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**Agenda for the Second Session of the Bombay Legislative Council
held at the Council Hall, Poona, on Monday, the 26th July 1926,
at 2 p.m.**

- I. OATHS 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. XXIII of 1925 (A Bill to consolidate and amend the law relating to the Courts in Sind)—*Second Reading.*

Notices of amendments* have been received from :—

- (i) Mr. H. B. Shivdasani, M.L.C.
 - (ii) The Honourable Mr. J. E. B. Hotson, C.S.I., I.C.S.
 - (iii) Mr. C. G. Adam, C.S.I., I.C.S.
- (2) Bill No. VII of 1926 (A Bill to amend the Bombay Prevention of Prostitution Act, 1923)—*Second Reading.*

Notice of amendments* has been received from :—

- Mr. C. G. Adam, C.S.I., I.C.S.
- (3) Bill No. V of 1926 (A Bill further to amend the City of Bombay Police Act, 1902)—*First Reading.*
 - (4) Bill No. XIII of 1926 (A Bill further to amend the Bombay Port Trust Act, 1879)—*First Reading.*
 - (5) Bill No. XIV of 1926 (A Bill to amend the Bombay City Municipalities Act, 1925)—*First Reading.*

V. DEMANDS FOR SUPPLEMENTARY GRANTS.

VI. GOVERNMENT RESOLUTIONS :—

Resolution by the Honourable Mr. A. M. K. Dehlavi, M.L.C.

“ This Council recommends to Government that the following notification proposed to be issued under section 3 of the Cotton Transport Act, 1923 (III of 1923), having been laid in draft before the Council and approved by it in the form set forth below, may now be issued in the said form :—

NOTIFICATION

Whereas, owing to the wide extension of the growing of similar high quality of cotton in areas I, II and III of the areas specified in Schedule I to Government Notification in the Revenue Department No. 535-A dated 18th August 1923, it is no longer necessary to maintain the said areas as separate protected areas for the import of cotton into them by road :

* Printed as appendix to this Agenda.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Government of Bombay is hereby pleased to cancel the said notification as far as it prohibits the import of cotton by road from the Olpad-Ankleshwar Area, into the South Surat Area and the Surat Area as described in Schedule I to the said notification : provided that in the event of the cultivators being found to grow cotton of inferior quality hereafter in any of the said areas, this notification will be cancelled.

Resolution by the Honourable Mr. J. L. Rieu, C.S.I., I.C.S.

“ This Council recommends to Government that the appointment of Major C. A. Pogson, special officer for locating underground supplies of water and of his staff may be continued till the end of the current financial year.”

VII. PRIVATE BILLS.

- (1) Bill No. IV of 1925 (A Bill to enable the Hindus of the Province of Sind to restrict themselves to monogamous marriages)—*Second Reading*—Mr. D. B. Adwani, M.L.C.

Notice of amendments* has been received from :—

Mr. P. G. Joshi, M.L.C.

- (2) Bill No. XX of 1925 (A Bill further to amend the Bombay Local Boards Act, 1923)—*Second Reading*—Mr. Noor Mahomed, M.L.C.

Notice of amendments* has been received from :—

(i) Mr. H. B. Shivdasani, M.L.C.

(ii) Mr. B. G. Pahalajani, M.L.C.

- (3) Bill No. XXXI of 1925 (A Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests)—*Second Reading*—Mr. S. K. Bole, M.L.C.

Notices of amendments* have been received from :—

(i) Mr. G. A. Thomas, C.I.E., I.C.S.

(ii) Mr. R. G. Pradhan, M.L.C.

(iii) Mr. S. K. Bole, M.L.C.

(iv) Mr. P. G. Joshi, M.L.C.

(v) Mr. S. S. Dev, M.L.C.

- (4) Bill No. XXI of 1925 (A Bill further to amend the Bombay Land Revenue Code, 1879)—*First Reading*—Mr. L. B. Bhopatkar, M.L.C.

- (5) Bill No. XXX of 1925 (A Bill further to amend the Bombay Mamlatdars' Courts Act, 1906)—*First Reading*—Mr. D. R. Patil, M.L.C.

- (6) Bill No. IX of 1926 (A Bill to amend the City of Bombay Police Act, 1902)—*First Reading*—Mr. A. N. Surve, M.L.C.

- (7) Bill No. X of 1926 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—The Thakor of Kerwada, M.L.C.
- (8) Bill No. XI of 1926 (A Bill further to amend the Bombay Hereditary Offices Act, 1874)—*First Reading*—Mr. R. S. Nekaljay, M.L.C.
- (9) A Bill further to amend the Bombay Local Boards Act, 1923—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan, M.L.C.
- (10) A Bill to amend the Bombay Act No. VI of 1926, An Act further to amend the Bombay Civil Courts Act, 1869—Motion for leave to introduce the Bill—Mr. B. G. Pahalajani, M.L.C.
- (11) A Bill further to amend the Bombay Prevention of Gambling Act, 1887—Motion for leave to introduce the Bill—Mr. J. Addyman, M.L.C.
- (12) A Bill further to amend the Bombay District Municipal Act, 1901—Motion for leave to introduce the Bill—Mr. A. N. Surve, M.L.C.

VIII. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.*

Resolution† by Mr. S. S. Dev, M.L.C.

"In view of the pecuniary hardships of the primary teachers, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923."

Resolution† by Mr. S. K. Bole, M.L.C.

"This Council recommends to Government not to give any grant to the municipalities and local boards which refuse to give effect to the resolution passed by this Council allowing to members of the depressed classes the use of wells, tanks, water taps, dharamshallas, dispensaries and schools built and conducted by such local bodies."

Resolution‡ by Dr. R. P. Paranjpye, M.L.C..

"This Council recommends to Government that the rules for election to this Council be so altered as to allow women voters to stand as candidates for election."

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

"This Council recommends to Government that the bar to the election of women as members of the Bombay Legislative Council be removed forthwith."

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

"This Council recommends to Government that the sex disqualification to election or nomination to the Bombay Legislative Council should be removed in respect of women generally."

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

† Resolution adjourned at the last session.

‡ Resolutions not ballotted for.

Resolution by Khan Saheb Pir Rasulbaksh Shah, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-official Muslims, with a clear non-official majority, be appointed to hold an open enquiry and take evidence with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Bombay and Karachi, the duties and powers of the Protectors of Pilgrims and the Hajj Committees at Karachi and Bombay and all matters pertaining to the pilgrim traffic, and to make the necessary recommendations for providing better arrangements for the pilgrims and mitigating their hardships and inconveniences."

Resolution by Khan Bahadur S. N. Bhutto, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-official Muslims, with a clear non-official majority, be appointed to hold an open enquiry and take evidence with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Bombay and Karachi, the duties and powers of the Protectors of Pilgrims and the Hajj Committees at Karachi and Bombay and all matters pertaining to the pilgrim traffic, and to make the necessary recommendations for providing better arrangements for the pilgrims and mitigating their hardships and inconveniences."

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

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to organise the Labour Directorate as a separate department to deal with all questions concerning labour."

3. "This Council recommends to Government to acquire from the landlords or khots the sites on which the houses of the tenants and agriculturists at present stand in the khoti and rayatwari tracts of the Ratnagiri district."

4. "This Council recommends to Government to declare the watering places and grazing grounds in the khoti villages in the Ratnagiri district as public places for the use of the public."

5. "This Council recommends to Government to bring in legislation in order to enable the *upari* tenants or tenants-at-will in the khoti villages to become peasant proprietors."

6. "This Council recommends to Government to abolish the khoti system in the Ratnagiri and Kolaba districts."

7. "This Council recommends to Government to construct a bridge over the Kolamb Creek near Malwan in the Ratnagiri district."

8. "This Council recommends to Government to prohibit by law all kinds of speculation and *satta* business in the Bombay Presidency."

9. "This Council recommends to Government to raise the age limits for recruitment to the various branches of the public service by 5 years in the case of the backward classes."

10. "This Council recommends to Government to amend the Bombay Municipal Act so as to make the constitution of the schools committee representative of all interests as in the mofussil municipalities and local boards."

11. "This Council recommends to Government to appoint a committee of officials and non-officials at an early date to enquire into the causes of unemployment among the middle classes particularly in Bombay City and to suggest measures to relieve the same."

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

13. "This Council recommends to Government to amend the City of Bombay Municipal Act so as to enable the Bombay Municipal Corporation to construct cattle stables and start dairies outside the limits of the city of Bombay."

Resolutions by Mr. Hooseinbhoj A. Lalljee, M.L.C.

1. "This Council recommends to Government that they be pleased to draw the attention of the Bombay Port Trust authorities to the necessity of providing at least during the Haj season a fixed berth with a suitable shed having necessary sanitary arrangements and refreshment rooms and medical inspection rooms for the convenience of Hajis with separate arrangements for women and children accompanying them."

2. "This Council recommends to Government that they be pleased to draw the attention of the Port Trust authorities to the necessity of providing a berth and a shed with necessary conveniences for passengers to and from Kathiawar, Cutch and Persian Gulf ports during the passenger season."

3. "This Council recommends to Government that with a view to give direct representation to the rate-payers of Aden on the Settlement Committee in their management of the municipal affairs of the Aden Settlement, Government be pleased to introduce a bill on the lines of the Bombay District Municipal Act, 1901, or the Cantonments Act, 1924, at an early date."

4. "This Council recommends to Government that in view of the enormous growth of trade of the port of Aden during the last twenty years, they may be pleased to introduce a Bill on the lines of the Karachi Port Trust Act, 1886, to allow for the representation of the various interests in Aden by election."

5. "This Council recommends to Government to appoint immediately a committee with a non-official majority to enquire into the problem

of the growing unemployment in the city of Bombay, and to suggest means to remove it."

6. "This Council recommends to Government that they be pleased to depute an educational expert or experts, preferably one having some knowledge of Arabic, Urdu and Gujarati, to Aden with the object of reviewing the present state of education in Aden and to report, after consultation with the Arabs and Indians there, on the advisability of reorganising the whole system of education as existing there at present, with a view to improving the efficiency and standard of education and affording more facilities for secondary education."

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

1. "This Council recommends to the Governor in Council to take early steps to establish land mortgage banks in this presidency to relieve the indebtedness of the agriculturists."

2. "This Council recommends to His Excellency the Governor in Council that the Government of India may be moved to exempt the talukdars and inamdars, who are holders of entire villages, from the operation of the Indian Arms Act."

3. "This Council recommends to Government that a grant of Rs. 2,000 for the current expenses and equipment of the Museum be provided in its supplementary budget, to be given to the Broach Sanitary Association to enable it to make further efforts for the improvement of the health of the city and district population."

Resolutions by Mr. S. S. Dev, M.L.C.

1. "This Council recommends to Government that in view of the population of, and the number of voters in, the non-Mahomedan rural constituency of the district of West Khandesh, they may be pleased immediately to move the proper authorities to allot two seats in the Bombay Legislative Council to that constituency."

2. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

3. "This Council recommends to Government not to enforce in any of the talukas of this presidency enhanced rates of assessment fixed as a result of the revision operations carried out during the last eleven years."

4. "This Council recommends to Government that pending the report of the Forest Grievances Committee, the fees for the several kinds of forest produce, including grazing fees, which have been recently increased, be brought to their original level."

5. "This Council recommends to Government that they may be pleased to revise the existing partition of Khandesh and readjust it by transferring Amalner, Parola and Chalisgaon talukas to West Khandesh."

6. "This Council recommends to Government to suspend the introduction of the revised rates of assessment in the Sindkheda taluka in

the West Khandesh district, till legislative or other action is taken by Government on the resolution passed by this Council on the 15th March 1924, regarding the revision of the land revenue assessment."

7. "This Council recommends to the Governor in Council to appoint forthwith a small committee, with a non-official majority, to investigate into the causes of the discontent prevailing among those khatedars in the Mulshi peta whose lands are being acquired for the Nila Mula project and to report thereon."

8. "This Council recommends to Government that all lands situated in the villages of Mulshi peta, which are above the contour line of the Nila Mula project of the Tata Power Company, Ltd., and have been rendered useless to the owners or have deteriorated in value on account of the said project be acquired under the Land Acquisition Act at the rates at which the adjoining lands to be submerged under water are being or have already been acquired."

9. "This Council recommends to Government that the orders prohibiting school boys in Government and aided institutions from attending public meetings be at once rescinded."

10. "This Council recommends that Government be pleased to give substantial monetary help to the Shreemati Nathibai Damodhar Thackersey Indian Women's University, as a mark of appreciation of their efforts in conducting for the last eight years the very useful and important experiment of imparting secondary and higher education to women through the medium of the vernacular and that this help be given without imposing any such restrictions as may interfere with the internal administration of the said university."

11. "This Council recommends to Government that they may be pleased forthwith to appoint for each district in the presidency a mixed committee of officials and non-officials with a majority of non-officials, including all the elected members of the Legislative Council for the districts, the committee having power to elect its own chairman in order to investigate into the economic condition of the people of the district."

12. "This Council recommends to Government that they be pleased forthwith to appoint for each district in the presidency a mixed committee of officials and non-officials, with a majority of non-officials, including all the elected members of the Legislative Council for that district, the committee having power to elect its own chairman, in order to ascertain the grievances of the people and to report thereon suggesting remedies where possible."

13. "This Council recommends that Government be pleased to authorise district officers to supply the members of this Council such information of public interest as they may seek from such officers."

Resolution by Dr. R. P. Paranjpye, M.L.C.

"This Council recommends to Government that liberal provision be made in the next budget, and if possible by means of a supplementary demand during the course of the current financial year, to provide

adequate grants to meet a portion of the current and non-recurring expenses of sanitary associations which are doing excellent work in the direction of health propaganda in the presidency, and in particular to the Broach Sanitary Association which has been carrying on very useful activities for the last twelve years with the help of popular support."

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

"This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay presidency and to recommend legislation for thier removal."

Resolutions by Mr. H. B. Shirdasani, M.L.C.

1. "This Council recommends to Government to amend Rule 5 of the rules framed under the Cotton Transport Act, so as to provide that the restriction on the transport of cotton or any specified kind of cotton (that is cotton seed, kapas, ginned cotton or cotton waste) shall apply only to its transport by rail."

2. "This Council recommends to Government that the proposed revision settlements should not be introduced into the Bardoli and Chikhli talukas of the Surat district until the committee appointed to consider the question of revision settlements has submitted its report and legislative action has been taken on that report."

3. "This Council recommends to Government that an amount of Rs. 3,66,400, which represents the difference between the receipts from *himayat* assessment on tanks in the Surat district for the ten years 1913-14 to 1922-23, viz., Rs. 4,37,166 and the amount spent on the repair of those tanks in the same period, viz., Rs. 70,766 be spent in the next three years on the special repair of tanks in the Surat district."

4. "This Council recommends to Government that in future the amount spent in any year on the repair of tanks in a district should not be less than the amount realised as *himayat* (water-rate) assessment from the tanks of that district in that year."

5. "This Council recommends to Government not to introduce or enforce, in any of the talukas of this presidency, new and enhanced rates of land revenue assessments based on the revision operations carried out during the last five years."

6. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

7. "This Council recommends to Government that for the better conduct of the criminal and revenue administration of the Bombay presidency the following changes should be made—

(1) Revenue officers should exercise no powers under the laws relating to crimes.

(2) The Prant officers, that is sub-divisional officers, should be abolished, the collector being given a personal assistant where necessary."

8. "This Council recommends to Government that within two months of the close of every session of the Bombay Legislative Council, Government should announce what action they have taken or propose to take on all resolutions or motions passed by the Council at such session."

9. "This Council recommends to Government that a committee with a three-fourth non-official majority be appointed to consider and report on the present rules regarding the suspension and remission of land revenue and to suggest the necessary changes in those rules."

10. "This Council recommends to Government that Revenue Commissionerships should be abolished."

11. "This Council recommends to Government that a committee with a three-fourths non-official majority be appointed to consider and report on the following matters:—

(a) What cottage industries are best suited to the conditions prevailing in this presidency (including Sind)?

(b) What are the best means of introducing such cottage industries and of encouraging their growth and expansion so as to bring them within the easy reach of every villager?"

12. "This Council recommends to Government that a committee with a three-fourths non-official majority be appointed to consider and report on the question of the revision of the curricula and text books of the primary and secondary schools in this presidency (including Sind)."

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

1. "This Council recommends to Government not to enforce, in any of the talukas of this presidency, enhanced rates of survey assessment fixed as a result of the revision operations carried out during the last eleven years."

2. "This Council recommends to Government to colonize the waste areas under the Sukkur Barrage from the agricultural population of the congested parts of the Deccan and Gujarat."

3. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

Resolutions by Mr. D. R. Patil, M.L.C.

1. "This Council recommends to Government to appoint a committee of officials and non-officials, with a majority of the latter, to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government not to enforce, in any of the talukas of this Presidency, enhanced rates of survey assessment fixed as a result of the revision operations carried out during the last eleven years."

Resolutions by Haji Abdullah Haroon, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-official Muslims

with a clear non-official majority be appointed to hold an open enquiry and take evidence with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Bombay and Karachi, the duties and powers of the Protectors of Pilgrims and the Hajj Committees at Karachi and Bombay and all matters pertaining to the pilgrim traffic, and to make the necessary recommendations for providing better arrangements for the pilgrims and mitigating their hardships and inconveniences."

2. "This Council recommends to Government that in order to allay the discontent prevailing among the agriculturists of Sind, and to give them real relief, the existing rates of grazing fees and fines per head of cattle impounded be reduced by half."

3. "This Council recommends to Government that for the Mussalman community (Sunnis and Shias) sectional holidays should be sanctioned for the following important festivals :—

(a) Shabi-Mairaj,

(c) Juma-tul-wida,

(b) Shabi-Qadar.

(d) Hajj."

4. "This Council recommends to Government to extend the benefit of the compensatory allowance to non-gazetted officers serving at Bombay, Poona and Karachi at the rate of 20 per cent. of their pay with retrospective effect from the date from which such allowance has been granted to gazetted officers at the above places."

5. "This Council recommends to Government to take steps to encourage and develop the Unani and Ayurvedic systems of medicine and with that end in view to establish a Unani and Ayurvedic medical college at a suitable centre in Sind."

6. "This Council recommends to Government to order all law courts in the Bombay Presidency, including Sind, to give due facilities to Mussalman pleaders, parties and witnesses, attending such courts on Fridays, for their Friday prayers, by allowing them two hours' leave."

7. "This Council recommends to Government that in view of the special conditions of forest areas in Sind the Forest Department in Sind be abolished and the control and administration of the forests be handed over to the respective district local boards."

8. "This Council recommends to Government that the Karachi and Bombay Port Trust Acts be so amended that the proceedings of the meetings of the Karachi and Bombay Port Trusts be open to the press and public."

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

1. "This Council recommends to Government to represent to the Governor General in Council that immediate steps be taken to amend the Devolution Rules so that from next year all provincial subjects (inclusive of Finance) other than those relating to the Department of Law and Order and to the Political Department may be transferred subjects in this Presidency."

2. "This Council recommends to Government that immediate steps should be taken to give full effect to the recommendations of the Vishweshwarayya Committee on Technical Education."

3. "This Council recommends to Government that provision should be made in the next budget (1927-28) for the construction of a dam across the river Alandi in taluka Dindori, district Nasik."

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

1. "This Council recommends to the Governor in Council that orders should be passed to restore the kulkarni watan system as it existed before the commutation of kulkarni watans."

2. "This Council recommends to the Governor in Council that patils should be given an annual income from Government of at least Rs. 300 either in cash or in land or partly in cash and partly in land to enable them to keep up their status."

3. "This Council recommends to the Governor in Council that to improve the condition of the agriculturists Government should remit permanently the land assessment to be paid by an agriculturist in any one village if it be below rupees eight a year."

4. "This Council recommends to the Governor in Council that permanent land revenue settlement should be introduced in this presidency."

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

6. "This Council recommends to Government that they should be pleased to issue directions to all heads of departments to reply directly to members of this Council, if they ask for any information of public interest."

7. "This Council recommends to Government that early orders be issued to count the service of clerks on Rs. 15 in the Judicial Department from 1914 to 1920 for the purpose of granting increments."

8. "This Council recommends to Government that for the better conduct of the criminal and revenue administration of the Bombay Presidency the following changes should be made:—

(1) Revenue officers should exercise no powers under the laws relating to crimes.

(2) Commissionerships should be abolished.

(3) The prant officers, that is sub-divisional officers, should be abolished, the Collector being given a personal assistant where necessary.

(4) The number of mamlatdars should be reduced by one half, one mamlatdar being put in charge of two talukas and the pay and prospects of the mamlatdars be improved."

9. "This Council recommends that Government be pleased to give substantial help to the Shrimati Nathibai Damodhar Thakersay Indian Women's University as a mark of appreciation of their efforts in conducting for the last eight years the very useful and important experiment of imparting secondary and higher education to women through the medium

of the vernaculars and that this help be given without imposing any such restrictions as may interfere with the internal administration of the said University or affect their independence."

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

11. "This Council recommends to the Governor in Council that a committee, with a non-official majority, be appointed to enquire into the grievances of the agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practices."

12. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this presidency and to suggest means for their uplift and amelioration."

13. This Council recommends to Government that due steps be taken to put into execution the suggestions outlined in the 'Prize of Delhi' scheme."

14. "This Council recommends to Government that early orders be issued to reduce the water rate leviable under the provisions of the Bombay Irrigation Act, 1879, to a maximum of rupees twenty per acre."

15. "This Council recommends to Government that all liquor shops, country as well as foreign, should be closed and discontinued from 1st April 1927."

16. "This Council recommends to Government that a committee with a non-official majority be appointed to enquire into and report on the following matters:—

(1) The feasibility of increasing second-class irrigation works by constructing new petty irrigation works and repairing the existing irrigation works.

(2) The protection and repair of existing village tanks and the digging of new tanks.

(3) The improvement of water of agricultural wells by constructing dams in village nallas."

17. "This Council recommends to Government that cow slaughter should be totally forbidden by law in this presidency from 1st September 1926."

18. "This Council recommends to Government not to enforce, in any of the talukas of this presidency, enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

Resolution by Mr. J. Addyman, M.L.C.

1. "This Council recommends to Government that in the interests of commerce and industry no Government workshop or factory shall in future be permitted to compete with private enterprise."

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

1. "This Council recommends to Government that they may be pleased to open an Anglo-Urdu middle school at Sholapur immediately."

Resolution by Mr. P. G. Joshi, M.L.C.

1. "This Council recommends to the Governor in Council that the new increased maximum rates of land assessment which have been introduced in the various parts of the presidency, including Sind, after the publication of the Joint Parliamentary Select Committee's recommendations to regulate by statute the process of revising land assessment, should forthwith be withdrawn and the old rates be introduced in their stead."

Resolution by Mr. M. B. Powar, M.L.C.

1. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

Resolution by Mr. R. D. Shinde, M.L.C.

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay presidency and to recommend legislation for their removal."

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

1. "This Council recommends to Government that a grant of Rs. 2,000 for current expenses and equipment of the museum be provided in its supplementary budget to be given to the Broach Sanitary Association to enable it to make further efforts for the improvement of the health of the city and district population."

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

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "In view of the pecuniary hardships of the primary teachers, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923."

3. "This Council recommends to Government that pending the report of the Forest Grievances Committee, the fees for the several kinds of forest produce, including grazing fees, which have been recently increased, be brought to their original level."

4. "This Council recommends to Government that the liquor shop of Saraspur, a suburb of Ahmedabad, which is situated in front of the well of the suburb, be forthwith removed from its present location."

5. "This Council recommends to Government to amend the orders passed in Government memorandum No. 2939-N, dated 27th March 1924, Public Works Department, and exempt local board officials and servants from paying tolls on provincial roads, in the same way as Government servants have been exempted from paying tolls on local fund roads."

6. "That in view of the fact that the number and the quality of milch animals are already inadequate for a sufficient supply of milk required by the people of the province of Bombay and those of plough cattle and draught cattle are altogether inadequate for cultivation and other necessary purposes, this Council recommends to Government that the present practice of indiscriminate slaughter of cattle be discontinued and that rules be at once framed and enforced throughout the province for stopping the slaughter of

(a) animals which are pregnant or in milk ;

(b) all cows ;

(c) breeding bulls, draught and plough bulls and bullocks ;

(d) all animals (other than sheep or goats) which are under the age of nine years ;

and that the existing laws on the subject be so amended as to give effect to this resolution."

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

8. "This Council recommends to Government that an Ayurvedic and Unani college be established at a convenient place in the Presidency."

9. "This Council recommends to Government not to enforce, in any of the talukas of this presidency, enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

10. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

Resolution by Haji Khamiso Gul Mahomed, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-official Muslims, with a clear non-official majority, be appointed to hold an open enquiry and take evidence with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Bombay and Karachi, the duties and powers of the Protectors of Pilgrims and the Hajj Committees at Karachi and Bombay and all matters pertaining to the pilgrim traffic, and to make the necessary recommendations for providing better arrangements for pilgrims and mitigating their hardships and inconvenience."

Resolutions by Sir Vasantao A. Dabholkar, Kt., M.L.C.

1. "In view of the fact that tobacco powder or tobacco leaves are good as manure for agricultural purposes this Council recommends to

the Governor in Council that the use of tobacco should be allowed without any duty for agricultural purposes as is done in the case of salt issued for the same purpose."

2. "That in view of the policy of total prohibition advocated by them, this Council recommends to Government that supplies of toddy from such places as Sanjan and others which are situated at some distance from Bombay should not be allowed to be imported into the city."

Resolutions by Mr. R. S. Nekaljay, M.L.C.

1. "This Council recommends to the Governor in Council that the ban against the enlistment of Mahars and members of the depressed classes in the Bombay city police, both armed and unarmed, be removed immediately."

2. "This Council recommends to Government to take necessary action to remove prostitutes residing in localities inhabited by poor and middle class people in the city of Bombay and in the camp and city of Poona, and to segregate them."

3. "This Council recommends to Government to appoint a small committee of the following honourable members of the Council to report on the social, moral and economic conditions of the depressed classes in the Presidency by visiting four villages in each Division and to suggest to Government some efficient means of improving their status :—

Dr. R. P. Paranjpye,
The Honourable Sir C. V. Mehta,
Mr. R. G. Pradhan,
The Honourable Mr. B. V. Jadhav,
Mr. R. S. Nekaljay."

4. "This Council recommends to Government that plots of forest land be made available at concession rates for cultivation on leases of 999 years to the members of the depressed classes."

5. "This Council recommends to Government to make necessary arrangement for providing water for drinking purposes to the members of the depressed classes in the presidency where there is a scarcity of drinking water."

6. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

7. "This Council recommends to His Excellency the Governor in Council to appoint at an early date a committee to enquire into the causes of, and to suggest ways and means of solving, the problem of the growing unemployment among the middle classes in the city of Bombay."

Resolutions by Mr. G. I. Patel, M.L.C.

1. "This Council recommends to Government to appoint a committee consisting of the following gentlemen to examine the expenditure incurred

on the services, Provincial and Subordinate, and to make recommendations for abolishing such of the posts as they deem fit and for curtailing the scale of pay, allowances and all other kinds of emoluments wherever necessary :—

Members :—

1. Sir Visvesvaraya, K.C.I.E., D.Sc., M.I.C.E.
2. Sir Purshotamdas Thakurdas, Kt., M.L.A.
3. The Honourable Mr. Phiroze C. Sethna, O.B.E.
4. Joseph Baptista, Esq., Bar. at-Law.
5. H. B. Shivdasani, Esq., M.A.
6. Hooseinbhoj A. Lalljee, Esq.
7. J. A. Shillidy, Esq., I.C.S. (as Secretary)."

2. "This Council recommends to Government that within two months of the close of every session they would be pleased to announce what action they have taken or propose to take on each of the decisions of the Council arrived at during that session."

3. "This Council recommends to Government not to enforce, in any of the talukas of this presidency, enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

4. "In view of the pecuniary hardships of the primary teachers, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923."

5. "This Council recommends to Government to abolish the control of the Watch and Ward at Ahmedabad station yard and to establish the control of the department which used to guard the goods prior to the creation of the Watch and Ward."

6. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by the honourable members of the House should be made more satisfactory."

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

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

Resolution by Mr. Wadero Kadirbaksh Jatui, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-official Muslims, with a clear non-official majority, be appointed to hold an open enquiry and take evidence with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Bombay and Karachi, the duties and powers of the Protectors of Pilgrims and the Hajj Committees at Karachi and Bombay and all matters pertaining to the pilgrims traffic, and to make the necessary recommendations for providing

better arrangements for the pilgrims and mitigating their hardships and inconveniences."

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

1. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

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

1. "This Council recommends to Government that in order to relieve the agriculturists of distress caused by constant scarcity of rains and famine, the construction of minor irrigation works in the eastern part of the Satara District be immediately taken in hand, and that amongst these works the construction of the Goregaon tank in the Khanapur taluka should be taken in hand at the first opportunity."

2. "This Council recommends to Government that a sufficient staff be employed under the control of the Agricultural Department to render assistance to the agriculturists of this presidency for marketing of their produce and to afford facilities for the safe transporting of vegetables and fruits by railway or steamer."

3. "This Council recommends to Government that Agricultural Development Associations should be started immediately in each taluka through the respective district local boards, and that a sufficient provision should be made for giving grants to the boards for the upkeep of such associations under the guidance of the Agricultural Department."

4. "This Council recommends to Government that a committee with a non-official majority be appointed to inquire into and report on the question and rules of suspension and remission of land revenue with a view to give more adequate and equitable relief to the ryots in this presidency in case of partial or total failure of crops."

5. "This Council recommends to Government that pending the report of the Forest Grievances Committee, the fees for the several kinds of forest produce, including grazing fees, which have been recently increased, be brought to their original level."

6. "This Council recommends to Government to take immediate steps to introduce standard weights and measures throughout the presidency."

7. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

Resolutions by Mr. S. A. Sardesai, M.L.C.

1. "This Council recommends to Government not to recognise the adoption by a watandar holding a sanad under the Gordon Settlement of a person who is not a member of the watan family, without the unanimous consent of all the sharers of the watan and the consequent consent of Government."

2. "This Council recommends to the Governor in Council to represent to the Governor General in Council that the Electoral Rules should be so modified as to enable women to stand as candidates for the elections."

3. "This Council recommends to Government that the provisions relating to the Record of Rights should not be applied to alienated villages and lands throughout the whole of the Bombay Presidency."

4. "This Council recommends to Government to investigate the following four irrigation schemes so as to relieve a large portion of the famine-stricken district of Bijapur:—

(1) Herkal Scheme (on the Ghataprabha River).

(2) Shivayogamandir Scheme (near Badami on the Malaprabha River).

(3) Ramthal Scheme (near Kamatgi causeway on the Malaprabha River).

(4) Aiholli Scheme (on the Malaprabha River at a distance of a few miles from Kamatgi causeway)."

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

6. "This Council recommends to Government to move the Government of India to exempt all Inamdars and Jahagirdars possessing at least one entire inam village or paying Rs. 250 as Judi or land assessment from the operations of the Indian Arms Act, 1874."

7. "This Council recommends to Government to recommend to the Government of India to create a separate electorate of Inamdars and Sardars of Karnatak district, and to allow them to return at least one elected member to this Council from their constituency."

8. "This Council recommends to Government to raise the Anglo-Vernacular Girls' School of Bijapur to the status of a Girls' High School immediately and to appoint in that institution female teachers only."

9. "This Council recommends to Government to train a sufficient number of female teachers for girls' schools, as it is desirable to appoint only female teachers in girls' schools."

10. "This Council recommends to Government to reorganise the Public Health Department by the appointment in every district and major municipality of health officers and properly trained staff."

11. "This Council recommends to Government to open an industrial and technical school at Bijapur immediately."

12. "This Council recommends to Government to open a combined Ayurvedic and Unani medical school for the Bombay Presidency at some suitable centre which may be developed into a college in due course."

13. "In view of the recurring famines in the Bijapur district, this Council recommends to Government to start without delay two irrigation schemes, viz., the Ghataprabha and Malaprabha, both of these being protective and productive."

14. "This Council recommends to Government to open a medical school at an early date at Hubli or some other suitable place in the Karnatak."

15. "This Council recommends to Government to establish three foreign scholarships, one for each of the three divisions (Southern, Central

and Northern) of the Presidency, for the study of journalism in America and Europe."

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

17. "This Council recommends to Government to move the Government of India to reduce the railway fares of third class passengers of the B. B. & C. I., the G. I. P. and the M. & S. M. Railways following the example of the S. I. Railway."

18. "This Council recommends to Government to move the Government of India to continue the membership of this provincial Council for six years instead of only three years as it is done up till now."

19. "This Council recommends to Government to open an agricultural school at Bagalkot or some other suitable place in the Bijapur district immediately."

20. "This Council recommends to Government to move the Government of India to create a new province for the Karnatak districts from the Kannada-speaking parts of the Bombay and Madras Presidencies and Coorg."

21. "This Council recommends to Government that it may be pleased to take necessary steps to have at least two non-Mahomedan representatives in the Bombay Legislative Council from the Bijapur district."

22. "This Council recommends to Government to open a second grade arts college at Bijapur immediately."

23. "This Council recommends to Government to establish an independent Karnatak University at Dharwar."

24. "This Council recommends to Government to arrange to run two fast trains on the Gadag-Hotgi section of the M. & S. M. Railway."

25. "This Council recommends to Government to open a law college for the LL.B. course at Dharwar immediately."

26. "This Council recommends to Government to appoint a committee to enquire into and to report on the possibilities of opening Karwar as a harbour."

27. "This Council recommends to Government to recommend to the Government of India to connect Karwar port with Hubli by a railway line."

28. "This Council recommends to Government to provide a sum of Rs. 1,00,000 in the next budget for the improvement of water supply in the Bijapur district."

29. "This Council recommends to Government to appoint a committee with a three-fourths non-official majority to consider and report on the present rules regarding the suspension and remission of land revenue and to suggest what changes it is desirable to make in them."

30. "This Council recommends to Government that for the better conduct of the criminal and revenue administration of the Bombay Presidency, revenue officers should exercise no powers under the laws relating to crimes."

31. "This Council recommends to Government that in order to allay the discontent prevailing among the agriculturists of the Presidency and

to give them relief, the following fees and fines, wherever they have been recently increased, be reduced to their original level :—

- Grazing fees per head of cattle,
- Fees per cart and headload of grass,
- Fees per cart and headload of anjan leaves,
- Fees per cartload of thorns,
- Fees per cart and headload of fuel,
- Fees per cartload of stones of various kinds, and
- Fines per head of cattle impounded."

32. " This Council recommends to Government not to issue licenses for the sale of country liquor and toddy in villages having a population of five thousand or less after the expiry of the existing licenses."

33. " This Council recommends to Government to take immediate steps for the introduction of Kanarese forms, posters, etc., in all the post offices of the Bombay Karnatak."

34. " This Council recommends to Government to remit the remaining balance of Rs. 48,000 out of Rs. 96,000 which were paid to the Bijapur municipality as a grant-in-aid in 1912-13 on condition that it should be repaid if the water works worked at a profit."

35. " This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

Resolution by Dr. K. E. Dadachanji, M.L.C.

1. " This Council recommends to Government that a grant of Rs. 2,000 for current expenses and equipment of the Museum be provided in its supplementary budget, to be given to the Broach Sanitary Association to enable it to make further efforts for the improvement of the health of the city and district population."

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

1. " This Council recommends to Government that in view of the curtailment of the activities of the Development Department in the suburban district and in view of the extreme necessity of retrenchment the Bombay Suburban district as a separate district be abolished."

2. " This Council recommends to Government that in view of the large and growing number of boys and girls seeking secondary education in Thana a new high school accommodating at least 600 boys be built and the English girls school at Thana be enlarged with additional divisions in the first two or three standards and converted into a full-fledged high school."

3. " This Council recommends to Government not to enforce in any of the talukas of this Presidency enhanced rates of survey assessment fixed as a result of revision operations carried out during the last eleven years."

4. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

5. "This Council recommends to Government that in view of the transfer of the control of primary education to local boards and local authorities the office of the Director of Public Instruction be abolished and the Honourable Minister put in touch directly with the Educational Inspector."

6. "This Council recommends to Government that the tedious and dilatory process of submitting every correspondence relating to educational matters through the Collectors and Commissioners be abolished and local authorities and district boards be put in direct touch with the educational authorities concerned."

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

1. This Council recommends to Government to represent to the Government of India the necessity of amending the Bombay Electoral Rules by deleting Rule 6 (i) (b), which makes it incumbent on a candidate from a general constituency or of a division any part of which is included in that constituency to be a resident of that constituency for at least six months immediately prior to the nomination day."

Resolution by Mr. J. M. Bhurgri, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-official Muslims, with a clear non-official majority, be appointed to hold an open enquiry, and take evidence with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Bombay and Karachi, the duties and powers of the Protectors of Pilgrims and the Hajj Committees at Karachi and Bombay and all matters pertaining to the pilgrim traffic, and to make necessary recommendations for providing better arrangements for the pilgrims and mitigating their hardships and inconveniences."

Resolutions by Mr. A. E. Patel, M.L.C.

1. "This Council recommends to Government that a grant of Rs. 2,000 for current expenses and equipment of the museum be provided in its supplementary budget, to be given to the Broach Sanitary Association, to enable it to make further efforts for the improvement of the health of the city and district population."

2. "This Council recommends to Government not to enforce, in any of the talukas of this Presidency, enhanced rates of survey assessments fixed as a result of revision operations carried out during the last eleven years."

3. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

Resolutions by Mr. Shankarrao Jayaramrao Zunzarrao, M.L.C.

1. "This Council recommends to Government to appoint a committee of officials and non-officials, with a non-official majority, to enquire into

the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to construct a bridge across the Ulhas river, as the public using the Kalyan-Murbad Road are put to great inconvenience owing to sudden rise in the level of the river caused by the flow of the water of the Tata Company."

3. "This Council recommends to Government to move the Government of India to appoint a committee with a non-official majority to investigate and redress the grievances of the labourers who have emigrated to Assam from the Bombay Presidency."

4. "This Council recommends to Government to compel the local authorities to prepare schemes for free and compulsory primary education and to submit them to Government within one year."

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

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to appoint a committee of this Council, with a non-official majority, the duration of the committee being co-extensive with that of each Council, with a view to control and revise the location of liquor shops, so as to bring about a reduction of not less than one-third of their existing number, within the next three years, and especially to stop any liquor shop being located, within a radius of one mile from any mill or factory, or the residential quarters of the millhands or factory workers in the Bombay Presidency."

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

1. "This Council recommends to Government that a medical school be established in Hubli."

2. "This Council recommends to Government to recommend to the Government of India that a railway line be constructed between Hubli and Karwar via Sirsi."

3. "This Council recommends to Government that a representation be made to the Government of India to form the Kanarese-speaking districts of the Bombay and Madras Presidencies into a separate and independent province."

4. "This Council recommends to Government that a provision of Rs. 5,000 be made in the next year's budget for a grant to the Hubli Co-operative Hospital."

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

1. "This Council recommends to Government to reduce the rent of the Development Department chawls at Worli to a flat rate of three rupees per month per room."

2. "This Council recommends to Government to represent to the Government of India the necessity of giving more representation to the

working classes by reserving one seat in the Bombay City (South) Constituency for the Maratha and Allied castes."

3. "This Council recommends to Government to give immediate effect to the resolution recommending increase of the scale of salaries of Government peons passed on 19th March 1925."

4. "This Council recommends to Government to introduce new or to amend the existing legislation for the purpose of determining the respective rights and liabilities of khots and their tenants."

5. "This Council recommends to Government to take immediate steps to increase the scope of medical relief given at present to the patients in the Dental Department of the J. J. and allied hospitals."

6. "This Council recommends to Government to appoint a committee to inquire into the adequacy or otherwise of the facilities for embarkation and disembarkation at present available to passengers in the ports of the western coast of the Bombay Presidency, and to suggest improvements—if necessary—in them with a view to ensure greater security of life and property of the public using steamers and country craft."

7. "This Council recommends to Government to take steps—legislative or administrative—to secure the gradual curtailment of the vice of prostitution in the brothels eventually leading up to statutory abolition of brothels in the urban areas including the city of Bombay."

8. "This Council recommends to Government to undertake legislation for the purpose of restricting and regulating the slaughter of animals within municipal areas."

9. "This Council recommends to Government to reduce the rent per month of each room in the Development Department chawls to the following scale :—

Naigaum and Sewri	.. Rs. Five.
DeLisle Road	.. Rs. Six."

10. "This Council recommends to Government to build a wharf at Uran at an early date with a view to remove the hardships to which passengers using ferry steamers are put on account of its absence."

11. "This Council recommends to Government to build a bridge over the Ambhavani creek to afford to people residing in the island of Dharavi means of easy communication with Salsette."

12. "This Council recommends to Government that with a view to make the Corporation really democratic, legislation should be introduced for widening the municipal franchise in the city of Bombay so as to entitle persons paying rupees five and over per month as rent to vote."

13. "This Council recommends to Government to introduce legislation for redistributing the seats in each ward of the city of Bombay according to the numerical voting strength."

14. "This Council recommends to Government to cancel the order recently passed forbidding Government servants accepting the presidency or other similar post involving executive control of institutions which are meant for the benefit of one particular section of the community."

15. "This Council recommends to Government to represent to the Government of India the necessity of amending the definition of the

term 'Mahratta' as given in rule 2 of the Bombay Electoral Rules so as to make it clear that the castes enumerated therein refer only to Marathi-speaking castes professing the Hindu religion."

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

1. "This Council recommends to Government not to enforce in any of the talukas of this Presidency enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

2. "This Council recommends to Government that the proprietary rights over lands held on the Hadi tenure should be conceded to the tenants thereof with an express condition that they are inalienable except with the holding for the use of which they are leased by Government."

