 5,000 acres. As the Canal-officer has to complete the remaining portion of the water-courses, the portion constructed by him will be such as to serve the remaining 5,000 acres.

For this the Canal-officer will then proceed to apportion the charges to be borne by the zamindar as follows :—

Total area to be considered for arriving at the charge on an acreage basis = 500,000 — 5,000 = 495,000 acres.

[Appendix 1—contd.]

Suppose the total cost of the water-courses constructed by him in the canal-system is Rs. 10,00,000. The acreage cost is therefore Rs. $\frac{10,00,000}{4,95,000} = 2.02$ rupees approximately.

Applying this acreage cost to the 5,000 acres of the zamindar for which he has not constructed water-courses, the amount chargeable to him as his share of the cost of construction of water-courses by the Canal-officer will be Rs. $5,000 \times 2.02 = 10,100$ rupees approximately.

(c) The Canal-officer after determining the sum thus payable by each holder of land on account of the cost of constructing the water-course shall give notice thereof to the holder or holders of the land concerned, with an intimation that such sum has become due from the date on which possession of the water-course was made over to him or them and that, if so desired, he or they shall be permitted to pay the sum due by not more than twenty annual instalments together with interest at such rate as may be fixed by Government but not exceeding the rate payable by Government on its own borrowings on the date on which the said sum became payable as aforesaid.

(d) In the event of any default in payment by the said holder or holders, the sum payable shall be recoverable under section 57.

(5) Every holder of land to whom possession of a water-course is given in accordance with the provisions of sub-section (3) shall be an owner of such water-course.

Explanation.—For the purposes of this section “the cost of constructing a water-course” shall include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment, but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation.

(6) Any person aggrieved by an order of a Canal-officer under sub-section (4) as to the apportionment of the cost of construction of a water-course may present a petition to the Collector requesting him to revise that order, and the Collector after such inquiry as he thinks necessary and after giving the persons concerned a reasonable opportunity of being heard may pass such orders as he thinks fit. The orders passed by the Collector shall, subject to revision by the Commissioner, be final and conclusive.

4. ~~Retrospective operation of sections 2 and 3.~~—The provisions contained in section 2 [except the proviso to sub-section (1) of section 20B] and section 3 shall be deemed to have come into operation and to have had effect from 1st June 1926;

~~Provided that anything done by the Canal officer under the said provisions between the 1st June 1926 and the date of the coming into operation of this Act shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed.~~

93. *Retrospective operation of sections 91 and 92.*—The provisions of sections 91 and 92 [except the proviso to sub-section (1) of section 92] shall be deemed to have come into operation and to have had effect from the 1st June 1926:

[Appendix 1—conclld.]

Provided that anything done by the Canal-officer under the said provisions between the 1st June 1926 and the date of the coming into operation of this Act shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed.

Provided further that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who was entitled to such supply if such stoppage was due to any action of the Canal-officer in changing or transferring the source of water-supply under the provisions of section 91 during the period aforesaid."

APPENDIX 2.

BILL No. XV OF 1931.

A Bill further to amend the Bombay Local Boards Act, 1923.

(As published in the "Bombay Government Gazette" of the
30th May 1931.)

Bom.
VI of
1923. WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1931.

Bom.
VI of
1923. 2. *Amendment of section 9 of Bom. VI of 1923.*—In sub-section (2) of section 9 of the Bombay Local Boards Act, 1923, hereinafter called the said Act,—

(a) In clause (d), for the full-stop occurring at the end a semicolon shall be substituted, and the word "or" shall be added at the end; and

(b) After clause (d) the following clause shall be inserted namely:—

"(e) being a police patil, who is an *ex-officio* keeper of village cattle-pounds under the control of the local board."

3. *Amendment of section 75 of Bom. VI of 1923.*—In clause (d) of section 75 of the said Act for the words "the district local board" the words "a municipality" shall be substituted.

4. *Repeal of sub-section (3) of section 92 of Bom. VI of 1923.*—Sub-section (3) of section 92 of the said Act shall be repealed.

[Appendix 2—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

The objects of the amendments are explained in the following notes on the clauses of the Bill :—

Notes on Clauses.

Clause 2.—It has been held that under section 9 (1) (e) of the Bombay Local Boards Act, 1923, police patels who are *ex-officio* keepers of village cattle-pounds and who receive remuneration for such work from local boards are disqualified from being members of local boards. In order to become qualified to be members of local boards they have, therefore, to resign from their services as pound keepers, and the Board stands to lose the services of these officers. Many police patels can do much to advance local institutions in rural areas and it is desirable in the interests of local boards that they should not be debarred from participating in their administration. The object of this clause is to make police patels eligible to be members of local boards.

Clause 3.—Under section 2-A of the Bombay Ferries Act, 1868, Government can vest a public ferry notified under section 2 of the Act in any local body or jointly in local bodies exercising authority over the area or areas in which the ferry is situate. A public ferry can, therefore, be vested in a municipality or in a district local board but under section 75 (d) of the Bombay Local Boards Act, 1923, the proceeds of all such ferries (which are not vested in a district local board) form part of the local fund. The result of this would either be that the proceeds of public ferries vested in a municipality can be claimed by the district local board or that the discretion given by section 2-A of the Bombay Ferries Act to vest a public ferry in any local body or bodies so as to entitle that body to take the proceeds thereof is curtailed. This was apparently not intended and the proposed amendment, therefore, seeks to remove the discrepancy between the provisions of the two Acts.