Resolution by Sayed Ghulam Nabi Shah, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that a mixed committee of officials and non-official Muslims, with a clear non-official majority, be appointed to hold an open enquiry and take evidence with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Bombay and Karachi, the duties and powers of the Protectors of Pilgrims and the Hajj Committees at Karachi and Bombay and all matters pertaining to the pilgrim traffic, and to make the necessary recommendations for providing better arrangements for the pilgrims and mitigating their hardships and inconveniences."

Resolutions by Moulvi Rafiuddin Ahmad, M.L.C.

1. "This Council recommends to Government to establish an Anglo-Urdu high school in Khandesh."

2. "This Council recommends to Government that criminal tribes settlements should not in future be handed over to any missionary body for management and that in the existing settlements no non-Christians should be compelled to attend Christian Prayer meetings or Bible classes."

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

1. "This Council recommends to Government not to enforce in any of the talukas of this Presidency, enhanced rates of survey assessments fixed as a result of revision operations carried out during the last eleven years."

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

1. "This Council recommends to His Excellency the Governor in Council that the Dawoodi Bora community may be permanently exempted from the operation of the Wakf Act."

2. "This Council recommends to Government to establish a central Urdu Girls' School at Ahmedabad on the lines of the one at Poona."

3. "This Council recommends to Government that in the sale of firewood trees by Government in the Ahmedabad district, payment of the price by instalments should be allowed to the purchasers, both in the interests of the public and of Government."

4. "This Council recommends to Government that in view of the great demand for admission into Government High and Middle Schools at least two classes in each standard be maintained by Government."

5. "This Council recommends to Government that the age limit for sub-judgeships should be raised from 30 years to 35 years."

6. "This Council recommends to Government that the building which is used for the mamlatdar's katcheri at Mehmudabad and which was originally a serai or caravansary for the use of Mahomedan travellers and passengers with a masjid attached to it, and a Pir's (saint) mausoleum inside the compound be handed back to the Mussalmans of Mehmudabad for the purpose for which it was originally designed by the donor Malek Mahomed Nizam."

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

1. "This Council recommends to Government not to enforce in any of the talukas of this Presidency enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

2. "This Council recommends to the Governor in Council that a provision of Rs. 1,00,000 be made in the coming year's budget for starting a demonstration factory in gold thread weaving and allied processes in the Bombay Presidency, preferably at Surat which is the most important centre of that industry."

IX. PAPERS PRESENTED TO THE COUNCIL.

(1) Report of the Select Committee on the Bill to enable the Hindus of the Province of Sind to restrict themselves to monogamous marriages (Bill No. IV of 1925).

(2) Report of the Select Committee on the Bill to consolidate and amend the law relating to the Courts in Sind (Bill No. XXIII of 1925).

(3) Report of the Select Committee on the Bill to amend the Bombay Prevention of Prostitution Act, 1923 (Bill No. VII of 1926).

(4) Report of the Select Committee on the Bill further to amend the Bombay Local Boards Act, 1923 (Bill No. XX of 1925).

(5) Report of the Select Committee on the Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests (Bill No. XXXI of 1925).

(6) A statement* in connection with a question put by Sardar G. N. Mujumdar, M.L.C., showing inam villages that are yet to be taken up for survey settlement in the districts and talukas where the Field Party has been working.

(7) A copy* of Press Note No. SA-4755, dated the 9th December 1921 in connection with a question put by Mr. Lalji Naranji, M.L.C., giving the details of the agreement arrived at with the Government of India in connection with the Military land at Colaba.

(8) Proceedings* of the meeting of the Finance Committee, March 1926.

* Kept in the Secretary's Office.

(9) Note* for the information of the Legislative Council regarding compensation paid to convicts—

(1) Malakhan Azadkhan,

(2) Muhamad Jamalkhan *alias* Munjia Abdul Khalik.

(10) Resolution* of Government in the Home Department, No. 5228, dated the 24th June 1926, regarding reforms in administration of Police Department with a view to reduction of work and economy.

* Kept in the Secretary's Office.

Monday, the 26th July 1926

The Council met at the Council Hall, Poona, on Monday, the 26th July 1926, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
 ADAM, Mr. C. G.
 AHMAD, MOULVI RAFIUDDIN
 ANDERSON, Mr. F. G. H.
 BALAK RAM, Mr.
 BEDREKAR, Khan Bahadur I. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 BUNTER, Mr. J. P.
 CHATFIELD, Mr. G. E.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. A. R.
 DEHLAVI, the Honourable Mr. A. M. K.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 FRAMJI, Mr. K. S.
 GHULAM HUSSAIN, the Honourable Sir
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HATCH, Mr. G. W.
 HOTSON, the Honourable Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JEHANGIR, the Honourable Mr. COWASJI
 KALBHOR, Mr. G. M.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 LAIRD-MACGREGOR, Mr. E. G. L.
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSEINBHOY A.
 LOWSLEY, Mr. C. O.
 MANSURI, Khan Saheb A. M.
 MCKEE, Mr. W. G.
 MEHTA, the Honourable Sir CHUNILAL
 MUJUMDAR, Sardar G. N.
 NEKALJAY, Mr. R. S.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.

PARANJPYE, Dr. R. P.
 PATEL, Mr. A. E.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 RAHIMTOOLA, Mr. HOUSENALLY M.
 RIEU, the Honourable Mr. J. L.
 SARDESAI, Mr. S. A.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHIVDASANI, Mr. H. B.
 SURVE, Mr. A. N.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 WEBB, Mr. M.
 WINTERBOTHAM, Mr. G. L.
 WOODS, Mr. E. E.

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

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

The Honourable Mr. J. E. B. Hotson, C.S.I., I.C.S.
 Mr. J. C. Swaminarayan.
 Mr. J. A. Kay.
 Mr. G. L. Winterbotham.
 Mr. Balak Ram, I.C.S.
 Mr. E. G. L. Laird-MacGregor, I.C.S.
 Mr. G. E. Chatfield, C.I.E., I.C.S.
 Mr. C. W. A. Turner, I.C.S.
 Mr. F. G. H. Anderson, I.C.S.
 Mr. C. O. Lowsley.

The Honourable the PRESIDENT: Order, order. The next business before the House is the nomination of four chairmen. I have much pleasure in announcing that I nominate the following four honourable members to serve as chairmen for the current session:—

Mr. J. A. Kay.
 Dr. R. P. Paranjpye.
 Mr. D. R. Patil.
 Mr. Huseinbboy A. Lalljee.

The next business is the announcement of the Acts to which His Excellency the Governor General has given his assent. They are as follows:—

- (1) An Act further to amend the Bombay Port Trust Act, 1879.
- (2) An Act to give wider powers in the management of municipal affairs in certain cities.
- (3) An Act to amend the Indian Stamp (Bombay Amendment) Act, 1922.

(4) An Act further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.

(5) An Act further to amend the Court-fees Act, 1870.

(6) An Act further to amend the Cattle-Trespass Act, 1871, in its application to the Presidency of Bombay.

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

(8) An Act further to amend the Bombay Civil Courts Act, 1869.

I have also to announce to honourable members that a suitable reply has been received from a son of the late Sir Mahomed Hajibhoy in answer to the vote of condolence that the House passed on the last occasion.

Questions.

CLERKS IN RATNAGIRI GOVERNMENT OFFICES

Mr. S. K. BOLE: Will Government be pleased to state the total number of clerks in the mamlatdar's, sub-judge's and Customs offices respectively in Vengurla in the Ratnagiri district and how many of them belong to the higher and the backward classes respectively?

The Honourable Sir CHUNILAL MEHTA: There are seven clerks in the Mahal office at Vengurla of whom two are of backward classes. In the sub-judge's office at that place there are nine clerks of whom one is of a backward class.

Mr S. K. BOLE: Is it a fact that these clerks were posted there for several years and they are not transferred?

The Honourable Sir CHUNILAL MEHTA: I cannot tell you off-hand. I would like to have notice of the question.

Mr. A. N. SURVE: Am I to understand that the other clerks belong to the advanced classes?

The Honourable Sir CHUNILAL MEHTA: Presumably so.

LATE HOURS IN A LIQUOR SHOP

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

(a) whether extension of time to sell liquor till 11 p.m. has been granted to a liquor shop at the corner of Dadar and Naigam Road in F. Ward in the City of Bombay;

(b) if so, for what reason?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) The licensee of the refreshment room in question applied to the Collector of Bombay for permission to keep his refreshment room open till 11 p.m. on the ground that many of the passengers alighting at Dadar both by the Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway Company's trains complained of the early closure as they were unable to obtain refreshments when trains arrived after 9-30 p.m. The Divisional Traffic Superintendent, G. I. P. Railway, and the District Traffic Superintendent, Bombay, Baroda and Central India Railway, who were consulted by the Collector supported the applicant's request. The Commissioner of Police, Bombay, also stated

that there was no objection to the grant of the applicant's request. Permission was accordingly granted.

Sir VASANTRAO A. DABHOLKAR: May I know what was the opinion of the advisory committee of the Bombay Municipal Corporation "F" Ward about the extension of time?

The Honourable Mr. A. M. K. DEHLAVI: I cannot answer that just now because I do not know what their report was.

Sir VASANTRAO A. DABHOLKAR: Was the advisory committee of the "F" Ward consulted?

The Honourable Mr. A. M. K. DEHLAVI: I cannot tell you that just now off-hand.

Sir VASANTRAO A. DABHOLKAR: Then, whose opinion is more important on this question compared with the opinion cited in your reply? (No reply.)

Mr. S. K. BOLE: Sir, have Government received any application to the effect that refreshments were required? Did the Collector receive such application asking for refreshments himself?

The Honourable Mr. A. M. K. DEHLAVI: I ask for notice.

Sir VASANTRAO A. DABHOLKAR: Will Government be pleased to state before the end of the session whether the Bombay Municipality was consulted on this subject?

The Honourable Mr. A. M. K. DEHLAVI: Yes.

Mr. S. K. BOLE: Here it is stated that the licensee of the refreshment room in question applied to the Collector for permission to keep his refreshment room open till 11 p.m. on the ground that many of the passengers alighting at Dadar complained of the early closure as they were unable to obtain refreshments when trains arrived after 9-30 p.m. How many passengers complained to the owner of the refreshment bar to this effect?

The Honourable Mr. A. M. K. DEHLAVI: I must ask for notice of that.

Mr. S. K. BOLE: Is the Government aware that there was much opposition to the extension of this time?

The Honourable Mr. A. M. K. DEHLAVI: Yes.

Mr. S. K. BOLE: Is the Government aware that a similar shop enjoying the privilege of the extension of time was sought to be transferred in the vicinity of the present shop and the people of the locality submitted their objections and the transfer was refused?

The Honourable Mr. A. M. K. DEHLAVI: I ask for notice.

MEDICAL OFFICER FOR BHUSAVAL

Mr. S. K. BOLE: Will Government be pleased to state whether they intend to appoint a Bombay Medical Service Officer at Bhusaval in the new hospital?

The Honourable Mr. B. V. JADHAV: The new hospital at Bhusaval is not a Government institution and no application for the loan of the

services of a Bombay Medical Service Officer for this hospital has been received by Government.

NASIK LAND ACQUISITION

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

(a) whether it is a fact that certain land was required by Government for digging boundary gutters on the station road at Nasik and possession of the land was taken by the Executive Engineer, Nasik sub-division, in 1919 ;

(b) whether the said acquisition was notified in the Government Gazette dated the 31st (3rd ?) June 1920 by notification No. 1625 under Act I of 1894 ;

(c) whether notices for acquisition were issued and served upon the land-holders in 1924-25 ;

(d) whether compensation for the land is not yet paid ;

(e) whether the proceedings are going on for five years ;

(f) who is responsible for the delay ;

(g) whether interest would be paid to the people for the whole period on the amount of award ;

(h) what rate of interest would be paid ?

The Honourable Mr. J. L. RIEU : (a), (b) and (c) Yes.

(d) Compensation has been paid.

(e) Yes.

(f) The delay was due to the inability of Government to provide funds owing to financial stringency.

(g) Interest on the amount of compensation has been awarded to the owners of lands from the date of taking possession of the lands by the Public Works Department to the date of payment of the compensation.

(h) The rate of interest is 6 per cent. per annum (*vide* section 34 of the Land Acquisition Act).

KHOTS AS POLICE PATILS

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

(a) whether there are many khots who are also the police patils of the villages in the Ratnagiri and Kolaba districts ;

(b) what is their number in each of these districts ?

The Honourable Mr. J. L. RIEU : (a) and (b) In the Kolaba district there are 45 khoti sharers who are also police patils. Of these, 12 are managing khots. In the Ratnagiri District 191 managing khots and 219 khoti sharers who are not managing khots hold police patils' appointments.

BOTANICAL GARDENS AT GANESHKHAND

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

(a) whether it is a fact that the Botanical Gardens at Ganeshkhind are abolished and that in their place a fruit orchard is being set up ;

(b) if so, whether they contemplate setting up another Botanical Garden elsewhere for research work in economic botany and in the medicinal properties of plants ;

(c) how much research work in economic botany was done in the Ganeshkhind Botanical Gardens so long as they remained as a botanical garden and what has become to those old botanical plants collected from all over the presidency and from foreign countries;

(d) whether it is a fact that most of them are being destroyed to make room for potatoes, papya, figs and other fruits;

(e) who was responsible for the change in the policy of the Ganeshkhind gardens and for the destruction of the plants reared at a heavy cost and trouble?

The Honourable Mr. A. M. K. DEHLAVI: (a), (b), (d) and (e) Already replied.

(c) The research work in economic botany done at Ganeshkhind has been reported in the Reports of the Gardens for the years 1910 to 1920 and in several bulletins of the Department of Agriculture which have been published.

Rao Saheb D. P. DESAI: I have asked "what has become to the old botanical plants collected from all over the presidency and from foreign countries"? Government has not given any reply to that.

The Honourable Mr. A. M. K. DEHLAVI: I will try and find that out for you.

Rao Saheb D. P. DESAI: When will Government give a reply to that?

The Honourable Mr. A. M. K. DEHLAVI: Before the end of this session.

AHMEDABAD SCHOOL FOR DEAF MUTES

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state the amount of grant given by them and by the municipality of Ahmedabad to the Deaf and Dumb School at Ahmedabad and the total annual cost of maintaining the school?

The Honourable Mr. B. V. JADHAV: The following figures give the necessary information for the year 1924-25:—

	Rs.
(1) Government grant	4,067
(2) Grant by the Municipality of Ahmedabad ..	900
(3) Total annual cost of the school ..	7,472

PERIOD OF INCREMENTS IN THE CASE OF PRIMARY TEACHERS

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state:—

(1) whether it is a fact that in all Departments of Government and even in the Educational Department, except in the case of primary teachers, periodical increments of pay are given from any months in which the appointments might have been made;

(2) whether it is a fact that in the case of primary teachers, such increments are given only from March-April and if any teacher completes his prescribed period in any month after March-April, he has to wait for his increment till the next March?

(3) what are the reasons for this difference in treatment ?

The Honourable Mr. B. V. JADHAV : (1) So far as the Educational Department is concerned, the answer to the question is in the affirmative. As regards other Departments the Honourable Member is referred to the Honourable Member or Minister concerned.

(2) A period of service in excess of six months is taken as a complete year. Subject to this reservation, the answer to the question is in the affirmative.

(3) The reasons for issuing the orders are (a) simplification of the work of calculating and distributing pay and (b) the fact that the revised scales come into effect from 1st March 1921.

Mr. S. S. DEV : May I ask whether the Honourable Minister treats the primary teachers as a species by themselves to be distinguished from all the rest ? May I know whether the reasons stated in sub-clause (3) of the answer do not obtain in the case of other teachers also ? For instance, secondary teachers and others ?

The Honourable Mr. B. V. JADHAV : They hold good in their case also.

Mr. S. S. DEV : If that is so, how are these reasons stated in sub-clause (3) justified ?

The Honourable Mr. B. V. JADHAV : The reasons are given there.

Mr. S. S. DEV : If these reasons hold good in the case of all the teachers, how do you distinguish primary teachers from the other teachers ?

The Honourable Mr. B. V. JADHAV : I am sorry I have not understood the question.

Mr. S. S. DEV : I make myself clear. I ask whether the reasons that have been stated in sub-clause (3) of this answer do not obtain or hold good in the case of teachers teaching in our high schools.

The Honourable Mr. B. V. JADHAV : I am not aware that these rules are not applicable in the case of teachers teaching in our high schools.

Mr. S. S. DEV : They are not applicable ?

The Honourable Mr. B. V. JADHAV : I am not aware.

MONETARY HELP TO THE SHREEMATI NATHIBAI DAMODAR THACKERSEY INDIAN WOMEN'S UNIVERSITY

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state —

(1) whether they render any monetary help to the Shreemati Nathibai Damodar Thackersey Indian Women's University ;

(2) whether they are aware that during the last two years several honourable members had given notices of resolutions recommending such help to the said university ;

(3) whether the question of rendering such help is under their consideration ?

The Honourable Mr. B. V. JADHAV : (1) The reply is in the negative.
 (2) The answer is in the affirmative.
 (3) The answer is in the negative. The institution has never applied for a grant.

Mr. G. B. PRADHAN : May I know from the Honourable Minister if it is a condition precedent to the Government grant that the Government curricula must be accepted by an institution for women, even for women ?

The Honourable Mr. B. V. JADHAV : I do not think it is a condition precedent.

Mr. S. S. DEV : May I know whether the resolutions—notice of which have been given by honourable members—are under the consideration of Government ?

The Honourable Mr. B. V. JADHAV : No, they are not.

Mr. G. B. PRADHAN : Do the Government approve of the work which is done by this University ?

The Honourable Mr. B. V. JADHAV : That does not arise.

COMMITTEE OF DIRECTION FOR INDUSTRIAL AND TECHNICAL SCHOOLS

Mr. S. S. DEV (West Khandesh District) : Will the Honourable Minister for Education be pleased to say—

- (1) whether there is any Committee of Direction for Industrial and Technical Schools ?
- (2) if so, when was it nominated ?
- (3) who are the Members on the Committee ?

The Honourable Mr. B. V. JADHAV : (1) Yes.

(2) 1913.

(3) The Director of Public Instruction ;

The Chairman of the Board of the Victoria Jubilee Technical Institute, Bombay ;

Two members of the Board of the Victoria Jubilee Technical Institute elected by that Body and nominated by Government ;

The Principal of the Victoria Jubilee Technical Institute, Bombay ;

The Principal, College of Engineering, Poona.

DEFALCATIONS IN SMALL CAUSES COURT, POONA, 1924

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

- (a) Whether they are aware that certain defalcations were discovered in the year 1924 in the Small Causes Court at Poona ?
- (b) Whether any security was taken from the Nazir of that Court who was afterwards found guilty and sentenced ?
- (c) If not, why no security was taken by the authority entrusted with the duty ?
- (d) (1) What was the amount of the defalcations ?

(2) Whether the amount was the balance of the instalments paid by parties into the courts, which Government is now bound to make good ?

(3) What was the amount recovered ?

(4) Who is responsible for the balance of the loss sustained by Government ?

(5) What steps have been taken or will be taken to punish the persons who failed to see that security was taken according to law ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) No.

(c) Owing to oversight arising out of the fact that the orders relating to the security to be furnished by Nazirs were not printed in the High Court Circulars.

(d) (1) Rs. 14,430-14-5.

(2) Yes.

(3) Rs. 3,609-9-0.

(4) K. B. Rego was apparently responsible for the defalcations having been allowed to occur, but it is not clear that he was the officer who was responsible for requiring security.

(5) None.

Sardar G. N. MUJUMDAR : With regard to (4) is not the District Judge responsible for taking security ?

The Honourable Mr. J. E. B. HOTSON : The District Judge is responsible in the second place ; in the first place, the Judge of the Small Causes Court himself should have seen to it.

Dr. R. P. PARANJPYE : Are Government considering the question of proceeding against the persons responsible for defalcations ?

The Honourable Mr. J. E. B. HOTSON : Further enquiries are being made into this point at the present time.

GURCHARAN IN POONA DISTRICT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to give in a tabular form for each taluka of the Poona District the following information regarding gurcharan lands :—

1. Area before the original survey.
2. Area at the time of the original survey.
3. Area at the time of the revision survey.
4. Area converted into woodland plots.
5. Area converted into reserve forest.
6. Area converted into protected forest.
7. Area sold by auction to the public.
8. Area otherwise disposed of.
9. Area at present left for gurcharan.

Honourable Mr. J. L. RIEU : As the compilation of the information asked for by the Honourable Member would involve an amount of time and labour out of proportion to the advantage likely to be derived from it, Government regret that they cannot undertake it.

Sardar G. N. MUJUMDAR : Will Government be pleased to give information at least with regard to items 1 and 9 in the question ?

The Honourable Mr. J. L. RIEU : I cannot say off-hand but I shall

enquire whether it is possible to furnish that information and will let the honourable member know.

BHIMA SHANKER PILGRIMS TAX

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether it is a fact that a pilgrim tax is levied at Bhima Shanker ;

(b) if so, what is the income and expenditure of the tax for the year 1925-26 and the balance after the Mahashivratri fair of 1925-26 ?

The Honourable Mr. J. E. B. HOTSON: (a) Yes.

	Rs.	a.	p.
(b) (1) Balance at the beginning of the year 1925-26.	1,610	7	9
(2) Total income from the tax for the year 1925-26.	1,722	8	11
(3) Total expenditure out of tax for the year 1925-26.	1,003	6	3
(4) Balance after the Maha-Shivratri of 1925-26..	2,329	10	5

CIVIL COURTS IN VISHRAMBAGWADA BUILDING

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) How many and which Civil Courts sit in the Vishrambagwada Building of the Poona City.

(b) Whether there are any boards put up for the information of witnesses showing the different Courts.

The Honourable Mr. J. E. B. HOTSON: (a) Seven, viz.:

- (1) Court of Small Causes,
- (2) Court of the Registrar of Small Causes,
- (3) Court of the First Class Subordinate Judge,
- (4) Court of the Additional First Class Subordinate Judge,
- (5) Court of the Additional Second Class Subordinate Judge,
- (6) Court of the Joint Second Class Subordinate Judge,
- (7) Court of the Extra Joint Second Class Subordinate Judge.

(b) Yes.

PAY OF SUBORDINATES IN CIVIL VETERINARY DEPARTMENT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) Whether it is a fact that the different grades of pay sanctioned for the subordinates of the Civil Veterinary Department during the years 1909, 1914 and 1919 were fixed at a higher rate as compared with those sanctioned for the subordinates of the Medical Department as the former has less prospects of private practice.

(b) If so will they be pleased to reconsider the scale of pay of Veterinary subordinates.

The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH: (a) The Honourable Member's attention is invited to the reply to clause (b) of the

question by Mr. L. B. Bhopatkar printed at page 253 of the official Report of the Bombay Legislative Council Debates, 1924, Volume XIII, Part III.

(b) No.

SCHOOLS FOR THE POONA DISTRICT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) Why no additional primary schools were opened in the Poona District when with the concurrence of the Educational Authorities it was settled that more than 200 such schools were needed.

(b) Why they have not sanctioned the opening of 32 schools in the Poona District, asked for by the Poona District Local Board on voluntary basis.

The Honourable Mr. B. V. JADHAV : (a) Government are not aware of any such settlement.

(b) Because Government considered it desirable that the District Local Board should first take over control of primary education within the area in its jurisdiction before making any proposals for its expansion.

PATS AND BANDHARAS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether water cess in the Poona and other Districts is levied on lands irrigated by Pats and Bandharas after an annual inspection or whether it is recovered every year as settled at the time of the Survey Settlement.

(b) what procedure is followed by the Revenue Department in giving remission of this cess as year after year owing to insufficient rains, many of these pats are becoming altogether dry or cannot provide water to the same extent as they did in past years.

(c) what provision is made for allowing the riparian owners of land, who were formerly getting the pat water on payment of the water cess and in whose case now owing to insufficient rains this cess is permanently remitted, to use such water if perchance owing to sufficient rain the pat water is available in any one year.

(d) whether any inspection of Pats and Bandharas is done with a view to allowing any new riparian owners to use the Pat water, who formerly did not want that water owing to sufficient rains but who now are in need of it and can make use of it.

The Honourable Mr. J. L. RIEU : (a) Water assessment is recovered after annual inspection but only in respect to pats in non-precarious tracts which have a more or less assured supply of water.

(b) The pats in each village are inspected every year by the village officers at the time of crop inspection with a view to ascertaining whether there has been irrigation or not. This inspection is tested by superior revenue officers, and if it is found that any pat has failed entirely the assessment is remitted. Remission is also allowed if the irrigated crop

is less than four annas. All pats in precarious tracts and precarious pats in other tracts have already been eliminated, and their assessment foregone.

(c) Owners of land in precarious tracts have full liberty to use the water of any pat found flowing in any year of plentiful rainfall.

(d) It is not clear what inspection is necessary with a view to allowing a new riparian owner to use pat water. If a pat is flowing, the riparian owner would be the first to notice it and to take advantage of it.

CROSSING AT SHOLAPUR ROAD

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) Whether they are aware of the inconvenience of the villagers of Hingangaon on the Sholapur Road in the Indapur Taluka of the Poona District owing to the facts that the causeway over the river is inadequate and the ferry is not a rope ferry and the river is unfordable for several days in the rainy season and motor traffic is increasing?

(b) If so, whether they propose to take any action in the matter?

The Honourable Sir GHULAM HUSAIN HIDAYATALLAH :
(a) No complaints have so far been received regarding the inconvenience caused to the villagers of Hingangaon owing to the inadequacy of the causeway over the river Bhima at Hingangaon. The causeway is over-topped and becomes impassable at times during the monsoon and the ferry does not ply in heavy floods. No appreciable increase in motor traffic on this section of the road is however noticed.

(b) The question of constructing a bridge is under consideration.

FOREST SLEEPERS CONTRACT WITH G. I. P. RAILWAY IN THE YEARS 1922-23 AND 1923-24

Mr. A. F. I. K. PATHAN on behalf of Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) the price per khandi at which standing trees were sold in the Southern Circle for private exploitation in the years 1922-23 and 1923-24;

(b) the rate per khandi at which Government repurchased timber for supplying sleepers to the G. I. P. Railway;

(c) the cost for manufacturing each sleeper out of the timber purchased;

(d) the percentage of sleepers obtained from the timber;

(e) the percentage of sleepers selected for despatching to Bombay for supplying to the G. I. P. Railway;

(f) the percentage of rejection by the G. I. P. Railway;

(g) the cost of freight per sleeper;

(h) the actual cost per sleeper to the Forest Department;

(i) the price at which the sleepers were supplied to the G. I. P. Railway;

(j) what was the total profit or loss to the Forest Department by this transaction?

The Honourable Mr. A. M. K. DEHLAVI: (a) At an average rate of Rs. 11-8-0 per khandi.

(b) No timber was purchased for supplying sleepers to the G. I. P. Railway.

(c) to (j) Do not arise.

Sir VASANTRAO DABHOLKAR: Was teak sold to the G. I. P. Railway?

The Honourable Mr. A. M. K. DEHLAVI: Yes.

Sir VASANTRAO DABHOLKAR: What is the rate per ton, if the rate is Rs. 11-8 per khandi?

The Honourable Mr. A. M. K. DEHLAVI: The honourable member himself can work it out.

Sir VASANTRAO DABHOLKAR: If it is Rs. 46 per ton, why was that timber sold so cheap?

The Honourable Mr. A. M. K. DEHLAVI: I want notice.

PROBATIONARY SECONDARY TEACHERS

Mr. A. F. I. K. PATHAN on behalf of Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) whether it is a fact that there are still probationers in the secondary line of the Educational Department holding B. T. degrees and with service of six or seven years who are not yet confirmed;

(b) if so, when these probationers will be confirmed?

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

(b) Owing to the uncertainty of the effect of the transfer of control of primary education to local authorities under the Bombay Primary Education Act, 1923, on the strength of the Government Inspecting Staff it cannot be definitely stated at this stage when these probationers will be confirmed.

SCHOOLS IN DHARWAR DISTRICT

Mr. A. F. I. K. PATHAN, on behalf of Mr. V. N. JOG (Dharwar District): Will Government be pleased to state how many villages having a population of:

(i) one thousand, and

(ii) five hundred

each respectively in the Dharwar district have no Government vernacular primary schools?

The Honourable Mr. B. V. JADHAV: The following information collected in 1923 is laid on the Council Table:—

(1) There is no village with a population of 1,000 and above in the Dharwar district without a primary school.

(2) The number of villages without schools with a population of 500 and above but below 1,000 is 65.

VACCINATION

Mr. A. F. I. K. PATHAN, on behalf of Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) How many prosecutions have taken place for refusal to vaccinate children at Hyderabad (Sind) during the last two years?

(b) Whether it is a fact that resolutions against the enforcement of the Vaccination Act have been passed by the Local Municipal Council ?

(c) Whether it is a fact that these resolutions have been prevented from coming into force by any official of Government ?

(d) Whether they have received any letter from Miss L. Loat, Secretary of the National Anti-Vaccination League, in reference to the enforcement of vaccination at the town ?

(e) What action in general, they intend to take in the matter of vaccination, vaccination laws and their enforcement ?

The Honourable Mr. B. V. JADHAV : (a) 29 in 1924, 17 in 1925.

(b), (c) (d) and (e) Already replied to *vide* page 7 of the Twelfth List of questions and answers for the First session, 1926.

APPOINTMENT OF MUHAMMADANS IN CONNECTION WITH PRIMARY EDUCATION

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

(a) how many Muhammadans are to be appointed on the inspecting staff for primary education—

(i) by the local authorities,

(ii) by Government,
in the Northern Division ;

(b) Whether they are aware of the keen desire among Muhammadans that some Muhammadans should be appointed on the inspecting staff ?

The Honourable Mr. B. V. JADHAV : (a) (i) It is under consideration to transfer the services of the Urdu Assistant Deputy Educational Inspector in each of the districts in the Northern Division to the Local Authorities as supervisor.

(ii) It is also under contemplation to appoint one Urdu Assistant Deputy Educational Inspector in the Northern Division in addition to the Deputy Educational Inspector, Urdu Schools, Northern Division.

(b) It has not been proposed that any but Muhammadans should be appointed to the inspecting staff for Urdu schools. Government are not aware of any keen desire among the Muhammadans of Gujarat that Muhammadans should be appointed to inspect Gujarati Schools.

MOULVI RAFIUDDIN AHMAD : How long will Government take to decide this question ?

The Honourable Mr. B. V. JADHAV : I am sorry I cannot give you a definite date.

MOULVI RAFIUDDIN AHMAD : Approximately about three months ?

The Honourable Mr. B. V. JADHAV : It all depends on the temperament of the Gujrat districts.

MOULVI RAFIUDDIN AHMAD : The temperament of the districts ?

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

CARRIAGE OF BIGAR BY WATANDAR MAHARS

Mr. B. S. NEKALJAY : Will Government be pleased to state—

(a) whether it is a fact that the watandar Mahars of village Annewadi, district Satara, have to carry "Bigar" to a distance of 7 miles ;

(b) if so, whether they propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU : Information has been called for.

Mr. R. S. NEKALJAY : How long will it take for Government to collect the required information ?

The Honourable Mr. J. L. RIEU : I cannot say

COMPULSORY SUPPLY OF FODDER BY WATANDAR MAHARS

Mr. R. S. NEKALJAY : Will Government be pleased to state—

(a) whether they are aware of the fact that watandar Mahars and patils are forced to provide food for the horses of lower revenue officials, such as mamlatdars, talatis, etc., and also for the vaccinators travelling from one village to another ;

(b) under what Government Resolution these officials demand free rations for themselves from the patils and watandar Mahars ;

(c) Whether they propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU : Information has been called for.

CARRIAGE OF LUGGAGE OF REGIMENTS BY WATANDAR MAHARS

Mr. R. S. NEKALJAY : Will Government be pleased to state whether it is a fact that at the annual musketry practice camps of English and Indian regiments and of the Armed Police, watandar Mahars are forced to carry their luggage and put up distance marking flags without getting anything in return ? If so, why ?

The Honourable Mr. J. L. RIEU : Information has been called for.

WORK FOR LOCAL BOARDS AND VILLAGE PANCHAYATS BY WATANDAR MAHARS

Mr. R. S. NEKALJAY : Will Government be pleased to state—

(a) whether it is a fact that watandar Mahars are made to work for the local boards and village panchayats ;

(b) under what Government Resolution these two bodies take such work from the Mahars ;

(c) whether Government propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU : Information has been called for.

MOTOR CAR TRAVELLING FOR DEPRESSED CLASSES

Mr. R. S. NEKALJAY : Will Government be pleased to state —

(a) whether they are aware of the fact that the members of the depressed classes are not allowed to travel by "Service Motor Cars" between Aundh State and Nandusi village in the Satara district ;

(b) if so, what action they propose to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) Information is being obtained.

Mr. S. S. DEV : When were these questions received by Government ?

The Honourable Mr. J. E. B. HOTSON : It is impossible to say off hand.

Rao Saheb D. P. DESAI : When were the notices of these questions received by Government ?

The Honourable Mr. J. E. B. HOTSON : I cannot say off hand but as soon as we get the information, we shall send the replies.

SARDAR G. N. MUJUMDAR : Will the information be supplied by the close of this session ?

The Honourable Mr. J. E. B. HOTSON : I think the answer to this question will be given in the course of a day or two.

WATAN LANDS OF WATANDAR MAHARS

Mr. R. S. NEKALJAY : Will Government be pleased to state what action they have taken so far on the 30 applications from watandar Mahars of various districts regarding their lost watan inami lands submitted to Government on the 20th August 1925 through me ?

The Honourable Mr. J. L. RIEU : They were sent to the Commissioners, Northern Division and Central Division, for disposal. These officers have been asked to report the action taken on the applications.

Mr. R. S. NEKALJAY : Will the officers report to this House ?

The Honourable Mr. J. L. RIEU : No. They will report to Government.

DEPRESSED CLASS SCHOOL SUPERVISORS

Mr. R. S. NEKALJAY : Will Government be pleased to state why school supervisors are not selected for depressed class schools from amongst depressed class teachers ?

The Honourable Mr. B. V. JADHAV : Usually the number of Depressed Class schools is not sufficient to justify the appointment of a separate Inspecting Officer. Moreover, the policy of Government has been to remove the differentiation between depressed class pupils and others, and to remove any hindrances to their attending ordinary primary schools. Under the Bombay Primary Education Act, 1923, and the rules issued under it supervisors are to be appointed by School Boards of local authorities and the question will shortly be one for them to consider.

BOMBAY IMPROVEMENT TRUST CHAWLS : ARREARS OF RENT

Mr. R. S. NEKALJAY : Will Government be pleased to state—

(a) whether they are aware of the fact that persons residing in Bombay Improvement Trust Chawls, are allowed to accumulate rent dues ;

(b) If so, for how many months ?

(c) Whether they are aware that when tenants accumulate rent due for six months and abscond without paying rent, leaving “ mudkas and tinpots ” or nothing in the rooms, needy persons are forced to pay the arrears of rent before they can take possession of the rooms ?

(d) If so, will Government be good enough to lay on the Council Table the resolution passed by the Bombay Improvement Trust Board to this effect?

The Honourable Sir GHULAM HUSAIN: Inquiries are being made.

GOVERNMENT HOSTEL FOR DEPRESSED CLASSES BOYS, POONA

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(a) Whether they intend to increase the number of boarders to 100 in the Government Hostel for Depressed Classes Boys at Poona?

(b) If so, when?

(c) Whether the Superintendent of the Hostel has been made permanent and if not why not?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

WELLS FOR THE DEPRESSED CLASSES

Mr. R. S. NEKALJAY: Will Government be pleased to state—how many new wells have been dug for the use of Depressed Class persons exclusively in the following areas during the last 5 years (1920 to 1925), viz., Gujarat, East and West Khandesh, Sholapur, Poona, Satara, Ratnagiri, Colaba, Sind and Ahmednagar?

The Honourable Sir GHULAM HUSAIN: Information is being obtained.

FORCED LABOUR IN PILANI AND PARMALA

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(a) whether it is a fact that eight watandar mahars of the village of Asangaon, district Satara, are forced to do the duties of watandar mahars in the villages of Pilani and Parmala;

(b) if so, whether they get any *bakuta* from the cultivators of Pilani and Parmala;

(c) whether Government pay them anything in return or whether they hold inami lands in these villages;

(d) Under what circumstances they are made to work at Pilani and Parmala?

The Honourable Mr. J. L. RIEU: (a) and (d) It is not a fact that the eight watandar mahars of Asangaon are forced to do the duties of watandar mahars in the villages of Pilani and Parmala. The maharki watan of these three villages is one, and all the watandar mahars of the three villages live at Asangaon for their own convenience and arrange to do their duties by visiting in turn the villages of Pilani and Parmala whenever required. During the collection season three or four mahars do the work at Pilani and Parmala, and during the remaining part of the year only one mahar does the work in each of these two villages. The villages of Pilani and Parmala are very small, with a population of 157 and 165 souls respectively and a land revenue of Rs. 572 and Rs. 300 respectively.

(b) The mahars working at Pilani and Parmala get *baluta* from the villagers.

(c) The mahar who does the work of "taral" is annually paid Re. 1 by Government for each of the two villages. The mahars hold also inam lands assessed at Rs. 73-4-0 and subject to the payment of a quit rent of Rs. 48 per annum.

SANITATION AND CONGESTION IN BOMBAY IMPROVEMENT TRUST CHAWLS

Mr. R. S. NEKALJAY : Will Government be pleased to state—

(a) who is responsible for keeping the Bombay Improvement Trust Chawls in a sanitary condition ?

(b) Who is responsible for preventing overcrowding in the chawls ?

The Honourable Sir GHULAM HUSAIN : (a) and (b) The Land Manager's Department of the Bombay Improvement Trust.

DEVELOPMENT CHAWLS

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) how many tenements were ready for occupation in each of the chawls of the Development Department at Naigaum, Worli, Sewri and DeLisle Road at the end of December 1925 ;

(b) how many of them were rented and how many of them remained vacant at the end of December 1925 ;

(c) what was the total amount realised as rent from these chawls for the year 1925 ;

(d) what was the loss arrived at by calculating rent on the same basis for all vacant tenements that remained unoccupied during 1925 ;

(e) what is the amount of loss incurred on these chawls as calculated at cost price for all of them and the rent obtained from those that were rented till 1925 ?

The Honourable Mr. COWASJI JEHangIR :—

- (a) 3,344 tenements at Naigaum.
2,560 tenements at DeLisle Road.
9,680 tenements at Worli.
960 tenements at Sewri.

16,544.

(b)

	Centre.		Tenements rented.	Tenements vacant.
Naigaum	900	2,444
DeLisle Road	1,281	1,279
Worli	388	9,292
Sewri	235	725
			<hr/> 2,804	<hr/> 13,740

(c) Rs. 3,55,742.

(d) All the chawls mentioned in answers (a) and (b) were not available for occupation throughout 1925. The rent of tenements handed over for occupation but not rented was Rs. 2,49,000 for the whole year.

(e) The question is not understood.

Mr. A. N. SURVE : What is the amount of interest paid on moneys spent on the industrial housing schemes ?

The Honourable Mr. COWASJI JEHangIR : I am afraid I will have to ask for notice of the question. It is a question of figures.

THEFTS IN AHMEDABAD RAILWAY YARD

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to state whether they have received from the Ahmedabad Millowners' Association any correspondence in September last contradicting the facts mentioned in the letter No. T-266 of 8th July 1925 addressed to the Government by the Agent of the B. B. & C. I. Railway Company and its accompaniments and printed in the Appendix No. 100 to the XIV Question list placed on the Council Table during the July Session of this Council ;

(b) to place on the Council Table the said correspondence with reply if any given to it ;

(c) to ask for the explanation of the said Agent on the facts and points mentioned in correspondence referred to in (a) ;

(d) to state whether the Railway Company is prepared to arrange for the special demonstration of thefts from packed bales as mentioned in paragraph number 5 on page 5 of letter No. 536-25, dated 31st August 1925, from the Ahmedabad Millowners' Association to Government ;

(e) to state if any orders or instructions have been issued with a view to make any special change in the guarding of goods in the Ahmedabad Railway Yard ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) A copy of the correspondence is placed on the Council table.*

(c) The report of the Agent, B. B. & C. I. Railway, has already been obtained.

(d) Yes, and this is being arranged. It took place as a matter of fact a few days ago.

(e) No.

FOREST FIRES AT VANI

Mr. R. G. PRADHAN (Nasik District) : Will the Honourable Minister for Agriculture and Forests be pleased to state whether he is aware that Resha is not made in the forest at Vani, and that this is the reason why it becomes difficult to extinguish forest fires there ?

The Honourable Mr. A. M. K. DEHLAVI : Fire tracing (Resha) is not carried out in the forest at Vani, but this is not the reason why it is difficult to extinguish forest fires. The villagers of Vani, with a few exceptions, refuse to turn out when called upon by the Forest Subordinates to assist in extinguishing fires.

Mr. R. G. PRADHAN : Has the Honourable Minister enquired why the villagers of Vani refuse to turn out when called upon by the Forest Subordinates to assist in extinguishing fires ?

The Honourable Mr. A. M. K. DEHLAVI : Because they do not like to do so.

* Vide Appendix No. 1.

EXTENSION OF NASIK MUNICIPALITY

Mr. R. G. PRADHAN (Nasik District): Will the Honourable the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Nasik municipality has passed a resolution requesting Government to extend the present period of office of the municipal councillors by nine months;

(b) if so, whether the municipality ascertained the general opinion among the rate-payers on the matter before passing the resolution;

(c) whether he is aware that the resolution does not express the view and the desire of the rate-payers;

(d) what action he has taken on the resolution?