Clause 4.—In view of section 10 (4) of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), sub-section (3) of section 92 of the Bombay Local Boards Act, 1923, is no longer necessary. It is, therefore, proposed to repeal it.

20th May 1931.

(Signed) RUSTOM JEHANGIR VAKIL.

APPENDIX 3.

BILL No. XVI OF 1931.

A Bill further to amend the Bombay District Police Act, 1890.

(As published in the "Bombay Government Gazette" of the
2nd July 1931.)

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom.
IV of
1890.

[Appendix 3—*contd.*]

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 193 .

Bom.
IV of
1890. 2. *Amendment of section 42 of Bom. IV of 1890.*—In section 42 of the Bombay District Police Act, 1890,

(1) in sub-section (1)

(a) the words “, or in his absence and subject to his order the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof,” shall be deleted ;

(b) for the word “such” where it occurs for the second time, the word “any” shall be substituted ; and

(2) after sub-section (1) the following sub-section shall be inserted, namely :—

“(1A) In the absence of the Magistrate of the district a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf having jurisdiction in any town or village and present therein or in the neighbourhood thereof may similarly issue a prohibitory order of the nature referred to in sub-section (1) which shall have operation in such town or village and the vicinity thereof.”

STATEMENT OF OBJECTS AND REASONS.

Section 42 (1) of the Bombay District Police Act, 1890, has been interpreted by the High Court of Bombay in *Emperor v. Dattatraya Laxman Sarpotdar* (XIV Bom. L.R. page 158) to mean that it is necessary for the Magistrate of the District or a Magistrate of the first class, issuing an order under that section, to be present in the town or village, to which the order applies or in the neighbourhood thereof at the time when he issues the order. Circumstances however often arise, which make it impracticable for the District Magistrate to be present in person in or near the several towns and villages to which it may be necessary to apply a prohibitory order under section 42. The amendment is intended to dispense with the condition of being present in the case of the District Magistrate, when he issues the order. The condition will remain in the case of a Magistrate of the first class. A Magistrate of the second class specially empowered in this behalf may also issue such prohibitory orders.

24th June 1931.

(Signed) G. A. THOMAS.

APPENDIX 4.

BILL No. XVII OF 1931.

A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925.

(As published in the "Bombay Government Gazette" of the
9th July 1931.)

WHEREAS it is expedient further to amend the City of Bombay Bom. Improvement Trust Transfer Act, 1925, in manner hereinafter appearing; ^{XVI of 1925.}
It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the City of Bombay Improvement Trust Transfer (Amendment) Act, 1931.

2. *New section 55A of Bom. XVI of 1925.*—After section 55 of the Bom. City of Bombay Improvement Trust Transfer Act, 1925, hereinafter ^{XVI of 1925.} called the said Act, the following shall be inserted, namely :—

"55A. *Power to grant loans for building purposes.*—(1) Subject to the provisions of this Act and of the bye-laws made thereunder the Committee may, on behalf of the Board, advance loans to persons desiring to erect buildings on land vested in or belonging to the Board.

(2) Any person desiring to erect a building on land vested in or belonging to the Board may make an application to the Committee in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected; and the Committee may, after making such enquiry as they think necessary, and subject to the conditions mentioned in sub-section (3) and in the bye-laws made under section 113, advance such loan.

(3) Every such loan shall be subject to the following among other conditions :—

(1) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes;

(2) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case;

(3) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building;

(4) that the amount of the loan shall not exceed 65 per cent. of the cost of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(5) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) in favour of the Board containing such covenants and conditions as may be prescribed in the bye-laws."

[Appendix 4—contd.]

3. *Amendment of section 68 of Bom. XVI of 1925.*—In section 68 of the said Act, after the figures “1898” the following words shall be inserted, namely :—

“or for the purpose of advancing loans under section 55A”.

4. *Amendment of section 88 of Bom. XVI of 1925.*—To section 88 of the said Act the following clause shall be added, namely :—

“(5) advancing loans in accordance with the provisions of section 55A.”

5. *Amendment of section 91 of Bom. XVI of 1925.*—In clause (1) of section 91 of the said Act for the words “other than” the words “including loans advanced under section 55A but not” shall be substituted.

6. *Amendment of section 113 of Bom. XVI of 1925.*—In section 113 of the said Act—

(1) after clause (c) the following clauses shall be inserted, namely :—

“(d) the conditions on which loans shall be advanced under section 55A ;

“(e) the manner in which accounts of loans advanced under section 55A, and of the interest charged thereon, and of the instalments received towards repayment thereof, shall be kept.”

(2) clause (d) shall be re-lettered (f).

STATEMENT OF OBJECTS AND REASONS.