The Honourable Sir GHULAM HUSAIN: (a) Yes.

(b) No.

(c) Government have no information.

(d) The proposed extension of the term was refused by the Commissioner, C. D.

ANJAN LEAVES IN MALEGAON TALUKA

Mr. R. G. PRADHAN (Nasik District): Will the Honourable Minister for Agriculture and Forests be pleased to state whether he is aware (a) that the leaves of *anjan* trees are largely used as fodder in the Malegaon Taluka of the Nasik District, (b) that the *anjan* trees in the forest of Malegaon are not properly and adequately conserved, and (c) that urgent steps are absolutely necessary for such conservation in the interests of agricultural economy?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) and (c). The contrary is the case. As the natural reproduction of *anjan* was found to be inadequate, the number of standards to be reserved in the annual coupes of 20 blocks was specially increased 4 years ago. In the remaining blocks no *anjan* trees are removed at all.

MALEGAON FOREST LANDS

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether forest lands in the talukas of Malegaon, Nandgaon, etc., in the district of Nasik were given to Bhils for cultivation, a few years ago;

(b) whether it is now proposed to sell these lands by auction;

(c) whether it is a fact that the Bhils have improved their lands, and are now leading good, peaceful lives;

(d) whether their attention has been drawn to an editorial under the heading “रावलें खेरें पण हातीं काय येणार ?” published in the issue of *Lokasatta* dated 30th January 1926 (a copy of which is enclosed) in which the editor has suggested that it will be a great hardship to the Bhils if the lands are taken away from them; and

(e) if so, what action they have taken in the matter?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) No.

(c) Yes.

(d) Yes.

(e) The forest land granted to Bhils for cultivation is to be disafforested and handed over to the Revenue Department. The question of the grant of this land to the present tenants on permanent tenure is under consideration.

WATER SUPPLY FOR BIJAPUR

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether they are aware that the district local board of Bijapur is trying to solve the drinking water problem in the Bijapur district by preparing a scheme of village water supply;

(b) if so, whether Government intend to take any steps in this matter?

The Honourable Sir GHULAM HUSAIN HIDAYATALLAH: (a) It is understood that the District Local Board is collecting information, but no definite scheme has been evolved.

(b) Any complete scheme submitted to Government will receive due consideration. This year the Board have received from Government a sum of Rs. 41,861 by way of grant for improvement of water supply.

INTRODUCTION OF VILLAGE FORMS IN INAM VILLAGES

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether they are aware that the Collector of Belgaum issued an order to introduce village forms (as proposed by Mr. Anderson in his Manual) into inam villages and that the costs are to be recovered from the inamdars;

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

(c) whether they are aware that inamdars are unwilling to introduce such forms in inam villages;

(d) whether Government intend to take any steps in this matter?

The Honourable Mr. J. L. RIEU: (a) The Collector did not issue such an order, but the District Deputy Collector, N. D., Belgaum, issued such a Circular for his sub-division. Several inamdars complained to the Collector against the District Deputy Collector's order. The Collector thereupon modified the order.

(b) A copy of the order issued by the District Deputy Collector is placed on the Council Table, together with a copy of the Collector's subsequent order passed on the inamdars' complaints.*

(c) The majority of the inamdars are unwilling to introduce such forms.

(d) In view of the orders already passed by the Collector no further steps are required in the matter.

SARDAR G. N. MUJUMDAR: Have the Collectors of the other districts in this presidency issued similar orders with respect to the records in inam villages?

The Honourable Mr. J. L. RIEU: We have no information to that effect.

* Vide Appendix No. 2.

GRAZING LAND, BHATHA VILLAGE

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

(a) whether it is a fact that the people of Bhatha village of Chorasi Taluka, district Surat, keep cattle and maintain themselves to a large extent by the sale of milk;

(b) whether the Bhatha people graze their cattle on the bet-lands since many many years;

(c) whether lately Government has been allowing the Bharwards to graze their goats and sheep on the same lands;

(d) whether last year or the year before about 500 cows and buffaloes of the people of Bhatha died owing to the infection spread by the goats and sheep of the Bharwards;

(e) whether last year the Bharwards were prohibited from grazing their goats and sheep on the lands on which the Bhatha people graze their cattle;

(f) whether this year the Bharwards have again been allowed to graze their goats and sheep on the bet-lands;

(g) how has the portion of bet-lands set apart for the use of goats and sheep of the Bharwards been separated from the portion set apart for the cattle of Bhatha Village;

(h) what steps have been taken for ensuring that infection of disease will not spread from the goats and sheep to the cattle?

The Honourable Mr. J. L. RIEU: (a) No. Agriculture is the main occupation, but as a subsidiary source of income milk is also sold in Surat and Rander;

(b) Yes;

(c) The Bet is divided into two portions, one part being set aside for cattle, the other for sheep and goats. In the latter, only Bharwards holding land in Bhatha village are allowed to graze their sheep and goats;

(d) No. Special enquiries made by the Veterinary Assistant Surgeon and Inspector showed that while the sheep and goats were not affected, the mortality of the cattle was due to the failure of the owners to have their cattle inoculated.

(e) No.

(f) Does not arise.

(g) A portion of the Bet land containing babul trees and not much grass is set apart for sheep and goats, while the other portion growing better grass and practically no babul trees is set apart for village cattle.

(h) Does not arise.

Mr. H. B. SHIVDASANI: In reply to (g) it is stated that a portion of the Bet land containing Babul trees and not much grass is set apart for sheep and goats, while the other portion growing better grass and practically no Babul trees is set apart for village cattle. That shows that the areas are not separated. Is it not likely that cattle may stray into the area reserved for sheep and goats, and sheep and goats may stray into the area reserved for cattle?

The Honourable Mr. J. L. RIEU: I am afraid I cannot reply to that question without notice.

Mr. H. B. SHIVDASANI : The notice is already there.

The Honourable Mr. J. L. RIEU : The honourable member wants to know whether there is a partition between the two areas and I cannot answer that without notice.

Mr. H. B. SHIVDASANI : In part (h) of my question I have asked what steps have been taken for ensuring that infection of disease will not spread from the goats and sheep to the cattle, and the reply is that it does not arise. It does arise after the reply to part (g) of the question.

The Honourable Mr. J. L. RIEU : I should have to enquire about it. I am not in a position to give the information straight off.

CATTLE-GRAZING TAX, BHATA VILLAGE

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

(a) whether the people of Bhata village in Chorasi Taluka of Surat District have until now been allowed for over 20 years to graze their cattle on the land in the bed of the River Tapti included in the bet-village free of charge ?

(b) whether the Collector of Surat has, as an experimental measure, been pleased to order the levy for one year of a tax of annas two per head of cattle, goats and sheep ?

(c) what is the estimated gross income to Government from this source, what is the estimate of the cost of collection and what will be the net income ;

(d) whether Government have approved of the action of the Collector, Surat, in imposing this levy per head of cattle ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) About Rs. 150 per annum. There is no extra cost of collection. Village officers do this work.

(d) The levy of such fees is entirely within the discretion of the Collector under rule 65 of the rules under the Land Revenue Code.

Mr. H. B. SHIVDASANI : Does not rule 65 of the Land Revenue Code say " except land assigned to villages for free pasturage " ? Therefore the Collector cannot levy this tax ?

The Honourable Mr. J. L. RIEU : This land is not ' assigned ' for free pasturage.

Mr. H. B. SHIVDASANI : Technically the Collector may be right, but is not the Collector expected to observe the spirit of the rules ? The villagers have enjoyed this right free of any fees for over twenty years ?

The Honourable Mr. J. L. RIEU : That does not preclude the Collector from levying the tax.

MUNICIPAL WATER TAPS AT TALEGAON

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state the number of population of—

(a) depressed classes, and

(b) of people other than those of the depressed classes within the municipal limits of Talegaon (Dabhade) ;

(c) the number of municipal taps (water) in the localities inhabited by people mentioned in (a) and (b) above separately ?

The Honourable Sir GHULAM HUSSAIN : (a), (b) and (c) The information has been called for.

The Honourable Sir CHUNILAL MEHTA : Sir, as honourable members are aware, His Excellency the Viceroy is paying a visit to this city, which has not been done, I understand, for the last 25 years. It is the desire of the club of Western India to entertain His Excellency to lunch on Saturday next, and many honourable members of this House have been invited on that occasion. It is the desire of these members to attend that function, and, indeed, it is the duty of several of us to be present on the occasion to do honour to the Viceroy. I will, therefore, request you, Sir, to allow the facility that is required for these members. I want to say, at the same time, that it is not the desire of those gentlemen that have been invited that any time that has been allotted to this House is curtailed. There are, therefore, two courses open to this House. We may have the whole of Saturday off ; and I make that suggestion for this reason, that it is anticipated that probably Government business will finish in say about three days, in which case, it may suit the convenience of honourable members to have Saturday off. Or, we may meet in the morning up to half past twelve. Any time that may be lost Government would be prepared, and, indeed, all the honourable members who have been invited would be prepared to adjust according to your wishes, Sir, and of the honourable House. There is a third course which, perhaps in the circumstances, would best suit us all, namely, that we do not come to any decision as to the time, if at all we should meet on Saturday. We make only this arrangement that on Saturday, if the Government business takes longer than anticipated, or if honourable members subsequently desire to sit on Saturday, then we may sit in the morning and adjourn at half past twelve, say from 10 to 12-30. I trust that honourable members will be pleased to give the required facilities.

The Honourable the PRESIDENT : I should like to know what the views of honourable members are with regard to the suggestion which has been made by the Honourable the Leader of the House. I am personally inclined to agree that on an occasion like the Viceregal visit, it is the duty of many honourable members, especially on Government benches, to attend certain functions held in honour of the Viceregal visit. At the same time, I am glad the Honourable the Leader of the House has told us that the intention is not to extend the session or to cause any inconvenience to the work of the Council but to suggest some readjustment of the time of the meetings.

The suggestion which has fallen from the Honourable the Leader of the House and which appeals to me to be the best is that at present we should not decide anything and that if it is necessary to meet on Saturday at all, we should adjourn at half past twelve so that honourable members who are invited to attend this lunch may be able to do so. Government anticipate that their business will take three days. Eight non-official days have been allotted by His Excellency. Therefore even if we do not meet

on Saturday the sessions will conclude on the following Saturday. There is no intention that the session should extend beyond that day. The best arrangement would in my opinion be that we should simply decide that if it is necessary to meet on Saturday we should meet at half past ten. Whether it will be necessary to meet on Saturday at all will depend upon the time taken for Government business. If Government business is concluded in three days we need not meet on Saturday at all. If Government business takes $3\frac{1}{2}$ days, then we will meet on Saturday at half past ten and adjourn at half past twelve and the remaining $2\frac{1}{2}$ hours will be made up by meeting earlier during the whole of the following week. By this arrangement the House will have its full amount of work and at the same time the requisite facilities for attending the luncheon will be available to honourable members. I should like to know whether the House is in general agreement with what I have said or whether any other honourable member wishes to express any particular views in the matter.

Dr. R. P. PARANJPYE (Bombay University): Can we not meet after half past four?

The Honourable the PRESIDENT: Meeting so late on a Saturday afternoon is in my opinion not possible.

MOULVI RAFIUDDIN AHMAD (Central Division): I entirely agree with the views of the Leader of the House, but I have to say that it depends on the honourable Leader of the House to curtail the hours of Government work and I hope he would be kind enough to withdraw one of his bills or resolutions and thus oblige the House to do honour to the Viceroy. I do hope that the Leader of the House will try to finish Government business in three days. Personally, I should like to have Saturday off if possible.

The Honourable the PRESIDENT: I take it that the suggestion that if we meet on Saturday we should adjourn at half past twelve is acceptable to the House. Further developments will be decided according to the time taken up for Government business. I take it that this is generally agreed to.

Mr. A. N. SURVE (Bombay City, North): Sir, I should like to make another suggestion referring to the business of this session. This is probably the last session of this Council and there are several bills in the stage of first reading and there will be other bills which will reach that stage. Now, if some of the bills are got through the stage of first reading and are referred to the select committee they will remain dormant. Would it not be better if we divide this session in such a way that Government business should take a few days, then private business and again Government business so that those bills which are referred to the Select Committee may come for the second reading. I request the honourable the Leader of the House to make an announcement on that point.

The Honourable Sir CHUNILAL MEHTA: What are the bills which the honourable member is referring to?

Mr. A. N. SURVE: I am referring to my own bills (Laughter).

The Honourable the PRESIDENT: There is nothing wrong in an honourable member desiring that his work should be helped.

Mr. A. N. SURVE : I am referring to Bill No. VI and also Bill No. XII which is an uncontested bill so far as I can see. But apart from my own bills Private Bills Nos. IV, V, VII and VIII are in the stage of first reading.

The Honourable Sir CHUNILAL MEHTA : The bill No. XII says "motion for leave to introduce the bill" and I do not know whether the House desires to go through all the processes of leave to introduce the bill, first reading and second reading at one session. I think....

The Honourable the PRESIDENT : That is the function of the Chair. It is for the Chair to decide whether the standing orders and rules should be suspended or not.

The Honourable Sir CHUNILAL MEHTA : Precisely. But I think the House formerly expressed the wish that this should not be done. I am sure the honourable the President knows it.

The Honourable the PRESIDENT : A suggestion has been made for the consideration of Government that they should take their business not continuously but in two parts. I feel confident that the Honourable the Leader of the House will consider the suggestion and will announce his decision later on after he has had time to consider the matter.

The Honourable Sir CHUNILAL MEHTA : Yes, Sir.

GOVERNMENT BILLS.

Bill No. XXIII of 1925 (A Bill to consolidate and amend the law relating to the Courts in Sind).

(As amended by the Select Committee.)

The Honourable the PRESIDENT : Before the Honourable Home Member proceeds to move the first reading I should like to inform honourable members that I have repeatedly warned them that if any honourable member desires to send in amendments to legislation which has come before the House he should send in his amendments within the time allowed. Only seven days' notice is required. Though I have extended a certain amount of indulgence in the matter of amendments received later, I warned them that such indulgence cannot be perpetually given. In spite of that warning and in spite of the fact that the select committee report on this bill was circulated to honourable members so early as February of this year amendments came in practically two or three days before the sessions began. One honourable member has sent in an amendment only this morning. Rules and standing orders have been made to be observed and when honourable members have had so many months to consider the report of the select committee and to formulate their views and to send in amendments, I have no other alternative, after the repeated warnings I gave, but to disallow them and on the present occasion I have done so. At the same time I recognise that we are legislating and that if there is any particular amendment which an honourable member wishes to move and if the House as a whole is desirous that they should like to consider the amendment, I will then, in spite of my having disallowed it, extend further indulgence in that special case and allow that amendment to be moved.

The Honourable Mr. J. E. B. HOTSON: Mr. President, I have now formally to present the report of the select committee on Bill No. XXIII* of 1925. I understand it was not presented at the last session of the House.

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

The Honourable Mr. J. E. B. HOTSON: I now move, Sir, that Bill No. XXIII* of 1925 (A Bill to consolidate and

Second reading.

amend the law relating to the Courts in Sind) be read a second time. It will not be necessary for me to detain the House for more than a few minutes. The select committee considered the bill very carefully and only made one amendment of any serious importance, and to remove that amendment I shall shortly have to move another amendment in order to replace the original words, and therefore I need not deal with that at the present moment. In all there are only eight amendments of which due notice was given, and five of these eight are merely drafting amendments. This shows that the bill in the form in which it came from the select committee meets with the general assent of this House, and if it is passed it will satisfy the demand which the people of Sind have made for many long years. It is very desirable that the bill should be passed at this session and I think we may confidently express a hope that honourable members will co-operate in order to enable us so to pass it.

If any amendments of principle are passed, I am afraid it will be necessary to refer the bill again to the Government of India, which will mean very considerable delay before it becomes law. It would be much better if such amendments were made at a later date and the main bill were allowed to become law at once, so that the new Chief Court may come into existence with the shortest possible delay.

Bill read a second time. Question put and carried.

Bill read clause by clause.

Clause 2. (Extent and commencement) ordered to stand part of the bill.

Clause 3. (Establishment of Chief Court) ordered to stand part of the bill.

Clause 4. (Constitution of Chief Court and appointment and tenure of Judges.)

(1) The Chief Court shall consist of a Chief Judge and three or more Judges who shall be appointed by the Governor General in Council and shall hold office during his pleasure.

(2) The Chief Judge and Judges must each be either:

(a) A Barrister of not less than five years' standing; or

(b) A Member of the Indian Civil Service of not less than ten years' standing and having for at least three years served as or exercised the powers of a District Judge; or

(c) A person having held judicial office not inferior to that of a Subordinate Judge or a Judge of the Small Cause Court for a period of not less than five years; or

(d) A person who has been an Advocate or a Pleader of any Court which is a High Court within the meaning of clause (22) of section 3 of the General Clauses Act, 1904, for an aggregate period of not less than ten years;

Provided that the Chief Judge and Judges counted together must include not less than two such Barristers, Advocates or Pleaders and not less than two Members of the Indian Civil Service.

(3) Additional Judges duly qualified as aforesaid may be appointed for such period not exceeding two years as may be required by the Governor General in Council and shall each of them during such period have all the powers of a Judge of the Chief Court.

Mr. H. B. SHIVDASANI (Surat District): Sir, I move:

In Clause 4, sub-clause (2) (b), line 2, after the words " District Judge " add the words " in Sind ".

There can be no doubt that from several points of view Sind can be considered almost a separate province. It is for this reason that Sind has had a separate court since many years and that court to a large extent enjoys nearly the same jurisdiction as the Bombay High Court inasmuch as the appeals from the Sind Court are heard by the Privy Council and not by the Bombay High Court, and the rulings of the Sind Court are to be observed by the District Courts in Sind.

If we look to the composition of the population of Sind we find that that composition is quite different from the composition of the population of the rest of the presidency and so the nature of the offences, the nature of the civil suits will be quite different. The manners and customs.....

Mr. R. G. PRADHAN: Sir, we have not yet been supplied with the copies of the amendments.

The Honourable the PRESIDENT: They are printed in the agenda.

Mr. H. B. SHIVDASANI: So the manners and customs are quite different. The system of land revenue administration is quite different, the method of raising crops is quite different. In the presidency crops are raised mainly without irrigation and with rain water, and in Sind more than about 90 per cent. of the land is cultivated by irrigation from canals. So it is desirable that a judge who is appointed at the Sind Chief Court should have practical working experience as a district judge in Sind. The manner and demeanour of witnesses which are matters of so much importance have to be understood. The behaviour of witnesses in the Courts of the presidency is quite different from the behaviour of witnesses in the courts in Sind. Moreover the police force and their manner of investigating the crimes and collection of evidence and producing it before the courts is quite different.

The only drawback of inserting the words " in Sind " as proposed by my amendment will be that a few officers of the Indian Civil Service who may not have had occasion to serve in Sind will be excluded from enjoying the privilege of serving as judges of the Chief Court in Sind. But we have to look at this question not from the point of view of interests of the services or of a few officers, but from the point of view of the interests of the people. We have to see whether the administration of justice would not be better if we had judges who know something of the local conditions of Sind. Under sub-clause (a) we will have persons who are barristers of not less than five years' standing and under sub-clause (d) Advocates and Pleaders of any Court of not less than ten years' standing by means of which we can get fresh blood. And there will be only a certain number of judges who will be from services and at least these judges should have previous experience of Sind, so that they could understand the cases that may come up before them and may be able to do better justice. I therefore hope that in view of these special circumstances the House will accept the insertion of the two words " in Sind " in line five after the words " District Judge ".

Question proposed.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to oppose the amendment. I do not see any force in the argument put forward by my honourable friend from Surat because he has not mentioned whether there is any separate Penal Code or Land Revenue Code for Sind itself. There is the same Penal Code and the same Land Revenue Code both for Sind and for the Presidency Proper and so I do not understand his argument from this point of view. And I think there is no reason to accept this amendment.

The Honourable Sir GHULAM HUSSAIN: Sir, I rise to oppose this amendment. For all purposes Sind has been considered as part of the presidency. I think all officers to whatever service they may belong, whether they belong to the Indian Civil Service or to any other service will be admissible to all the higher appointments, whether they are to be created or are already in existence, and whether in Maharashtra, Gujarat or Sind. But, if we accept this amendment, then there might be some senior or competent district judges who may not have any experience of Sind, and who would thereby be debarred from getting the Chief Judgeships of the Sind Chief Court.

My friend says it will only affect the I.C.S. officers. It won't affect the European I.C.S. officers only, but also the Indian I.C.S. officers. It will also come in the way of Sindhi I.C.S. officers, who, owing to their connections in Sind, may prefer to serve in the presidency proper. When they are in the judicial line, they may have served twenty years in the presidency proper as district judges, but would not be eligible for the Judgeships of the Chief Court in Sind. It would thus close the door against the Sindhi Indian Civil Service officers who have mostly served in the presidency proper. I think it is high time to drop any distinction between a civilian officer who has served in the presidency proper and one who has served in Sind. Under the amendment, even if an officer has served in Sind as an Assistant Collector or an Assistant Judge, he would still be debarred from the Chief Judgeships of the Chief Court in Sind. This would be most improper and unreasonable. A witness behaves alike everywhere. Whether he be a Sindhi or a Gujarati, a false witness is the same. If he is telling a falsehood, well, from his face you can make that out, whether he is a Sindhi, a Gujarati or a Maratha. I do not think that Sindhis have a peculiar manner of speaking truth or falsehood. So I consider this a very retrograde amendment. In fact, we recruit people from all over the presidency for District Judgeships, and a District Judge who has served in the presidency proper ought to be allowed to rise to the position of the Chief Judge of the Sind Chief Court.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I rise to oppose the amendment. I tried my best to understand the object of my honourable friend what he really desired by him by giving this resolution. But I must admit, my failure, I cannot make out anything. Sir, our experience is that those who have got greater service in the presidency have always shown greater sympathy, consideration and judicial mind. It will be very hard and unfair to restrict posts of Chief

[Khan Bahadur S. N. Bhutto]

Judgeships only to those officers who have served in Sind. Therefore, I do not find any strong reason to support the amendment.

Mr. H. B. SHIVDASANI (Surat District) : Sir, it has been said that there is the same Penal Code in the rest of the presidency as there is in Sind. But the nature of offences may be so different that the judge who has served in the presidency proper may be at sea when he is serving in Sind. I may give an instance. When a District Judge goes to Ahmedabad, there are so many commercial cases and cases under the Indian Companies Act coming up there that the Judge takes some time before he can get familiar with those special Acts. So, though the law may be the same everywhere, the nature of cases may be so different that it is desirable and preferable to have a man who has had previous experience. Similarly, it has been said that there is the same Land Revenue Code. But the rules that are made applicable and other orders made under the Code are so different in Sind that they make the law practically different from what it is in the presidency proper. I may give an instance. In the presidency proper every piece of land pays assessment every year. In Sind, only that piece of land pays assessment which has been cultivated. The conditions are therefore quite different. I may say no Commissioner in Sind has ever been appointed who has not previously served in Sind as a revenue officer. There are special reasons why a Commissioner in Sind must have had previous revenue experience in Sind. Similarly, there are also similar reasons why a Chief Court Judge should have had previous experience of Sind. I therefore hope that this amendment will be carried.

The Honourable Mr. J. E. B. HOTSON : Sir, I am afraid Government cannot accept this amendment. I should like to point out that the honourable member Mr. Shivdasani's amendment says that no one shall be appointed who has not served as a Judge in Sind for three years. He would thereby exclude many who might have served for a number of years in Sind as Assistant Judges and thereby gained experience. He excludes men whom he would not want to exclude.

A second point is that for the Court in Karachi commercial experience is most important. That experience is better gained in Ahmedabad than in any part of Sind or in any other part of the presidency. Then, it would be most unfortunate to exclude a Judge who had served in Ahmedabad as District Judge and done well as such. Another point is that the honourable member has said no Commissioner in Sind has ever been appointed who has not had revenue experience in Sind. That is not correct. At the moment, I could name four Commissioners in Sind who had not served in Sind before they were appointed Commissioners there. If the limitation is a reasonable one, why would not the honourable member impose it on the barristers also? Why should a barrister who has served elsewhere be eligible and not a member of the Civil Service? I do not think his argument is capable of being logically applied and I hope the House will reject the amendment.

Question put and lost.

Mr. C. G. ADAM: Sir, I beg to move the following amendment:

In paragraph (d) of sub-clause (2) of clause 4, before the word "General" insert the word "Bombay".

The General Clauses Act, 1904, as it stands here, is not correctly described. The word "Bombay" was omitted. The insertion of the word "Bombay", as the amendment gives it, will rectify that omission.

Question put and carried.

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

Clause 5 (*Provision for vacancy in the office of Chief Judge*) ordered to stand part of the bill.

Clause 6 (*Provision for vacancy in the office of a Judge other than the Chief Judge*).

On the occurrence of a vacancy in the office of a judge other than the Chief Judge, and during any absence of any such judge or on the appointment of any judge to act as Chief Judge the Governor in Council may appoint a person to officiate as a judge of the Chief Court and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by the Governor General in Council to the office of judge of the Chief Court and has entered on the discharge of the duties of the office, or until the absent judge has returned to his duties or until the Governor in Council sees cause to cancel the appointment of the acting judge.

Mr. C. G. ADAM: Sir, I move the following amendment:

In clause 6, in line 2, before the word "judge" at the end of that line insert the word "such".

This is purely a verbal amendment and the insertion of the word "such" is required to make the meaning clear.

Question put and carried.

Clause 6, as amended, ordered to stand part of the bill.

Clause 7 (*Rank and precedence of Chief Judge and Judges of Chief Court*) ordered to stand part of the bill.

Clause 8 (*Civil and criminal jurisdiction of Chief Court*) ordered to stand part of the bill.

Clause 9 (*Civil jurisdiction in Karachi District*) ordered to stand part of the bill.

Clause 10 (*Criminal jurisdiction in Karachi sessions division*) ordered to stand part of the bill.

Clause 11 (*Delegation of powers to members of Court: Full Bench*) ordered to stand part of the bill.

Clause 12 (*Power to refer question to full bench*) ordered to stand part of the bill.

Clause 13 (*Review in certain criminal cases*) ordered to stand part of the bill.

Clause 14 (*Appeal from original civil jurisdiction*) (*Appeals from appellate civil jurisdiction of a single judge*).

(1) Except as otherwise provided by any enactment for the time being in force, an appeal from any original decree or from any order against which an appeal is permitted by any law for the time being in force made by a single judge of the Chief Court, shall lie to a Bench consisting of two other judges of the Chief Court.

(2) Except as otherwise provided by any enactment for the time being in force, an appeal from any appellate decree made by a single judge of the Chief Court shall lie to a Bench consisting of two other judges of the Chief Court.

Honourable Mr. J. E. B. HOTSON: Mr. President, I move the following amendment:—

"To sub-clause (2) of clause 14 add the following:—

"If the judge who made the decree declares that the case is a fit one for appeal."

[Mr. J. E. B. Hotson]

These words appeared in the original draft of the bill. They were struck out by the select committee. At that time the Honourable Sir Maurice Hayward recorded a minute of dissent against the omission of these words and the present amendment is intended to restore the bill in its original form.

The effect of the section, as it stands, would be to allow an unlimited right of appeal against decrees of a single judge of the High Court. That would bring about a state of affairs which does not exist in any of the more modern courts. In the older High Courts the Letters Patent provide an unlimited right of appeal of this kind but in the newer High Courts, including that of Rangoon, such an appeal is not allowed. It is not allowed in any Chief Court in the whole of India. The result would undoubtedly be to throw a great extra burden of business on the court and it would probably mean that at least one additional judge would have to be appointed. It would also mean that third appeals would have to be allowed in many of the cases which came before the Chief Court in second appeal. These cases would mostly be trifling and it would be absurd to allow a third appeal in such cases. The amendment which I have proposed would leave it to the discretion of the judge to certify that a fit case for appeal was existing. All over India, wherever such discretion is allowed to the court, it is fairly and wisely used, and I do not think any instance can be quoted in which a really important or difficult or doubtful question has not been certified by the judge. There is no danger whatever that justice will be denied to the parties by the adoption of the amendment which I am now proposing. On the other hand, as I have already said, the cost of the court will be much increased if the bill in its present form is retained.....

Dr. R. P. PARANJPYE : The income ?

The Honourable Mr. J. E. B. HOTSON : I do not think the income will be found to be equal to the cost in this case.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I would have been very glad if the Honourable the Home Member had not come forward with this amendment. I believe he has done so on the strength of the note of his predecessor in the select committee's report that the then Home Member did not agree with the majority report.....

The Honourable Mr. J. E. B. HOTSON : That is not so.

Mr. B. G. PAHALAJANI : If I remember right, I was present at the meeting of the select committee. There were only two members, the Home Member himself and another, who were in favour of retaining these two lines and every other member, even the Honourable Minister, was in favour of these lines being deleted, because the Minister, Sir Ghulam Hussain, who knew the state of affairs in Sind, was of the same opinion that this right of appeal should not be curtailed. I am glad that the Honourable the Home Member has admitted that in the Charter

[Mr. B. G. Pahalajani]

of the Bombay, Calcutta, Madras and Allahabad High Courts of Judicature created by His Majesty, there is no limitation or bar to an appeal against a decree of a single judge. I believe he is right because there is a special section 15 under the Letters Patent which give this right which is absolute and indefeasible, to every subject of His Majesty to file an appeal against the decision of a single judge. I may remind the Honourable the Home Member that it was only when the Punjab and Oudh Chief Courts Acts were enacted two years ago that it was thought necessary to enact this bar to the power of the subjects to appeal against the decision of a single judge in appeal.....

The Honourable Mr. J. E. B. HOTSON : Not at all, Sir. The Rangoon Act was much earlier.

Mr. B. G. PAHALAJANI : It is unfortunate that this Chief Court Bill should have slavishly followed the enactment of the Oudh Chief Court Bill. In the select committee we compared each section of this Act with the other and we found that no attempt had been made to apply the different sections of this Act to Sind and that almost every section that was different from the provisions of the Sind Civil Courts Act had been slavishly taken from the Oudh Chief Court Act. We insisted therefore, and rightly insisted, and the Honourable Sir Maurice Hayward agreed with us, that there should be made an attempt to apply the different conditions of Sind and make suitable changes. It was then that in the select committee we made this change by a heavy majority and what was this change? The words are "If the judge who made the decree declares that the case is a fit one for appeal". I would only place this before this House and the Home Member himself whether his plea of additional expenditure on the creation of another judge will stand when he knows that the ordinary Court Fees Act applies to Sind and every appeal must bear the same court fee stamp as is paid on in the original suit and every second appeal must bear the same stamp that was paid upon the previous appeal, so that every appeal that is filed to the bench of the chief court against the decision of one judge adds to the income of the Government. If it is a suit for Rs. 5,000, it bears Rs. 285 stamp and so on, if the case is filed before the chief court. I may also remind the Honourable the Home Member, who has been in Sind himself, that in Sind and especially in the Karachi district, where the chief court is to be set up, one of the judges of the chief court will do the business of the district judge. There are only two subordinate courts there from which the party has to appeal. In Tatta and Kotri divisions of Karachi district in particular, where there are many land suits involving Jagir rights against which Government in many cases appeals, I ask whether it is not fair that both parties—Government, private parties, other parties, the Manager of Encumbered Estates and every person—should have a right of second appeal so far as the whole of the Karachi district is concerned. I think in the select committee all the Sind members had made out a very clear case for these two lines being deleted and I would still submit to the Honourable the Home Member that he should desist from pressing the elimination

[Mr. B. G. Pahalajani]

of this valuable right of appeal which has not been taken away even by the charter of the Bombay High Court. There is no reason why, when the same right is given to all other courts, to all the other three divisions of Gujarat, Central and Southern Divisions which are also subordinate to the same High Court, this valuable right of appeal should be taken away from His Majesty's subjects in the province of Sind alone. I will put to him a very simple case. A new chief court bill is being presented to the Council and therefore the case of Sind should be treated differently from the case of the other three divisions which still enjoy the right of appeal! Has the Honourable the Home Member made out any case for a treatment differential for Sind than for any other part of this Presidency? Are the people of Sind to be deprived of that right which for the last 60 years, from 1866 when the first Sind Courts Act came to be enacted up to 1926, they have enjoyed, simply because a new Act is before the Legislative Council? I will put it to the Honourable the Home Member, let him judge from his own point of view. Let not Government take the opinion of the late Leader of the House, the Honourable Sir Maurice Hayward. Let the present Home Member exercise his own independent discretion in this matter. Let him answer for himself the question why Sind should have a treatment which is harsher than that meted out to any other part of the presidency, over which he himself now presides. Will he take away this right from Sind which he retains for the rest of the Presidency? If he thinks that Sind ought to be treated badly, if he thinks that Sind, on account of its position, is still a benighted province, and therefore the right of appeal which it has been enjoying up to now should be taken away, let him do it. But so far as my views and the views of other honourable members are concerned, I do not think Sind should be treated in this niggardly fashion, by taking away a right which has been enjoyed for the last 60 years, simply because a new Act is before the Legislative Council.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the amendment proposed by the Honourable the Home Member. It undoes what the select committee has already done. The amendment proposes to take away the right of appeal. Now, the portion of the clause that has been deleted by the select committee did not make it dependent upon the wish of the judge whether there should be an appeal or not. Now, that is a bad principle. Really speaking, anybody who is aggrieved by any decision should have the right of appeal. It should be his desire whether to make an appeal against the decision or not, but to make that right of appeal dependent upon the wish of the judge who makes the decree is certainly against principles of justice. Consequently, the portion of the clause that has been struck out by the select committee should not be restored, as is proposed by the honourable mover of the amendment.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I was a member of the select committee, and as I also voted for the omission

[Moulvi Rafiuddin Ahmad]

of the lines which are now sought to be reintroduced, I think I must say a few words to justify my vote ; I do not like to give a silent vote. I am afraid the Honourable the Home Member has not succeeded in making out a strong case. I should have certainly changed my opinion if he had done so, but I find that the reasons advanced are even weaker than those that were advanced by Sir Maurice Hayward. Sir Maurice Hayward at least had an immense amount of experience of the judicial courts which with all his other gifts the present Honourable Home Member does not enjoy. I am not a Sindhi myself, but I am a member of the Bar, and I do not like members of the Bar to be deprived of rights of appeals or extension of them. I think it is in the fitness of things, because members of the Bar have always to say something about rights concerning themselves or the public. The members of the Civil Service generally preside over the productive departments and the members of the Bar exist to look over the protective. What they produce we protect. From the point of view of mere freedom, every man has a right to spend money if he wants to do so, and when Government coffers are going to be filled more by the expenditure of that money I do not see why the Honourable the Home Member should come forward to move such an amendment. The honourable member the Deputy President said that we were slavish in copying the bill from the Oudh Courts Act. I think it is a very strong word to use. I for one would have been only too pleased to bodily enact the whole Act for Sind if it was sound. For the sake of making changes, we must not change. I think we would not be justified in making such a change.

The only reason which the Honourable the Home Member has advanced is that one more additional judge would be required. But that is a point which the House has to decide. It is not for the Government to decide. The House would be only too pleased to grant them money, if there is more freedom and there are more facilities given to the people in judicial matters. This House would be too pleased to give the money that is required for an additional judge, and the more additional judges there are the better for the people and the members of the I.C.S. themselves. Therefore, from the point of view of the members of the I.C.S., from the point of view of the litigant public, and last but not least from the point of view of Barristers and Advocates, it is necessary that this amendment should be withdrawn, and the more gracefully it is done the better for the Honourable the Home Member.

Mr. BALAK RAM : Sir, I beg leave to support this amendment. From some of the remarks made by the honourable the Deputy President the impression is left on one's mind that the bill proposes to take away a subject's inherent right of appeal in every case. That is not a correct way of describing what the bill has done. The Sind Courts Bill extends to the whole of Sind, and Sind is divided into districts like other provinces. In districts other than Karachi, the present provision of one, or two, appeals, as the case may be, remains; but it is only in Karachi that a difference is made. That is because under the bill the District Court of Karachi is abolished, and the Chief Court of Karachi has to do the work

[Mr. Balak Ram]

of the District Court. If the bill is passed, there will not be a District Judge for Karachi,—there is one at present,—but his work will be done by a Judge of the Chief Court. What is the result? The result is that a Karachi litigant, when he is dissatisfied with the decision of the first court, whether the first court is a sub-judge's court or the Chief Court, files an appeal, that appeal goes to the Chief Court *immediately*, that is to say, to the highest court in India to which any appeal from other districts will ever reach; which means that in Karachi a litigant goes to the ultimate goal at one step, while in other districts he has very often to take two steps, the first step to the District Court and the next step to the Chief Court. Now, I put it to the honourable members here, if you can finish a journey in one step instead of two, why should you consider it a hardship? I should say that two steps are a hardship.

Another assumption that has been made,—at least impliedly,—that a right of appeal ought to be unrestricted. As a matter of fact the right of appeal at present is not unrestricted. Everybody has one right of appeal; but it is not in every case that a second appeal is allowed. In petty suits of a small causes nature no second appeal is allowed. In other petty cases the second appeal is not on facts—and facts constitute the most important part of a suit,—but on questions of law and procedure only. When we come to the Privy Council, the right of appeal is restricted still further. If the provision of the bill as amended by the select committee is retained we get into the most unfortunate position, that even in petty suits, where at present there are two appeals, there will be three appeals. The first appeal will be to the District Court outside Karachi; the second appeal will be to the single judge in the Chief Court and against the decision of the single judge there will be a third appeal to a bench. That I consider is a waste of litigants' money, if there are no complicated and unsettled points of law. If, however, there are such points, I cannot imagine that a conscientious judge will have any hesitation in giving a certificate, which will enable the points to be considered by a Bench.

Mr. B. G. PAHALAJANI (Western Sind): Mr. President, may I be permitted to correct a wrong statement?

The Honourable the PRESIDENT: What is that?

Mr. B. G. PAHALAJANI: There are no three rights of appeal in Karachi. There is no court in Karachi against which appeals lie.

Mr. BALAK RAM: May I make a personal explanation? I said that there will be a third appeal *outside* the District of Karachi. In Karachi against the decision of the single judge of the chief court there will at the most be a second appeal; but outside Karachi there may be three appeals.

The Honourable Mr. J. E. B. HOTSON: I regret very much I cannot comply with the wish of the honourable member opposite (Moulvi Rafiuddin Ahmad). I cannot withdraw my amendment either gracefully or otherwise. I think the Deputy President said that we have slavishly

copied the provisions of the Oudh Court Act. That Act is the result of the experience of many years. It is obviously wise to follow the provisions of that Act as far as we can, except where it can be shown that local differences make modifications of its provisions necessary. None of the honourable members who have spoken on this amendment have attempted to show that there is any local difference of any sort to justify departing from any particular provisions of the Oudh Act.

It has been said that this amendment has only been moved because of the opinion expressed by the late Home Member. That is not the case. The whole case has been very thoroughly considered since then and the amendment that is on the paper was put there because Government as at present constituted thinks it necessary to do so. I think also that if this amendment is not passed it will almost certainly mean a further reference to the Government of India, which will make it impossible to pass this bill into law before next February and consequently it would not be possible—as we hope—to form the chief court in April next.

Dr. R. P. PARANJPYE: Why should there be a reference to the Government of India?

The Honourable Mr. J. E. B. HOTSON: Because it deals with a central subject and the bill cannot go through unless the Government of India approve of its provisions.

It is also an error to suppose that we are treating Sind as a benighted province. Far from treating it as a benighted province we are legislating on the best example set before us. We are giving Sind now a better court than it had ever before, with more experienced judges and more highly paid judges.

Mr. B. G. PAHALAJANI: Better than the High Court?

The Honourable Mr. J. E. B. HOTSON: Better than what they have at present.

It is a great mistake to suppose, as one honourable member appears to suppose, that certifying a case for further appeal is dependent in any way on the wish of the judge concerned. It is a matter to be decided by his judicial discretion. I do not think there was any other criticism of substance and I hope that the House will agree to this amendment.

Question put: House divided: Ayes, 34; Noes. 11. Amendment carried.

Division No. 1.

Ayes.

ABDUL LATIF HAJI HAJRAT KHAN, Khan
Saheb
ADAM, Mr. C. G.
ANDERSON, Mr. F. G. H.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.

DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DEHLAVI, the Honourable Mr. A. M. K.
FRAMJI, Mr. K. S.
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JERANGIR, the Honourable Mr. COWASJI
KALSHOR, Mr. G. M.

Ayes—contd.

LAIRD-MAC GREGOR, Mr. E. G. L.
 LOWSLEY, Mr. C. O.
 MANSURI, Khan Sahab A. M.
 MCKEE, Mr. W. G.
 MEHTA, the Honourable Sir CHUNILAL
 MUJUMDAR, Sardar G. N.
 OWEN, Mr. A. C.
 RIEU, the Honourable Mr. J. L.

SHANKARRAO JAYARAMRAO ZUNZARRAO,
 Mr.
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 WEBB, Mr. M.
 WINTERBOTHAM, Mr. G. L.
 WOODS, Mr. E. E.

Tellers for the Ayes: Mr. J. P. BUNTER and Mr. A. C. OWEN.

Noes.

AHMAD, MOULVI RAFIUDDIN
 DESAI, Rao Sahab D. P.
 DEV, Mr. S. S.
 KARKI, Mr. M. D.
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSAINBOY A.

PAHALAJANI, Mr. B. G.
 PARANJPE, Dr. R. P.
 PRADHAN, Mr. G. B.
 SHIVDASANI, Mr. H. B.
 SWAMINARAYAN, Mr. J. C.