It has been represented to Government by the Board of Trustees for the Improvement of the City of Bombay that a number of plots belonging to the Board, especially those in the north of the island, are lying idle on account of the continued trade depression and of the consequent depressed state of the land market in the City of Bombay. Applications are from time to time received by the Board, especially from their staff, for the grant of loans of money to enable the applicants to construct buildings on the Board's lands but, as there is no provision in the Act empowering the Board, to advance loans for building purposes no such loans can be granted, with the consequence that the plots cannot be disposed of. It has, therefore, been urged that legislation should be undertaken to give the Board power to advance money on prescribed conditions to individuals who take up land on the Board's estates for the erection of small buildings to be used mainly for residential purposes. A Bill on this subject (Bill No. XXV of 1929) was introduced in the Bombay Legislative Council by Mr. Hussenally M. Rahimtoola in the year 1929 but it was rejected by the Council on an assurance being given that Government would shortly introduce a Bill on the subject. The Municipal Corporation for the City of Bombay who will ultimately have to bear the financial responsibility for the operations of the Improvement Trust was consulted by Government and has agreed to the proposed amendment of the law. It is, therefore, proposed to amend the City of Bombay Improvement Trust Transfer Act, 1925, with a view to enable

[Appendix 4—concl.]

the Board to give advances to private individuals subject to the conditions laid down in the Act and in the bye-laws to be framed by the Committee under section 113, in the same way that Government have granted building loans to purchasers of their plots in the suburbs of Bombay.

4th July 1931.

(Signed) RUSTOM JEhangir Vakil.

APPENDIX 5.

BILL No. XVIII OF 1931.

A Bill further to amend the Bombay Hereditary Offices Act.

(As published in the "Bombay Government Gazette" of the 10th July 1931.)

WHEREAS it is expedient further to amend the Bombay Hereditary ^{Bom.} Offices Act, in manner hereinafter appearing; It is hereby enacted as ^{III of} 1874. follows:—

1. *Short title.*—This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1931.

2. *Amendment of section 64 of Bom. III of 1874.*—In sub-section (1) ^{Bom.} of section 64 of the Bombay Hereditary Offices Act, after clause (e) the ^{III of} 1874. following clause shall be inserted, namely:—

“(f) To permit the watandar whose duty it is to officiate, to appoint a deputy for performing the duties of his office.”

STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of Government that watandars holding several watans, such as patil, kulkarni, talwar, mahar, etc., have been allowed to perform the services appertaining to inferior village hereditary offices through deputies. Though the practice is said to be of long standing there is no provision in Part X of the Bombay Hereditary Offices Act, similar to that in sections 24 and 42, which allows performance of service in the case of inferior watans by deputies. At the same time it is not desirable to deprive the present watandars of their inferior watans merely because they are unable to serve in person. It is, therefore, proposed to remove this defect by amending section 64 of the Act so as to provide for performance of service by deputies in those cases in which such a course is not considered by the Collector to be inadvisable.

1st July 1931.

(Signed) W. F. HUDSON.

APPENDIX 6.

BILL No. XIX OF 1931.

A Bill further to amend the Bombay Entertainments Duty Act, 1923.

(As published in the "Bombay Government Gazette" of the
10th July 1931.)

Bom. WHEREAS it is expedient further to amend the Bombay Entertainments
I of Duty Act, 1923, in manner hereinafter appearing; and whereas the
1923. previous sanction of the Governor required by section 80C of the Govern-
5 & 6 ment of India Act has been obtained for the passing of this Act; It is
Geo. V, hereby enacted as follows :—
c. 61.

1. *Short title.*—This Act may be called the Bombay Entertainments Duty (Amendment) Act, 1931.

Bom. 2. *Amendment of section 2 of Bom. I of 1923.*—For clause (b) of
I of section 2 of the Bombay Entertainments Duty Act, 1923, the following
1923. shall be substituted, namely :—

"(b) 'payment for admission' includes

(i) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving duty or more duty is required,

(ii) any payment for seats or other accommodation in a place of entertainment,

(iii) any payment for a programme or synopsis of an entertainment, and

(iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment if any for admission to the entertainment."

STATEMENT OF OBJECTS AND REASONS.

Under section 3 of the Bombay Entertainments Duty Act, 1923, a duty at the rates specified in that section is levied on all payments for admission to an entertainment. The duty is not leviable where the charge for admission to an entertainment does not exceed four annas. It has been noticed that the tax is sometimes evaded by various devices, e.g., by advertising the admission to an entertainment either as nominally free or chargeable at the rate of four annas, but requiring the people taking advantage of the invitation to reserve a seat on payment and also to purchase a programme so that the total payment thus received by the management generally exceeds the amount for which the tax is leviable.

It has also been observed that one common method of charging for an entertainment is by means of the sale of programmes which cost little to

[Appendix 6—*contd.*]

the management but for which they charge just as much as they think they can get the audience to pay. This portion of the receipts escapes the tax at present.

To meet such cases of evasion it is proposed to amend section 2 of the Act on the lines indicated in the Bill.

2nd July 1931.

(Signed) W. F. HUDSON.

APPENDIX 7.

BILL No. XX OF 1931.

A Bill to provide for the regulation and control of transactions in cotton in Bombay

(As published in the "Bombay Government Gazette" of the 14th July 1931.)

WHEREAS it is expedient to provide for the regulation and control of transactions in cotton in Bombay and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; ^{5 & 6 Geo. V.} It is hereby enacted as follows:—

1. *Short title, commencement and duration.*—(1) This Act may be called the Bombay Cotton Contracts Act, 1931.