Tellers for the Noes: Mr. J. C. SWAMINARAYAN and MOULVI RAFIUDDIN AHMAD.

Clause 14 as amended ordered to stand part of the bill.

Clause 15 (*Procedure of Chief Court in exercise of Civil and Criminal Jurisdiction*) ordered to stand part of the bill.

Clause 16 (*Ministerial officers of Chief Court*) ordered to stand part of the bill.

Clause 17 (*Superintendence and control of other courts*) ordered to stand part of the bill.

Clause 18 (*Admission and removal of Advocates, Pleaders and Attorneys*) ordered to stand part of the bill.

Clause 19 (*Power to make rules*) ordered to stand part of the bill.

Clause 20 (*Registers, books, accounts, returns, statements and reports*) ordered to stand part of the bill.

Clause 21 (*Civil districts*) ordered to stand part of the bill.

Clause 22 (*District Courts*) ordered to stand part of the bill.

Clause 23 (*Joint judges*) ordered to stand part of the bill.

Clause 24 (*Assistant judges*) ordered to stand part of the bill.

Clause 25 (*Appellate jurisdiction of assistant judge*) ordered to stand part of the bill.

Clause 26 (*Powers to invest joint or assistant judge with powers of district court*) ordered to stand part of the bill.

Clause 27 (*Control of Courts*) ordered to stand part of the bill.

Clause 28 (*Appellate jurisdiction of district court*) ordered to stand part of the bill.

Clause 29 (*Subordinate courts*) ordered to stand part of the bill.

Clause 30 (*Joint subordinate judges and deputation*) ordered to stand part of the bill.

Clause 31 (*Jurisdiction of subordinate courts*) ordered to stand part of the bill.

Clause 32 (*Special jurisdiction of First Class Subordinate Judge*) ordered to stand part of the bill.

Clause 33 (*Appeal from decision of First Class Subordinate Judge*) ordered to stand part of the bill.

Clause 34 (*Appellate jurisdiction of First Class Subordinate Judge or small cause court judge*) ordered to stand part of the bill.

Clause 35 (*Power to invest subordinate judges with small cause powers*) ordered to stand part of the bill.

Clause 36 (*Power to invest subordinate judges with jurisdiction under certain Acts*) ordered to stand part of the bill.

Clause 37 (*Government suits*):

(1) No subordinate court other than the court of a subordinate judge of the first class and no court of the small causes shall receive or register any suit in which the Secretary of State for India in Council or any officer of Government in his official capacity is a party.

(2) In every such case, the plaintiff shall be referred to the court of the subordinate judge of the first class and such suit shall be instituted only in the court of the subordinate judge of the first class and shall be heard by such subordinate judge, subject to the provisions of section 24 of the Code of Civil Procedure, 1908.

(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway; or to apply to any suit merely because an officer of Government is a party thereto, in his capacity of—

- (a) member of a local authority,
- (b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—
 - (i) Order 32, rule (4), of the Code of Civil Procedure, 1908;
 - (ii) section 5 of the Succession (Property Protection) Act, 1841;
 - (iii) section 69 or 71 of the Indian Lunacy Act, 1912;
 - (iv) section 7, 18 or 42 of the Guardians and Wards Act, 1890;
 - (v) section 1 or 17 of the Ahmedabad Talukdars' Act, 1862;
 - (vi) section 7 (2) (c) or 34 of the Sindh Incumbered Estates Act, 1896; or
 - (vii) section 3, 19 (1), 19 (2), 20, 22 (1), or 41 (1) of the Bombay Court of Wards Act, 1905.

Mr. C. G. ADAM: Sir, I move the following amendment:

In paragraph (b) of sub-clause (3) of clause 37 :—

- (i) for paragraph (ii) substitute the following :—
“(ii) section 195 of the Indian Succession Act, 1925;”
- (ii) delete paragraph (v); and
- (iii) renumber paragraphs (vi) and (vii) as (v) and (vi) respectively.

The old Act was the Indian Succession Act, 1841, as it stands at present in the bill. Section 195 of the Indian Succession Act, 1925, has taken the place of section 5 of the Indian Succession Act, 1841, and it is substituted by this amendment.

Paragraph (v) “section 1 or 17 of the Ahmedabad Talukdars' Act, 1862” was inserted in the bill; it is now proposed to be omitted as it is not necessary. This will require the renumbering of paragraphs (vi) and (vii) in the section.

Question put and carried.

Clause 37, as amended, ordered to stand part of the bill.

Clause 38 (*Temporary vacancy of office of district judge*) ordered to stand part of the bill.

Clause 39 (*Delegation of powers of district judge*) ordered to stand part of the bill.

Clause 40 (*Temporary vacancy of office of subordinate judge*) ordered to stand part of the bill.

Clause 41 (*Suspension and removal*) ordered to stand part of the bill.

Clause 42 (*Appointment and removal of court officials*) ordered to stand part of the bill.

Clause 43 (*Seal*) ordered to stand part of the bill.

Clause 44 (*Execution of decree for debt against certain privileged persons*) ordered to stand part of the bill.

Clause 45 (*Pending proceedings*):

(1) Every proceeding pending at the commencement of this Act in the Court of the Judicial Commissioner of Sind or in the District Court of Karachi or in the court of Session of Karachi shall be deemed to be transferred to the Chief Court and the Chief Court shall proceed to try, hear and determine the matter as if it had been instituted in such court.

(2) Appeals from decrees, sentences and orders passed and not appealed against before the commencement of this Act, which would before that date have lain to the said Court of the Judicial Commissioner or the said district or sessions court, shall lie to the Chief Court.

(3) All decrees, sentences and orders passed before the commencement of this Act by the said Court of the Judicial Commissioner or the said district or sessions court shall be deemed for the purposes of execution to have been passed by the Chief Court.

(4) Provided that nothing contained in sub-section (1) or sub-section (2) shall be construed to extend the period of limitation to which any suit or appeal may be subject.

Mr. C. G. ADAM: Sir, I beg to move the following amendment:

In clause 45 omit the figure and brackets '(4)'.

Question put and carried.

Clause 45, as amended, ordered to stand part of the bill.

Clause 46 (*Enactments amended and repealed*) ordered to stand part of the bill.

*First Schedule, Part I:

Mr. C. G. ADAM: Sir, I move the following amendment:

In Part I of the First Schedule—

(a) after the word "Procedure" occurring in column 3 of entry 7 insert the figures "1898".

(b) after the word "Procedure" occurring in column 3 of entry 8 insert the figures "1908"; and for the second paragraph in column 4 of the said entry substitute the following paragraph, namely:—

"In sub-section (1) of section 123 for the words 'Chief Court' the words 'Chief Courts' shall be deemed to have been substituted."

The first two (a) and (b) of the amendment are moved purely in the interest of correct nomenclature. The third is merely in order to make the meaning which is intended to be conveyed by the Schedule more clear.

Question put and carried.

Schedule I, as amended, ordered to stand part of the bill.

Schedule II ordered to stand part of the bill.

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

The preamble ordered to stand part of the bill.

The Honourable Mr. J. E. B. HOTSON: Sir, I now move that

Third reading. the bill be read a third time.

Question proposed.

Mr. A. E. PATEL (Northern Division): Sir, I should like to have some explanation. In clause 4, sub-clause (2), three classes from which the judges are to be selected are enumerated as follows:—

(a) Barristers; (b) members of the Indian Civil Service; (c) a person having held judicial office not inferior to that of a subordinate judge or a judge of the small cause court for a period of not less than

[Mr. A. E. Patel]

five years; or (d) a person who has been an advocate or a pleader of any Court which is a High Court and so on.

But the proviso nullifies the effect of sub-clause (c). In the proviso it has been provided that two out of the four judges at least will be I.C.S. people and the remaining will be from barristers, advocates and pleaders. I want to know, Sir, where do the poor subordinate judges come in? The selection is to be limited to 50 per cent. of the I.C.S. people and 50 per cent. of barristers, advocates and pleaders. So, there is no other number remaining for the selection of the judges of the Small Cause Court or the subordinate judges, in spite of the provisions in clause (c).

The Honourable the PRESIDENT: Honourable members seem to have some misapprehension as to whether any speech can be made on the occasion of the third reading. I hear whispers on that question. Every honourable member is entitled to speak as elaborately as he likes on the motion for the third reading, provided his object is either to support the motion or to oppose and defeat it. After the bill has been considered clause by clause, it is open to any honourable member to say that the bill in the form as it now stands is not acceptable to him and that he will oppose and vote against it and thereby defeat the motion for the third reading. The honourable member is quite in order.

Mr. A. E. PATEL: I simply wanted to know, Sir, to make up my mind whether to oppose the third reading or to support it. I simply want to draw the attention of the honourable member in charge as to whether, when he enumerates in sub-clause (c) that subordinate judges have also got a place in the selection, there is any place left for them by the proviso. Because the proviso provides for 50 per cent. of the posts for barristers, pleaders, etc., and 50 per cent. goes to members of the I.C.S.....

The Honourable the PRESIDENT: The honourable member's remarks must be relevant to the motion that is now before the House. His position, as I understand it, is that as the provisions are not clear or do not carry out the real intention of the bill, he is dissatisfied and that he wishes to oppose the third reading unless an explanation is given which would satisfy him. The only point of relevance on the present occasion is that for reasons he may choose to give he wishes to support or oppose the third reading.

Mr. A. E. PATEL: Yes, Sir. I want to oppose the bill *in toto* if proper explanation is not forthcoming. If the Honourable the Home Member explains that these judges and subordinate judges can come under sub-clause (3), that is, if additional judges are to be appointed only for temporary service, then that clause should have been more particularly included in sub-clause (3) and not in sub-clause (2).

The Honourable Mr. J. E. B. HOTSON: Mr. President, I think I can explain this difficulty in a moment. If the honourable member will read clause 4, paragraph (1), he will see that the Chief Court shall

[Mr. J. E. B. Hotson]

consist of a Chief Judge and three or more judges. As long as there are only a Chief Judge and three judges, it is quite true that there will not be room for a subordinate judge or a judge of a small causes court. As soon as there are more than three judges, four or five judges, appointed, there will be room for persons mentioned in (c) of subsection 2.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, this point was also discussed in the select committee and I think the Honourable the then Home Member, Sir Maurice Hayward, assured us that as soon as the bill would become an Act there would be no doubt that in a year or two one or more judges would be appointed and in that case there would be room for the class of people that my honourable friend behind (Mr. Alibhoy Patel) advocates. With that assurance we were satisfied and we voted for that bill. I hope therefore that he will be satisfied and that the bill will be passed and that Government will see to it that one or two more judges are soon appointed.

The Honourable Mr. J. E. B. HOTSON: I have nothing to add to what I have already said.

Bill read a third time. Question put and carried.

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

(After Recess)

BILL No. VII OF 1926 (A BILL TO AMEND THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923)

(As amended by the Select Committee)

The Honourable Mr. J. E. B. HOTSON: Sir, I present the report of the select committee.

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

The Honourable Mr. J. E. B. HOTSON: Sir, I move that Bill
Second Reading. No. *VII of 1926 (A Bill to amend the Bombay Prevention of Prostitution Act, 1923) be read a second time. The bill has come through the select committee practically unaltered with nothing more than verbal changes in two places. It can therefore be said that the bill, both in principle and in detail, has commended itself to this House.

There are members of this House who would like to see much stronger steps taken to deal with this great evil. There are very great difficulties standing in the way. They are at present under consideration and we are seeing if we can devise some further improvements which will actually be improvements and will not bring with them dangers greater than those they seek to avoid. Those further measures are not yet ready

*Vide Appendix B.

[Mr. J. E. B. Hotson]

and I would ask the House to pass this small amending bill at once in the hope that further amendments may be made before very long.

Question proposed.

Bill read a second time. Question put and carried.

Bill read clause by clause.

Clause 2 (Amendment of section 1 of Bom. XI of 1923)

In sub-section (2) of section 1 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the words and figures "sub-section 8 (3)" the following words and figures shall be substituted:—

"section 8, sub-section (3)."

Mr. C. G. ADAM: Sir, with regard to the amendment to clause 2 of the bill which stands in my name, there is a slight difficulty. The amendment consists of two parts, (i) and (ii). The first part, it has been pointed out by the Legal Department, is not necessary. I would therefore desire to omit that part. I do not know whether that should be done by my moving the second amendment, or whether the first amendment should be withdrawn.

The Honourable the PRESIDENT: The honourable member need not move the first part at all.

Mr. C. G. ADAM: I beg to move the following amendment:

For clause 2 substitute the following clause, namely:—

"2. In sub-section (2) of section 1 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the words and figures 'and section 12' the words and figures 'section 12 and section 13, sub-section (1)' shall be substituted."

The necessity for this amendment is that section 13 of Bombay Act XI of 1923, as it stands, extends only to the city of Bombay and certain other places to which it is extended by notification. But it repeals section 26A of the Bombay City Police Act, 1902, which extends to the whole of the presidency. It is therefore necessary that section 13 should also be extended to the whole of the presidency.

Question put and carried.

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

Clause 3 (*Amendment of section 3 of Bom. XI of 1923*) ordered to stand part of the bill.

Clause 4 (*Amendment of section 9 of Bom. XI of 1923*) ordered to stand part of the bill.

Clause 5 (*Amendment of section 10 of Bom. XI of 1923*) ordered to stand part of the bill.

Clause 6 (*Amendment of section 13 of Bom. XI of 1923*) ordered to stand part of the bill.

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

Preamble ordered to stand part of the bill.

The Honourable Mr. J. E. B. HOTSON: Sir, as I wish to refer the bill to the Legal Department before moving its third reading, with your permission I shall move the third reading tomorrow.

The Honourable the PRESIDENT: It is at the Honourable Member's discretion whether to move it now or later.

**BILL No. V OF 1926 (A BILL TO AMEND THE CITY OF
BOMBAY POLICE ACT, 1902)***(First reading continued)*

The Honourable the PRESIDENT: Before any motion is made, I should like to explain to honourable members the procedure that I propose to adopt in this connection. Honourable members are aware that the first reading of the bill was moved at the last session. A motion for the first reading was made, and the question was discussed, and about half a dozen honourable members took part in the discussion. Then an amendment was proposed that the bill should be transferred to this session. The question arose to my mind as to whether the procedure on the present occasion should be to start discussion from the point at which it had stopped on the previous occasion when an adjournment was moved, or whether the discussion should start *de novo*. If an adjournment had taken place to some other day in the same session, the procedure I would have adopted would have been the continuation of that debate from the point at which it had stopped. But in this case, the postponement has been from one session to another, and there was considerable doubt as to what the proper procedure is. After careful consideration and consultation, I have come to the conclusion that it would be but fair to allow the discussion *de novo*, so that the House need not look up what happened before, but should re-discuss it from the start. Under this procedure honourable members who had spoken before will be entitled to speak again. The motion for the first reading will now be put before the House by the Honourable Member in charge with any observations he may like to make. It will be a fresh discussion, and every honourable member desiring to do so, will be allowed to take part in the discussion. That is the procedure I propose to adopt.

The Honourable Mr. J. E. B. HOTSON: Sir, you have explained to the House the situation as far as this bill is concerned, and the procedure which you propose to adopt, and you have very kindly given me permission to go over the ground again in stating the reasons for which this bill is being proposed. The fact is, as stated in the statement of objects and reasons, that there is no provision in the City of Bombay Police Act, 1902, enabling police officers to destroy animals which are diseased or so severely injured that it would be a cruelty to let them linger on. The one object of this bill is to make it possible to deal with injured animals which are lying in the street or in any other public place in a state of suffering and pain, for which there is no relief for them. It is open to the owners of such animals to remove them, it is open to the owners of such animals to have them taken away by other charitable persons to a *pinjrapole* or to any other place where animals are received and cared for. It is only in cases where the animal is neglected in its misery, where, as things are now, the animal has to lie in the public streets of the city of Bombay for many hours, perhaps until death brings

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relief, that the power under clause 2 will be exercised. That such an animal should lie in such a condition in a public place where there are many passers by in a great city like Bombay is a thing which causes pain to observers of all classes and it is desirable not only that the animal should be relieved from its sufferings but that the feelings of the passers by should be saved from the extreme discomfort caused by such sights. That is all that this bill seeks to attain.

On the last occasion it was urged that the bill as it stands would allow the police to walk into any private house and there perform his acts of mercy. But such was never the intention and Government are prepared on the second reading to accept an amendment confining the powers of the Police to animals which they may find in a public place. That I think will meet one of the strongest objections that was urged against this bill on the last occasion.

The other objection was that the Hindu community do not like animals to be killed. This, as I have said, can be met by charitable persons coming forward and removing the animal to a place of safety. Nothing in this bill would prevent that.

This bill has been sent round to many societies which have charitable and similar objects at heart and it was approved, as Mr. Montgomerie told the House on the last occasion, by every single society that was consulted. These societies were many of them predominantly Hindu in composition.

The wording of this bill is taken with trifling and merely verbal alterations from the Act which is in force in Calcutta, which as we know is a preponderantly Hindu city. Government therefore felt from the beginning and still feel that there was nothing in the Act which could offend against the susceptibilities of any of His Majesty's subjects. I hope the House will be prepared to give their consideration to this bill as soon as possible in order that the suffering of these animals may be relieved.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, as the honourable member in charge has tried to reply to all the objections raised by the Council on the last occasion, it won't be necessary for me to repeat more. I will try to reply to some of the points raised by the honourable Home Member himself. I think my attitude will not be mistaken, because in a bill of this kind I feel it my duty to oppose it. My opposition will, I think, be shared by all the Hindu and, I believe, all the Muhammadan members on this side, because this opposition is based upon sentiments which in India we have not yet been able to get rid of. We in India have this sentimental feeling and I think I am proud of that feeling especially when questions of this kind are raised. This bill, Sir, is to be an addition to Section 29 of the City Police Act. Section 29 of the City of Bombay Police Act deals with destruction of stray dogs, provisions as to muzzling or seizure of dogs, saving as to dogs wearing collars, destruction or sale of dogs, proceeds or sale how disposed of and recovery of expenses. The section to which this clause 29-A is to be

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added would be rather a misplacement. In none of these can any connection be traced to the new section that is to be added. I object to this at the first reading because I objected to its principle. The honourable the Home Member wishes the Council to pass the first reading and said that he is prepared at the select committee meeting, a place outside the House, to allow two or three amendments which go to the very root of the section. One is as regards the place where the police have the right to enter. He is also prepared to go so far as to make the provision that the owners should have an opportunity of taking the animal away. None of these things find a place in this section. The section as it stands does not contain any such provision. I submit that as long as it conveys no such intention and as long as Government have not chosen to take advantage of the discussion at the last budget meeting and as long as all the objections raised against the bill are still there, I respectfully submit that the principle in the Section is not one that we can accept. The wording of this section, 29-A is as follows :—

"Any Police officer who finds any animal"

including all animals such as horses, bullocks

"so diseased, or so severely injured, or in such a physical condition, that it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal"

he is not to be asked whether he is taking it to the Pinjrapole; he is not to be asked whether he consents to the destruction or does not

"if the owner refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured.....the Police officer may, *without the consent of the owner* destroy the animal or cause it to be destroyed."

There is only one section and if the Honourable the Home Member is prepared to concede to the sentiments of the members of this side of the House, the whole section will have to disappear. What is necessary is that all the intentions and wishes of the Honourable the Home Member should be incorporated in the bill and let the House then consider the bill. I adhere to my view that the Hindus do object to the shooting of an animal either in their houses or outside. I still adhere to this view and I think the honourable members on the Government side who are Hindus will also be of the same opinion in this matter that howsoever diseased an animal may be, they will not wish to be a party to this outrage more or less. You would find that in the whole of India whatever the state of the animal, all Hindus as well Muhammadans are unwilling that the animal should be shot or destroyed. There are certain conditions even as regards the killing of animals by Muhammadans and none of us will be a willing party to a legislation which requires that a police officer either in the house or outside the house shall have the power of shooting an animal on the certificate of a Veterinary practitioner.

I therefore submit to the House that section 29 is not necessary at all. It is not necessary that Government should force this section down the throats of honourable members who assert and who did assert

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at the last meeting of the Council that this is against their religion. It is not necessary for the Government of Bombay to enact this section against the sentiments so expressed. I know that as the House stands to-day, Government will be able to carry this section against us. I know that this bill will be passed into law contested as it is, but I will still remind Government that this is a bill which means something more than a mere destruction of an animal, *i.e.*, it concerns the sentiments of the subject of His Majesty and that therefore they need not force it down their throats and that they need not carry the bill on account of their official majority against the wishes of this Council on this side.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I had no intention at all to take part in this discussion but the speeches of honourable members I heard at the last session on this point and again today make me rather anxious in the interests of agriculturists, if the views expressed were to be adhered to uniformly in the case of every animal. It was argued at the last session that every animal having a soul should not be destroyed. If had I waited I am sure I would have heard the same argument that because all animals possess a soul life should not be taken. If that principle, I repeat, is adhered to and accepted, it should be uniformly accepted when lives of all animals are concerned. You remember, Sir, that I have been tackled severely in this House by honourable members on the opposite benches for not taking sufficient precaution and for not spending sufficient money to kill elephants, pigs and rats in the interests of agriculturists. And if this is a question of killing a soul, I think an elephant has a bigger soul than a pig, and the latter a bigger one than the rat. If that principle were applied to the agricultural department I shall be asked to stop killing the animals I have mentioned. The result will be that the agriculturists in the country will suffer very much. I say, Sir, there is absolutely no difference at all between the case of an animal in the streets of cities like Bombay, or in the jungles or fields in the country outside. If we have to judge question like this in an assembly of this kind on sentiments of this nature, I think, we shall make very little progress.

If there is any defect in the clause that is proposed it should be shorn of it, and honourable members ought to do their best to amend the clause as much as they like, but I think there is not much force in the argument on the other side on the score of sentiment. If it is a sentiment it should be in the consideration of every animal, and I know that this House cannot consistently maintain that sentiment. The question of sentiment is not of much value.

Mr. J. C. SWAMINARAYAN: (Ahmedabad District): Sir, I oppose this bill because it differentiates between human life and animal life. Suppose a man is hurt in a street accident and suppose his wound is such that he is suffering a good deal and that it is out of cure, still the doctor advises the shooting of that man and the man who shoots him will be sent to the gallows. This is the difference between the western way of thinking and the eastern way of thinking. The Westerners regard

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human life sacred and they take all precautions for saving it and consider it as worth preserving, and whatever the tortures of the injured person may be when that person is injured in a street accident and when he suffers agonies which are crucial—and I have seen persons very badly unjured and living under great torture and under conditions in which they may not know whether their life is ended by the accident or by the shooting, still a human being however badly he may be injured and however agonising may be his fate—the law protects him. Now we want the same protection to be given to animals. We do not want to differentiate between human life and animal life. Secondly if in the city of Bombay there are many charitable institutions, arrangements may be made in these institutions to remove the animals under these conditions, and if there are no owners to take care of the animals there are the *pinjarapoles* whose committees may be asked to make arrangements for the removal of such animals rather than to give power to the police officers to have them shot. Supposing a cow is very badly injured in a street accident and supposing life is still there in the cow, and if the cow is shot in the presence of thousands of Hindus, I think Government ought to have regard to the susceptibilities of their subjects. Then secondly, I think this bill should not be brought forward in the House where it may be possible for Government to carry it under the present circumstances, and I therefore think it would be better for Government to wait till the whole House is able to pass such a bill and it is desirable that Government should not go on with this bill any further.

Mr. R. G. PRADHAN (Nasik District): Mr. President, until I heard my honourable friend the Minister of Agriculture I had not the least intention of taking part in this debate, but I feel compelled to make certain observations, as I think that some of the remarks that the Honourable Minister of Agriculture has made are objectionable in the extreme. He seems to ridicule the notion which we have that animals have a soul.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I rise to a point of order. I never ridiculed the notion. I simply pointed out the inconsistency.

Mr. R. G. PRADHAN: The Honourable Minister may not have ridiculed that notion in specific language but the manner in which he referred to that notion seemed to create in our minds an impression that he is ridiculing the conception which many of us have that all creation in fact is full of life. We must strongly object to his remark and I can only say that if he brings an open mind on this question he himself will come to the conclusion that there is a good deal of truth in the argument that all created beings have soul.

Then, Sir, he seemed to suggest that we should not import any consideration of sentiment. If that is his view, he is entirely mistaken in the conception he has of our duty as legislators. As legislators it will be a mistake on our part if we are not influenced by considerations of reason as well as by considerations of sentiment. If he thinks that

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we should not at all be influenced by sentiments, I must say that he is mistaken. We as representatives of the people in this honourable House have to pay due regard to both reason and sentiment, and it will be a great mistake on the part of legislators, in matters of legislation which are of great importance, if they affect the sentiments of large communities, to ignore those sentiments. I must say then that the remarks which the Honourable Minister for Agriculture made when he spoke in support of the bill are such as cannot commend themselves to the approval of this honourable House. They cannot appeal to us as legislators and representatives of the people.

Coming to the bill itself, I agree with much of what the Honourable Member in charge of this bill has said. I concede that under certain circumstances it will be kindness to kill an animal. I say it is possible that such circumstances may justify such action. But when I read the clause and take into consideration the language of the clause, it seems to me that the clause is so worded, the language of the clause is so comprehensive, that it would justify a police officer in killing an animal of this kind even in a pinjrapole. The wording is clear :

"Any police officer who finds any animal so diseased, or so severely injured, or in such a physical condition, that it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the veterinary practitioner in charge of the area in which the animal is found" and so on.

The clause as it stands will not preclude the authorities from entering a *pinjrapole* and if they find that in the *pinjrapole* there are animals diseased or severely injured, it will be competent for them to kill those animals even there. I say, Sir, that the language of the clause requires a good deal of amendment.

Then, Sir, the clause says "if the owner is absent, etc." Why should not some steps be taken to find out from somebody on behalf of the owner and enquire from him whether he is in a position to take proper care of the animal? Why not such a step be taken, and if only such a step is found impracticable, or even after having taken such a step the person responsible for the removal of the animal does not do so, then the animal may be killed. What I submit, therefore, is that though the principle involved in this clause may be all right under certain circumstances, still the clause as it is actually worded is open to serious misconstruction or abuse, and therefore, it is very desirable to so recast it as to meet all these objections. Well, if these objections are removed and if the clause is so worded that there will not be any reasonable objection to it, then I think the House will be justified in supporting this bill. But otherwise, as the clause is actually worded at present, I think this House would be justified in not voting for it.

Rao Saheb D. P. DESAI (Kaira District): I thought, Sir, the Honourable Minister had left his shooting propensities on the hills of Mahableshwar. But unfortunately, he has brought them in this House also. He has referred to the views expressed by certain agriculturist members regarding wild pigs and the destruction made by wild pigs. But I must remind him that the Hindu religion does not come in the way

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of shooting these wild animals which do actual harm. No Hindu member here suggested to take away the section regarding dogs altogether from the statute book, but all the members do object to taking the same liberty with any useful sort of animal that does actual service, that is, from the cow downwards and object to shoot it even if it is found that by shooting it perhaps it will be conferring a great benefit on that animal. In this connection, I would say, Sir, that if Government are really so kind to the animals, why should they not erect stables for such animals and get them treated, and spend some amount from the provincial funds for their medical treatment? I do not think any objection would be raised by any of the Hindu members who are here. But Government, of course, do not come forward with any practical suggestions of that kind but want to give the powers to the police officers for shooting and killing any animal that is found to be in a diseased condition. Again the agriculturists should not be taken as the whole Indian society as Indian society is composed of so many castes. But even if the agriculturists think that it is desirable that any animals that are dangerous to agriculture should be destroyed, it should not be taken that the whole Hindu society agree with that view of the agriculturists, and I should think that no weight should be given to such views in this House.

Sir VASANTRAO A. DABHOLKAR : Mr. President, the Honourable Minister for Excise did not want to ridicule the idea but wanted to know the consistency, and it is this. Killing of an animal in a public street or a place is against the religious sentiments of the Hindu community while destroying animals like elephants and boars which are a danger to human lives as well as to crops is a different thing. What the Council asked the last time was that elephants which are a danger to human life should be destroyed; so the pigs; and the Honourable Minister has got his experience that one of his forest rangers was killed by an elephant two years ago at Dandeli. This Council is not wrong in asking that such elephants, rats and pigs which destroy harvests should be destroyed, but Government activities as regards the destruction of these wild animals are very slow of late. In the old days Government used to give a large number of prizes for destruction of snakes, and now it does not, from which it seems that Government had very little care for the lives of those working in the jungles or fields. As far as this clause is worded, I should like to point out that the Honourable Mr. Dehlavi should consider the case of cows kept in Hindu temples. The honourable member for Nasik referred to *pinjrapoles*; but what about cows in the Temple compounds. Suppose a diseased cow is found in a Hindu temple. Does my honourable friend want to destroy that cow in the temple? I hear it said that that cow can be taken out in the street and destroyed. Has my honourable friend forgotten that only recently in Dana Bunder in Bombay pigeons were destroyed and a good deal of resentment and feeling was created in Bombay? If Government have forgotten all about this affair, it is no fault of mine. With that experience in front of us, would Government introduce such a legislation which requires great modifications?

The Honourable Mr. J. E. B. HOTSON : Were those pigeons destroyed for sport or because they were diseased ?

Sir VASANTRAO DABHOLKAR : For sport. Still, the orthodox Hindus do not like to kill pigeons although they are not considered so holy as cows ; in the case of a cow what would Hindus think if she were to be destroyed in the compound of a temple ? Would they allow it ? So far the city of Bombay has maintained the greatest reputation as regards the cordiality and good feelings existing amongst the sister communities. What would be the state of Bombay if such destruction were to be allowed now ? If you have a Hindu veterinary surgeon or practitioner, he may not allow a cow to be killed in a temple but if he happens to be a Muhammadan and if he says that the cow must be destroyed because she is incurable, what will happen ? So, before bringing in legislation, I think Government should think twice rather than hurt the feelings of the people concerned.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, I think a good deal of unnecessary heat has been imported into this debate. I do think that sentiment plays a very great and a very important part in the every day life of every Indian in this country, and if to-day it is the question of Hindus, to-morrow it may be the question of Muhammadans. I do not think that any Government would like to ride rough-shod over the feelings of sentiment. As the Honourable the Home Member has fully explained, it is not the intention in the remotest degree of the Government to injure the susceptibilities of any classes of His Majesty's subjects in India. What is the demand ? Is it or is it not considered a nuisance if a diseased animal is lying in a street when its owner does not take it away, nobody cares for it, there is danger of infection spreading ? Some action should be taken either to destroy it at once or to remove it from that place. If this can be done by any other means than by the provisions of this bill, I think Government will be only too pleased to adopt them and as far as I know—I have been in this House long enough—there has never been any question of sentiment which Government have not taken into consideration, and I do admire them for that. In the Bombay Council, Sir, Government never tried intentionally to injure feelings of any class of people, and in this House good sense has always prevailed and Hindus and Muhammadans have joined to oppose Government if in a remote degree they thought that Government were mistaken and on many occasions Government have conceded. But I want to know if Government are in fault to bring such a measure before the House. If the members of this Council admit that it is a nuisance, it is no use coming here with empty heads, there must be some suggestions offered, it is easy to criticise, but it is at the same time our duty also to suggest better measures. I appeal to all those persons that have raised any objections and I assure them that I am entirely with them in saying that if there be any sentimental objection it should be removed. My honourable friend Mr. R. G. Pradhan has himself admitted that in principle it is not bad, and I think he is a Hindu of Hindus, he admits the principle is good but the language of the section should be improved. Why should it not be improved by means of a

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select committee? Why should not this bill go to a select committee? No argument against such a course has yet been brought forward. Many bills have ere now been taken to select committees and come back to this House completely revolutionised and changed by select committees. There is nothing to prevent us from doing that. If any honourable member of this House, Hindu or Muhammadan, comes forward and says that such nuisance does not exist or if it exists, there are other measures far better than the one brought forward by Government, I shall be the first person to support that member. As far as I have heard there is no other objection advanced to the principle of the bill. I think therefore that the bill may be passed and if Government intend, because they have a majority, to pass this bill against the feelings and sentiments of Hindus or Muhammadans in this House, I will certainly opposed them. But I do not think that that is the intention of Government. Government is quite open to reason and to hear all objections. It is to their interest not to oppose the sentiments of the population they have to administer, they know the danger of their doing, so.....

Mr. H. B. SHIVDASANI: Are you authorised to speak on behalf of Government?

MOULVI RAFIUDDIN AHMAD: I am authorised to speak on behalf of every person with whom this Council is concerned. I do say this, this objection is altogether unreasonable. Whenever necessary, I have always opposed Government and even in matters of sentiment I have already said that to-morrow a question of Muhammadan sentiment may come and I shall have to get up here and ask for support from my Hindu friends. Therefore it is not right that I should come here to oppose Hindu sentiment. My point is simply this that if any reasonable criticism is made of this bill and it is also pointed out that this bill cannot be possibly amended in select committee, then I am ready to support such an argument but no such argument has yet been advanced. Until that argument is advanced, I shall support the bill. But no such argument has yet been advanced, and until that argument is advanced, I think I should support this bill.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I am sorry I cannot entirely agree with my Hindu friends. I stand to support this bill. I do admit that the bill is very widely worded, but I cannot for a moment accept the argument about the soul. I cannot for a moment admit that argument that no animal should be killed. I do think that there should be the survival of the fittest. If there are animals dangerous to human beings, they have to be shot. If no animals are to be destroyed, why do you kill plague rats? Why do you kill mad dogs? Why do you kill other animals which are harmful to human beings in other ways. With regard to the theory about the soul, Sir J. C. Bose says that even the vegetable kingdom has got a soul. Then the Theosophists say that the soul never dies, that it is in the astral plane and that it merely takes another body. But the bill is certainly so worded that very wide powers are sought to be given to the police officers.

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Now, the Honourable Minister for Agriculture made a mistake when he referred to wild animals. This bill is intended to apply to tame animals, to domestic animals. No wild elephants or pigs are sought to be destroyed here; they are not to be found in the streets of Bombay city. In Bombay it is only domestic animals which are diseased and which are likely to spread the disease that are sought to be killed. Of course, there would be an objection from the Hindu point of view as regards animals which are held sacred by them. But you can define the term "animal" and in the definition exclude animals the destruction of which would hurt the feelings of any community, or hurt their religious sentiments. You can so curtail the powers of police officers that they cannot enter any private premises, or cannot offend the feelings of any community by entering their sacred precincts. Therefore, why should not the bill go to the select committee, so that it may be remodelled as suggested by the honourable member Moulvi Rafiuddin Ahmed, remodelled in such a way that it will not hurt the feelings of any body or of any sect. Some such powers seem to be necessary, and I support the first reading of the bill.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I oppose the first reading of this bill. The honourable member who preceded me (Moulvi Rafiuddin Ahmad) has brought in the point about compromise of sentiments. I ask, has there ever been any compromise in sentiments? If the Hindus and Mahomedans agree, I will say I accept the bill. Sentiments whether of Hindus or Mahomedans have no reasonings, but the feelings of the Hindus are not at all cared for by the Government. The honourable member from Poona (Moulvi Rafiuddin Ahmad) says on behalf of Government, as though he was partially a Government officer, that Government have the best of intentions. But I will say that Government are quite competent to take care of themselves, and they will certainly reply to the various arguments when their turn to reply comes. But he himself again said something contradictory to what he had said before, that when it is a question of the sentiments of Mahomedans, he will expect help from his Hindu friends. The Hindus are always willing to extend their friendship to the Mahomedans, but they will also expect their Mahomedan friends not to dilate on this subject in a way which will hurt the feelings of Hindus in the city of Bombay. But such a power as will hurt the feelings of the Hindus is sought to be given to the police by the Government. In this connection, I should like to give one instance in my experience which occurred in Jamnagar. Colonel Kennedy, when he became the administrator went on this principle, which is purely and entirely a Western principle. He never cared for the feelings of the people. But when it was known that he proposed to pursue a particular course of action, the Hindus and Mahomedans in Jamnagar joined together to protest against it. It was in connection with horses. Colonel Kennedy honestly believed that those animals ought to be dealt with in a particular way. He may have been right in his conclusions, but he did not consider what would be the consequences of his action. He wanted to destroy certain horses in as secret a manner

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as possible, but as soon as the people got the clue, they made it hot for him, and he could not shoot the animals, and they were rescued from him. Now, I should just like to give to the House an idea of what is the feeling of the Hindus on this matter. My honourable friend the honourable member Mr. Pradhan said that the bill should be modified.

Mr. R. G. PRADHAN: Which Pradhan is the honourable member referring to?

Mr. LALJI NARANJI: I am referring to the honourable member Mr. Pradhan from Thana. He said that the feelings of the Hindus will not be disturbed if care is taken to alter the bill in a proper way. But I ask, where is the necessity for such a bill at present, and how many cases of the kind referred to in the bill have happened? We have been told that the Hindus have suggested no other practical methods of dealing with such cases, but I might point out that the Hindus have been spending crores of rupees for maintaining such lives in distress. You must consider the feelings of the Jains in this connection. I am not a Jain myself, but I will tell the House that the Jains have been maintaining at a huge cost several *pinjrapoles*. The Gorakshak Mandals have a separate object in view. Their object is to get a better breed of animals and to maintain cattle, but the object of the *pinjrapoles* is to take care of such disabled animals. There are such institutions in Khandesh, in the Berars and in all and every part of the country. I ask, is it wise, or diplomatic for the Government to bring forward such a bill at a time when feelings in the country run so high. I do not think that the Bombay Government have shown any diplomacy in bringing forward such a bill at the present time. In the Bombay Presidency at present there is not much difference of opinion and the various communities are getting on with one another very well. At such a time, it is not the right policy to put the House in such an awkward position, or to set one community against another, or to create such an opportunity. I would therefore strongly appeal to the Government not to proceed with this bill, and I think they will be taking a very wise and diplomatic step if they care for the feelings of the Hindus in this matter. Government are always anxious about the rights of minorities, and they wish to give them representation. Are not the Government anxious to show regard for the feelings of the Hindus, even though they may be in a minority on this question. I would therefore strongly appeal to the Government not to proceed with the discussion on this bill. They should rather postpone it or withdraw it for the present, and bring it forward again in a form which may be acceptable to the House at a later date.

Mr. A. N. SURVE (Bombay City, North): Sir, at this stage I only rise to a point of order. It appears from the bill the previous sanction of the Governor General has not been obtained. It is my submission that previous sanction is necessary, because the bill interferes with the private rights of property. Sir, the last sentence of section 29A (1) reads thus:

“.....the police officer may, without the consent of the owner.....”

The Honourable Mr. J. E. B. HOTSON: Sir, the honourable member is speaking under a misapprehension. We have received a letter from the Government of India saying that the bill does not require the previous sanction of the Governor General and the Local Government are free to proceed therewith. The letter is signed by Mr. L. Graham, Secretary to the Government of India.

Mr. A. N. SURVE: I am glad, Sir, that the sanction is received.

The Honourable the PRESIDENT: The decision of the Government of India has been received that no previous sanction is necessary.

Mr. A. N. SURVE: I have not yet explained my position. My position is this, that the bill affects the civil right of property, and I was going to explain how. It affects the civil right of property in this way. The last sentence of section 29A (1) reads thus:

"...the police officer may, without the consent of the owner destroy the animal or cause it to be destroyed."

A man has the right of possessing property, and this clause deprives him of that right, and thereby the civil right of property is interfered with, and the civil right of property forms a subject which is Central. It is not a provincial subject. As it is a central subject, under section 80A (3) (e), this bill requires the previous sanction of the Governor General as regulating a central subject. Therefore, I submit that this bill will require the previous sanction of the Governor General. And whether it requires sanction or not, under Legislative Council Rule 19, clause 3, I would request the honourable the President to refer this question to His Excellency the Governor and enquire whether the previous sanction is necessary.

The Honourable the PRESIDENT: The point of order is quite clear. I have repeatedly pointed out that whenever a question arises, however much I may be personally satisfied on the point as to whether sanction is necessary or not the question must be referred to the sanctioning authority for decision. I understood the Honourable the Home Member to say that the question was referred to the sanctioning authority, which in this case is the Governor General, and that his decision is that no sanction is required. In that case no further reference can be made. I want to know from the Honourable the Home Member, whether the facts are as stated.

The Honourable Mr. J. E. B. HOTSON: The question, whether the sanction of the Governor General was required, was referred to the Government of India by the Government in the Legislative Department and we have received the following reply:

"This Bill does not require the previous sanction of the Governor General and the Local Government are free to proceed therewith."

(Signed) L. GRAHAM,

Secretary to the Government of India."

Mr. A. N. SURVE (Bombay City, North): I withdraw my point of order.

[Mr. A. N. Surve]

I wish to turn now to my observations on this bill. First of all this clause gives authority to a police officer to shoot an animal. May I enquire of Government whether these police officers are trained to do this work? Because about three years ago there was a case in which a police officer fired many shots at a horse, but he was not able to kill it. So the suffering inflicted on that horse was really greater than the suffering which the horse was undergoing as a result of street accident. Therefore the first thing that the Honourable the Home Member must assure us is that the police officer who will be deputed to this duty will be trained and that he will so use the skill that the animal will be killed at the very first shot.

Then the second point is whether the Veterinary Practitioner who will be called in to certify will have to be paid by the person whose animal is going to be killed. That point must also be cleared up. Because at this stage it may perhaps obtain the consent of the House and later on another will be introduced and the cost of certifying will be put upon the owner of the animal. In that case he would be a loser doubly. Because his animal will be lost and he will have to pay the cost of the Veterinary Practitioner. Nobody would object to secure the prevention of cruelty to animals, but at the same time we must see that the provisions of any statute are not open to abuse. With these observations I think that we can send this bill to a select committee and let the clause be examined.