(2) It shall come into force on the 1st day of April 1932 and shall remain in operation for three years and thereafter for such period as the Governor in Council may, by notification in the *Bombay Government Gazette*, direct.

2. *Repeal and saving clause.*—(1) The Bombay Cotton Contracts Act, 1922, is hereby repealed:

Provided that—

(a) such repeal shall not affect the liability of any person to pay any sum due from him under any contract entered into under the provisions of the Act so repealed or the validity or invalidity of anything already done thereunder;

(b) contracts entered into before the 1st April 1932 shall remain subject to the provisions of the Act so repealed and of the bye-laws made thereunder.

(2) Contracts entered into on or after the 1st April 1932 shall be subject to the provisions of this Act and of the bye-laws made thereunder.

Bom.
XIV of
1931.

[Appendix 7—*contd.*]

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,

- (a) "Contract" means a transaction in cotton to be carried out in whole or in part in Bombay, except such as the Governor in Council may, by notification in the *Bombay Government Gazette*, declare to be excluded from the provisions of this Act;
- (b) "Ready contract" means a contract in which immediate delivery is contemplated;
- (c) "Forward contract" means a contract for the delivery of cotton at some future date;
- (d) "Option in cotton" means a contract entered into or to be carried out in whole or in part in Bombay for the purchase or sale of a right to buy, or a right to sell, or a right to buy or sell cotton in future, and includes a *teji*, a *mandi* and a *teji-mandi* in cotton;
- (e) "Bombay" means and includes the City of Bombay and the island of Salsette;
- (f) The "Association" means the East India Cotton Association, Limited;
- (g) The "Board" means the Board of Directors of the Association acting through at least a quorum of their number at a meeting of that Board duly called and constituted;
- (h) "Certified godown" means a godown maintained by the Association for storing cotton certified under the bye-laws of the Association.

4. *Power of Board to make bye-laws.*—(1) The Board may, subject to the sanction of the Governor in Council, make bye-laws for the regulation and control of transactions in cotton:—

- (a) providing for the admission of various classes of members of the Association and the exclusion, suspension, expulsion and re-admission of such members;
- (b) providing a clearing house for the periodical settlement of contracts or differences thereunder and for the passing on of delivery orders and for any purpose in connection with options in cotton, and providing for the regulation and maintenance of such clearing house;
- (c) prescribing the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house;
- (d) fixing, altering or postponing settling days;
- (e) determining and declaring the market rates for cotton of any and every description which rates shall be binding for all purposes upon every one dealing in cotton;

[Appendix 7—*contd.*]

- (f) prescribing the terms, conditions and incidents of contracts and the forms of such contracts as are in writing ;
- (g) regulating the making, performance and cancellation of contracts, including contracts between a commission agent and his constituent, or between a broker and his constituent, or between a jethawala or muccadum and his constituent, or between a member and a non-member of the Association, and providing for the consequences of insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer, and the responsibility of commission agents, muccadums and brokers not parties to such contracts ;
- (h) prohibiting specified classes or types of dealings in cotton by a member of the Association ;
- (i) providing for settlement of claims and disputes by arbitration and for appeals against awards ;
- (j) providing for the levy and recovery of subscriptions, fees, fines and penalties ;
- (k) providing disciplinary measures against members of the Association, including suspension, expulsion, fines and non-monetary penalties, for breach of any bye-law made by the Board ;
- (l) regulating the course of business between parties to contracts in any capacity ;
- (m) providing for the institution, maintenance and control of certified godowns ; and
- (n) regulating the making, performance and cancellation of options in cotton.

(2) If any person committing a breach of any bye-law of the Board is a company, every director and officer of such company shall also be deemed to have committed such breach unless he proves that the breach was committed without his knowledge and control.

(3) Bye-laws made by the Board under sub-section (1) shall be subject to the condition of previous publication and when sanctioned by the Governor in Council shall be published in the *Bombay Government Gazette*; bye-laws so made and sanctioned may be enforced before publication in the said *Gazette*.

5. *Legality and alteration of Articles of Association.*—The articles of Association relating to the constitution and administrative machinery of the Association shall not, except with the sanction of the Governor in Council, be altered in respect of—

the number or constitution of panels or the representation upon
(a) panels or (b) the Board ;

and it is hereby declared that the legality of the constitution and administrative machinery set out in the said Articles of Association or in the Articles as duly altered from time to time with the sanction of the Governor in Council, where necessary, shall not be called in question.

[Appendix 7—contd.]

6. *Prohibition of forward contracts except by or through the agency of members or associate members of the Association.*—(1) No forward contract shall, after the date on which this Act comes into force, be entered into except by or through the agency of a member of the Association.

(2) Any such contract entered into after the date aforesaid which contravenes the provisions of sub-section (1) shall be void and any person entering into such contract shall upon conviction be liable for each such offence to a fine not exceeding one thousand rupees.

7. *Ready contracts contravening bye-laws to be void.*—Any ready contract (whether either party thereto is a member of the Association or not) which is entered into after the date on which bye-laws made under this Act are sanctioned by the Governor in Council and published in the *Bombay Government Gazette* and which contravenes any bye-law relating to such contracts shall be void.

8. *Power to declare certain contracts to be outside the purview of Act.*—The Governor in Council may, by notification in the *Bombay Government Gazette*, declare that any contracts specified therein which can only be made subject to the rules of any Foreign Exchange shall be excluded from the provisions of this Act.

9. *Officer, etc., not personally responsible.*—No officer or servant of the Association shall be held personally responsible for anything in good faith and not negligently done or omitted by him within the scope of his authority as such officer or servant in relation to anything authorised by this Act or the bye-laws made thereunder.

STATEMENT OF OBJECTS AND REASONS.

Bombay Act XIV of 1922, for the regulation and control of transactions in cotton, has been extended by notification until August 1932. The present bill follows the general lines of that Act, and is intended to incorporate those recommendations of the Committee appointed to examine the working of that Act, which have been accepted by Government.

The report and the orders of Government thereon have been published in the Press.

The principal changes now proposed to be introduced are as follows :—

(1) The taking of authority to frame bye-laws for (a) the regulation of option dealings and (b) the institution and maintenance of "certified godowns".

(2) The restriction of forward business to the agency of a member of the Association and making illegal the passing of other forward contracts.

(3) The amendment of the constitution of the Association in the manner proposed in the minority report of the Committee.

[Appendix 7—concl'd.]

In brief this involves the abolition of the Representative Committees, and the amalgamation of the five panels into three, representing buyers, sellers, and brokers, with representation upon the Board of 4, 4 and 6 members respectively. Two representatives of the Growers of Cotton, to be nominated by the Central Cotton Committee, will be added to the Board.

The life of the Act is restricted to three years, so that any change of public opinion in respect of the constitution of the Association and its functions, may automatically come under review within a reasonable period.

3rd July 1931.

(Signed) G. B. PRADHAN.

APPENDIX 8.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 1.

The Honourable Mr. G. A. THOMAS.

Conversion of the Dharwar Juvenile Jail into a Borstal Institution.

The Bombay Borstal Schools Act was passed by this Council in 1929. The Act was brought into operation with effect from the 1st April 1931, and the Dharwar Juvenile Jail was declared to be a Borstal Institution from the same date. The staff of the Juvenile Jail has been transferred to the Borstal School with different designations, the only addition made being the creation of a new post of Agriculturist Instructor on Rs. 75—5/2—100 per mensem. The plans and estimates for the readaptation of the Juvenile Jail building and the construction of new buildings for the Borstal School are under preparation, but owing to financial stringency, it will not be possible to carry out the work for the present. The cost of the Borstal Institution has been directed to be met from the provision made in the Budget for the Juvenile Jail, and the Inspector General of Prisons will point out a source to meet the expenditure on account of the new post in due course. The rules for the management and control of the School have been framed by Government under section 19 of the Act and copies of the rules were placed on the Table of this Council during the February-March Session of this year. A Bombay Presidency Borstal Association has also already been established. As the expenditure for the Borstal School relates to a new service, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand as voted and now increased.

25-Jails and Convict Settlements.

Rs. 23,77,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 24th June 1931.

APPENDIX 9.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 2. The Honourable MOULVI RAFIUDDIN AHMAD.

Appointment of Backward Classes Officer.

The Depressed Classes and the Aboriginal Tribes Committee appointed by Government in the year 1928 came to the conclusion that it is essential that the needs of the Backward Classes should be considered as a whole and that there should be some officer definitely charged with the duty of seeing that their progress is continuous and their rights upheld. They have accordingly recommended *inter alia* in their Report that a Backward Classes Officer should be appointed to watch over the interests of these classes. Government desire in the interests of the backward classes to carry out as many of the suggestions in the Report as possible. They have accordingly accepted the above recommendation and decided to appoint Mr. Starte, I.C.S., who was Chairman of the Committee, as Backward Classes Officer in addition to his own duties. His duties will be to act as the adviser to Government on all matters specially or differentially affecting the backward classes, and to investigate and report on any question relating to them that may be referred to him by Government. He will also be charged with the general duty of enquiring into their needs and grievances, and where he considers it necessary, of making suggestions or representations to the departmental officers responsible for taking action. If after discussion with the departmental authorities he is not satisfied with the action taken, he will be empowered to refer the matter to higher authorities or to Government. Mr. Starte has asked for no allowance for himself for carrying out these additional duties.

On the assumption that work starts on 1st September 1931, a sum of Rs. 8,806 made up as under will be required up to the end of the year to cover the initial expenditure pertaining to this appointment :—

	Rs.
1 Clerk for Backward Classes Officer on Rs. 85 in the Rs. 85—5/2—100 grade	510
1 Clerk for Backward Classes Officer on Rs. 40 in the Rs. 30—5/2—80 grade	240
1 Assistant Backward Classes Officer on Rs. 450 in the Rs. 300—50—550—50/2—650 grade	2,700
1 Clerk to Assistant Backward Classes Officer on Rs. 40 in the Rs. 30—5/2—80 grade	240
2 Peons on Rs. 18 each	216
Travelling Allowance for Members of the Backward Class Board	1,200
Travelling Allowance for the Assistant Backward Classes Officer	700
Travelling Allowance for the Clerical and Menial Staff	400
Contingencies	600
Discretionary Grant	2,000
	8,806