The Honourable Mr. J. E. B. HOTSON: I have no objection to refer the bill to a select committee if that is the desire of the House.

The Honourable the PRESIDENT: You will presumably ask that the bill be referred to a select committee later on.

The Honourable Mr. J. E. B. HOTSON: Yes.

Mr. A. N. SURVE: Sir, as I have received the assurance from the Honourable the Home Member, I support the first reading of the bill.

The Honourable Mr. J. E. B. HOTSON: I do not think the House will want me to reply at length to the discussion. It is our intention, if the House will give us the first reading, to send the bill to a select committee and the select committee will be asked to report as soon as possible. In the select committee it will be possible to make such amendments as are required in order to meet Hindu sentiment as far as may be possible and especially we can add the words to provide that the animal must be found in a public place.

Another difficulty which now confronts the police, is intended to be met by the words:

"If the owner is absent or refuses to consent to the destruction of the animal."

In nearly every case where the owner is absent or cannot be found and many of the suffering animals appear to be ownerless, the difficulty is that if the police take action at once somebody comes forward afterwards and says that it was his animal and wants damages. We have to prevent that. The police as the law now stands are required to find the owner and if he cannot be found and they have no power to act

[Mr. J. E. B. Hotson]

without his consent, the animals must be left for days and hours suffering pain. However these points are such as can be considered in the select committee. Government have no desire to offend the susceptibilities of the members of any religion.

Question put: House divided. Ayes 39; Noes 6. Motion
Bill read first time. carried.

Division No. 2.

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan
Saheb
ADAM, Mr. C. G.
AHMAD, MOULVI RAFIUDDIN
ANDERSON, Mr. F. G. H.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUTTER, Mr. J. P.
CHATFIELD, Mr. G. E.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DEHLAVI, the Honourable Mr. A. M. K.
FRANZI, Mr. K. S.
GHULAM HUSSAIN, the Honourable Sir
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.

JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KAZI INAFTULLAKHAN
LAIRD-MACGREGOR, Mr. E. G. L.
LOWSLEY, Mr. C. O.
MCKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
NEKALJAY, Mr. R. S.
OWEN, Mr. A. C.
PIR RASULBAKSH SHAH, Khan Saheb
PRADHAN, Mr. G. B.
RIEU, the Honourable Mr. J. L.
SURVE, Mr. A. N.
THAKOR, of Kerwada, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WEBB, Mr. M.
WINTERBOTHAM, Mr. G. L.
WOODS, Mr. E. E.

Tellers for the Ayes; Mr. G. B. PRADHAN and Mr. A. N. SURVE.

Noes

DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
KARKI, Mr. M. D.

LALJI NARANJI, Mr.
PAHALAJANI, Mr. B. G.
SWAMINARAYAN, Mr. J. C.

Tellers for the Noes; Mr. J. C. SWAMINARAYAN and Rao Saheb D. P. DESAI.

The Honourable Mr. J. E. B. HOTSON: Sir, I move that the bill be referred to a select committee consisting of the following honourable members:—

Mr. J. C. Swaminarayan, Mr. G. B. Pradhan, Mr. R. G. Pradhan, Mr. Lalji Naranji, Sir Vasant Rao Dabholkar, Mr. A. N. Surve, Moulvi Rafiuddin Ahmed, Dr. K. E. Dadachanji, Mr. H. A. Lalljee, Mr. G. C. Adam, and the Honourable the Home Member, to report within four days and 5 to form *corrum*.

Bill referred to Select
Committee.

Question put and carried.

BILL NO. XIII OF 1926 (A BILL FURTHER TO AMEND THE BOMBAY PORT TRUST ACT, 1879)

The Honourable Mr. COWASJI JEhangIR: Mr. President, I beg
First reading. to move the first reading of Bill* No. XIII of 1926,
a Bill further to amend the Bombay Port Trust Act, 1879. This is a

* Appendix C.

[Mr. Cowasji Jehangir]

very simple piece of legislation which I hope I will be able to explain in five minutes. The trustees for the port of Bombay desire to be allowed to permit their chairman to subscribe to the Trustees provident fund and to qualify for retiring gratuity under the rules applicable to officers holding permanent superior appointments. Unfortunately, the Act does not allow them to do so and, therefore, it has been found necessary to bring this bill before this honourable House. The second clause of the bill provides for adding the words "and the Chairman" in two of the sections. Clause 3 provides for the adding of the words "and the Chairman" in section 49 of the Act. By the addition of these words, the trustees will have the power of allowing their chairman to subscribe to the provident fund. Up to now the chairmen have generally been officers of Government or officers who have been entitled to a pension. But if Government appoint chairman who are not entitled to pension, it becomes rather hard on them when they retire. I think honourable members will agree that the request made by the trustees is a most reasonable one.

Clause 4 of the bill provides that the above provisions should have retrospective effect from the 21st day of May 1923. The present chairman is not a pensionable officer and he first became acting chairman somewhere about this date. Therefore, this clause of the bill will enable him to contribute towards the provident fund from the date on which he first acted as chairman.

The last clause of the bill, clause 5, is a mere verbal correction, which I will explain very shortly. Honourable members will remember that in 1925 this honourable House added a section to the Port Trust Act. The section was 61A. I will read the material part of the section as passed by the House in 1925. It is as follows :

"If any owner, without any default on the part of the Board, fails to remove any goods other than those stored in the warehouses appointed by the Board for the storage of duty paid goods or in warehouses licensed under section 16 of the Sea Customs Act, 1878, from the premises of the Board or from any public warehouse on the premises of the Board appointed under section 15 of the Sea Customs Act, 1878, within seven clear days from the date on which such goods shall have been landed, such goods shall remain on the premises of the Board or in such public warehouse at the sole risk and expense of the owner and the Board shall thereupon be discharged from all liability theretofore incurred by them in respect of such goods."

From this section honourable members will notice that the owner is responsible for the goods after seven days, but it makes exceptions. The first exception is for such warehouses as the Board may have appointed for the storage of duty paid goods. The second exception is for such warehouses as may be appointed under section 16 of the Sea Customs Act. It was intended to make a third exception, and that was for warehouses appointed under section 15 of the Sea Customs Act. But, unfortunately, the words "appointed under section 15 of the Sea Customs Act" got placed in the wrong place, and therefore, instead of it being an exception, it became quite the contrary, and it actually made the owner responsible even if he stored his goods in one of those warehouses. The Government of India correctly pointed out to this Government that by the way in which this clause had been drafted, it was inconsistent

[Mr. Cowasji Jehangir]

with section 123 of the Sea Customs Act, which makes the warehouse keeper responsible. Therefore, Sir, all we propose to do is to take the words "15 of the Sea Customs Act" and put them along with the words "16 of the Sea Customs Act", and delete such words as become unnecessary. It is merely and purely a verbal alteration.

That is the whole bill, Mr. President, and I trust that the honourable House will pass all the three readings at this session. If any other points are raised or any honourable member has any difficulty, I am certain an honourable member behind will be very pleased to explain them.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I confine myself to clause 5. This clause 5, as the Honourable the General Member has pointed out, has a history behind it. Last time when it came before this Council, it was passed in a form which was not approved of by Government; therefore, in order to get over that difficulty, the extraordinary powers of His Excellency under section 80-A (1) were invoked and the bill was returned to this House for reconsideration. Whether the thing was itself right or not, I only beg to point out that whenever there is a large body against any particular measure, it will be in the interests of both the sides of the House that there should be more toleration and respect for the feeling of others. As a matter of fact, the truth of the old adage that "haste is waste" is reaffirmed and as the bill was passed in haste, you have now come here for rectifying the mistake which you committed then.

The Honourable Mr. COWASJI JEHangIR: Mr. President, I am very grateful to my honourable friend for the warning he has given to this side of the House, but I regret his facts are not quite correct. There was no haste in the matter. As a matter of fact, Government had plenty of time to make mistakes, and they did do so, I regret to say. There was no haste at all. What happened was, to put it very shortly, some honourable members thought seven days were not sufficient and they moved an amendment making it ten or eleven days. The Port Trust found that they could not agree to make it ten or eleven days, and therefore, the bill had to come again before this House. That is the history of the little episode that my honourable friend has been reminding us about. It has nothing to do with this little slip that has taken place.

Bill read a first time. Question put and carried.

The Honourable the President: The bill is read a first time.

The Honourable Mr. COWASJI JEHangIR: Mr. President, I beg to move the second reading of the Bill.

Second Reading. Bill read a second time. Question put and carried.

Bill read clause by clause

Clause 2 (*Amendment of section 22 of Bom. VI of 1879*) ordered to stand part of the bill.

[Mr. Cowasji Jehangir]

Clause 3 (*Amendment of section 49 of Bom. VI of 1879*) ordered to stand part of the bill.

Clause 4 (*Amendments made by sections 2 and 3 to have restrospective effect*) ordered to stand part of the bill.

Clause 5 (*Amendment of section 61A of Bom. VI of 1879*) ordered to stand part of the bill.

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

The Preamble ordered to stand part of the bill.

The Honourable Mr. COWASJI JEHangIR: Mr. President, I beg to move the third reading of the bill.

Bill read a third time. Question put and carried.

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

BILL NO. XIV OF 1926 (A BILL TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1925)

The Honourable Sir GHULAM HUSSAIN: Sir, with your leave I introduce Bill No. XIV of 1926 (A Bill to amend the Bombay City Municipalities Act, 1925).

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Sir GHULAM HUSSAIN: Sir, I beg to move that Bill* No. XIV of 1926 (A Bill to amend the Bombay City Municipalities Act, 1925) be read a first time.

First reading.

Bill read a first time. Question put and carried.

The Honourable Sir GHULAM HUSSAIN: Sir, with your permission, I beg to move that the bill be read a second time.

Second reading.

Bill read a second time. Question put and carried.

Bill read clause by clause

Clause 2 (*Amendment of section 13 of Bom. XVIII of 1925*) ordered to stand part of the bill.

Clause 3 (*Substitution of a new section for section 33 of Bom. XVIII of 1925*).

For section 33 of the said Act the following section shall be substituted, namely:—

“33. (1) There shall be a chief officer in every municipal borough who shall be a
Appointment of Chief graduate of a recognized University or a qualified engineer
Officer: Conditions of tenure. appointed by the municipality:

Provided that a person permanently appointed as chief officer under the Bombay District Municipal Act, 1901, before the coming into operation of this Act, need not be a graduate of a recognized university or a qualified engineer.

(2) No chief officer shall be removed from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors, and no such officer shall be punishable with fine.”

Mr. A. F. I. K. PATHAN (Dharwar District): Sir, I beg to move the following amendment:—

"Omit the proviso to section 33 (1) and substitute instead the following proviso: 'Provided that the appointment of a person, who is not a graduate of a recognised University or a qualified engineer, permanently appointed under the Bombay District Municipal Act, 1901, before the coming into operation of this Act, may continue if the municipal borough concerned so decide by votes of at least two-thirds of the whole number of councillors'."

I would like to say a few words as to the reason why I put down this amendment, so that my object may be better understood by honourable members. Under the District Municipal Act the chief officer had very few powers which were simple and had reference more or less to matters of office routine. The present Act gives very wide powers and responsible duties to the chief officer. Under section 34 for instance the chief officer is empowered to make appointments to posts carrying pay of Rs. 50 and less entering into contracts and the power of accepting tenders of Rs. 1,000 and more. When this Act was read for the first time, most of us, who have had experience of municipal administration, had very serious objections to the transference of these wide powers from the municipalities to the chief officers. But when this Act went to the select committee these objections were discussed in that committee and it was agreed that if the chief officer were a graduate of a recognised university he would be better able to carry out his responsibilities under this Act than the type of chief officer usually employed by district municipalities included in schedule I. These chief officers usually draw between Rs. 100 and Rs. 200 as their monthly pay, and we were apprehensive that to entrust such wide powers to chief officers drawing a pay of anything between Rs. 100 and Rs. 200 would be risky as the exercise of this powers is likely to open a door to temptation, corruption or underhand dealings, and therefore in the best interests of municipal administration it was deemed necessary that the persons to be appointed as chief officers of major municipalities should be graduates of a recognised university or qualified engineers. That is how this section came to be worded as it now stands. Section 30 of the existing Act, sub-section (2), says "The executive power for the purpose of carrying out the provisions of this Act vests in the Chief Officer appointed under section 33". The case of permanently appointed non-graduate chief officers was also considered and it was then settled that in the case of these major municipalities the chief officer should always be a graduate of a recognised university. What I propose by this amendment is that the chief officers permanently appointed under the District Municipal Act, having been appointed on the strength of their merits in view of the powers conferred on them under that Act, may continue in their posts if the municipalities consider that they are competent enough even to discharge the wider powers conferred on them by the Major Municipalities Act. Now that the Major Municipalities Act has come into force, these municipalities have come to know that their powers have been transferred to their chief officers and these municipalities should now apply their minds again and see whether their chief officers permanently appointed are fit enough and dependable enough to discharge the higher responsibilities and duties now conferred upon them.

[Mr. A. F. I. K. Pathan]

I hope the Honourable Minister in charge will accept my amendment. As a matter of fact the chief officers are solely responsible for the executive functions being carried out efficiently.

Now that I have explained why I move this amendment, I hope it will be accepted both by the House and by Government.

Question proposed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I propose an amendment to the amendment, as follows:—

“Substitute the words ‘more than one half of the total’ for the words ‘at least two-thirds of the whole’.”

The object which the honourable mover has in his mind appears to be that in his own case he thinks that a person who was not fit to exercise these wider powers, when appointed, should be removed from office. But the second clause makes this amendment retrospective and no such officer can be removed. What will be the effect of the passing of this amendment? It validates the appointment of chief officers who are already in office but are non-graduates. In my own case, we have got a person who is quite fit to exercise all the powers of the chief officer, but he is not a graduate of a recognised University. But simply on that account we cannot throw him out in the streets. We want to retain him after his service of so many years, and we would be unwilling to make him resign his appointment, simply because he does not happen to be a graduate of a recognised University. But if he is not competent or if he is not fit enough to exercise the wider powers which are being vested in him by the new Act, then certainly more than half of the total number of councillors will be wise enough to remove him. That person was appointed because he was considered fit to exercise the limited powers which were vested in him under the old Act. Now, if more than half the total number of councillors think that he is quite fit to exercise the wider powers under the new Act, I do not see why he should not continue in the appointment. I do not see why two-thirds of the whole number of councillors should consider him to be fit, so that he may continue in the appointment. It is a well known fact that there are parties and party feelings in municipalities, and I do not think it would be fair to make a man resign on account of party feelings. In order to obviate that difficulty, I have suggested my amendment that he should continue in office if more than one half of the total number of councillors think that he is fit enough to exercise the powers under the new Act.

Question proposed.

Mr. A. E. PATEL (Northern Division): Sir, I rise to oppose the amendment to the amendment, moved by the honourable member Mr. Pradhan. I think he has been principally guided by the consideration that the poor chief officer should not be removed and thrown in the streets. I think, that should not be the only consideration in moving the amendment. So far as the amendment of my honourable friend from Thana (Mr. Pradhan) is concerned, I think he accepts the principle enunciated by the mover of the original amendment. What he is concerned about

[Mr. A. E. Patel]

is that the chief officer should not be thrown in the streets, but what I am concerned more about is that, if the chief officer who is already appointed under the old Act is competent enough, he must be able to command the confidence of at least two-thirds of the total number of councillors, so as to continue in office. Because, after all, it is very easy in certain quarters for the chief officer, who is already in the service of a municipality to secure the confidence of a bare majority, and it would be difficult to remove the chief officer who is already in the municipality as against his wishes. As my honourable friend has already stated, there happen to be parties and there happen to be many interests concerned in a municipality, and it would be very easy for the chief officer who is already there, to manage for a bare majority in his favour. More particularly, Sir, when the new City Municipalities Act has come into force, and when new powers are to be conferred on the chief officer, we should be on our guard to see that he does not continue in the appointment if he is unfit. If the chief officer under the old Act is to continue in service, then an amendment will have to be made in the new Major Municipalities Act, so far as the powers to be conferred on him are concerned. If wider powers under the new Act are not to be conferred, then nobody is concerned, but if wider powers are to be conferred, then certainly we should be cautious enough to see that the chief officer appointed under the old Act, has the confidence of at least two-thirds of the total number of councillors. Otherwise, as I stated, it would be easy for him to manage to have in his favour a bare majority of the councillors. Therefore, I oppose the amendment to the amendment.

Dr. R. P. PARANJPYE (Bombay University): Sir, I wish to support the amendment of my honourable friend from Thana. It must be remembered that this Act introduces certain new conditions, and when we are introducing new reforms of this nature, the administrative body must always see that the people who have cast in their lot in one particular sphere should be treated with a fair amount of reasonableness. Now, what is the case here? Supposing the present man has to go and the municipality has got to appoint a new officer, that officer can be appointed by a majority, and you do not require that for appointing an entirely fresh officer you want a two-thirds majority. You can appoint such a man by a bare majority. All that is intended by the amendment to the amendment is that in this case the man should be entitled to remain as chief officer, if he has got a majority of the members in his favour. Otherwise what Mr. Pathan's amendment would effect is that out of 30 people 10 or 11 will be able to throw out a competent man. I should like the House to consider how many Municipalities there are in this presidency where the parties are not fairly balanced. So if the honourable Member Mr. Pathan's amendment is carried every Chief Officer who has cast in his lot with the Municipality for many years and who has been expecting to be in the municipality so long as he is doing competent work will be thrown out without any fault of his own. I think therefore it is very reasonable in such circumstance to temper the wind to the shorn lambs and treat them as reasonably as possible. If of course it is

[Dr. R. P. Paranjpye]

found that a man has not a majority of the members behind him he should go. But let us not impose more stringent conditions upon the man continuing as chief officer than the conditions we impose upon a man to be newly appointed. Supposing a chief officer is sought to be removed by a majority of two-thirds, the man has to resign. Another graduate applies and he can be appointed with a bare majority. I think it is very unfair in that we should allow a bare majority to appoint a new man and not a bare majority to retain a man who has been doing satisfactory work in the past. I therefore am in favour of this amendment.

Mr. A. F. K. PATHAN (Southern Division): Sir, I will accept the amendment proposed.

The Honourable the PRESIDENT: Is it the pleasure of the House to allow the honourable mover of the amendment to accept the rider proposed by the honourable member for Thana, Mr. Pradhan?

The amendment is allowed to be amended accordingly.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, there is very little difference in the principle which is admitted. I was only thinking that it would have been a very good thing if two-thirds majority have been allowed because as has been pointed out parties in the municipalities are equally balanced. In that case supposing the majority is 16 and 14 one or two votes would have carried the point. A majority of two-thirds would have been better. As the honourable member Mr. Pathan with his experience of the municipality has accepted it, I do not think it will be for an outsider who has no such experience to speak on it. I strongly support the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I should like that the bill should be passed in the form in which it is presented before the House. Because supposing a Chief officer is incompetent he can be removed by a two-thirds majority. We should give a chance to the victim who is to suffer and not to those who would like to victimise him. When a new appointment is made it is to be made by a majority of the councillors present. The new man, though a graduate may have no more experience than the man who is already in the post and he would be appointed by a majority of the councillors present. Here we impose greater conditions on the old incumbent than on the new incumbent. If the old incumbent is incompetent he can be removed by a two-thirds majority. In that case what would happen? Applications would be invited for the post of a new chief officer and the old man would not be able to apply for it because of his not being a graduate. He may not be a graduate and he cannot go to the college for taking a degree—he may have thrown away the best part of his life—he may not be an engineer, but he may be a man who has experience. Supposing there is a fairly balanced majority and minority that is to say, 16 and 14 supposing two or three additional votes are got it would mean that the man who has been in the municipality would be thrown out of employment. The enactment should not be a hardship to the people who are already in the service. Therefore, I think, Government must be considerate in

[Mr. J. C. Swaminarayan]

protecting the old servants of the municipality. Certainly if a municipality has a chief officer who is not fit for being given additional powers under the Major Municipalities Act, it is open for them by a two-thirds majority to dismiss the man. If he is incompetent you will be able to find a two-thirds majority. I think Government have been considerate in protecting the existing servants by means of this bill and that bill should be passed as it is presented.

Mr. R. G. PRADHAN (Nasik District) : I am inclined to accept the view of the honourable member who has just sat down. If the clause as it stands in the bill is accepted the result will be that all existing chief officers who are not graduates of a recognised university or qualified engineers will continue as chief officers. It is but fair that if such officers are appointed permanently before this Act has come into operation that they should continue in their office. But suppose a particular chief officer is bad, or incompetent or unpopular it will not be impossible under this clause to remove him. I do not think it will be difficult in such a case to obtain a two-thirds majority in favour of his removal. Therefore my view is that the clause as it stands is reasonable. While it provides for the continuance in office of the chief officer who is permanently appointed though he may not be a graduate or an engineer, the case of an incompetent chief officer or an unpopular chief officer is fully provided for by clause (2) of this Section. It seems to me that there will be no need for any of the amendments that have been submitted to this House.

The Honourable Sir GHULAM HUSSAIN : In the new City Municipalities Act, 1925, the appointment of a chief officer has been made obligatory, and further it is required that the chief officer shall be a graduate of a recognised university or a qualified engineer. These are the two qualifications that are provided—a graduate of a recognised university or a qualified engineer.

Well, this provision operates hardly upon the existing Chief Officers who have already served some of the municipalities for a number of years and some of whom are really good men. Without any fault of theirs, these men would have to be thrown out when this Act came into operation as it has already come. Therefore, in order to protect those chief officers who are already in service and whom the municipality want to retain, we have brought this amending bill. Any such officer who is incompetent or unsuitable can be removed by the municipality under the Act by a two-thirds majority.

Now the amendment provides that the existing Chief Officers should again be reappointed by a majority of the total number, and not *ipso facto* by the passing of this law. If we pass this bill, they will continue *ipso facto* as Chief Officers. But by the amendment proposed by the honourable member, Mr. Pathan, it is proposed that the municipalities should determine the question by a majority of the total number. I find that there is a difference of opinion on this point. But I think it is better in the interests of the Chief Officers that the amending bill

[Sir Ghulam Hussain]

that I have brought should be passed. With these words, I oppose the amendment.

Mr. A. F. I. K. PATHAN (Southern Division): Sir, I think, I have made my position quite clear. My point is this that having regard to the powers conferred upon the Chief Officer by the District Municipal Act certain non-graduate Chief Officers have been appointed under that Act. Now that wider powers have been conferred upon him it is but quite reasonable that the municipality which has got a non-graduate Chief Officer should decide whether having regard to the new powers they can trust him. And that point of mine has not been met by the Honourable Minister in charge. I can conceive of cases where non-graduate Chief Officers may be very capable but if a Chief Officer is capable and has proved himself to be so, I don't think he would find any difficulty in getting a majority vote in favour of his continuance. But what I urge, by moving this amendment is that the municipality should apply its mind to the question, whether having regard to these wider powers it will be well advised in continuing its permanently appointed non-graduate chief officer in the best interests of the municipality. Let them apply their mind to it and decide the matter. I have accepted the amendment of my honourable friend from Thana, the honourable member Mr. Pradhan, and that is quite reasonable. If the chief officer is competent there will be no difficulty in getting a majority for his reappointment.

The Honourable Sir GHULAM HUSSAIN: Sir, no doubt the new Act imposes additional duties on the Chief Officer, but it is for the municipality to determine whether their existing Chief Officers are capable of performing those duties or not. If they think that their present Chief Officers are unfit to carry out those duties, they have the right to dispense with their services. It has been found that some non-graduates of experience are better than ordinary graduates. I know of instances of non-graduates who have filled even the office of Executive Councillors with credit. I do not see why a man who has already been appointed and who has been rendering good service should not be retained by the municipality.

Question proposed. House divided. Ayes 12; Noes 32. Amendment lost.

Division No. 3

Ayes

AHMAD, MOULVI RAFI UDDIN
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
COOPER, Khan Bahadur D. B.
KAZI INAITULLAKHAN
LALLJEE, Mr. HOOSEINBHOY A.

PARANJPYE, Dr. R. P.
PATEL, Mr. A. E.
PATHAN, Mr. A. F. I. K.
PRADHAN, Mr. G. B.
RAHIMTOOLA, Mr. HOOSEINALLY M.
THAKOR of Kerwada, the

Tellers for the Ayes: Mr. A. F. I. K. PATHAN and Mr. A. E. PATEL.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan
SAHEB
ADAM, Mr. C. G.

ANDERSON, Mr. F. G. H.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.

Nees—*contd.*

BUNTER, Mr. J. P.
 CHATFIELD, Mr. G. E.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. A. R.
 DEHLAVI, the Honourable Mr. A. M. K.
 DESAI, Rao Sahab D. P.
 FRAMJI, Mr. K. S.
 GHULAM HUSSAIN, the Honourable Sir
 HAMID M. ABDUL ALI, Mr.
 HATCH, Mr. G. W.
 HOTSON, the Hon'ble Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JEHANGIR, the Honourable Mr. COWASJI
 LAIRD-MACGREGOR, Mr. E. G. L.

LOWSLEY, Mr. C. O.
 MCKEE, Mr. W. G.
 MEHTA, the Honourable Sir CHUNILAL
 MUJUMDAR, Sardar G. N.
 PRADHAN, Mr. R. G.
 RIEG, the Honourable Mr. J. L.
 SHIVDASANI, Mr. H. B.
 SWAMINARAYAN, Mr. J. C.
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 WEBB, Mr. M.
 WINTERBOTHAM, Mr. G. L.
 WOODS, Mr. E. E.

Tellers for the Nees : Mr. J. C. SWAMINARAYAN and Mr. R. G. PRADHAN.

The Honourable the PRESIDENT: Does the honourable member wish to move his next amendment?

Mr. A. F. I. K. PATHAN: Well, I wish to consult the Honourable Minister, Sir, about the wording of the amendment and would like to ask for more time.

The Honourable Sir GHULAM HUSSAIN: If you, Sir, could give time to consider the right drafting of the amendment in consultation till to-morrow, we could consider it in all its aspects, where it should come and how it should be worded, and so on, and the honourable member and I should be obliged if you could postpone consideration till to-morrow.

The Honourable the PRESIDENT: Certainly; I have no objection. Consideration of the amendment postponed accordingly.

The Honourable the PRESIDENT: Is it the pleasure of the House to go on with the further clauses of the bill or to adjourn now? (After a pause, the House having indicated their desire for adjournment.) The House will now adjourn to 2 o'clock to-morrow, Tuesday the 27th July 1926.

27 JULY 1926]

Tuesday, the 27th July 1926

The Council re-assembled at the Council Hall, Poona, at 2 p.m. on Tuesday, the 27th July 1926, the Deputy President Mr. B. G. PAHALAJANI, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADAM, Mr. C. G.
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
KALBHOR, Mr. G. M.
KARKI, Mr. M. D.
KAZI INAITULLAKHAN
KHUHHO, Mr. M. S.
KOTHARI, Mr. V. R. ✓
LAIRD-MACGREGOR, Mr. E. G. L.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
LOWSLEY, Mr. C. O.
MANSURI, Khan Saheb A. M.
McKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL

MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, Dr. R. P.
 PATEL, Mr. A. E.
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PIR RASULBAKSH SHAH, Khan Saheb
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSENALLY M.
 SARDesai, Mr. S. A.
 SAYED SHAHJADE SAHEB HAIDAR, SAHEB
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SURVE, Mr. A. N.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Amod, the
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WEBB, Mr. M.
 WINTERBOTHAM, Mr. G. L.
 WOODS, Mr. E. E.

The DEPUTY PRESIDENT: Order, order. I am sorry to announce that the Honourable the President, Sir Ibrahim Rahimtoola, is ill to-day and that I have been asked to take the chair. We shall now proceed with questions and answers.

COMPENSATORY ALLOWANCE

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the amount of compensatory allowance drawn from the commencement to the end of December 1925—

(1) by officers of the Imperial Service } of this presidency?
 (2) by officers of the Provincial Service }

The Honourable Sir C. V. MEHTA: The amount of compensatory allowance drawn from the commencement of the compensatory allowance scheme up to the end of December 1925 is as follows:—

			Rs.
(1) Officers of Imperial Services	..	..	5,79,699
(2) Officers of Provincial Services	..	..	5,95,398

PROCEEDINGS UNDER SECTION 6 (1) OF THE WATAN ACT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNGAL (Poona District): Will Government be pleased to state—

(a) whether any action was taken in the Poona District by the Collector of Poona, under section 6, clause 1, of the Watan Act by way of institution of legal proceedings for the protection of any watan during the three years ending 31st March 1925;

(b) if so, the result of the proceedings according to each village and taluka of the Poona District;

(c) if no action was taken, why not?

The Honourable Mr. J. L. RIEU: (a) No.

(b) Does not arise.

(c) No occasion has arisen for such action.

FUEL FOR "GUL" MAKING

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have issued any orders in the Poona District, taxing the cultivators of sugarcane on account of the fuel they may require for "Gul" making;

(b) whether they have given any facilities to the planters of sugarcane by way of providing fuel or thorns for their compounds in the Poona District;

(c) whether there are any forest depôts for fuel opened by the Forest Department in the Poona District;

(d) if so, where?

The Honourable Mr. A. M. K. DEHLAVI: (a) No.

(b) No facilities are given specifically to planters. Thorns are, however, given by permit on payment of fees at scheduled rates.

(c) No.

(d) Does not arise.

ANTI-RABIC TREATMENT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the amount of fees recovered for anti-rabic treatment in each centre of the presidency during the year ending 31st December 1925;

(b) the number of patients treated in each centre during the same period and the number, if any, reported to have died;

(c) the steps taken by the department concerned to destroy ownerless stray dogs for diminishing the number of victims from dog-bites;

(d) whether any arrangements are made, and if so where, and what they are, to cure animals such as horses, cows, buffaloes, etc., bitten by rabid dogs?

The Honourable Mr. B. V. JADHAV: (a) and (b) The accompanying statement gives the information required.*

* *Vide* Appendix No. 3.

(c) and (d) The Honourable Member is referred to the Honourable the Home and Revenue Members, respectively.

**ACCOUNTS OF REGISTRATION OFFICES WHERE PHOTO-COPYING HAS
BEEN INTRODUCED**

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to place on the table the account papers showing the expenditure on photo-copying establishment, Chemicals, and Postage and the savings effected by reduction of karkuns from July to December 1925 month by month separately in all the offices excepting Bombay and Bandra in which the photo-copying system is in force?

The Honourable Mr. A. M. K. DEHLAVI: Separate accounts of expenditure on photo-copying for each office are not available. The following statement shows savings effected by the reduction of permanent karkuns in the offices under photography (except Bombay and Bandra) from July to December 1925:—

Name of office under photography.					Amount saved.
					Rs.
Ahmedabad	..	..	..	..	1,440
Poona (Haveli I and II)	..	..	..	..	1,200
Ambegaon	..	..	..	..	240
Baramati	..	..	..	..	480
Satara	..	..	..	..	720
Walwa	..	..	..	..	240
Karad	..	..	..	..	240
Ahmednagar	..	..	..	..	240
Total					4,800

Mr. A. N. SURVE: Will Government be pleased to collect information about the amount of excess money paid by the registering public in these offices which they have been compelled to pay on account of the photo-copying system and to publish it through the agency of the Director of Information?

The Honourable Mr. A. M. K. DEHLAVI: I shall have to make an enquiry as to whether that could be easily done so that if the honourable member gives me notice, I shall try and find out that information.

SUB-REGISTRAR'S POSTS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether there is any list kept in the office of the Inspector-General of Registration, Bombay, of karkuns who are recommended for the post of sub-registrars;

(b) who were selected as probationers for the post of sub-registrars during the last three years ending December 1925;

(c) the names, caste, age, qualifications and service period in a tabular form of the karkuns and probationers referred to in (a) and (b) above;

(d) how many vacancies of sub-registrarships occurred during the last three years in the Marathi Division and how many were given to karkuns and how many to probationers?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes.

(b) and (c) The statements giving the information are laid on the Council Table.*

(d) There were 21 vacancies, out of which 9 were absorbed in abolition of subregistry offices. Eight were given to probationers and 4 were given to karkuns.

POONA ABKARI REVENUE

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the amount of abkari revenue of the Poona district for the years 1922-23, 1923-24, 1924-25, giving separate figures for the amounts received from municipal areas and from local board areas;

(b) whether they intend to revise the share given by them to the Poona District Local Board as it was fixed some years ago since when the abkari revenue is supposed to be annually increasing;

(c) if so, when?

The Honourable Mr. A. M. K. DEHLAVI: (a) The following statement furnishes the information required by the Honourable Member:—

Year.	Municipal area.		Local Board area.	
	Rs.	a. p.	Rs.	a. p.
1922-23	17,00,370	9 6	2,53,890	8 0
1923-24	19,14,209	8 10	3,96,819	11 3
1924-25	19,49,847	6 8	3,80,876	8 10

(b) and (c) Already replied to at the last session: *Vide* page 8 of the Twentieth List.

ADMINISTRATION OF OATHS IN CIVIL COURTS IN VISHRAMBAGWADA BUILDING

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether it is a fact that oaths and affirmations are generally administered to witnesses in the subordinate civil courts in Poona by the sheristedar or sometimes by the naik and peons instead of by the sub-judges.

(b) If so, whether they propose to take any action in the matter.

The Honourable Mr. J. E. B. HOTSON: Oaths and affirmations in the subordinate civil courts in Poona are administered by the courts, except in the court of the extra joint subordinate judge where they are sometimes administered by the court and sometimes the sheristedar states the formula to the witnesses in the presence and under the supervision of the court. They are never administered by naiks and peons in any of these courts.

SCHOOL FOR THE SHANKERHATTI VILLAGE

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) What is the population of the village of Shankerhatti in the taluka of Athni, Belgaum district?

(b) Whether there is a vernacular school there maintained by the department?

(c) Whether any application was made by the villagers to open a school there?

(d) If so, when; and what steps Government have taken in the matter?

The Honourable Mr. B. V. JADHAV: (a) 931.

(b) Yes from 13th November 1925.

(c) Yes.

(d) In April, 1924. The District Local Board, Belgaum, was requested to open a school.

PRIMARY TEACHERS HOLDING SCHOOL FINAL OR MATRICULATION CERTIFICATES

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) How many teachers holding School Final or Matriculation certificates there are in the Southern Division?

(b) Whether they are given any special treatment by the department? If not, why?

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

(b) No special scale of pay is given to a primary teacher who passes the School Final or Matriculation Examination, as a knowledge of English is not required for his work as a primary teacher nor does it necessarily increase his efficiency as such.

It has been the practice, however, to show special consideration to a teacher who holds the School Final or Matriculation certificate when making appointments of assistant deputy educational inspectors.

IRRIGATION RESEARCHES

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to lay on the Council Table the reply sent by the Bombay Government to the Government of India in connection with the resolution passed in the Council of State regarding increasing irrigation researches in the presidency?

The Honourable Mr. COWASJI JEHangIR: Copies of letters Nos. 5872-I., dated respectively 16th September 1924 and 16th July 1925 are placed on the Council Table.*

CRIMINAL TRIBES SETTLEMENT : SETTLERS IN THE HUBLI

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) What is the total number of settlers in the Hubli Criminal Tribes Settlement?

(b) How many of them are made to reside within the barbed wire enclosure and how many of them are allowed to reside outside the barbed wire enclosure?

(c) What are the grounds which determine this differential treatment?

The Honourable Mr. J. E. B. HOTSON: (a) 2,407.

(b) 1,698 including women and children are inside the barbed wire enclosure and 709 are outside.

(c) Those who have good records in the settlement are permitted to live outside the wire enclosure.

SECRETARIAT : TRANSFER TO POONA

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether it is a fact that the Secretariat is going to be transferred to Poona;

(b) if so, when, and what is the estimated cost thereof?

The Honourable Sir CHUNILAL MEHTA: (a) No.

(b) The question does not arise.

MOTOR CAR TRAVELLING FOR DEPRESSED CLASSES

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(a) whether they are aware of the fact that the members of the depressed classes are not allowed to travel by "Service Motor Cars" between Aundh State and Nandusi village in the Satara district;

(b) if so, what action they propose to take in the matter?

The Honourable Mr. J. E. B. HOTSON: (a) In the negative.

(b) does not arise.

Mr. A. N. SURVE: Have Government made any enquiry for the purpose of ascertaining the truth of the statement in part 1?

The Honourable Mr. J. E. B. HOTSON: Government have made enquiry and are assured by the local officers that that statement is not correct.

LAND : CONCESSION OF CULTIVABLE — TO DEPRESSED CLASSES

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(a) The extent of cultivable waste land available in the Northern, Central and Southern Divisions;

(b) Whether they intend to offer such lands to the members of the depressed communities for cultivation at concession rates?

The Honourable Mr. J. L. RIEU: (a) The information required is given in Appendix III of the Land Revenue Administration Report of

the Bombay Presidency including Sind to which the Honourable Member is referred.

(b) Government have issued instructions to local officers to the effect that applications made to local officers by particular members of the depressed classes for grant of land should continue to receive sympathetic consideration.

ELLIS BRIDGE TOWN PLANNING SCHEME AT AHMEDABAD

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state the progress so far made in regard to the Ellis Bridge Town Planning Scheme at Ahmedabad and give the nature and details of any representations received by them from the agriculturists and other classes of people against the said scheme?

The Honourable Sir GHULAM HUSSAIN: The draft scheme has been published under section 10 of the Bombay Town Planning Act, 1915, by the Local Authority concerned. Objections under section 13 of the Act were received and duly considered by the Joint Town Planning Board. The Scheme has been modified and approved by the Board and the Local Authority will, in due course, submit it to Government under section 14 (1) of the Act.

The other portions of the question have been answered.

Khan Saheb A. M. MANSURI: What has become of the new bridge across the Sabarmati in the Ellis Bridge Town Planning Scheme?

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

CRIMES COMMITTED BY PATHANS

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) the number of crimes including murders, rapes, thefts, assaults, dacoities and other crimes of violence committed by Pathans in Bombay including the suburbs and Ahmedabad respectively during 1924, 1925 and January 1926;

(b) the nature and general details of each of the serious crimes mentioned in (a);

(c) the special steps, if any, taken by the authorities to effectively check the growing menace to public safety in Bombay and Ahmedabad?

The Honourable Mr. J. E. B. HOTSON: (a) Statements A, B, C giving the necessary information in respect of Bombay City, Bombay Suburban District and Ahmedabad City and Suburb are placed on the Council Table.*

(b) Statements B1 and C1 in respect of Bombay Suburban District and Ahmedabad City and Suburbs are placed on the Council Table.* Information for Bombay City has not been placed on the Council Table, because in view of the clerical labour involved it has been impossible to collect the exact details of each of the crimes.

(c) See column 10 of each of the statements A, B, C.

**JUDICIAL SERVICE : APPOINTMENT OF MR. PRAVINSAGAR BY THE
DISTRICT JUDGE, BROACH**

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether the District Judge, Broach, has appointed one Mr. Pravinsagar to a certain post by superseding 50 other senior and better qualified men ;

(b) if so, to place on the Council table papers relating to this subject with reasons for such supersession ?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) Does not arise.

ACCOMMODATION IN GOVERNMENT SCHOOLS AT AHMEDABAD

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) the number of students who were refused admission in the R. C. High School and Government Middle School at Ahmedabad during each of the years 1923, 1924 and 1925 ;

(b) the reasons for refusing admissions ;

(c) whether they intend to increase the accommodation for students ;

(d) whether they propose to take any, and if so what, action ?

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

Name of School.	Year.	Number of students refused admission.
(1) R. C. High School, Ahmedabad ..	1923	42
	1924	61
	1925	170
(2) Government Middle School, Ahmedabad.	1923	81
	1924	218
	1925	167

(b) These students were refused admission either for want of accommodation or for deficiency in their studies or for both.

(c) No.

(d) No.

CART FEES ON KALYAN-MALANGAD ROAD

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) :—
Will Government be pleased to state—

(a) whether the Conveyance Act is made applicable to the Kalyan-Malangad road ;

(b) if not why the conveyance license fee is recovered from the village cartmen who ply their carts for the Bowa Malangad Fair only ;

(c) to whom the fee thus recovered is credited ?

The Honourable Mr. J. E. B. HOTSON : (a) No, but it has been applied to the town of Kalyan ;

(b) the fee is recovered only in respect of carts which ply for hire within the limits of Kalyan ;

(c) to Kalyan Municipality after payment of incidental expenses such as cost of badges, etc.

LAND REVENUE COLLECTION IN KHOPADI KHURD AND KHAMBALA VILLAGES

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether it is a fact that orders have been issued to collect four instalments of land revenue from agriculturists in the villages of Khopadi Khurd and Khambala, taluka Sinnar, district Nasik, two being arrears and the remaining two being instalments for the year 1925-26 ;

(b) whether it is a fact that the crops in those villages have not been even four annas this year ;

(c) whether it is a fact that the agriculturists from the abovementioned villages sent representations to the Collector of Nasik requesting him to visit their villages, to make personal inquiries on the spot and see things with his own eyes, and urging that only two instalments should be collected from them ;

(d) whether the Collector visited the villages as requested by the agriculturists ;

(e) whether the Collector has taken any action on those representations, and, if so, what ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No. It is not a fact.

(c) Such representations were sent to the Commissioner and not the Collector.

(d) No ; but the Prant officer made a personal inspection.

(e) The applicants were informed of the annewari fixed and advised to pay.

Mr. R. G. PRADHAN : With regard to reply to (c), is it not a fact that I myself, on behalf of those agriculturists, handed over to the Collector of Nasik a representation in regard to this matter ?

The Honourable Mr. J. L. RIEU : I am unaware of that. The representations were made to the Commissioner.