[Appendix 9—*contd.*]

After careful examination Government consider that this is the minimum staff required for enabling the Backward Classes Officer to make a start with his new work on a modest scale. The arrangement will be temporary and will be sanctioned in the first instance for a period of five years subject to the vote of the Legislative Council. The average future annual expenditure on account of these proposals will be Rs. 12,720 approximately. The pay of the Assistant Backward Classes Officer has been shown at Rs. 450, but Government may be able to secure a suitable man for this post on a lower pay and in that case in the interests of economy will not utilize the whole grant. They propose to go further into this matter after the vote of the Legislative Council. The expenditure is debitable to "37-Miscellaneous Departments" (Transferred) and as no provision exists in the Budget under this Head for the scheme in question the Legislative Council is requested to sanction a supplementary grant of Rs. 8,810 in round figures. A corresponding amount will be treated as a set off from the provision surrendered during the current year in the form of a 6 per cent. cut as a measure of retrenchment.

Demand voted and now increased.

"37-Miscellaneous—Transferred Departments."

Rs. 14,000 + Rs. 8,810.

FINANCE DEPARTMENT :

Bombay Castle, 10th July 1931.

APPENDIX 10.

RESERVED 3. The Honourable Mr. W. F. HUDSON.

Expenditure under "5, Land Revenue".

After a close scrutiny of the departmental estimates under the head "5, Land Revenue," Government made a demand of Rs. 58,55,000 (excluding refunds of 4 lakhs) under that head for the current year. This amount was however reduced by Rs. 5,00,000 by the Legislative Council during the debate on the demand for this grant. In compliance with the wishes of the Council, Government have endeavoured to carry out the reduction and have again carefully scrutinised the various items of expenditure provided under this head. They have, however, been able

[Appendix 10—contd.]

so far to retrench expenditure to the extent of Rs. 1,09,600 only as shown below :—

	Rs.
(1) Construction and repairs of chavdis ..	40,000
(2) Cost of boundary marks recoverable from land holders	32,000
(3) Tapedars' Training School	2,600
(4) Cost on account of the work done by the Consulting Surveyor to Government in connection with the defence of land acquisition appeals	10,000
(5) Probable savings under the Sub-head "Superintendence" under the Minor head "Land Records" anticipated on the basis of past actuals	25,000
	<hr/> 1,09,600

This retrenchment still leaves a deficit of Rs. 3,90,400.

On the other hand it has become necessary, since the budget was passed, to provide for the following additional charge :—

Rs. 10,572 for temporary establishment in connection with the work of survey classification and assessment of woodland plots in the Thana District.

Woodland plots in the Thana District were given out in 1904 at very low rates of assessment. The objects of the concession were to induce wild tribes to settle down to a steady occupation and to preserve the protected forests in good condition. As the result of experience gained since 1904, Government have decided to distinguish between (1) woodland plots proper and (2) plots which are far from the forest and contain no tree-growth or which have become merged in the general cultivation or which are actually rice land. The former are to continue as woodland plots subject to an increase of 33½ per cent. in their assessment which was last fixed in 1904. The latter are to be disafforested and given out on occupancy price on ordinary tenure. Out of 19,488 plots it is estimated that 6,000 will fall in the second category. These plots require to be measured and classified and assessed according to their classification. The work is estimated to last for 25 months. Government have accorded sanction to the entertainment of the temporary establishment and to the incurring of extra expenditure as detailed below in connection with the work of survey classification and assessment :—

1 Mahalkari on Rs. 160 per mensem *plus* local allowance of Rs. 16 per mensem and ordinary travelling allowance admissible under the rules.

4 Surveyors on Rs. 65 per mensem each.

[Appendix 10—*contd.*]

- 5 Peons on Rs. 17 per mensem each.
- 8 Labourers at Re. 1 per day, each.
- Contingencies Rs. 480.

The charge incurred in 1930-31 was met from the grant at the disposal of the Settlement Commissioner and Director of Land Records. A provision for the expenditure required in this case should have been made in the budget estimates for the year 1931-32, but was accidentally omitted.

2. The deficit thus amounts to Rs. 4,00,972 or say Rs. 4,01,000 for which additional funds have to be provided.

3. An idea of the expenditure of the various departments under 5, Land Revenue can be gathered from the following figures of voted expenditure for the past five years :—

Year.	Accounts.
	Rs.
1925-26	49,57,000
1926-27	50,46,000
1927-28	51,66,000
1928-29	49,37,000
1929-30	50,86,000
1930-31 (budget)	50,12,000

The original provision of Rs. 58,55,000 proposed by Government included an amount of Rs. 7,82,000 on account of the following charges which on account of a change in the method of accounts, must now be provided under the head "5, Land Revenue":—

	Rs.
(1) Pot Hissa Measurement operations	5,68,000
(2) City Survey operations	46,054
(3) Cost of Boundary marks	1,68,000
	<hr/>
	7,82,054

These charges are recoverable.

Deducting their amount, the net amount required to meet the voted expenditure under this head comes to Rs. 50,73,000. This amount approximates to the actuals of the past five years, and includes the normal increases in the provisions for pay of officers and establishments who are on incremental rates of pay. It will thus be clear that but for the augmentation of the estimates by the inclusion of the fresh charges referred to above, there was no appreciable increase in the ordinary charges under this head.

4. The question of further retrenchment under the head "5, Land Revenue" depends on the curtailment of what has hitherto been regarded as permanent recurring expenditure. A temporary curtailment of this expenditure is not practicable and a permanent reduction involves

[Appendix 10—concl'd.]

drastic changes and radical re-organisation of administrative arrangements. It has not been possible for Government in the time available fully to consider this difficult question and in any event they would prefer, before making final decisions, to await the recommendations which will be made by the Retrenchment Committee as the result of their independent enquiries. The Retrenchment Committee has received suggestions from the Heads of Departments, including the Collectors of districts, for effecting some savings this year but there has not been time for Government to consider these suggestions or to ascertain under what budget heads they will fall. As the consideration of further retrenchment will necessarily take considerable time yet, especially in view of the desirability of awaiting the result of the investigations of the Retrenchment Committee, Government desire to regularise their expenditure by asking the Legislative Council for a supplementary grant.

Demand as voted and now increased.

“5, Land Revenue.”

Rs. 57,46,000 + Rs. 4,01,000.

APPENDIX 11.

BILL No. XXI OF 1931.

A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

(As published in the “Bombay Government Gazette” of the 15th July 1931.)

Bom. WHEREAS it is expedient further to amend the Bombay District
III of Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925,
1901. in manner hereinafter appearing; It is hereby enacted as follows:—
Bom. XVIII
of
1925.

1. *Short title.*—This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1931.

2. *Amendment of Bom. III of 1901.*—In the Bombay District Municipal Act, 1901—

(i) In sub-section (2) of section 11 for the words “this section” the word, figure and brackets “sub-section (1)” shall be substituted;

(ii) In sub-section (1) of sections 12 and 13 and in sub-section (5) of section 22, after the word, letter and brackets “clause (c)” the words, figure and brackets “of sub-section (1)” shall be inserted;

[Appendix 11—*contd.*]

(iii) after clause (e) of sub-section (2) of section 15, the following shall be inserted, namely :—

“(f) fails to pay any arrears of any kind due by him to the municipality within three months after a special notice in this behalf has been served upon him”;

(iv) in section 23,

(a) in the proviso to sub-section (7A), for the words “in the case of a new municipality constituted under this Act” the words “on the constitution of a new municipality after the general election” shall be substituted;

(b) after sub-section (7A), the following sub-section shall be inserted, namely :—

“(7B) On the dissolution of a municipality otherwise than on the expiry of its term of office and after a general election or on the re-establishment of a municipality under section 179 after its supersession or when a municipality is constituted under this Act for the first time, the Collector shall call a meeting for the purpose of an election under clause (c) of sub-section (2) and shall appoint a person to preside at such meeting until the municipality elects its own chairman for that meeting. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The meeting shall then proceed to elect the new president.”

(c) In sub-section (10), before the word “when” the following shall be inserted, namely :—

“Except in the cases provided for in sub-section (7B).”

(v) In section 46,

(a) in item (i) before the word “execution” the words “issue and” shall be inserted;

(b) in proviso (b) for the words “Governor General in Council” the words “Governor in Council” shall be substituted;

(vi) in sub-section (4) of section 69, after the word “section” the following shall be inserted, namely :—

“(a) a dwelling-house within the limits of a municipality notified by Government as a hill-station municipality shall, if otherwise unoccupied, be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it; and

(b).”

(vii) In section 85,

(a) for clause (b) the following shall be substituted, namely :—

“(b) every warrant issued under sub-section (1) of section 83 or distress made under sub-section (4) of the said section, and”;
and

[Appendix 11—*contd.*]

(b) in clause (c) for the words "the said sub-section" the words and figures "sub-section (4) of section 83" shall be substituted.

(viii) After section 133, the following section shall be inserted, namely :—

"133A. *Regulation of washing of clothes by washermen.*—(1)

The municipality may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the municipality, except for such person himself or for the owner or occupier of such place.

(2) *Washing place to be provided by the municipality for washermen.*—

The municipality shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it.

(3) The municipality shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby a list of washing places proposed to be provided under sub-section (2), together with a notice specifying a date on or after which the list will be taken into consideration; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified."

(ix) In Schedule C, after the words "For service of notice....." the words "For issue of warrant....." shall be inserted.

3. *Amendment of Bom. XVIII of 1925.*—In the Bombay Municipal Boroughs Act, 1925,

(i) In item (j) of section 58 before the word "execution" the words "issue and" shall be inserted.

(ii) In sub-section (4) of section 86, after the word "section" the following shall be inserted, namely :—

"(a) a dwelling-house within the limits of a municipal borough notified by Government as a hill station municipal borough shall be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it, if otherwise unoccupied; and

(b) "

(iii) In section 108 for the words, figures and brackets "every distress or attachment made under sub-section (4) of section 105" the following words, figures and brackets shall be substituted, namely :—

"every warrant issued under sub-section (1) of section 105 or distress or attachment made under sub-section (4) of the said section."

[Appendix 11—*contd.*]

(iv) After section 165, the following section shall be inserted, namely:—

“165A. *Regulation of washing of clothes by washermen.*—(1)

The standing committee may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the standing committee, except for such person himself or for the owner or occupier of such place.