Mr. S. S. DEV : As to (b), what is the fact ?

The Honourable Mr. J. L. RIEU : I am afraid I have not got the information.

REPORT OF THE VILLAGE PANCHAYATS COMMITTEE

Mr. R. G. PRADHAN (Nasik District) : Will the Honourable Minister for Local Self-Government be pleased to state whether the report of the Village Panchayats Committee (including the minutes of dissent, if any) has been published, and, if not, why not ?

The Honourable Sir GHULAM HUSSAIN : It has been published.

Mr. R. G. PRADHAN : What action has been taken on the report of the Village Panchayats Committee's report ?

The Honourable Sir GHULAM HUSSAIN : It is under consideration. If Government had even taken action, they could not have brought a bill in this Council as it would have lapsed.

COTTON GROWING VILLAGES NORTH OF THE TAPTI

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give in the form of a statement the following information for each of those villages of Olpad, Chorasi and Mandvi talukas situated to the north of the river Tapti, which grow cotton :—

- (1) The name of the village.
- (2) The area under cotton in the year 1925-26.
- (3) The total estimated outturn of the cotton crop.
- (4) The approximate date of first picking of cotton.
- (5) The date when licenses under the Cotton Transport Act were received in the village.
- (6) The total quantity of cotton covered by the licenses sent to the village?

The Honourable Mr. A. M. K. DEHLAVI : A statement* is placed on the Council table.

Mr. H. B. SHIVDASANI : In the statement it is stated that Olpad taluka cotton was ready for picking on the 15th January and that the licenses were received on the 15th February. Why was there so much delay in sending the licenses ?

The Honourable Mr. A. M. K. DEHLAVI : I shall have to make enquiries.

Mr. H. B. SHIVDASANI : In list No. 58 the estimated crop is shown as 1,600 maunds whereas the licenses have been sent for 36 maunds. Similarly in list No. 60 the estimated crop is shown as 3,900 maunds and the licenses were sent only for 465 maunds. Why so ?

The Honourable Mr. A. M. K. DEHLAVI : If the honourable member gives me notice, I shall try and find out that information.

REVISION OF SALARIES OF BANDH KARKUNS OF AHMEDABAD DISTRICT

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

- (a) whether Bandh Karkuns of the Ahmedabad District have applied for revision of their salaries so as to make them equivalent to those paid to the other clerks of the Revenue Department ;
- (b) if so, what steps they have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) They have applied that the revision of their salaries sanctioned by Government may be brought into effect from 1st April 1920 and that their permanent travelling allowance may

* Kept in the Secretary's Office.

be raised to Rs. 15 per mensem as in the case of other subordinates of the Revenue Department.

(b) The question is under consideration.

Mr. J. C. SWAMINARAYAN : How long will the question be under the consideration of Government ?

The Honourable Mr. J. L. RIEU : I am unable to say but it will be decided as soon as possible.

Mr. J. C. SWAMINARAYAN : Will Government please expedite the decision on the matter ?

The Honourable Mr. J. L. RIEU : Yes.

RESUMPTION OF TALUKDARI LANDS IN PRANTIJ

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

(a) whether the talukdars of Ujedia in the Prantij Taluka have sold many fields of their estate to cultivators of Vaktapur and executed registered documents, giving full possession of those fields to them ;

(b) whether it is a fact that no objection was raised by the Registration Department when those documents were registered ;

(c) whether it is a fact that the cash price of the fields was paid to the Talukdars in the presence of the officers of the Registration Department ;

(d) whether it is a fact that the cultivators have been enjoying undisputed possession of the fields for many years and have been paying the assessment of the fields to Government ;

(e) whether the Collector of Ahmedabad District has recently served notices on the cultivators of Vaktapur to relinquish the possession of these fields ?

(f) if the answer to (e) is in the affirmative, whether any arrangements have been made by the Collector to have the cash price which the cultivators paid at the time of the purchase and the price of the improvements made by the cultivators since the purchase, returned to the cultivators ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) This cannot be stated as the dates of the sales are not given and it would entail much trouble to examine each case. Generally the purchase price is not paid in the presence of the Sub-Registrar, but that officer asks the vendor if he has received the price.

(d) The purchasers are in possession but they pay no assessment to Government. In Talukdari villages Jama is paid to Government, and this is recovered only from the Talukdars and not from the cultivators.

(e) Yes, because in Talukdari villages sales without the sanction of Government under section 31 of the Gujarat Talukdars' Act are invalid, and eviction can be resorted to by the Collector and Talukdari

Settlement Officer under section 202 of the Land Revenue Code within 12 years from the date of the sale.

(f) No; purchasers of lands forming part of Talukdari estates buy at their own risk, and the law is well known to all in the Ahmedabad District.

Mr. J. C. SWAMINARAYAN : Is the law well known in the Ahmedabad district except the Registration Department ?

The Honourable Mr. J. L. RIEU : I am afraid I cannot say.

Mr. J. C. SWAMINARAYAN : If the law is well known how is it that the Registration Department did not raise any objection at the time of registration ?

The Honourable Mr. J. L. RIEU : They have no authority to object.

Mr. J. C. SWAMINARAYAN : Can the Registration Department register document which is invalid ?

The Honourable Mr. J. L. RIEU : They have no means of ascertaining whether a document is invalid or not.

THE GALKI TANK CANAL

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

(a) whether it is a fact that the canal conveying surplus water from the old Galki tank in the Mehemdabad taluka of the Kaira district is narrow and as a consequence surplus water overflows and damages the rice-fields of Wasna Margia ;

(b) whether it is a fact that the cultivators of Wasna Margia have often drawn the attention of Government to the damage done to their fields by the overflow of surplus water ;

(c) whether the cultivators of the said village have requested Government to broaden the canal and strengthen its banks so as to prevent the overflow of surplus water and to utilise it at the proper time by means of suitable outlets for watering the rice fields of that village ;

(d) if so, what action they have taken as regards the request ?

The Honourable Mr. COWASJI JEHangIR : (a) It is presumed that the honourable member refers to the irrigation channel excavated from the Galki tank to serve Wasna Margia lands ; if so it is not used for carrying surplus water from the tank as the latter has an open ground waste weir serving that purpose since the construction of the tank in 1900.

(b) Complaints were received last year when the lands were submerged owing to exceptionally heavy rains on the 14th of July 1925 but such a calamity cannot be averted by the widening of the irrigation channel.

(c) and (d) The widening of the channel is unnecessary. Measures to strengthen the banks of the channel and to provide suitable outlets for watering rice-fields are however under the consideration of the local officers.

THE OLD GALKI TANK

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

(a) whether it is a fact that they are constructing a head valve for the exit of surplus water of the old Galki tank in the Mehmedabad taluka of the Kaira district;

(b) whether it is a fact that the cultivators of Wasna Margia of the said taluka have requested Government to keep the outlet of the head valve at the same level as the outlet in the Nala of the public road between Sankhej and Mahij;

(c) if so, what action they have taken as regards the request of the cultivators?

The Honourable Mr. COWASJI JEHangIR: (a) No. The head wall (not head valve), however, which is under construction is intended to keep the water in the upper Galki tank at its F. S. L. and to serve as a head regulator to the Wasna Margia irrigation channel with the level of sill and size of opening, the same as those of the road bridge over this channel.

(b) and (c) Do not arise.

WATER FOR WASNA MARGIA

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

(a) whether it is a fact that the extent of rice lands in Wasna Margia and Sankhej villages of the Mehmedabad taluka of Kaira district is the same, viz., about 700 acres;

(b) whether it is a fact that the water rate paid by the cultivators of the said two villages is almost the same every year;

(c) whether water is supplied by the Irrigation Department to these villages from the Galki tank;

(d) whether it is a fact that water is supplied to the fields of Sankhej by means of an outlet 4 feet by 2 feet placed at a lower level and to the fields of Wasna Margia by means of a pipe only 1½ feet diameter placed at a higher level;

(e) whether it is a fact that the cultivators of Wasna Margia have requested Government to give them an outlet as big as the one given to the cultivators of Sankhej and at the same level;

(f) if so, what action they have taken as regards the request?

The Honourable Mr. COWASJI JEHangIR: (a) Yes; there is no rice land assessed to Himayat under the Galki tank but the forecast of irrigation on the tank is based on 350 acres of irrigation in Wasna Margia, Sankhej and Kanij limits together.

(b) and (c) Yes.

(d) The size of Sankhej outlet is 2' x 2½' and not 2' x 4' as it is used not for irrigation purposes only, but also for draining the tank in times of emergency. The Wasna Margia outlet of 1½ feet diameter is not however used for a double purpose and it is at a higher level in view of the lands depending on it being similarly situated.

(e) Yes.

(f) None, since the present facilities of irrigation are considered sufficient for the lands settled on the outlet.

**COLLECTOR'S POWERS VESTED IN THE TALUKDAR
OF ORRAN**

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

(a) whether the Commissioner, Northern Division, has given to the talukdar of Orran in the Prantij Taluka of the Ahmedabad District a commission under section 88 of the Land Revenue Code, investing him with powers of the Collector under sections 141 to 143 of the said Code.

(b) whether it is a fact that the talukdar is using those powers to coerce his tenants to agree to enhancement in their rents.

(c) whether the cultivators of his villages have drawn the attention of the Government authorities to the abuse of his powers by the said talukdar ?

(d) if so, what action Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No.

(c) Tajpur and Majara people have recently applied to the Collector and Talukdari Settlement Officer.

(d) From inquiry it appears that no misuse of his powers has been made by the Talukdar.

**ADDITIONAL LAND REVENUE LEVIED BY THE TALUKDAR
OF ORRAN**

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

(a) whether it is a fact that the talukdar of Orran in the Prantij Taluka of the Ahmedabad District recovered from the cultivators of the village of Tajpur Rs. 2,550 instead of their usual dues of Rs. 2,200 in the year 1925 and did not give any receipts for the amount of money taken from each cultivator ;

(b) If so, on what grounds the additional amount was recovered from the cultivators ;

(c) whether it is a fact that the talukdar is attempting to recover the enhanced amount even during the current year ;

(d) whether the cultivators have applied to the Government authorities protesting against the levying of the additional amount ;

(e) if so, what action Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes. As regards receipts, the villagers sent a protest application to the Collector in the month of February 1926 for the first time, although the payment related to the year 1924-25. The matter is under enquiry.

(b) The additional amount was recovered from the cultivators, as the area according to the detailed survey was found to have increased

as compared with the old approximate figures. The rate per Vigha has however remained unaltered.

(c) Yes.

(d) Yes.

(e) On examination of the Talukdar's records it appeared that the apparent excess in the demand was simply due to change in the area as mentioned under (b) above. It was therefore decided that no interference was called for.

Mr. J. C. SWAMINARAYAN: Are not Government aware that they collected more dues from the cultivators because they wrongly calculated at the rate of 35 bigas per twenty acres instead of 34 bigas ?

The Honourable Mr. J. L. RIEU: According to the recent figures the area was found to be larger than according to old figures.

TENANCY OF CULTIVATORS AT PILUDRA

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

(a) whether the cultivators of Piludra, a talukdari village in the Prantij Taluka of the Ahmedabad District, have lived in that village from the time of its establishment and are permanent occupants of the lands which they cultivate ;

(b) whether the Talukdari Settlement Officer has fixed the rates of Vighoti which the cultivators have to pay to the Thakor of the said village ;

(c) whether the village is at present in the hands of an Ijardar ;

(d) whether the Ijardar of the said village has served wholesale notices for accepting increased rates of Vighoti or relinquishing the lands on the cultivators of the said village ;

(e) if so, the grounds on which the action of the Ijardar has been taken ?

The Honourable Mr. J. L. RIEU: (a) Yes. They have lived in the village since it was established. They are however tenants-at-will and not permanent occupants.

(b) No. This village is not under the management of the Talukdari Settlement Officer.

(c) Yes.

(d) Yes.

(e) The grounds appear to be based on the nature of the tenancy which is a tenancy-at-will.

Mr. J. C. SWAMINARAYAN: If the cultivators have been living there since the time of its establishment, how is it that they are not permanent inhabitants according to section 83 of the Land Revenue Code ?

The Honourable Mr. J. L. RIEU: I must ask for notice of that question.

TENANCY OF CULTIVATORS OF MOYAD VAS RUPAJI

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

(a) whether it is a fact that the cultivators of Moyad Vas Rupaji, a talukdari village in the Prantij Taluka of the Ahmedabad district, have lived in their village from the time of its establishment and are permanent occupants of the lands which they cultivate;

(b) whether the Talukdari Settlement Officer has served notices of eviction on them with a view to force them to accept the inferior status of yearly tenants-at-will;

(c) if the answer to (b) is in the affirmative, the grounds on which the action of the Talukdari Settlement Officer was taken?

The Honourable Mr. J. L. RIEU: (a) Yes, but they are tenants-at-will.

(b) Notices have been served, but not with the view suggested in the latter part of the question.

(c) They were unauthorized alienees, not having obtained Government sanction under section 31(2) of the Gujarat Talukdars' Act. They have therefore rendered themselves liable to eviction.

Mr. J. C. SWAMINARAYAN: When Government admit that these cultivators have been living in Moyad Vas Rupaji from the time of its establishment, how is it that they have not been given the benefit of, section 83 of the Land Revenue Code which lays down that in such cases of antiquity the superior and inferior holders should have continuity of tenure.

The Honourable Mr. J. L. RIEU: I must ask the honourable member to give me notice.

(Discussion on Bill No. XIV of 1926 was resumed.)

The DEPUTY PRESIDENT: Does the honourable member Mr. A. F. I. K. Pathan move his second amendment?

Mr. A. F. I. K. PATHAN: The second amendment is consequential to the first amendment which was not carried and so I do not propose to move it. Last night in consultation with the Legal Department I have drafted a proviso to clause 4, and I will move it when clause 4 comes up for discussion.

The DEPUTY PRESIDENT: As there are no further amendments to clause 3 I will put the question:

"That clause 3 be ordered to stand part of the Bill."

Clause 3 ordered to stand part of the Bill.

Clause 4 *(sections 2 and 3 to have retrospective effect)*.

The amendments made by sections 2 and 3 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation.

Mr. A. F. I. K. PATHAN (Southern Division): Sir, the amendment that I beg to move runs as follows:—

"That the following proviso be added to clause 4:

"Provided that nothing in this section shall apply or shall be deemed to have applied in the case of any person, who, being a chief officer, was removed from office under section 33 of the said Act before the 16th day of July 1926, as not being a graduate of a recognised university, or a qualified man."

[Mr. A. F. I. K. Pathan]

In moving this amendment I wish to make it clear that this amendment will if carried affect only one chief officer. In the Act we find it laid down that "the chief officer shall be a graduate of a recognised university". It is also stated in section 30 (2) that the executive powers under the Act shall vest in the chief officer appointed under section 33.

The Dharwar Municipality of which I have the honour to be the President decided to remove its chief officer as he was not a graduate of a recognised university as his continuance would have been inconsistent with the provisions of sections 30 and 33 of the Act and all his actions in exercise of the powers conferred on him by the Act would have been illegal. So, his appointment was discontinued on the 8th of July. Not only that: there was a great deal of defalcations during the time this officer was acting, and enquiries were going on at that time. Two other superior officers under him, the secretary and the tax inspector, were also responsible for the defalcations. That chief officer was not thrown out, but was only reverted to his former post of sanitary inspector on the maximum salary allowable for that post pending the enquiry into the defalcations by a special auditor appointed. The enquiries are at present going on with a view to ascertain the actual amount of defalcations, and to ascertain the extent of the responsibility of these officers for the fraud. Steps have also already been taken for the appointment of a new chief officer under the provisions of section 33. Pending the enquiry the tax inspector has been suspended, and the chief officer and the secretary have been asked to go on compulsory leave. In the meanwhile the municipal administration has to go on, and therefore these powers have been delegated to the chairman of the standing committee which has been recently elected under the provisions of the new Act. This standing committee has had to overhaul the whole system and put the municipal administration on a workable basis. So the chairman of that committee had made certain appointments and taken other steps. If this clause is allowed to stand in the bill as it is, all the actions of the municipality and all the appointments made hitherto to make the administration going would be invalid. That means that all the actions taken by the municipality under the provisions of the new Act will be made invalid by the amending bill. I do not think that it is the intention of the Honourable Minister in charge of this bill to invalidate by means of this amending bill actions which were valid and legal under the law as it stands. With these few words, I move the amendment.

Question proposed.

Mr. V. N. JOG (Dharwar District): Sir, I beg to support this amendment. It is quite in the fitness of things that this amending bill is brought forward, because it is rather a hardship on the non-graduate chief officers who have been appointed under the old Act that their services should be discontinued because of the new Act. But it will be important with reference to the amendment in question to note the wording of section 33, which says:—

"There shall be a chief officer in every municipality who shall be a graduate of a recognised university or qualified engineer appointed by the Municipality."

[Mr. V. N. Jog]

There are various powers vested in the chief officer under the new Act besides the powers exercised by him under the old Act of 1901. Under the new Act he enjoys larger powers. He has to give licenses and permits. He can appoint persons to posts not exceeding Rs. 50 : these powers are enumerated in section 34. Now, there was no date fixed by the legislature for the coming into force of this new Act, and therefore as soon as it was passed every municipality which had a non-graduate chief officer had to change its chief officer. There was no saving clause to section 33. On the other hand section 5 laid down that all appointments made under the Municipal Act of 1901 in so far as they were not inconsistent with the provisions of the new Act shall be continued. That means that if any appointment was inconsistent with the new Act that appointment was invalid. The continuance of a non-graduate as chief officer was therefore inconsistent with the provisions of section 33 of the new Act. So, the difficulty which faced those municipalities which had non-graduate chief officers was if their chief officer gave any license or exercised any of the powers given to him under the new Act it was very doubtful whether his actions were legal. If any question was raised about the legality of his actions his actions would have been declared illegal. So, the Dharwar municipality simply said that the then incumbent who was a non-graduate should be deprived of his powers to act as chief officer. Similarly, with regard to the managing committee appointed under the old Act there was no saving clause in the new Act. There were saving clauses only with regard to the president and vice-president. Therefore we had doubts whether the managing committee could continue, and we elected a standing committee and the chairman of the standing committee was given all the powers.

No doubt there was a hardship on the non-graduate chief officers as the new Act was passed. I am told that there are eight or nine of them. But at the same time, the action of a corporate body which had to meet the difficulties and took legal action under the new Act should be protected. If not, there will again be complications in respect of the actions taken by the municipality after the removal of the non-graduate chief officer. The municipality could not anticipate that the new Act would be amended so early. Therefore I ask this House to accept this amendment.

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I rise strongly to oppose the amendment moved by my honourable friend Mr. Pathan. I know something about the municipality of Dharwar, and I may be allowed to give some information about how this chief officer has been removed. For the proper understanding of the whole case by this House, I think I ought to give some facts. The House is not perhaps aware, that there are two parties in the municipality of Dharwar. One is headed by Rao Bahadur B. L. Patil and the other party is perhaps headed by the President of the municipality himself. My honourable friend Mr. Jog, belongs to the party, to which Mr. Pathan belongs. I am saying all this, open to correction, by my honourable friend Mr. Pathan.

[Rao Bahadur S. N. Angadi.]

Sir, the chief officer was appointed permanently during the regime of Rao Bahadur Patil. Of course the honourable member said that there were certain defalcations and frauds in connection with the municipality of Dharwar, but I am not very much concerned with those facts. So long as the chief officer is not found guilty of those frauds or defalcations, there is no reason why he should be removed. If he were really found guilty of fraud or defalcations, certainly he would be liable for prosecution. Let the municipality send him to the gallows for that; nobody would be concerned with it if a corrupt man were to be punished. What I am really concerned with is whether the municipality has taken a right step in removing the chief officer; and that, in the face of the fact that this amending bill was to be brought forward with the object of stopping exactly such kind of steps. It is true that there are nine municipalities where there are non-graduate chief officers. If we look to the fact that no other municipality has found it necessary to remove their chief officers, it looks a little surprising that the municipality of Dharwar should have immediately gone in for such a step. I further learn that the Government have already issued a Government Resolution, because they had in contemplation the bringing forward of this amending bill. They have already issued a Government Resolution, but I do not know whether the municipality of Dharwar were in receipt of that G. R. or not.

Mr. A. F. I. K. PATHAN : No, no.

Rao Bahadur S. N. ANGADI : I did not know that, but I am told that copies were forwarded to the Collector and the Commissioner. The Government Resolution is to the effect that such and such a legislation is in contemplation and that no non-graduate chief officer who has been permanently appointed under the old Act should be removed. In order to prevent the removal of non-graduate chief officers, Government were prompt enough to issue a Resolution to prevent certain municipalities taking a wrong view of the law and interpreting it literally, because the amending bill says that that was not the intention of the legislature, and in order to correct that impression this amending bill had to be brought forward. It was anticipated by Government that certain municipalities might act under a wrong impression, and they discreetly enough issued a Resolution, but in spite of that Resolution the Dharwar municipality has removed its chief officer, on the ground that the chief officer shall be a graduate of a recognised university under the new Act. We were also informed about certain other illegalities, and other things might have possibly arisen, had not the chief officer been removed. But we are not concerned with what might have possibly arisen. We are concerned with the actual state of things. Of course, we have got our friend Mr. Pathan here, and I want to know from him whether there were any illegalities on account of the Chief officer doing certain things, whether any suits have been filed in the courts, and whether any appointments under the old Act have been made by the chief officer, so that they are illegal under the new Act. He has not enlightened the House on any of these points. These things are sufficient to indicate that there is something behind the removal of this chief officer. I am told that

[Rao Bahadur S. N. Angadi.]

half the municipality was in favour of the continuance of the chief officer, that is a sufficiently large number, and he had to be removed by the casting vote of the president. If I am incorrect, I may be corrected, but my information is that this chief officer was removed by the casting vote of the president.

Mr. A. F. I. K. PATHAN : That is wrong.

Rao Bahadur S. N. ANGADI : I may be incorrect, I do not know. What I contend is that if this amendment were carried, that would frustrate the object of the amending bill which the Honourable Minister has so sympathetically and promptly brought forward for the good of so many non-graduate chief officers. Of course, if he is responsible for defalcations let him be sent to jail; it matters little. If he is a corrupt man, of course he is bound to be removed, and he is bound to be sent to jail if he is guilty. But so long as there is no definite charge against him and so long as no definite charge is proved against him, just because it would suit the convenience of the Dharwar municipality or of some members thereof, it ill becomes the honourable member, Mr. Pathan to ask this responsible House to support the municipality in its attempt to remove its chief officer. We must be far above such things. We are not concerned with the local parties there. The House is expected to remain far above such things, and it has to look at the whole thing from a broader point of view. We do not know whether there was any fault on the part of the chief officer and whether he has been removed for good reasons, but just because he has been removed too early, this amendment is brought forward to justify the wrong step which should never have been taken. The very fact that this amendment has been brought forward is an indication that the chief officer has been removed for party reasons. So, I strongly oppose this amendment, and I appeal to the House not to take into consideration the local politics of Dharwar, but to look at the whole thing from a higher standpoint and throw out this amendment.

Mr. B. K. DALVI (Belgaum District) : Sir, I rise to oppose the amendment that has just now been moved by my honourable friend Mr. Pathan, and supported by my honourable friend Mr. Jog, of Dharwar. Sir, I know much more of the factions that exist among the members of the Dharwar municipality, but neither this House nor I are concerned with those factions. Now that the amendment is before the House we shall have to look at it on its own merits. So far as this amendment goes, we find that it wants to make valid the removal of any chief officer before the 8th of July. That means that the Dharwar municipality wants to have a special treatment from this House, and therefore we have to closely look at the amendment that is put forward before us and the reasons that are given by the supporters as to why this House should consent to it.

So far as the reasons given in support of this amendment go I find that it was stated by the honourable member Mr. Pathan that if the chief officer had taken certain steps and had made certain appointments

[Mr. B. K. Dahi]

they would have been illegal and invalid. In order to avoid the illegalities and invalidations the Dharwar municipality removed the chief officer who was a non-graduate. I submit, Sir, that it is not necessary in view of the Government amending bill. The last clause of the bill as it stands validates all such actions even though they were done by the chief officer. Because we find that this amending bill would come into force from time the original act comes into force. During the interval if this chief officer has done any acts they would be validated and there cannot be any objection on that ground. This is a sufficient reply to the reason that was given for supporting this amendment. It was also argued that after the removal of the chief officer the municipality has done certain acts, namely, by appointing a chairman of the standing committee and by delegating him the powers which were formerly vesting in the chief officer. That action would itself be illegal under the Act. I think there are certain powers and duties which the chief officer alone can exercise and do and which cannot be delegated to any other person. Therefore if the municipality has done any such act, that would itself be illegal. It would be illegal to delegate the powers of the chief officer by a municipality to any of its members or other officers and therefore I submit that owing to this amendment that has been proposed by my honourable friend Mr. Pathan there would be more complications.

As regards the third ground on which the amendment is sought to be supported, I submit that if there are frauds that is stronger reason for retaining him there. You can have the chief officer before you; you can investigate into the case and if you find him guilty there will be a very strong ground for removing him or to haul him up before a criminal court and send him to jail. It is no use removing him on such paltry ground behind his back and by simply taking advantage of the coming into force of the Act now sought to be amended by this bill. In spite of the Government Resolution which was circulated to various Collectors of the Districts concerned, and in spite of the preamble of this amending bill if this amendment of my honourable friend is accepted, the Honourable Minister in charge of the bill would be going back upon the promises contained in the said Government Resolution and the preamble. Therefore I submit that this amendment should not be accepted by the House.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I oppose the amendment proposed by my honourable friend Mr. Pathan. We are here legislating for the whole presidency and not for any particular district or municipality. We are not here for the purpose of accommodating a particular municipality for its own particular convenience. We are to legislate in such a way that the Act would be applicable for many years. We have the Major Municipalities Bill of 1925 and there may come another Act which may give larger powers and why should this be disfigured by a particular amendment which would serve only one municipality? We are not here in this hall for the purpose of accommodating the convenience of particular cases. We are here to legislate for the whole presidency and consequently I am strongly opposed to the

[Mr. J. C. Swaminarayan]

disfigurement of the Act as proposed by means of this amendment. I can point out many instances. For example my friend the honourable member Rao Saheb Desai says that in Nadiad there is a non-graduate chief officer. They have continued him as he was doing his work nicely. What is the use of troubling people who are doing satisfactory work and who have grown grey in the service of the municipality? Certainly if they have committed any fault they can be sent out and the passing of a new Act should not work against the people who are already serving in the municipality. Therefore I should like this bill to be passed in the form in which it is presented, because in the form in which it is presented it is applicable to the whole presidency, and by the adoption of such amendments to suit the convenience of particular municipalities the Act will be disfigured. I strongly oppose the amendment which is proposed by my honourable friend Mr. Pathan. Of course I have nothing to do with the case of a particular municipality, but I would like to look at this from the standpoint of the whole presidency and I should therefore wish that the amendment should be thrown out.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, I strongly oppose the amendment before the House. It seems to me to be the notion of some Legislative Council members that they have to look after the interests of their districts only. It is not the case. We should have a broader point of view; we should look upon all the districts in the presidency as our own and we should do justice to every district as much as possible. This of course is an amendment brought before this House to carry on the politics of one party. Would it not be unjust, Sir, if a municipality or a district local board were to dismiss a servant simply for a small fault without going into the merits of the case, without even lodging a criminal complaint against the man who is alleged to have committed a crime? This is a clear case and it does not need any comments from me. This amendment is brought forward to carry on the politics of one party. We have got many municipalities and district local boards all over the presidency and if honourable members who are either in the district local board or municipality are trying to bring amending bills simply for the sake of carrying on the politics of one or the other party we should be doing great injustice as members of this House. We should look at things from a broader point of view. I think the bill has been discussed in all its aspects and I think it does not require any lengthy speech from me. With these few remarks I strongly oppose this amendment.

Mr. R. D. SHINDE (Nasik District): Sir, I oppose the amendment. I think that the two honourable members who have sponsored this amendment have come from the hothouse of party faction, but I am sure honourable members of this House will take a detached view of things and will not allow the chief officer who is a non-graduate and who has done good work, to have to go away under section 33 of the Act. I do not think that the honourable House will allow, in view of this amending bill, that chief officer to be victimised merely because he was a non-graduate. As has been pointed out, in several major municipalities

[Mr. R. D. Shinde]

non-graduate chief officers have been functioning, and why should this particular chief officer be made a victim under this amending bill and not the other non-graduate chief officers of the other municipalities? No reason has been given, except some arguments that have been trotted out by the two honourable members that there are defalcations and so on. But you will see, Sir, that these defalcations have come to light contemporaneously with the action which the Municipality of Dharwar have taken. There seems to be some meaning in it, but, so far as honourable members are concerned, I do not think it is their business to go into these allegations of defalcations and so on. The only question before the House is whether any chief officer who has functioned hitherto should continue in spite of the strict provision in the earlier Act. With this aspect of the case before them, I think that the honourable member's amendment should not be accepted by the honourable House.

Mr. A. F. I. K. PATHAN (Southern Division): Mr. President, I have clearly followed the arguments that were advanced by those honourable members who rose to oppose this amendment. They have missed the whole point. The issue before the House is this: Whether the action taken by a certain municipality under the provisions of the Act as it stood ought to be validated or invalidated. If the bill is allowed to stand as it is, the effect would be to invalidate an action which was valid and perfectly legal at the time it was taken. No question of party politics or local politics, to which my honourable friends of the non-Brahmin party have referred in their speeches in opposition to the amendment, has anything to do with this action. I must tell my honourable friend Rao Bahadur Angadi that I do not belong to any party in the municipal politics. I am a non-party man. I am an unanimously elected President of the municipality in question, and I must tell him also that I think I can very well take the credit of looking at the whole question from a detached view being a non-party man. As a matter of fact, under the law as it stands, without any reference to any particular individual, the non-graduate chief officer could not be allowed to act, and if my honourable friend had taken the trouble of reading certain powers which have been conferred upon the chief officer under this Act, he would find that those powers are very, very wide. He can fine, reduce, suspend or dismiss any municipal servant drawing up to a certain salary, enter into contracts on his own responsibility, accept any tenders for any amount. These are the powers given to the chief officer—there are several objections to these. Then, the power to inspect houses, to issue distrains and warrants, all these are actions which, if they had been taken by the chief officer in question, would have been absolutely invalid. Not only that under the present Act the municipality can enter into contracts and sue and be sued only in the name of the chief officer and not in the name of the president. These were the difficulties and having regard to those difficulties, the chief officer in question could not legally continue. That being the case or the legal position, the man who was acting as chief officer could not be allowed to act. When the matter was placed before the municipal body on the 8th of July, out of 27 members

[Mr. A. F. I. K. Pathan]

present out of 30—27 out of 29 living members were present, and 26 had voted for the discontinuance of the chief officer and only one man dissented, and that man was Rao Bahadur Patil. That was the only dissentient voice. No question of party politics was considered or brought forward. As a matter of fact, the gentleman has been made to revert to his former position. He held the post of sanitary inspector before being appointed to this post and he has been appointed on a salary of Rs. 100.

Mr. B. K. DALVI: On a point of explanation, Sir. Those 26 members voted for the removal of the chief officer on the supposition that he could not be continued under the Act, not because of incompetency. Is that correct?

Mr. A. F. I. K. PATHAN: Yes. The section was quite clear. The municipality never dreamt that this amending bill was going to be moved by the Honourable Minister in charge, and I may assure my honourable friends who have opposed this amendment that it has nothing to do with party politics. This action proceeded on the mere interpretation of the law as it stood.

Then, my honourable friend Rao Bahadur Angadi suggested that this action was taken in spite of the resolution which was issued by Government asking the municipalities not to discontinue any of their chief officers and stating that they were going to introduce this legislation. So far as this is concerned, I may assure him that I did not see or know of a resolution of this sort till the 22nd July. My municipality took the action in question on the 8th of July. Without ascertaining the facts, it was wrong and most uncharitable on the part of my honourable friend Rao Bahadur Angadi to say that the general committee's resolution regarding the discontinuance of the chief officer was carried by the casting vote of the chairman or president. It is incorrect. As I have told the House, this resolution was agreed to by the whole of the 26 members out of the 27 who were present. As I told you in the beginning, my only object in moving this amendment is not to allow this amending bill to invalidate my municipality's action which was absolutely valid and legal under the Act as it stands. That is all I have to say.

The Honourable Sir GHULAM HUSSAIN: Sir, I understand that on this amendment the House is divided. Therefore I would not advise Government to take the responsibility on themselves, and I would leave it to the House to decide this question for themselves by voting either for or against it.

I should, however, like to make a few observations. As the honourable mover has pointed out, at the time when this particular municipality acted in the matter and removed their chief officer, they were quite justified under the Act. But it seems they hastened to do so because the chief officer of that particular municipality was apparently a very unpopular man. Otherwise, this difficulty had presented itself to other municipalities as well who had also non-graduate chief officers; but

[Sir Ghulam Hussain]

those municipalities did not hasten to take action in the matter immediately after the Act came into operation. However, I admit that they would be justified in doing so under the law as it stood, and the recent amendment has been brought to remedy this defect. As regards this particular chief officer, he seems to be unpopular, as honourable members have heard from the president of that municipality and he is the elected president that there are several serious charges against this chief officer, such as embezzlement and other charges.

Coming to this bill, the fact that there are several chief officers who are not graduates was brought to our notice, and we have thus brought in this bill to protect those officers.

This particular municipality did not like to wait like other municipalities, but took immediate action to remove their Chief officer. If there were charges against him, they should have investigated them, and then removed him by a two-thirds majority.

These are the various considerations I have placed before the House for and against the amendment. The honourable mover says "This Act has put us in a very awkward situation. We have acted quite legally, and now you Members of Government are stultifying our position". But I say Government do not want to take the responsibility upon themselves on this question, but would leave it to the House to vote as they like.

Question put. House divided. Ayes 20: Noes 17.

Amendment carried.

Division No. 4.

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
BEDREKAR, Khan Bahadur I. M.
DABHOLKAR, Sir VASANTRAO A.
DEV, Mr. S. S.
JOG, Mr. V. N.
KARKI, Mr. M. D.
KAZI INAITULLAKHAN.
KHUHQ, Mr. M. S.

LALLJEE, Mr. HOOSEINBOY A.
MANSURI, Khan Sahab A. M.
PARANJPYE, Dr. R. P.
PATEL, Mr. A. E.
PATHAN, Mr. A. F. I. K.
PIR RASULBAKSH SHAH, Khan Sahab.
PRADHAN, Mr. G. B.
RAHIMTOOLA, Mr. HOOSEENALLY M.
THAKOR of Amod, the
THAKOR of Kervada, the

Tellers for the Ayes: Mr. A. F. I. K. PATHAN and Mr. V. N. JOG.

Noes

ANGADI, Rao Bahadur S. N.
BOLE, Mr. S. K.
CHAUDHARI, Mr. L. S.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DESAI, Rao Sahab D. P.
HATCH, Mr. G. W.
LALJI NARANJI, Mr.
MUJUMDAR, Sardar G. N.

OWEN, Mr. A. C.
PATIL, Mr. D. R.
SARDESAL, Mr. S. A.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SURVE, Mr. A. N.
SWAMINARAYAN, Mr. J. C.
THOMAS, Mr. G. A.

Tellers for the Noes: Mr. R. D. SHINDE and Mr. J. C. SWAMINARAYAN.

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

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

The Preamble ordered to stand part of the bill.

The Honourable Sir GHULAM HUSSAIN: Sir, I now move that
Third reading. the bill be read a third time.

Bill read a third time. Question put and carried.

The DEPUTY PRESIDENT: The bill is declared to have been read a third time and duly passed.

BILL No. VII OF 1926 (A BILL TO AMEND THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923)

The Honourable Mr. J. E. B. HOTSON: Sir, on the advice of our
Third reading. legal advisers I have to propose a small verbal
amendment before Bill No. VII of 1926 is read
a third time and passed. I will, therefore, now formally move that the
bill be read a third time.

Question proposed.

The Honourable Mr. J. E. B. HOTSON: Sir, I beg to move the following verbal amendment:

In clause 2, before the words 'shall be substituted', insert the following:—

"and for the word and figures 'sub-section 8(3)' the word and figures 'section 8 (3)' shall be substituted."

The clause will then read:—

"2. In sub-section (2) of section 1 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the words and figures 'and section' the words and figures 'section 12 and section 13, sub-section (1)' and for the word and figures 'sub-section 8 (3)' the word and figures 'section 8 (3)' shall be substituted."

Question put and carried.

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

The Honourable Mr. J. E. B. HOTSON: I now move that the bill be read a third time and passed.

Bill read a third time. Question put and carried.

The DEPUTY PRESIDENT: The bill is read a third time and passed.

SUPPLEMENTARY ESTIMATES

Appointment of an additional City Magistrate at Ahmedabad. Rs. 2,422 from 47, Miscellaneous (Reserved) to 24, Administration of Justice.

The Honourable Mr. J. E. B. HOTSON: Sir, I have to ask the House or a supplementary grant for Rs. 2,422, being the cost during the remainder of the current year of an additional city magistrate for the city of Ahmedabad. The reasons have been given in full in the statement which has been laid before the House. I would only supplement that statement by saying that this demand was laid before the Finance Committee this morning and approved by them. The city magistrate at present is very badly overworked; he had no fewer than 275 cases in arrears at the end of the year, and he had in the course of the year disposed of 1,333 cases, which I think shows that he had been working up to his full capacity. The result of such arrears is that a number of under-trial prisoners have to stay in custody for an unnecessarily long time. In a city like Ahmedabad it also means that a number of cases

[Mr. J. E. B. Hotson]

of a technical character, such as those under the Electricity Act and Smoke-Nuisances Act, have dragged on, causing very great inconvenience to the manufacturers and to the witnesses, many of whom are experts, brought to Ahmedabad particularly for these cases, and are detained there for an unduly long time. Other ordinary witnesses also suffer, and it has been found that a good many cases, which there was every reason to believe were true cases, have broken down because of the witnesses having been tampered with, or because the witnesses have had to stay in Ahmedabad for a long time and have given false evidence as the quickest way of getting out of it. The result is bad for justice and very inconvenient to Ahmedabad.

All possible remedies have been considered. The obvious one, which has been suggested in the Finance Committee, is that additional honorary magistrates should be appointed. This has been found difficult. The Commissioner has tried and failed to find any gentleman who is both willing to undertake the work and suitable for it. In any case an honorary magistrate cannot be expected to put aside his private work and give the same continuous application to his magisterial work as a stipendiary magistrate. For all these reasons it appears that the only remedy is to appoint a city magistrate who will be in the deputy collector's grade and paid as such. The pay proposed is Rs. 300 a month.

For the present we ask for this additional magistrate only for a period of one year. Before the end of this year it will be possible to say whether the arrears have so far decreased, that the extra magistrate can be dispensed with, and whether relief in any other form can be given to the existing magistrate. If possible we will not ask for the renewal of this appointment, but I cannot give an undertaking that it will not be renewed. We believe that this appointment will satisfy a demand which has been strongly urged in Ahmedabad. I hope that some of the members from Ahmedabad will express their views on this proposal.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I support the grant that has been asked for. There is really necessity for an additional magistrate in Ahmedabad, because if you look to the present work of the city magistrate, you will find that cases are dragged on for months together. I have known a case of a certain inspector and a talati for bribery which lasted for more than 12 months. It has cost the accused more than Rs. 2,000 for coming from long distance with their witnesses. The Honourable the Home Member has already pointed out the case of the under-trial prisoners, who have to stay long in sub-jail. From my information—and I know it is a fact—I can say that it has cost Government more than Rs. 2,400 to pay *batta* for these under-trial prisoners whose cases are prolonged. I will only ask the Honourable Member to appoint a better qualified man as additional magistrate, because the work is great. There are a large number of mills in Ahmedabad next to Bombay and the nature of cases that come up required a really competent man to dispose of them. I hope the House will willingly sanction this grant.

Mr. A. N. SURVE (Bombay City, North) : Sir, I should like to have information on one point : Whether the necessity of appointing an additional magistrate has arisen in consequence of municipal cases. If that is so, why should not the Government make a move to amend the Municipal Act, so that municipal cases may be tried by municipal magistrates. The consequence of this omission has been that for the sake of a particular local area provincial treasury is taxed. I think that the time will come very soon when the local areas will have the opportunity of trying their own cases. I think in other presidencies municipalities have got their own magistrates. I hope the Honourable the Home Member will explain this point.

The Honourable Mr. J. E. B. HOTSON : Sir, the honourable member from Ahmedabad (Khan Saheb A. M. Mansuri) said that he hoped that a man on higher pay than Rs. 300 would be appointed. All we are asking now is an additional appointment on the deputy collector's grade ; and it does not necessarily mean that the officer posted to Ahmedabad will be paid only Rs. 300. Very probably he will be a senior man on higher pay, and the junior man appointed on Rs. 300 will be employed elsewhere. We shall do our best to secure a capable and experienced magistrate.

On the other point that has been raised by the honourable member from Bombay (Mr. A. N. Surve), so far we have not charged any municipality, not even the Bombay municipality, for the magisterial work done for it. We are at present proposing to appoint additional presidency magistrates, who will be employed on municipal work mainly and who will be paid by the Bombay city municipality. As the Bombay corporation has taken objection, the matter is still under consideration. The House will agree with me that if the Bombay city municipality has not been charged for the magisterial work done for it, and such expenses have been charged to provincial revenues, it would not be fair to charge the mofussil municipalities.....

Mr. H. B. SHIVDASANI : Who gets the fines ?

The Honourable Mr. J. E. B. HOTSON : The fines go to the municipality.

Mr. H. B. SHIVDASANI : Why should not the Government get it ?