(2) *Washing place to be provided by the standing committee for washermen.*—The standing committee shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it with the approval of the municipality.

(3) The standing committee shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby, a list of washing places proposed to be provided under sub-section (2), together with a notice specifying a date on or after which the list will be taken into consideration; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified.”

(v) In Schedule VI, after the words “For service of notice.....” the words “For issue of warrant.....” shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

The objects of some of the important amendments in this Bill are explained in the following notes on the clauses:—

Clause 2 (iii).—It is considered desirable that there should be a provision in the Bombay District Municipal Act, 1901, similar to that in sub-section (e) of section 28 of the Bombay Municipal Boroughs Act, 1925.

Clause 2 (iv).—Section 23 (7A) and (10) of the Bombay District Municipal Act, 1901, provide for the calling of a meeting for the election of the president when a new Municipality is constituted after a general election on the expiry of the term of office of a Municipality and also in the case of a casual vacancy under sub-section (8), but there is no provision in the Act for the calling of such meeting when a Municipality is constituted for the first time or when it is re-established or re-constituted after dissolution or supersession under section 179. The necessary provision has, therefore, been made now by the insertion of new sub-section (7B) in this section.

[Appendix 11—*contd.*]

Clauses 2 (v), (vii) and (ix), and 3 (i), (iii) and (v).—Section 85 (b) of the Bombay District Municipal Act, 1901, and section 108 of the Bombay Municipal Boroughs Act, 1925, prescribe fees for distress made under sections 83 and 105, respectively of the two Acts mentioned above and, therefore, no fees can legally be recovered for issue of a distress warrant, unless there is an attachment of property in execution of the warrant. The result is that a defaulter who pays up the amount mentioned in the notice of demand only when the bailiff or clerk comes with a warrant evades attachment and also escapes payment of the warrant fee. The object of these amendments is, therefore, to authorise the municipalities to levy separate fees for the issue of warrants in cases of the nature described above.

Clauses 2 (vii) (a) and 3 (i).—The amendments of section 46 (i) of the Bombay District Municipal Act, 1901, and of section 58 (j) of the Bombay Municipal Boroughs Act, 1925, are only consequential.

Clauses 2 (vi) and 3 (ii).—Section 69 of the Bombay District Municipal Act, 1901, and section 86 of the Bombay Municipal Boroughs Act, 1925, provide that buildings which have remained vacant and unproductive of rent shall be entitled to a certain remission of rates in certain circumstances. This provision does not apply to owners of bungalows in hill-stations which have to be kept furnished for seasonal tenants even though they may remain unoccupied for the whole year. It is desirable that such houses or bungalows when not actually occupied should not lose the benefit of the remission simply because they happen to be furnished and are not, therefore, literally vacant. The proposed amendments of sub-section (4) of section 69 of the Bombay District Municipal Act, 1901, and of sub-section (4) of section 86 of the Bombay Municipal Boroughs Act, 1925, are intended to give effect to this object.

Clauses 2 (viii) and 3 (iv).—It has been represented to Government that the washing of clothes by washermen is at present being carried out in all quarters of towns and cities with the result that the practice breeds mosquitoes and that municipalities have no powers to regulate the washing places or to control them in any way except as regards public places, where only washing can be prohibited under section 133 of the Bombay District Municipal Act, 1901, or section 165 of the Bombay Municipal Boroughs Act, 1925. It is, therefore, proposed by these clauses to amend these two Acts by the insertion of provisions on the lines of section 397 of the City of Bombay Municipal Act, 1888. Provision has also been made for the municipality to invite and consider objections before prohibiting the washing of clothes by washermen at places other than those specially provided for the purpose.

12th July 1931.

(Signed) RUSTOM JEANGIR VAKIL.

APPENDIX 12.

**Supplementary Agenda for the Second Session, 1931, of the
Bombay Legislative Council, which commenced on
Monday, the 20th July 1931.**

[*Vide* Standing Order X, 1 (i) (d).]

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by Mr. L. R. Gokhale, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council to put the finance of the Presidency on a sound basis by enforcing strict economy in all branches of the services by the reduction of salaries especially in the higher ranks and by the reduction of two Executive Councillors and one Minister."

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

1. "(As No. 1 of Mr. L. R. Gokhale.)"

Resolution by Rao Saheb P. D. Kulkarni, M.L.C.

1. "This Council recommends to Government that the dates fixed for the payment of instalments of the land revenue, payable in respect of lands assessed for purposes of agriculture only, be changed to 1st March for the first instalment and to 2nd April for the second in the case of the villages placed under Class I and to 1st April and 1st May respectively in the case of II Class villages."

Resolution by Mr. N. N. Patil, M.L.C.

1. "(As No. 1 of Mr. L. R. Gokhale.)"

Resolution by Syed Miran Mahomed Shah, M.L.C.

1. "This Council recommends to Government to introduce, without delay, legislation prohibiting execution of Civil Court decrees against agricultural landholders and farmers for the next two years, and prohibiting institution of any new Civil Court proceedings against them for past debts for the next two years."

G. S. RAJADHYAKSHA,

Council Hall, Poona,
23rd July 1931.

Secretary to the Legislative Council
of the Governor of Bombay.

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