The Honourable Mr. J. E. B. HOTSON : That point is well worth consideration. Should it seem proper to charge municipalities for the work done by our magistrates in municipal cases, we may perhaps take this suggestion up. The immediate necessity is to get the magistrate for Ahmedabad. I hope the House will give the grant.

Question put and carried.

"Supplementary grant for Rs. 20,000 by way of re-appropriation from 47, Miscellaneous to 45, Superannuation, Allowances and Pensions."

The Honourable Sir CHUNILAL MEHTA : Sir, I ask for Rs. 20,000 to be re-appropriated from 47, Miscellaneous to 45, Superannuation Allowances and Pensions. This is purely a formal transfer and it is due

[Sir Chunilal Mehta]

to the change of classification of accounts. The money is already provided in the budget.

Question put and carried.

"Supplementary grant for Rs. 25,920 by way of re-appropriation from 47. Miscellaneous to 8, Forests."

The Honourable Mr. A. M. K. DEHLAVI: I ask, Sir, for a grant of Rs. 25,920 to be re-appropriated from 47, Miscellaneous and added on to 8, Forests. The note explains the position. The amount is required to give travelling allowance to the round guards of the Forest Department. The allowance is Rs. 10 a month. So far it has been found that to cope with the work the round guards have to be given the duty which really speaking the superior officers, the foresters, can do. If the round guards are not put to that duty there is a greater difficulty facing the Government, that is, to provide for a larger number of foresters. The foresters get a larger pay and Rs. 15 as allowance. That will be a greater expenditure for Government to incur. Therefore, under these circumstances this method has been found to be the best and cheapest, that is, to give Rs. 10 as allowance to the round guards to do their duty efficiently. If they are not allowed this allowance, they cannot be expected to spend the money out of their pockets. If they cannot spend the money they will not be doing the duty allotted to them. That is the substance of the grounds for this grant.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I would like to know why the scale of allowance is kept so low as Rs. 15. It is stated in the note that it is necessary to maintain a conveyance. If Government think that it is necessary to maintain a conveyance, then I really do not know why the allowance is kept so low as Rs. 15. If the amount is low the round guard may not be able to keep a conveyance, and for want of it his work may not be efficient. Therefore, I would like to know whether there are any rules to enforce the keeping of a conveyance. If a conveyance is to be kept, I would like the Honourable Minister to explain how it can be maintained in Rs. 15 per month.

Mr. S. S. DEV (West Khandesh District): Sir, may I request the Honourable Minister in charge of this grant to wait for a few months more? I can assure him that these forest guards are getting on very happily without this allowance. Does the Honourable Minister hope that when this petty sum of Rs. 10 is sanctioned they will give up all those ways of harassment which they have so far adopted? The Forest Committee is going to submit its report shortly, and the Committee will probably have something to say with respect to the hundred and one ways of harassment of the raiyats. Therefore, I ask whether it is not possible for the Honourable Minister to wait for a few months more? All these subordinates have gone on without this allowance all these years.

Besides, a point of order could be made. This is clearly not a demand which was not contemplated when we considered the budget. What

[Mr. S. S. Dev]

is the fresh occasion that this grant should come as a supplementary grant? Are there any pressing demands by the round guards before the Honourable Minister and are they going on strike if this grant is not sanctioned? Does not the Honourable Minister know, or can he not know from the other Honourable Minister by his side, that there are other servants of Government who have been pressing year after year, and yet their grievances are not redressed? If that is so, I should like to know what is the urgent necessity of demanding this grant as a supplementary grant? I only wish that the Honourable Minister may be persuaded to wait for a few months more.

Mr. L. S. CHAUDHARI (East Khandesh District): Sir, I have to join the honourable member Mr. Dev, and request the Honourable Minister to wait till the next budget comes. The report of the Forest Committee is not yet out, and I cannot know what they have to say about the numerous complaints that have been made against the doings of the forest guards before them. My apprehension is that if, in spite of these complaints against them, we sanction a conveyance allowance of Rs. 10, that will be considered as a *bakshis* for their conduct, and these round guards, illiterate as they are, will tell the public that in spite of their complaints they have got some *bakshis* in return. So, till the Forest Committee's report is published, and till their conduct is fully discussed and we come to the conclusion that these people do really deserve some extra remuneration for their work, or that they deserve some kind of punishment for their conduct towards the public, I urge that this question should be postponed.

As regards the sufficiency of Rs. 10, I personally think that it will be quite sufficient, as a small pony will be enough in those parts where these people have to go their rounds.

But my present contention is that the grant should now be postponed. When the grant was asked, I thought that these forest guards were going to strike work and therefore this grant was pressed at this time. But it has not come from the mouth of the Honourable Minister in charge, and therefore there is no necessity of passing this grant at present, or at least till the publication of the report of the Forest Committee.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose this grant. These guards have been doing their work till the present year 1926 without a special allowance. I do not think there is any necessity of giving a special allowance to them now as they have worked without such allowance so far. If the travelling allowance is to be given, I think the Honourable Minister must bring forward some scheme to reduce the number of foresters. If guards are to be given travelling allowance, they will be doing some work which is done by foresters whose number should certainly be reduced. There is no necessity for an allowance at the present stage, and I would ask the Honourable Minister to work out a scheme and see that everything is done within the sums allotted to him. I therefore oppose this supplementary grant.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I shall answer the last speaker first. The case is not that by this means Government will be able to get rid of foresters. The case is that as a larger number of foresters are in demand according to the necessity of the department we meet the necessity by this compromise, that instead of undergoing a larger expenditure for engaging a number of foresters on pay ranging from Rs. 30 to Rs. 40, we give an allowance of Rs. 10 to the round guards and get the work done by them. Therefore, the question of reducing the foresters is not before the House nor before Government at all. The question of increasing the number of foresters was before Government, and may come up before Government if this grant is not allowed.

Now, as to the question of the misconduct of the round guards, which the two honourable members have alluded to, I think the greater is the reason for giving them the allowance. I do not know what the suggestions of the Forest Grievances Committee will be, nor do I know that this question is before that committee. The question of reducing the establishment is not before that committee, but that of the grievances of the people, and I anticipate that this is perhaps going to be one of the grievances to be pointed out by the committee. The grievance, I understand, is that the foresters are not the right kind of officers that they should be, or are dishonest. If that is so, I do not suppose that the Forest Grievances Committee will suggest that these round guards or this particular class of men should therefore be done away with. The round guards are a necessity of the Forest Department, and will remain. The grievance is also due to the fact that their pay is low, and if their pay is to be increased, if that is the suggestion that the Forest Grievances Committee is going to make, that would be still worse it would be a huge question for Government and this House to deal with. My honourable friend Mr. Dev has pointed out that there are people under the control of my honourable friend the Minister for Education who are in need of some increase in their pay but that question will involve an expenditure of lakhs of rupees. This is a paltry sum, a small amount, demanded to meet a necessity, which is really the best and cheaper compromise I can think of. My honourable friend Mr. Chaudhari has rightly answered the honourable member Mr. Surve that Rs. 10 as allowance, for the circumstances under which the round guards work, is a reasonable amount. Therefore, on the one hand there is a large saving, because we get rid of the proposal of appointing a number of foresters, and on the other we get better efficiency from the round guards by giving this amount of Rs. 10 as allowance. We also, thereby meet, in a great measure, the grievance that these people are a malpractising lot. I think this allowance of Rs. 10 will go a long way in minimising the evil which my honourable friends have pointed to. I therefore think that the grant is really necessary and should be allowed.

Question put and carried.

Supplementary demand, by way of reappropriation from 47, Miscellaneous transferred to 33, Public Health, for the establishment of a Biochemical Unit at the Haffkine Institute—Rs. 13,387.

The Honourable Mr. B. V. JADHAV : Sir, I beg to make a demand for supplementary grant, covered by reappropriation, for Rs. 13,387, to be transferred from 47, Miscellaneous to 33, Public Health. The printed note circulated to honourable members gives the necessary explanation. This is a debt of honour. This amount belongs to another body, and it was given by it for a specific purpose. A portion of the amount was spent and the remaining amount lapsed to the general balances. We have to recoup that amount to that fund, to be spent on the Haffkine Institute.

Question put and carried.

Supplementary grant, covered by reappropriation from 34, Agriculture to 41, Civil Works for the establishment of an agricultural station at Sakrand.....Rs. 1,26,151.

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a grant of Rs. 1,26,151, to be transferred from 34, Agriculture to 41, Civil Works. It is only a formal transfer from one head to another.

Question put and carried.

Supplementary grant, covered by reappropriation from 43-B, Transfers to Famine Insurance Fund to 43-A, Famine Relief, for expenditure on famine relief..Rs. 2,20,649.

The Honourable Mr. J. L. RIEU : Sir, I move for a supplementary grant of Rs. 2,20,649, to be covered by reappropriation from 43-B, Transfers to Famine Insurance Fund to 43-A, Famine Relief. The necessity for this expenditure, most of which I may say has already been incurred, has arisen from the scarcity conditions occurring in certain districts as a result of the unfavourable season of last year. The expenditure is all in the nature of famine relief, as will be seen from the details that are given in explanation of the demand. Applications were received from the Collectors for the provision of funds to meet cases of distress, principally, so far at least as the Deccan districts are concerned, by the payment of the inferior village servants and patels who would otherwise be compelled to leave their villages and would therefore be unable to carry on the Government work expected of them. In Sind there has been considerable expenditure in the Thar Parkar district which is the only district ordinarily liable to famine in the province, and it has been incurred chiefly on the purchase of grain and of fodder for cattle, while a large sum has also been expended on the digging of *kacha* wells, known locally as " tarais " for drinking water. In ordinary times these *kacha* wells are not required and are liable to fall into disrepair, so that in times of scarcity they have to be re-excavated. In the Panch Mahals District to give employment to the famine stricken people certain works in the nature of breaking up metal for roads have been sanctioned, and in the East Khandesh District certain expenditure on the construction of *kacha* roads and the digging of wells has been incurred. This expenditure can only partly be regarded as in the nature of famine relief, the rest being intended for the development of forest areas. Therefore a contribution of 50 per cent. is debited against famine relief, while the Forest Department bears the other 50 per cent.

As I have said, most of this expenditure has already been incurred, and it had to be incurred immediately as Collectors represented its urgent

[Mr. J. L. Rieu]

necessity. I trust that this House will, by sanctioning this grant, confirm the action taken.

Question proposed.

Mr. A. N. SURVE (Bombay City, North) : Sir, I rise to oppose this grant, not because I am against giving doles to decrepits and infirms but to bring to the notice of Government very pointedly the question of bonus to patils and the inferior village servants.

As regards patils, ever since I came into this council we have been agitating time and again that their pay should be revised. Patils' salaries were fixed in accordance with a scale which was fixed half a century ago, and that is why Government is now reduced to resort to these make-shifts? By making this demand Government themselves admit that the pay that they are giving to their servants is inadequate. I wish that Government will kindly take this question in hand as it cannot be postponed any longer.

Another point about the grant of doles to decrepits is this. I would like to know what is the arrangement about distributing these doles to the poor. Sometimes it happens that in the absence of efficient supervision those who know how to curry favour have the benefit of these doles and the really needy get nothing. I would like to know what is the arrangement for distributing these doles.

Mr. S. A. SARDESAI (Bijapur District) : Mr. President, I support this grant simply for this reason because this will afford relief to the famine stricken area in various parts of the presidency. At the same time I should like to observe that the honourable mover said that part of the sum will be utilised for breaking stones for preparing fresh roads. I was told by a Government official, for instance Mr. Mountford, that the Government have changed their policy of carrying on unproductive works. I understood that Government have resolved to carry on only productive works. In my own district there are good many roads that were started in the year 1877 the year of the Great Indian Famine and these roads have been rendered utterly useless. There is nobody to look after them. The District Local Board does not care for them and the Public Works Department has not taken charge of these roads. Would it not be wise at this stage for Government to take in hand productive works—I mean by starting irrigation canals in famine stricken areas?

As regards the other part, the honourable member says that part of the money is intended to be utilised for preservation of forests. There can be no two opinions in this House about the preservation of forests and this is a problem in every district in this presidency. In my own district Government officials have expressed their opinions that this problem has not been agitated in the Legislative Council with a view to enforce Government to take up the preservation of forests. But I would suggest to the honourable mover that instead of using the greater part of the money for unproductive works it would be wise for him to utilise this amount in a better way with a view to carry on a productive work which will be permanent.

[Mr. S. A. Sardesai]

As for doles, it has been customary for Government to distribute doles for poor people and I do not really object to it. But for the first part, namely, starting unproductive works like preparing roads, I would certainly object. I would propose that the honourable mover will make it convenient to look after the productive works instead of unproductive works. With these remarks, I support this supplementary grant.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, I rise to support this grant. The matter was very carefully considered in the Finance Committee and it has its approval. In regard to some of the remarks that have fallen from the honourable member on my left (Mr. Sardesai) I would remind him that this is a grant for a thing for which money has already been spent and I would also remark that his objections are irrelevant because these doles for breaking stones would place a large amount of metal at the disposal of Government. It is possible that this metal might be sold and therefore it is possible that Government would reimburse the famine fund with this amount. Therefore I think Government has done wisely in this matter. There can be no reasonable objection to the granting of money that has been spent. I hope there will be no difficulty for the House to unanimously vote for this grant.

The Honourable Mr. J. L. RIEU : Sir, I will make just a few remarks in reply to the observations which have been made by honourable members of this House. In regard to the remarks of my honourable friend Mr. Surve in connection with doles to patils and inferior village servants I must point out that the difficulty in their cases arises from the fact that it is absolutely essential that they should remain present in their villages at a time when the great majority of the villagers have migrated to some other locality in search of work. It has also to be remembered that so far as patils are concerned and also to some extent inferior village servants they are not full-time servants and therefore Government do not pay them on a scale which provides entirely for their maintenance. But when famine conditions supervene, it is incumbent upon Government on these occasions to supplement their income by either a bonus or a dole.

As regards the arrangement made for the distribution of relief to infirm people, I should not like at the present moment to take up the time of the Council by describing in full detail all that is done. But all the arrangements are very carefully laid down in the Famine Code, and it is a well recognised part of the duties of the local officers to see that the lists of recipients of the famine dole are properly checked and that there is no unnecessary expenditure.

My honourable friend Mr. Sardesai has referred to the question of roads and the expenditure on metal. His point has already, to some extent, been replied to by the honourable member Moulvi Rafiuddin. But I may add that it is certainly no longer the policy of Government to incur famine expenditure on unproductive works, and moreover the necessity for starting famine relief works has very largely disappeared. The people in the Deccan and in the Southern Maratha Country have

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become much more adaptable to famine conditions and migrate very readily in search of employment elsewhere, which they manage to obtain, and it is no longer part of our programme to start these very large famine works that were a regular feature of famine relief in past days. But in certain districts this tendency for migration has not developed to the same extent and we still find ourselves under the necessity of providing employment locally. But I can give the assurance to this House that very great care is taken in the selection of the works required to provide employment, and the members of this House may take it from me that this particular work in the Panch Mahals district will eventually serve a useful purpose and, as has been stated by the honourable member Moulvi Rafiuddin, should the supplies of metal that have been turned out be required for the purposes either of a private company or of Government in the Public Works Department, the question of crediting the Famine Relief Fund with the value of the work done will certainly be taken into consideration. I think that is all that I have to reply to.

Question put and carried.

After recess.

Creation of a new post of Agricultural Chemist outside the cadre of the Indian Agricultural Service.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I move for a demand for Rs. 8,355 under the head 34, Agriculture. Government have decided to remove the post of the Agricultural Chemist to Government from the cadre of the Indian Agricultural Service and to create, with effect from 3rd March 1926, a new post of Agricultural Chemist outside the cadre on a pay of Rs. 350—50—1,200, with efficiency bars at the 6th and 12th year of service.

Question put and demand granted.

Regularization of accounts of the Nasik and Khanapur Distilleries.

The Honourable Mr. A. M. K. DEHLAVI : Sir, I move for a grant of Rs. 8,19,185 for regularization of accounts of the Nasik and Khanapur Distilleries. The long note placed before the House explains the whole case.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I would like to know whether this expenditure will come from the general provincial balances.

Mr. A. R. DALAL : Sir, in answer to the question may I explain that the grant will come from our general provincial balance, but as against that we will have 11 lakhs of rupees going into the balance.

If the honourable member wishes to know the whole history of the case I will give it. Formerly the Commissioner of Excise used to have a Personal Ledger Account in which he used to keep the accounts of the transactions with the Khanapur, Nasik and Dhadgaon distilleries. The distilleries made large profits out of the sale of liquor and not only was the current expenditure of the distilleries disbursed from his Personal Ledger Account but even the capital expenditure which was incurred

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by the Commissioner with the sanction of Government went to his Personal Ledger Account.

This meant that the Legislative Council had no control over the expenditure incurred by the Commissioner. The accounts have now been placed on a commercial basis. The distilleries will be given certain amounts for their working expenses and for capital expenditure which will be put for the vote of the Council. On this basis payments to the extent of this demand have to be made out of the balances on account of the distilleries; as against that we take Rs. 11,09,728 derived from the profit on the working of the distilleries, to the general balances.

Question put and carried.

Demand of Rs. 5,19,026 for "XIII" and "15" Irrigation (including working expenses).

The Honourable Mr. COWASJI JEHangIR: Mr. President, I have to ask for a demand for Rs. 5,19,026 under 15, Irrigation. It is merely a formal demand as explained in the note which has been placed before the House. If honourable members desire that I should go into further detail I shall do so.

Originally, Sir, pensionary charges used to be credited to head "45, Superannuation Allowances and Pensions". The Government of India with the sanction of the Secretary of State decided that each commercial department should bear its own pensionary charges. In the current year pensionary charges have been removed from head 45, and have been included under head XIII and 15. The Government of India ordered that this change should have retrospective effect from 1st April 1923. A change therefore was also made for the years 1923-24 and 1924-25. Naturally for those years there was a deficit which has to be made good by the vote of this Council. The amount of pensionary charges is Rs. 8,22,714 but there being a saving of something like Rs. 3,11,633 under head 15, the demand is for Rs. 5,19,000. There will be an actual saving of Rs. 8,22,000 under head 45 while there will be an increase of Rs. 5,19,000 under heads XIII and 15.

Question put and carried.

Purchase of Dr. Maynard's Bottles, syringes, etc., for the Haffkine Institute. 47, Miscellaneous, Rs. 60,000 to 33, Public Health.

The Honourable Mr. B. V. JADHAV: Sir, I make a demand for a supplementary grant covered by reappropriation of Rs. 60,000 to be transferred from 47—Miscellaneous to 33—Public Health for purchase of Dr. Maynard's bottles, syringes, etc., for the Haffkine Institute.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, from the statement circulated to honourable members in regard to this grant, it appears that we are going to make an outlay of Rs. 2,00,000 already provided and Rs. 1,05,000 more we are now asked to spend. That is, in all we are making an investment of Rs. 3,05,000. Our realisations are expected to be Rs. 3,25,000. That means that on an expenditure of rupees three lakhs and odd we are going to realise a profit of Rs. 20,000 which, if worked out, comes to about 6.5 per cent. We are doing this humanitarian

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and philanthropic work and I would request Government to see whether it would be just to receive such a high profit. The demand is so great that we are actually engaging all our reserved material. That means we are not able to cope with the demand ; so there is no fear of bad debts or loss. By some accident we are practically holding the monopoly of these articles. When we hold a monopoly, we should, I think, take care that the prices should be kept as low as is compatible with ensuring that we do not incur any loss. I therefore request the Honourable the Minister to see that as we are doing humanitarian work, the profit that is anticipated should in future not be so high as is shown here.

The Honourable Mr. B. V. JADHAV : Sir, I am sorry that there is a misunderstanding on the part of my honourable friend. I do not think the profits are so excessive as he fears. This sum is to be spent in the purchase of materials and the Rs. 20,000 profit as he makes out is not real profit at all ; because we have to entertain a large establishment, and it is plain that even Rs. 20,000 will not be sufficient to pay the expenses on that account. I can assure my honourable friend that Government are not going to make any profit out of this humanitarian business ; but they are selling this lymph at the price at which they make it.

Question put and carried.

GOVERNMENT RESOLUTIONS

The Honourable Mr. A. M. K. DEHLAVI : Mr. President, I move the following Resolution :—

“ This Council recommends to Government that the following notification proposed to be issued under section 3 of the Cotton Transport Act, 1923 (III of 1923), having been laid in draft before the Council and approved by it in the form set forth below, may now be issued in the said form :—

Notification

Whereas, owing to the wide extension of the growing of similar high quality of cotton in areas I, II and III of the areas specified in Schedule I to Government Notification in the Revenue Department No. 535-A dated 18th August 1923, it is no longer necessary to maintain the said areas as separate protected areas for the import of cotton into them by road ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Government of Bombay is hereby pleased to cancel the said notification as far as it prohibits the import of cotton by road from the Olpad-Ankleshwar Area, into the South Surat Area and the Surat Area as described in Schedule I to the said notification : provided that in the event of cultivators being found to grow cotton of inferior quality hereafter in any of the said areas, this notification will be cancelled.”

I need not say much in support of this resolution, because this House is aware that we have had more than one discussion on the subject of the restrictions on these areas, in view of the protection of cotton in the Surat district. The House is aware of the agitation, in this connection. They also know of the resolution brought into this House by the Honourable Member Mr. Shivdasani to the effect that the restriction should be removed. Government on their part were taking steps in the meanwhile to carry out the object of the Act, both by preserving

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the protected areas from the outside inferior seed, and by purifying the contaminated seed which had taken hold of the area. The restrictions had, therefore, to continue till then. Now that Government are satisfied that the areas are protected and that the right seed and type of cotton is taken up for cultivation, they have come forward to remove the internal restrictions. I wish to emphasize that Government did realise the difficulty into which the restrictions had thrown the people, and that, therefore, best efforts were made to save the agricultural interests as soon as possible. The time having come, the restrictions are being removed by the notification.

Mr. H. B. SHIVDASANI (Surat District): I beg to move, Sir, the following amendment :

" At the end of the Notification, omit the words :

' Provided that in the event of the cultivators being found to grow cotton of inferior quality hereafter in any of the said areas this notification will be cancelled '."

Of course, we all know that Government has got the inherent right and power to cancel the notification. So, there is no need to hold out this threat to the cultivators of Surat district. As a matter of fact as the Honourable Minister has just told us the object of the Act was different from that for which it has been used. The Act was passed in order to maintain the reputation and quality of Surat cotton but the Government used it for introducing improved seeds. As a matter of fact the cultivators complained that the improved seed that Government had introduced in order to grow longer staple cotton had inflicted great loss on them, because the cotton of another variety they were growing which was also cotton of good quality was giving them a much higher return per acre than this new and improved seed was giving them. It was the intention of Government to compel the cultivators to grow what they called improved variety and prevent the cultivators from growing the other seed which was also an improved variety. The Government were supplying seed A-1 which the Agricultural Department considered not to be inferior cotton. But the Agricultural Department will at times be enthusiasts and go to extremes. Now, the Agricultural Department considers this very seed A-1 inferior.

I must congratulate the Honourable Minister for fulfilling the promise he gave in October 1924. I am glad that this matter which for the first time came before this Council at its first session is going to be finished in its very last session. Of course a lengthy procedure had to be gone through. The Act itself had to be amended by the Government of India. We have reason to be grateful to the Minister that the work has been completed during the life of the present Council. At the same time I do not see any reason why the Act which was passed with the express object of maintaining the quality and reputation of cotton should have been misused for the purpose of compelling poor cultivators of Surat district to grow a particular variety which the Agricultural Department considered to be improved seed and better for the trade and good for exporters but which inflicts needless loss on the poor cultivators by

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compelling them to grow a cotton which though slightly of a longer staple gives a much smaller yield so far as money value goes.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I should like to offer some criticism on the subject. The Honourable Minister stated that the cotton grown in the southern Surat area was superior to the one that was grown in the other parts of the Surat district. But it is not at all superior to the cotton that was grown before in that particular area. The particular type of cotton that the Honourable Minister referred to in southern Surat is the cross-bred cotton of Kumta and Ghoghari both inferior to the Navsari cotton as Ghoghari is a short staple variety. Kumta is indeed a long staple variety, but not of the same staple as Navsari. This hybrid cotton goes by the name of 1027 A.L.F. The Honourable Minister's resolution means that the people in the southern area in which this improved cotton is grown will be allowed to mix that cotton with another variety which is a pure and improved Broach variety, which is grown in the Olpad Ankleshwar area but which is inferior to 1027 A.L.F. and from this area cotton can be imported into the southern Surat area where the above superior quality of cotton is recently introduced.

The DEPUTY PRESIDENT : Is the honourable member supporting or opposing it ?

Rao Saheb D. P. DESAI : I am opposing it.

The honourable member Mr. Shivdasani referred to one vital point that this new variety which has been introduced in Southern Surat area is not much superior to the quality that is grown in the Olpad Ankleshwar area ; but the little improvement that is observed is at the cost of the ginning percentage. Again this 1027 variety is as good as the average American cotton, but I doubt whether it gets value equal to its quality. In fact the exporting firms encouraged by the exchange policy—I do not want to enter into that question—would like to get the superior quality for ordinary price. I do not think that the cultivators would be better off by a legislation of this type. You know that American Government is bullish and its merchants are bullish. But here our Government is bearish and merchants being exporters also are bearish.

Mr. HOOLENALLY M. RAHIMTOOLA : Are you a bull or bear ?

Rao Saheb D. P. DESAI : I must be a bull as an inhabitant of this country. Why should we not get higher prices for our produce ? But, Sir, the greatest harm that this notification has done is to other districts. I have just now stated how these particular areas to which the notification has been applied have been penalised. In fact they get less than what they ought to get looking to the quality of the cotton they are growing in the southern part of the district. Well, if they are penalised, the northern districts are more penalised in this respect, that all incentive to grow superior cotton is removed and they are actually

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discouraged to grow superior cotton. If I grow superior cotton, as good as Surat cotton, I will not get a higher price than any ordinary variety fetches. For cotton grown outside those particular villages to which this notification applies, the merchants give less price. They say "If you give delivery of your cotton in that particular area, we will give you a higher price." This is how the other areas are penalised. By this notification, Government stereotype and encourage the system of selling by the name of the exporting station. The merchants sort it thus: this is Surat; this is Kumta; this is Dharwar. That means that anything that comes from Surat is better than anything that comes from outside Surat. Now, what incentive have the other districts to offer superior cotton for the mills or markets of this country? People outside Surat have no incentive to improve their cotton, because they cannot get buyers for their superior cotton. Again as the consumers are the millowners, and as their opinion prevails in this House I cannot help. In America the Government are bulls and the merchants are bulls. But here the Government are bears and the merchants are also bears.....

The DEPUTY PRESIDENT: The honourable member is aware that the fifteen minutes rule applies to resolutions. He has only three minutes more.

Rao Saheb D. P. DESAI: On these considerations, Sir, I would suggest to this House to throw out this notification altogether and have nothing to do with the Transport Act. Even though this notification is going to do some good to a particular part of the country, it is a wrong notification in that it is encouraging transportation from one zone to another zone, from a zone which grows inferior cotton to a zone which grows superior cotton. (Mr. H. B. Shivdasani: It is done under license.) Of course. But what does license mean, when these licenses have to be given by men drawing Rs. 20 a month and that too for about 33,000 bales. Of course, the honourable member Mr. Shivdasani's amendment is all right so far as it goes, as it takes away the extraordinary power given to the Agricultural Department. But as I think that Government themselves are indifferent whether the cotton of the southern division is adulterated with the cotton of the northern division, I shall have nothing to do with this sort of notification. Why not leave to the cultivators themselves ample scope if they wish to grow superior cotton whether outside or inside this area? Again if you want to improve the cotton of this country, the only way is to improve the quality of gentlemen who deal in cotton like my friend Mr. Lalji Naranji. But this the Government cannot do; so if you cannot bring pressure on a few merchants, why do you bring pressure on thousands of cultivators and put them to inconvenience? I do not like that, and I am opposed to it. These merchants should be thoroughly conversant with the Bombay cotton market and they must be able to examine the quality of each and every cotton and they must make their purchases with their eyes open. They should not offer higher prices for inferior stuff simply because it comes from a particular area. They should base their standards

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on the length of the staple and not on the talukas wherefrom the cotton comes. The only way to improve the quality of cotton is to get these merchants in a room and ask them to change their present methods of handling cotton in our markets.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I fail to see the reasoning of the previous speaker, and the relevancy of the remarks he has made about Government, the merchants and all those who are concerned in the cotton trade. Is there any compulsion by any Act or notification on the cultivators to grow particular varieties? I do not think there is any notification which compels the cultivators to grow any particular kind of seed. Now, the mover of the amendment has congratulated the Honourable Minister. Why was the notification issued and what was the necessity? In the first place, there was no compulsion on the cultivators. It was because they could sell their cotton easily and get better prices for it, that they began to sow these seeds, and when they began to grow better seeds of uniform quality, Government do not see therefore any necessity of prohibiting transportation of cotton from one part to another.

I do not see any relevancy in the remarks of my honourable friend (Rao Saheb Desai) as applied to this resolution. But still, I will reply to him as they affect the interests of the cultivators. May I ask him and the mover of the amendment also whether they know how the cotton from these seeds was sold this year at higher prices in spite of the fact that the market continued falling. Rao Saheb Desai said that the American Government and the American merchants are bulls. If the American Government are bulls, how is it that they have allowed the prices to fall so low? (Rao Saheb D. P. Desai: Are not our Government bears?) Let me give an explanation. Government have nothing to do with the prices. Whether they are bears or bulls, I do not think any Government can control the prices of commodities. The prices of commodities are governed by the rule of supply and demand. (Mr. H. B. Shivdasani: What about exchange?) I do not think the question of exchange is before the House now. However if the exchange is considered, I think it affects the price only to the extent of $12\frac{1}{2}$ per cent. Maintenance of exchange at $1/6$ is a tax I admit. The prices of cotton have gone down from Rs. 800 to Rs. 300, and some of the cotton is unsaleable. Do my honourable friends know that some of the cotton is even unsaleable and if saleable, at heavy discounts? I will now tell them that in this state of affairs, not even a single bale of the Surat cotton is lying unsold, and those who have preserved their cotton get the same price that they got before, namely, Rs. 400 to 410 or Rs. 390.

Cotton grown from the same seed, 1027F, which has been grown in the Surat district is sold to-day at or above Rs. 400. I think the honourable member Mr. McKee who is a nominated member of the Cotton Association will support me when I say that to-day, in spite of the fact that the prices of other kinds of cotton are going down considerably, this quality of cotton grown in Surat is fetching higher price, because

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the quality is in great demand by the exporters, the millowners and the other people. In spite of the fact that the prices for other kinds of cotton have gone down, the prices of 1027F are maintained. Is it not to the advantage of the cultivators that they get better and steadier prices for their produce? We are not guided by the different names, A-1 or 1027F; we are guided by the practical results which certain kinds of cotton give. If a certain quality of cotton is suitable for spinning certain counts of yarn the prices of that cotton are regulated by whatever yarn you can produce from it, and not by the names. The names may be several, but we have nothing to do with the names. If my honourable friend Rao Saheb Desai thinks that the prices of cotton depend on the names, I will tell him that it is not so. When Broach cotton began to be sold at a much cheaper price, owing to deterioration of quality, there was agitation from all the people concerned that the seed had depreciated, and to prevent depreciation in the quality of the seed Government took these steps to prevent the mixing of inferior with superior cotton, by creating temporarily different zones and the result of their attempts not to allow inferior cotton to be mixed with superior cotton has been to improve the seeds. I do not think the steps taken by Government have not been to the interest of the cultivators. They have been in the best interests of the cultivators, in so far as they can sell their produce and in so far as they can get the best prices compared with ruling world prices. Prices are only controlled and regulated, just as I told the House, by supply and demand, and owing to the means of transport of the world becoming very fast, the prices of cotton have been regulated just like the prices of other world commodities. The prices of almost all the articles in the world now are settled by prices ruling in other parts of the world, and the same rule applies to cotton; cotton is not an exception to the rule. Also, I do not think Government can bring any pressure to make the market bull or bear. I do not think Government have anything to do with the bearishness or the bullishness of the market. It is on world's events that the prices are settled, and if the prices are coming down, I do not think we need be sorry, because living will be cheaper. Cloth manufactured from cotton used to be sold at very high prices, but now the price has come down considerably owing to the low prices of cotton, and it should be remembered that cloth is an article of necessity. We are not here to discuss the factors which regulate the prices of cotton. We are only concerned with the notification and the amendment that is before the House. I support the notification, because it has only one object in view and that is that in case people take to inferior seeds Government should be able to prevent the mixing of inferior cotton with superior cotton again by adopting zones. The cultivators will be at full liberty to grow any kind of cotton they like. If they think that it is more advantageous and more economical and that they will get better prices for inferior cotton, then certainly they can grow it. What the Government want to do is not to allow the mixture of superior with inferior cotton. Even in the matter of other articles of food such as ghee, we take care to see

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that an inferior quality is not given to the consumer by mixing it with a superior quality. If the same rule is applied to cotton, I do not think there need be any cause for complaint. The notification itself has been accepted *in toto* by my honourable friend Mr. Shivdasani, except the proviso, which is proposed to be omitted by the amendment, which has been proposed by him. The omission of the proviso is not desirable, for this reason that it is not a threat as the honourable mover of the amendment has construed. In case the cultivators want to cultivate an inferior variety of cotton, if they think that their interests justify such a course, and if they think that it is economically sound, they are at liberty to do so. There is nothing to prevent a cultivator from sowing any kind of seed that he chooses. I do not think therefore that the amendment should be supported. I think the original motion is much more reasonable from the point of view of the cultivators, for whom so much sympathy is shown in this House. About the question of the outturn, if you are getting 20 per cent. better prices for a particular kind of cotton but you get only 5 to 7 per cent. more outturn from another variety, where is the harm in the cultivator getting the better price. I would have agreed with my friend Rao Saheb Desai, if there were any figures to support his point of view, but there are no figures to support his case. He is mentioning everything at random; he has only sympathy for the cultivators and not rupees and annas to offer. If he works out the figures by practical examples, which the cultivator does he will see that where the improved seed has been adopted by the cultivators, they have become far richer than when they were sowing the Ghoghari seeds.

The Honourable Mr. A. M. K. DEHLAVI: Sir, as to the speech of my honourable friend Rao Saheb Desai, I must confess I have not been able to follow it. I have been at a loss to understand the logic of the bulls and the bears in this connection. The honourable member Rao Saheb Desai's speech was effectively answered by the last speaker. I do not think there was much in what the Rao Saheb has said; at least not relevant to the motion before the House. I have not been able to understand what he wanted by opposing this resolution and the notification. If we accepted his point of view, the position would be this, that this notification would be thrown out, and the state of things as they stand to-day will continue to exist, that is to say, the notification which is in force to-day will remain, which means that the restrictions will continue. I do not suppose that my honourable friend knew what he was aiming at.

As to the amendment, I had thought that this House would not be under the necessity of going into the details of this question, which have been well discussed more than once. But my honourable friend's amendment opens up the question again, and I need briefly point out that I am much surprised at the inconsistent position my honourable friend Mr. Shivdasani has taken up throughout on this subject. He agrees with the principle of the Act. He wants the Act to be enforced. He also insists that he is one of those who believe in keeping restriction on.

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transport by rail. He only wanted that these restrictions on transport by road should be removed. He however thinks that the proviso goes beyond the intention and the spirit of the Act, because the Act simply directs that the areas should be protected from inferior foreign seeds getting into areas coming under protection. That certainly is the object, but the spirit in which that Act is to be applied is to protect the areas contaminated by the outside inferior seed. The Surat and the other areas have been contaminated, in absence of the Act, for years together; and when the Act was applied although we prevented the inflow of the inferior seed we had to take care that we cleared the protected land of the contamination. If the contaminated seed inside the areas were not purified, the object of the Act would entirely be defeated. The Agricultural Department therefore applied itself wholeheartedly to the purification of the seed. The Department was able ultimately to fix upon a seed 1027 which has been declared by expert opinions to be the best suited for the area. The surrounding areas like Baroda and Rajpipla also have accepted that seed as the best. By actual demonstrations by the Agricultural Department carried on in the North Surat area cultivators there too have now accepted the seed. The restrictions are therefore being removed in these improved circumstances. The proviso is meant to be a safeguard if it is found that people again go back to the inferior seed to contaminate their cotton when it may be necessary to revert to the restrictions. It should not then be alleged that Government brought forward this resolution rescinding and removing these restrictions as a camouflage only to pacify for the moment an agitation. The proviso, therefore, means that if the cultivators contaminate their seeds Government would be obliged again to impose the restrictions. I, therefore, hope that the House will see that the interests of the cultivators will be best served by the resolution as it stands and the notification.

Amendment put and lost.

The resolution was then put as a substantive proposition and carried.

The Honourable Mr. J. L. RIEU : Sir, I beg to move the following resolution :

"This Council recommends to Government that the appointment of Major Pogson, special officer for locating underground supplies of water, and of his staff may be continued till the end of the current financial year."

It will be within the recollection of this House that at the last session the question of the financial provision for the pay of the water diviner and his staff came up for consideration and objection was then taken to this provision on the ground that this House had sanctioned Major Pogson's appointment for a period which covered only a part of the year, that is to say, up to the 30th September. My honourable predecessor thereupon gave an undertaking that at the expiration of this period the question of the continuation of Major Pogson's services would be placed before this House and it is now to implement that undertaking that I move this resolution. Major Pogson was definitely engaged by Government with effect from the 1st October 1925, and, as I have said, his period

[Mr. J. L. Rieu]

of service expires on the 30th September of this year. The question is whether his services should be extended for the remainder of the financial year for which budget provision exists. I have received a report from Major Pogson—a very comprehensive report—regarding his operations during the past year. This report has been printed, and copies of it have been placed before honourable members of this House. I regret that it was not possible to supply them with copies earlier, this being partly due to the fact that owing to the unexpected rapidity with which Government business has been transacted we were not prepared for raising the question so early in the course of the session. As it is possible that honourable members may not have had full opportunity of digesting this report I propose to make cursorily a few observations of an explanatory nature regarding the statements which are attached to the written report. There are seven of these attached to the report. Statement 1 is self-explanatory. It gives a general idea of the extent of Major Pogson's operations during the year without any reference to the success or non-success of any particular operation. Statement 2 is perhaps the most important of all, as it enumerates in detail the sites which Major Pogson has indicated as being likely to furnish a satisfactory supply of water and gives details of the subsequent operations undertaken with a view to testing his indications. The statement is, however, restricted to sites on which wells as opposed to borings have either been sunk or are in process of being sunk. I may briefly give a summary of the results obtained in the several districts. The statement begins with the Sholapur district, where 9 sites have been indicated by Major Pogson. Of these, 6 are marked "A", which means that they have given either a standard supply or more. By standard supply we mean a supply of 1 mhothe worked for $4\frac{1}{2}$ hours during the daylight period of 12 hours. The $4\frac{1}{2}$ hours need not be consecutive hours. Provided that a well can be worked by a mhothe for $4\frac{1}{2}$ hours in the course of the day it is considered to give a reasonably adequate supply of water. So far as the Sholapur district is concerned, of the 9 wells sunk 6 may be regarded as successful while 2 wells give rather less than the standard supply. One well has been abandoned by the owner of the land, but it is to be noted that he only reached a depth of 36 feet. As regards Bijapur, there are 22 sites which have been indicated by Major Pogson. Of these, one well was abandoned for private reasons after having been taken down to a depth of only 26 feet. I may explain that it is generally not until a well has been dug to a depth of between 50 and 60 feet that the owner would be justified in abandoning it as a definite failure. In one well, water was reached, but disappeared in the course of the blasting operations. That must be regarded as an inconclusive result because it was not due to any mistake on the part of Major Pogson that a supply of water was not ultimately obtained. Blasting operations are known to have a highly disturbing effect on the strata of rock through which boring is being conducted, and it is quite possible that the current may be either choked up or diverted as a result of such operations. There was only one definite failure in this district, while in one other case work

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has only recently begun. Of the remaining 18 cases, 13 are successful and 5 have so far not given successful results, but in regard to 4 of the latter the depth to which excavation has been carried out is not the full depth indicated by Major Pogson. Therefore, these results, too, must be regarded as still inconclusive.

In Poona there are only 2 sites and in Nagar there are 23. But in none of them have final results been reached. These indications were given by Major Pogson in the course of a very recent tour, and there has not been time to carry out the excavations to a final conclusion.

In Statements III and IV Major Pogson gives a summary of the results detailed in Statement II, and they call for no remark being self-explanatory. I go on to Statement V. Here it is necessary to note that this statement refers only to sites where boring operations have been carried out and consequently it has to be distinguished from the other statements, which related exclusively to wells. I may just draw attention to the fact that the first 8 borings were put down by the engineers of the local boards concerned, and they have all proved successful; that is to say, so far as the standard applying to bores is concerned for which the accepted standard is one of 200 gallons per hour. In the Kaira district a highly successful result has been obtained, and in the 2 cases in Poona also the results have been successful. Therefore, so far as the boring operations are concerned, the proportion of success has been the highest possible.

Then, we come to Statement VI. I must explain with regard to it that the details refer to sites located before Major Pogson definitely entered Government service, at a time when he was still experimenting and no standards had been laid down for judging of the results of his operations.

Mr. S. S. DEV: They were also located by Major Pogson?

The Honourable Mr. J. L. RIEU: Yes, entirely. His instructions at that time were simply to go about and locate water wherever possible without reference to any particular standard. Therefore, partly because he was still experimenting and partly for this reason that he indicated water wherever he thought it could be found without reference to the abundance of the supply, the results obtained are not so successful. However, I must bring it to the notice of this House that we have had a subsequent report from the mamlatdar of Shrigonda—all these sites are in the Shrigonda taluka of the Ahmednagar district—which gives much more favourable results.....

Mr. D. R. PATIL: What is the name of that mamlatdar?

The Honourable Mr. J. L. RIEU: I don't know. But it was the mamlatdar of the taluka. His report was placed in my hands only this morning. The results appearing in the printed report require some correction therefore I do not want to occupy the time of the Council by going through all the details at present. The results are summarised in Statement VII, the last statement of all, and there the

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number of wells in which the supply has been up to or over the standard has been put down as 9. As a matter of fact, the subsequent report indicates that they were 14. On the other hand, the number of wells where water has only just been struck is reduced to 2. The total is 17. Then, there are other figures. The number of wells where the depth is insufficient and water not yet struck is put down as 5, and subsequent operations reduce this to 1. We thus have more complete information regarding the results achieved than is to be found in the printed statement, and it shows a larger proportion of conclusive and successful results.

I must leave it to the members of this House to form their own judgment of these recorded results. Government having carefully considered them, are of opinion that they justify the retention of Major Pogson's services as being conducive to the best interests of the agriculturists in the precarious districts to which his operations will primarily be confined. I may further inform this House that, in accordance with an undertaking given by my honourable predecessor, the question of Major Pogson's salary has been considered, and Major Pogson has now accepted a lower rate of salary, that is to say, Rs. 2,500 instead of the Rs. 3,000 formerly sanctioned. I now move this resolution.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I have already given notice of an amendment to this resolution but I do not propose to move it at this stage, but I have now risen to move another amendment and that is that the debate on this item be adjourned till to-morrow.

The reason why I am moving this adjournment is that the report was placed in our hands only twenty minutes before two this afternoon. This report consists of seven statements and each statement contains several figures. Now these figures are to be compared with the figures which were supplied to us at the last session.

Sir, I appeal to the Honourable the Revenue Member to see how we can proceed if we are hurried in this manner. We must apply our mind to this very important question and if the report is placed in our hands only twenty minutes before the House met, I do not really see when we can have time to consider this matter. For this reason I move that the debate on this item be adjourned till to-morrow.

The DEPUTY PRESIDENT: As the honourable member Mr. Surve has raised the point, I believe, under Standing Order IV, 4 (1) the procedure to be adopted is that a motion that consideration of a bill or a motion to amend standing orders, etc., be adjourned to any future session or *sine die*, may be moved by any Member at any time and such motion shall take precedence of any other motion then before the Council and that the President after permitting, if he thinks fit, a brief explanatory statement (which I have allowed in this case) from the mover of the motion and, if the motion is opposed, from the member opposing the motion, may without further debate put the question thereon.

I therefore want to know whether any honourable member either on behalf of Government or on the other side intends to oppose this motion made by the honourable member Mr. Surve.

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The Honourable Mr. J. L. RIEU : Sir, I oppose this motion for which I consider that no adequate ground has been shown. The report is a very brief one, and it has been in the hands of honourable members of this house for a considerable number of hours, and they must have been well able to master its contents. Further I have myself given a short explanatory statement dealing with the principal points in the report. It is true that the report contains one somewhat elaborate statement with a good many details given, but this statement is supplemented by a summary which is perfectly clear and can be read in a few minutes, and I think therefore that the House has had ample opportunities of considering this report and that there is no justification for the motion.

The DEPUTY PRESIDENT : No further discussion is allowable under the Standing Orders. I shall therefore put this motion to the House, namely that the consideration of this resolution moved by the Honourable the Revenue Member do stand adjourned till to-morrow, 2 p.m.

Question put. House divided. Ayes 9 ; Noes 44. Motion lost.

Division No. 5.

Ayes.

CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DALVI, Mr. B. K.
PARANJPEE, Dr. R. P.
PATIL, Mr. D. R.

PRADHAN, Mr. R. G.
SHINDE, Mr. R. D.
SURVE, Mr. A. N.
SWAMINARAYAN, Mr. J. C.

Tellers for the Ayes : Mr. A. N. SURVE and Mr. R. G. PRADHAN.

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab
ADAM, Mr. C. G.
ADDYMAN, Mr. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
BALAK RAM, Mr.
BEUREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DEHLAVI, the Honourable Mr. A. M. K.
FRANZI, Mr. K. S.
GHULAM HUSSAIN, the Honourable Sir
HAMID M. ABDUL ALI, Mr.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JERANGOIR, the Honourable Mr. COWASJI
KAZI INAITULLAKHAN.

KHURRO, Mr. M. S.
LAIRD-MACGREGOR, Mr. E. G. L.
LALLJEE, Mr. HOOSAINSHOY A.
LOWSLEY, Mr. C. O.
MANSURI, Khan Sahab A. M.
MCKER, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
NEKALJAY, Mr. R. S.
PATEL, Mr. A. E.
PATHAN, Mr. A. F. I. K.
PIR RASULBAKSH SHAH, Khan Sahab
RAHIMTOOLA, Mr. HOOSAINALLY M.
RIEU, the Honourable, Mr. J. L.
SAYED SHAHJADE SAHEB HAIDAR SAHEB
THAKOR of Amod, the
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WEBB, Mr. M.
WINTERBOTHAM, Mr. G. L.
WOODS, Mr. E. E.

Tellers for the Noes : Mr. M. WEBB and Mr. HAMID M. ABDULALI.

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to move the following amendment :

Delete the words "the current financial year" occurring at the end of the resolution and insert instead "15th of March 1927".

[Mr. A. N. Surve]

The idea underlying this amendment is, that if we at this stage make the appointment coterminous with the end of the financial year, then at the time of the next budget that item will automatically go into the budget itself and it will be very difficult for us at that time to delete it, because then it will become a permanent department, which could not be abolished. The figures that are placed in our hands at this moment do not warrant us to give permanency to this department. The reason is that the figures, as the report itself shows, prove that the results so far achieved do not set an end to all reasonable doubts. Last time I had shown that the claim which is made by Major Pogson that he secures hundred per cent. of success in his prophecies must be taken with some caution. Last time I pointed out several instances wherein his forecasts proved utter failures. Even in this report, if you will read between the lines, you will find an admission that his prophecies do not all come true. Take for instance what he says in the third paragraph :—

"These were sunk at the option of local boards or cultivators merely to test the predictions as to the *presence of water* and are hundred per cent. correct."

Note the words "presence of water", not its quantity or permanance. This gentleman says that his predictions are hundred per cent. correct but when he is confronted with the report of the Boring Department he finds it necessary to qualify his statement. He then says :

"I am an expert only for trap area whereas the Boring Department extends its operations throughout the presidency ; therefore if there are any failures in areas outside the trap area, I am not responsible for that, because Government have appointed me as an expert in trap area alone."

Is that not receding from the statement which he makes ? He says that he can divine water hundred per cent. correct, but when he is confronted with the report of the Boring Department he says that he cannot be held responsible if his prophecies outside trap area fail to come right. .

The Honourable Mr. J. L. RIEU : May I ask what report the honourable member is referring to ?

Mr. A. N. SURVE : Here it is.

The Honourable Mr. J. L. RIEU : It is too old a report to refer to.

Mr. A. N. SURVE : I shall read further from it.

The Honourable Mr. J. L. RIEU : I wish to bring to the honourable member's notice the fact that the Boring Department carries on its operations independently of Major Pogson's indications. They work on sites selected by the Boring Department themselves. Therefore, Major Pogson is not bound by their results.

Mr. A. N. SURVE : Because the Boring Department is carrying out its operations independently of Major Pogson, there is this difference, otherwise there would not have been any. But I do not carry the point any further. But I request you to note that this 100 per cent. is based on 11 bores only.

Let us now turn to paragraph No. 6. It reads :—

"The automatic water finding instrument has been placed on over 70 of the sites previously located by Major Pogson and readings have been obtained proving that currents have correctly been located by him."

[Mr. A. N. Surve]

Last time we were told in a Government note of explanation that the Mansfield Water-finder is a very unreliable thing; that the indications given by it do not extend to the quantity of water or the depth at which it will be tapped, but now what do we find? We find that an instrument which was once condemned by Government is now brought in to test the prophecies of divination made by Major Pogson. I cannot think of anything more absurd than to bring that very instrument to test the correctness of predictions when Government had said that the Mansfield Water-finder was an unreliable appliance.

Coming to page 9, we are given a summary of wells dug on sites located before the 1st October 1925. The total number of wells excavated was 24, out of which one was abandoned. That means that he is giving us an account of 23 wells. Out of these 23, we find that the number of which the supply is *over the standard* is 9 and that in which water has only just been struck is 3, and the number in which water was struck but disappeared on blasting is 1. Now coming to the well in which water has disappeared after blasting, I ask if it is really divination why should water recede or disappear. If it is divination the water must not recede when blasting operations were carried on.

Coming to the next thing we must consider the standard laid down for wells. Only a few days ago I was reading an interview given by Major Pogson to a representative of a local newspaper. In that report some mistakes crept in. The very next day Major Pogson had to give an explanatory statement, and unwittingly he refers therein to the point of standard. May I inquire if the standard has been reduced to accommodate the prophecies of Major Pogson. I request the Honourable the Revenue Member to make a clear statement on this point. If there has been any change in the standard as previously fixed and as now in force I request Government to explain why a change has been made in it. So far as I understand the standard has been fixed in this way:

"One mhoat at a depth of 25 to 30 feet should be taken as equal to 1,800 or 2,000 gallons per hour during the working day."

That is to say that for the purpose of agriculture a well which can yield 1,800 or more gallons per hour at a depth of 25 to 30 feet is a good well and the one which falls below it is unserviceable for agriculture. May I inquire what the standard now is according to which Major Pogson's divinations are judged.

The next point I should like to mention is that the report which has been placed in our hands is not quite complete. For instance turn to page 8. There you will find the well in survey No. 3 was dug to a depth of 45 feet and still there is nothing stated in the remarks column. When the well was sunk to a depth of 45 feet and is abandoned why should the remarks column be kept blank? That is a point which gives room for reasonable doubt in our minds.

Take for instance the case of Sholapur district. On page 4 you will find that a well was dug to a depth of 30 feet. Water was not struck and the well was abandoned. There is no explanation given as to why the well was abandoned. So far, Major Pogson's results have not been convincing

[Mr. A. N. Surve]

to enable us to say that he should be retained permanently. I desire that his appointment should be continued till the 15th of March so that our successors will be able to come to a firmer conclusion on a better data. In case Major Pogson succeeds in establishing his claims by that time, the newly elected Council will be able to express its views on a better data and there will be less likelihood of a mistake in its conclusion.

Apart from the claims of Major Pogson I have already pointed out to you that Mansfield's Water-finder is employed to check the correctness of the prophecies of Major Pogson and it is admitted that it gives satisfactory results. As regards this instrument the members on the opposite benches have expressed their strong condemnation, which I think was based on the statement made by Dr. Mann. But if you will refer to the Bulletin No. 72, Automatic Water-finder, you will find that Dr. Mann admits that he is not aware of all the points on which a correct data can be achieved. I will read only one small extract about the Mansfield Water-finder :

"Messrs. Mansfield & Co., the makers of the instrument we have used, state that they can tell, within small limits, the quantity of water to be obtained, but we (i.e. Dr. Mann) have not been able to do this."

So, it is not the fault of the instrument but it is the ignorance of persons handling it. He has given in a note the experience obtained by the use of this instrument in Australia which has been very successful. So, I think that Government have been very unjust to that instrument and have gone into the expensive method of employing such a highly paid officer. Therefore we should not be in a haste to make the appointment permanent.

Question proposed.

Mr. S. S. DEV (West Khandesh District) : Sir, I do not think that the consideration of the resolution relating to Major Pogson can be over to-day. It will extend to to-morrow. Although the amendment for postponing the consideration of this item till to-morrow was defeated, there was much strength in the argument, that Government ought not to have handed over this report to us on the eleventh hour. May I ask whether this printed report was not ready with Government earlier than to-day ? If it was, where was the difficulty in handing this note to us yesterday ? For the matter of that, if Government knew well that this question was coming before the House to-day, it would have served our purpose better, if not theirs, if we had this report supplied to us even a day or two earlier. I am pretty sure, although I am not in the secrets of Government, that they could have issued it earlier.

Mr. G. A. THOMAS : Sir, the report was received from the press at half-past twelve this afternoon.

The DEPUTY PRESIDENT : That is the statement made on behalf of Government.

Mr. S. S. DEV : I need not pursue the point, because it has been stated that the report was received at half-past-twelve to-day, although it could have been printed earlier.

Mr. G. A. THOMAS : Sir, it was sent to the press early on Monday morning.

The DEPUTY PRESIDENT : Let us proceed to the subject-matter of the resolution.

Mr. S. S. DEV : All the same the fact remains that the report could have been sent to the press earlier and made available to us earlier.

Mr. G. A. THOMAS : Sir, the report was received by Government on Friday afternoon.

The DEPUTY PRESIDENT : I will ask the honourable member to go into the merits of the resolution.

Mr. S. S. DEV : Sir, I will refer to Statement No. II in the report, and invite the serious attention of honourable members on this side and of Government benches to it. I will ask the honourable members on the Government benches whether every one of them is really satisfied within himself that this Statement No. II really shows a successful result. I might say that only the two pages 4 and 5 give sufficient material to form our opinion. There are only 30 items to go over. I invite, as I said, careful attention of the honourable members to this statement, and I ask every one of them, whether on the non-official benches or on the official benches, to say whether the results given in these two pages are so successful as to justify a monthly expenditure of Rs. 4,500. It has been cut down from Rs. 5,000 to Rs. 4,500 ; the budget was for Rs. 5,000. I wish they had brought it down to Rs. 4,000, by asking Major Pogson to accept Rs. 2,000 a month. The question I ask to myself is whether the results shown on pages 4 and 5 justify such an enormous expenditure of Rs. 4,500 a month. I was wondering when I glanced over this statement why about eight wells should have conspired to show a supply of $4\frac{1}{2}$ hours per day. But when it was given out that $4\frac{1}{2}$ hours supply was considered by Government as the standard supply the mystery was solved. Otherwise, I was really wondering why there should be so many as eight wells in the thirty wells giving $4\frac{1}{2}$ hours supply. The explanation is $4\frac{1}{2}$ hours has been set down by Government as the standard supply of water. The question I put to the agriculturists' representatives in the House is, do they consider this supply of water for $4\frac{1}{2}$ hours a day as the standard supply ? I am sorry I do not see my honourable friend who justified this demand on the first occasion when we lost it only by one vote, Government getting 41 or 42 votes and we only one less. I do not find my honourable friend Mr. Patil who voted for Major Pogson that day, because he said Major Pogson gave successful results in his place at Bodwad. If he had been here, I would have asked him point blank whether the agriculturists do consider the supply of water for only $4\frac{1}{2}$ hours a day as satisfactory, so that it may be considered a standard supply. As far as I know, a mhoite must work to be successful for four hours in the morning and four hours in the afternoon, from 7 to 11 in the morning and from 2 to 6 in the afternoon. That is the standard of the agriculturists, and that is the real standard and not the Government's standard. I have calculated according to my standard—by my standard I mean the standard of the agriculturists—that only three wells are successful. Out of these thirty wells only three can be said to be successful. Three wells give a supply of eight hours ; 2 or 3 give a

[Mr. S. S. Dev]

supply of six hours ; 4 or 5 a supply of five hours ; 8, as I have said, have conspired to give $4\frac{1}{2}$ hours ; 2 or 3 more for three hours ; one for one hour and 2 or 3 are abandoned. Mark, Sir, that the well that gives a supply of one hour is not put down as a failure. I consider that a well which cannot supply water for more than an hour is nothing less than a failure. The agriculturists will not look upon a well which will supply water only for one hour as a successful well. Government consider only that a well which supplies water only for half an hour as a failure, but they do not consider a well which supplies water for one hour as a failure. I will ask the agriculturists' representatives in this House to cast a glance over this statement. Out of thirty wells which have been excavated, only three are successful. Do these results justify the House in sanctioning such an enormous expenditure of Rs. 4,500 per month ? The ways of Government are not understood by laymen like ourselves. On the one side Government have appointed a retrenchment officer to retrench to the extent of 50 lakhs of rupees and on the other they are spending money like water over a water-diviner. Therefore, it is really beyond our comprehension to understand the mentality of Government. I do not know whether they want to retrench over their menials and subordinates and spend the savings on the officers. On the one side they have appointed a retrenchment officer ; and on the other side we find an expenditure of Rs. 4,500 over an experiment which has proved itself to be unsuccessful. Because, as I have shown, out of the thirty wells only three are successful. I have noted down all these wells and you will find what I have stated is justified by the Statement No. II itself. In view of this, I hope Government will see their way to stop this experiment. I again put it to Government benches individually, if they are left to vote according to their conscience, whether they will vote for this resolution. Does every one on the Government benches consider that the results do justify this enormous expenditure ? I oppose the resolution.

Mr. J. P BUNTER : Sir, I rise to support the motion. An ounce of experience is worth a ton-load of theory. I had the honour of inviting Major Pogson to show me a site where I could tap water at Hadapsar. On a public holiday (Easter Monday), Major Pogson readily assented and came and showed me a spot where I could find water. With regard to the spot I want to say a few things. When he came there he said "I do not guarantee that you will have a plentiful supply of water". Major Pogson does not for a moment say that he will guarantee a stated supply of water, but he said "I will show you a place where you can get spot water". This place which he pointed out is a hillock, about at least 20 feet above the level of the canal, and it is a rocky place. He walked over every inch of the land, which is 17 acres in extent and after three hours he said there is one place which he could point out where I could find some water at a depth of 25 feet. I took him at his word ; I put a stone there to mark the place. I want to bring this out very clearly before this honourable House—before the rains had started, in that trap rock, at a depth of 18 feet I struck water ; and I want my honourable friends to go out and see the place where there is 10 feet

[Mr. J. P. Bunter]

of water at a depth of 22 feet. Major Pogson does not for a moment say "I will give you sufficient water to work two or three *motes* or enough to work a *mote* for eight hours a day". All that he says is "I will show you a place where you can find water". This has been my experience, and there is water there to-day in a rocky place, on a hillock, and the water was struck during the middle of summer.

THE THAKOR OF KERWADA (Gujarat Sardars and Inamdars): Sir, I should like to say a few words in connection with the motion now before the House, because before Government utilised the services of Major Pogson for the work of locating water the Broach district local board has made a private arrangement with him to go and find out water in a place in the Broach district where water was not required for irrigation but for domestic consumption. Water was required to be located in the sea coast villages of the Broach district where you cannot get water for drinking during the hot weather. The Broach district local board had entered into an arrangement with Major Pogson, but somehow or other he was called away to some other place, and he was not able to come to Broach till some time last hot weather. I must say that he located one or two places where he said water could be found, but the places have not been worked upon yet. I cannot therefore say anything about the result. My honourable friend Mr. Dev wanted to make out that he is not able to find out water enough for irrigation purpose, but so far as Gujarat is concerned, it would be premature to pass any opinion. I, however, think it is worth our while to spend this little money, and take a chance of meeting with failure in the case of 50 per cent. If he is able to locate water, it is the duty of Government to come to the rescue of those villages who in the hot weather have to bring water from a distance of 10 to 12 miles in carts. I have gone out with Major Pogson on one or two occasions, and I am inclined to think that many of my honourable friends if they have a similar experience which I had would not care to go out with him a second time. It is not a soft job, it is very hard work. It takes him about five hours to locate one place, and the work consists of walking round and round the village for locating a place where water can be found. I think the Council will be well advised in spending these few thousands of rupees to remove this great grievance of the lack of water for drinking in a large number of villages. I think it is the duty of any Government, much more so of a civilised Government, to supply water to the people, which is one of the primary needs of life. I would therefore earnestly appeal to the Government to allow this experiment to be carried further, and if then we find that the man is an absolute failure, and it is not worth while spending any money on this means of increasing the water supply, I think we can do away with his services.

Mr. R. G. PRADHAN (Nasik District): Sir, whether this honourable House accepts this resolution or not, the House would be grateful to Major Pogson for furnishing it with a theme of great interest and exacting debate. I confess, Sir, as I have listened to the debate on this subject, several curious reflections have occurred to me. It appears to me that

[Mr. R. G. Pradhan]

in this particular matter raised by the appointment of Major Pogson the East has become West and the West has become East. The West is supposed to be scientific, and we of the East are often accused of being unscientific, of being too credulous and too superstitious. Well, if this view of the Eastern and Western mentality had been true, or had been supposed to be a genuine representation of the facts, we would have expected that we on this side of the House would have supported the appointment of Major Pogson, and not only have supported his appointment, but probably would have been willing to pay him not only Rs. 2,000 a month, but even Rs. 5,000 a month, even a larger amount than is paid to Members of the Executive Council. On the other hand, we would have found European members sitting on the opposite official benches shrinking from bringing forward any such proposals. But things have been quite reversed, quite extraordinary and quite strange, and we find the strange phenomenon of European members coming forward and telling the House that water-divining is an art, or some mysterious faculty, which is a true one, and in which we are asked to place implicit confidence.

Major Pogson is evidently as perplexing a riddle, as the Sphinx of Egypt. I am unable to understand the riddle much less can I unravel it. I confess I still retain a good deal of my eastern mentality. I confess I still believe in things unseen, things which if not supported by reason critics condemn as uncritical and unscientific. I am still somewhat superstitious and I am quite prepared to concede that water divining may be a supernatural faculty which some people may possess. I quite agree with the remark of a speaker on the last occasion that there are many things which are not dreamt of in our philosophy. It is just possible that this faculty of water divination may be developed in Major Pogson. I cannot say that Major Pogson does not possess this faculty. It is possible that he may be a *mahatma*; it is just possible that he may have even higher faculties than a *mahatma*; and it is just possible that in the fullness of time his supernatural powers may be so developed that we may be tempted to fall at his feet. It is just possible that such a thing may happen in this world, where after all nothing is impossible.

The DEPUTY PRESIDENT : May I remind the honourable member that instead of flying up to the heaven he can easily descend to earth.

Mr. R. G. PRADHAN : I am thankful to the Deputy President for dragging me down to the earth and I now come to earth and plant my feet firmly on the solid ground. And I ask the House, having once discussed this matter, having once decided this question at the last session of the Council whether they are going to be so fickle-minded as to change their judgment now? I ask this question of the honourable members. I ask honourable members of this House to consider whether they are going to lay themselves open to the charge of having no strong judgment of their own, of having little or no faith in the soundness of their own judgment, and whether they are going to be led by the nose and to change their judgment and their considered views whenever Government ask them to do so. Only last February during the budget session of the

[Mr. R. G. Pradhan]

Council we gave our most careful, our most earnest and our most thoughtful consideration to this question. I remember the very strong, and I may be pardoned for saying very fiery, speech of the Honourable Member in charge. No doubt both sides indulged in strong language on that occasion. But we came to the deliberate conclusion that some of us could not support the appointment of Major Pogson. My honourable friend reminded us that on that occasion Government won by a majority of one. I should like the elected members of this House to consider the fact that in this twentieth century it would be too much for us to place implicit confidence in the powers of divination or water divination or whatever it might be called with which Major Pogson is supposed to be gifted. We came to that deliberate conclusion and after only a few months we are asked by Government to revise that conclusion. Shall we expose ourselves to the charge of changing our considered opinion and making ourselves worthy of being described in the language of Shakespeare "Frailty, thy name is woman". Sir, we Indians are accused of lacking firmness of character. In my professional experience and also in my public experience I have come into contact with several officers.....

The DEPUTY PRESIDENT : The honourable member's time is up.

Sir VASANTRAO A. DABHOLKAR : Sir, I rise to support the resolution. We have got two things before us, one the amendment moved by my honourable friend in front of me, and the other the speech of my honourable friend Mr. Dev. I am rather surprised at my honourable friend Mr. Surve who has moved an amendment that this officer should be paid till the 15th of March. I have never come across in history of a man being paid for half months. But however if the honourable member Mr. Surve wants to move such an amendment I do not think that this House will ever accept it.

Coming to the question of blasting in the close vicinity of a spring my honourable friend Mr. Surve's remarks show what knowledge he possesses of sinking wells. The water diviner can only find water for you and it is the duty of the owner who sinks the well to see that he does not blast the rocks in the close vicinity of the spring ; because if he does so the spring disappears by the shock due to blasting. Whenever a spring is tapped in a well which is all of rock an off-set is left near the spring when a well is to be deepened to make a reservoir.

Then, Sir, he has asked us to refer to the list of wells given in Statement No. I and Statement No. II. The same question has been asked by my honourable friend Mr. Dev and he is not satisfied with a *mote* working 4½ hours. He does not think 4½ hours is a standard supply. He is counting upon eight hours' supply. Certainly, I go with him ; provided if we had a normal rainfall for the last so many years, which unfortunately we have not, so the supply of water can never be increased. May I know whether it is the fault of the water diviner or that we are unlucky in not having normal rain or enough of rain for the last four or five years ?

[Sir Vasantrao A. Dabholkar]

Then, Sir, coming to the question as regards the experience that we should have taken in this case, I do not expect that every member will have an opportunity of trying Major Pogson. My honourable friend Mr. Bunter has said about Hadapsar. But I am telling this honourable House my experience of Major Pogson in connection with my land in Salsette. After the session that we had last February in Bombay and all the discussion that had taken place then in this Council that we have not forgotten the words of my honourable friend Mr. Dev, that even Major Pogson was to be found in this House, I took Major Pogson on my land in Salsette. I took him with the object of improving a well for which I had spent Rs. 5,000 and the site was pointed out to me by an Indian water diviner. When I took Major Pogson there, I did not even tell him what was the sub-soil, whether it was rock or moorum. I did not tell Major Pogson how many bores I had taken. I took him there one morning and told him that I wanted him to improve the supply of water in my well. Major Pogson went round and said "This is a hopeless well and cannot be improved". He pointed out to me a site close to this well within 40 feet and he told me that I would tap water there at a depth of about 20', I only wanted one *mote* to work for six hours and I would be satisfied with 6. We agriculturists are never satisfied even if we get a *mote* working for 12 hours, or even if the whole of the river were to flow into our fields or land, the agriculturists would not be satisfied ! So, I wanted six hours' water supply and he pointed out this site to me. Sir, to tell you the truth.....

Mr. LALJI NARANJI : May I know for information what fees were paid to Major Pogson ?

Sir VASANTRAO A. DABHOLKAR : I will come to that afterwards.

The DEPUTY PRESIDENT : As soon as possible.

Sir VASANTRAO A. DABHOLKAR : Certainly. I had the old well dug 25 feet ; when I found rock. I went ten feet deep ; it was all rock. I had borings taken 140 feet deep ; it was all rock. And I thought even in the case of the site that was shown to me by Major Pogson if I came across rock, perhaps I may not find water. But within the 40 feet distance between those two wells, so far I have not found stone. I have got the well 29 feet deep so far ; I have not completed the well because Major Pogson wants me to go to 40 feet. But whereas with the other well I could not work a *mote* for even one hour in one week, in this new well I can work 2½ hours every day.....

Mr. S. S. DEV : Are you satisfied with that ?

Sir VASANTRAO A. DABHOLKAR : The well is not complete yet. Let my honourable friend Mr. Dev smile ; I see him doing so. But I can say that whenever I was going deeper and deeper, I found the water supply was more and more. (Interruption.) Sir, I would be pleased to reply to any question if the questions were put rather reasonably. I could not follow the question that was put to me by my honourable friend Rao Saheb Dadubhai Desai just now.

Then, my honourable friend Mr. Pradhan said something about the East and the West, and that we are now in the twentieth century, and

[Sir Vasantao A. Dabholkar]

so on. May I know from the honourable member Mr. Pradhan whether we have got those Indian water diviners that we had 50 years ago, or that the knowledge has gone with them?

Mr. HOOSEINBHOY A. LALLJEE: Who is responsible for it?

Sir VASANTAO A. DABHOLKAR: My honourable friend behind me asks, who is responsible for it? That is the question. Among Indians there were water diviners about 50 years ago who have given us the wells which we possess since our ancestors' time. That water supply we are not getting to-day. But those people would not give that knowledge or the science to any of their friends or relations because they thought that the art would die if they did so. So also as regards snake bite cure.....

Mr. S. S. DEV: Has Major Pogson given out the secret of it? Has he introduced the secret of it?

Sir VASANTAO A. DABHOLKAR: I do not want to introduce the science, because as long as I can get water, I will be satisfied. At the same time, Sir..... (Interruption).

The DEPUTY PRESIDENT: Let the honourable member go on with his speech without interruptions.

Sir VASANTAO A. DABHOLKAR: I don't mind reasonable questions, Sir, but would request you to stop these interruptions.

The DEPUTY PRESIDENT: If the honourable member does not attend to them, they cannot interrupt.

Sir VASANTAO A. DABHOLKAR: I do not understand how the honourable member from Nasik can say that the Council is fickle-minded. There are the facts before him about 32 wells. Assuming, as was once said by Mr. C. N. Wadia, that a fee of Rs. 500 was charged for a well at Dhond, if that much fee is charged and the agriculturist gets 4 to 4½ hours' work from a *mote*, how does it work out? How many acres can be watered by a *mote* working for 4½ hours? It can water nearly 10 acres of land fruit and flower garden (Laughter). Some honourable members may laugh, but I can point out to my honourable friend Mr. Dev that in 4½ hours one can water 10 acres of land. Let my honourable friend Mr. Hooseinbhooy Lalljee behind me laugh, but I would ask him if he ever had a garden or has any experience of a garden. He may be a better authority as regards cotton and the making of match-boxes (Laughter), but as regards watering land, I can say that in 4 hours one can water 10 acres of land easily.

In short, I may say, Sir, that we must give a fair trial to this work of Major Pogson. It will be a very great benefit to people in places like Bijapur and Nagar, and in some parts of Salsette where it is difficult to find water if such help is given by Government. Sometimes bores are failures, because in a bore you can get a certain diameter of six inches but there you cannot get a place for reservoir. In my case, where I had taken a bore 140 feet deep, it has become a failure. Let us have more trial, a longer trial, and then I think it will be time enough to judge whether we should go on with this work or not.

Mr. S. K. BOLE : Sir, I move that the question be now put.

The DEPUTY PRESIDENT : I will accept the closure. The Honourable Member in charge will reply.

The Honourable Mr. J. L. RIEU : Sir, in regard to the honourable member Mr. Surve's motion, I fail to understand the object of restricting the period of pay to Major Pogson to the 15th March next. Government have an agreement with that officer that in the event of this Council failing to vote the supplies required for his subordinate staff—I may mention that his own pay is a non-votable item—Government will be at liberty to dispense with his services. And, therefore, there can be no doubt but that the question of the retention of Major Pogson's services will come up before the House in due course, and it will be within the discretion of the House to retain them or not.

The honourable member Mr. Surve has referred to what he considers an inconsistency on the part of Government in reference to the Mansfield Water-finder, because Major Pogson in his report has brought forward the fact that the water-finder has confirmed his own indications. Although we do not yet know all that is to be known about the Mansfield Water-finder, we are coming to the conclusion that its indications are on the whole reliable. What Government in the press note, which I presume the honourable member Mr. Surve was referring to then expressed was that the Mansfield Water-finder is somewhat restricted in its practical utility. It requires several successive readings before final results can be ascertained and it is only under favourable conditions that these readings can be taken.

Then the honourable member Mr. Surve referred to the supposed change in the standard by which we judge Major Pogson's results. As regards this, the only change in the standard which has taken place is that originally it was considered that the 4½ hours for which a *mote* should be worked in order to afford an adequate supply were to be consecutive, whereas now it is regarded as sufficient if this supply is forthcoming in the course of a 12-hour day. I think it is reasonable that a well which gives this latter supply should be regarded as successful.

Then with regard to the honourable member Mr. Dev's observations, he seemed to have some doubt as to the accuracy of the results given in Major Pogson's report. Well, I am able to assure this House that these results are arrived at absolutely independently of Major Pogson himself. He has not ascertained these results himself. He only indicates the place where water is in his opinion to be found and then goes away, perhaps never to see the place again. The results are recorded by the local revenue officials who have no particular interest in the matter, and are then reported to Major Pogson by the mamlatdar, and Major Pogson simply enters them up in the statements that he keeps for the different wells. I have seen these reports myself.

As regards Mr. Dev's remark as to the supposed lowness of the standard of supply obtained in a number of wells, I would observe that the honourable member comes from a part of the presidency remote from the

[Mr. J. L. Rieu]

precarious tracts on which Major Pogson's operations are specially concentrated. It is probable that if he visited those famine areas he would better appreciate the value of the supplies which he now regards as inadequate. As a matter of fact in those precarious tracts even a supply equal to a *mote* or two is regarded as a most valuable addition to a man's field. I need not dilate further on this point.

As to the question whether the results obtained justify the expenditure, there can I think be no possible doubt. It is not only that Major Pogson indicates the presence of water in places where there had been no hope of detecting a supply in such comparatively waterless areas as the precarious tracts of Sholapur, Bijapur and Ahmednagar districts, but there are also the extremely valuable negative results obtained by his ability to state definitely that in such and such a place water will not be found, thus preventing useless expenditure on the sinking of wells which are foredoomed to failure.

These are all the points which I think I need refer to, and I now ask the House to vote for the resolution which I have placed before it.

Question put

that this Council recommends to Government that the appointment of Major Pogson, Special Officer for locating underground supplies of water and of his staff may be continued until the end of 15th March 1927

and lost.

Question put

that this Council recommends to Government that the appointment of Major C. A. Pogson, Special Officer for locating underground supplies of water and of his staff may be continued till the end of the current financial year

and carried.

The DEPUTY PRESIDENT: The Council is now adjourned till 2 p.m. tomorrow, Wednesday, the 28th July 1926 when private business will be taken.

Wednesday, the 28th July 1926

The Council re-assembled in the Council Hall, Poona, at 2 p.m. on Wednesday, the 28th July 1926, the Deputy President, Mr. B. G. PAHALAJANI, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADDYMAN, Mr. J.
AHMAD, MOULVI RAFIUDDIN
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
DUGUID, Mr. A.
FRAMJI, Mr. K. S.
GHULAM HUSSAIN, the Honourable Sir
GUNJAL, Mr. N. R.
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KAY, Mr. J. A.
KAZI INAFTULLAKHAN
KHUERO, Mr. M. S.
KOTHARI, Mr. V. R.

LAGHARI, HAJI FAZUL MUHAMMAD KHAN
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSAINBHAY A.
 LOWSLEY, Mr. C. O.
 MANSURI, Khan Saheb A. M.
 MCKEE, Mr. W. G.
 MEHTA, the Honourable Sir CHUNILAL
 MUJUMDAR, Sardar G. N.
 MUKADAM, Mr. W. S.
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, Dr. R. P.
 PATEL, Mr. A. E.
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 Pir RASULBAKSH SHAH, Khan Saheb
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSAINALLY M.
 RIEU, the Honourable Mr. J. L.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SAYED SHAHJADE SAHEB HAIDAR SAHEB
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Amod, the
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WEBB, Mr. M.
 WINTERBOTHAM, Mr. G. I.
 WOODS, Mr. E. E.

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

Mr. Alan Duguid then took the prescribed oath of allegiance to His Majesty the King Emperor and took his seat.

The DEPUTY PRESIDENT: Questions.

LIQUOR SALES IN MILL AREAS

Mr. S. K. BOLE : Will Government be pleased to state the figures of average sales of liquor on any odd day and on mills' pay day in the F and G Wards in the City of Bombay for the last 12 months ?

The Honourable Mr. A. M. K. DEHLAVI : During the 12 months of 1925-26 the average sales of liquor in the F and G Wards amounted to 592 proof gallons on the mill pay day, the average for any other day being 254 proof gallons. As there is more than one day on which the pay is distributed, in working out the figures the different days on which the various mills make payment have been taken into consideration. Further, sales are brisk on at least two days, i.e., the actual pay day and the day following it, and consequently the average of two such days has been taken into account in making the calculation.

Mr. S. K. BOLE : In view of the large difference in the sales, do Government propose to close the liquor shops on mill pay days ?

The Honourable Mr. A. M. K. DEHLAVI : Government have often considered that question and if the pay days in all the mills are fixed to fall on particular dates, Government will consider the question of closing the shops on those dates. If the mills can join hands and help Government in making the pay day on any particular days, Government will be very pleased to consider the question.

Mr. J. A. KAY : Is the Honourable Minister aware that the pay day is fixed by the Millowners' Association ?

The Honourable Mr. A. M. K. DEHLAVI : I am not aware of that.

COST OF NASIK DISTILLERY LIQUOR

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state the cost of production per proof gallon in the Nasik Distillery, including the cost of production, the pay, leave allowance, etc., of the officers employed in the above distillery ?

The Honourable Mr. A. M. K. DEHLAVI : It is not possible to give definite information as regards the cost of production per proof gallon of country spirit at the Nasik Distillery since it varies each month, being dependent on

- (a) atmospheric conditions ;
- (b) quantity manufactured so as to meet the demand for liquor from the warehouses and adequacy of storage accommodation ; and
- (c) yield of the bases used.

Roughly the figures of cost vary from As. 15 to Re. 1-9-2 per proof gallon.

Rao Saheb D. P. DESAI : Is the Nasik Distillery run as a commercial undertaking ?

The Honourable Mr. A. M. K. DEHLAVI : No, not in the sense of making a profit of it.

Rao Saheb D. P. DESAI : On what basis is it run then ?

(No Answer.)

Dr. R. P. PARANJPYE : Is it not a fact that Government bought the Acetone Factory in order to be able to produce cheaper liquor so as to be able to make a profit?

The Honourable Mr. A. M. K. DEHLAVI : Government purchased the Acetone Factory in order to manufacture liquor and to have a control on the manufacture administratively. If liquor could be produced cheaper, for which efforts are being made month after month, the liquor would be sold cheaper to the purchaser, not, however, with a view to make a profit out of it.

Dr. R. P. PARANJPYE : Are commercial accounts kept?

The Honourable Mr. A. M. K. DEHLAVI : Yes, they are, and speaking that way, it is run on commercial lines.

Rao Saheb D. P. DESAI : Does the cost of production include pay of the staff, leave allowances, etc.?

The Honourable Mr. A. M. K. DEHLAVI : Yes.

Mr. J. C. SWAMINARAYAN : Will not the cheapening of liquor increase its sales?

The Honourable Mr. A. M. K. DEHLAVI : That is a great problem which I cannot answer at this moment.

VILLAGE PANCHAYATS

Sardar G. N. MUJUMDAR on behalf of **Mr. N. R. GUNJAL** (Poona District): Will Government be pleased to state—

(a) whether they have issued any report on the working of the panchayats which have been working for the last three years;

(b) if not, what steps they have taken on the report of the panchayats committee appointed by this Council;

(c) whether they have transferred to village panchayats vacant pieces and strips of land within their limits in the Poona district;

(d) in which villages of the Poona district forests have been handed over to village panchayats during the year ending 31st December 1925, as proposed in the reply to the honourable member **Mr. R. G. Pradhan**?

The Honourable Sir GHULAM HUSAIN : (a) and (b) Already answered.

(c) Yes in the case of the Village Panchayats at Ghoda, Manchar and Vadgaon.

(d) Bhigwan and Narayangaon.

ADDITIONAL WORK FOR SUB-REGISTRARS

Sardar G. N. MUJUMDAR on behalf of **Mr. N. R. GUNJAL** (Poona District): Will Government be pleased to state—

(a) whether any sub-registrars in the Presidency have been given other work, as they had got light work, under the principle laid down in Government Resolution No. 8134 dated 10th December 1923 during the last two years ending 31st December 1925;

(b) what is the nature of the additional work, if any, and under whose supervision it is carried out?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) City Survey Maintenance Work. It is done under the supervision of the Mamlatdar (or Prant officer) and District Inspector of Land Records and under the control of the higher officers of the Departments of Land Revenue and Land Records.

LANDHOLDERS OF POONA

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) The approximate number of landowners who pay to Government an annual assessment on land over Rs. 32 in the Poona District.

(b) How many of them are reported to possess a net income from their lands over Rs. 1,000 a year?

The Honourable Mr. J. L. RIEU : (a) 10,000.

(b) The information is not available.

ENTERTAINMENT DUTY

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the amount of entertainment duty tax collected in the presidency for year ending 31st December 1925 ;

(b) whether these proceeds have been set apart for educational purposes ; if not, why not ?

The Honourable Sir CHUNILAL MEHTA : (a) Rs. 9,07,000.

(b) It is against account rules to earmark a definite source of revenue for expenditure on a particular object, but according to the undertaking given to the Council, Government maintain *pro forma* accounts of the receipts from the Entertainments Tax and the additional expenditure on primary education over that of the datum line year 1922-23. These accounts are kept by the financial and not the calendar year, and they show that the additional provision for primary education in 1923-24 exceeded the receipts from the tax by more than 5 lakhs. The additional provision for 1924-25 exceeded the receipts from the tax by nearly 3 lakhs.

KHED EXHIBITION FUND

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) who made the vesting order under which the Khed Exhibition Fund collected by popular contribution in 1913-14 was vested in the Director of Agriculture and the Mamlatdar of Khed Taluka as trustees and under what authority ?

(b) why none of the unofficial gentlemen who greatly assisted Government in the exhibition work was appointed a trustee as resolved by the general executive committee of the exhibition ?

(c) will Government be pleased to place a copy of the trust deed, if any, on the Council table ?

(d) what is the aim and object of the Khed Taluka Agricultural Development Association to which the interest of the balance of the Exhibition Fund amounting to Rs. 264-6-0 is paid over ?

(e) how is that amount spent by that association ?

The Honourable Mr. A. M. K. DEHLAVI : (a) The exhibition funds were vested in the Director of Agriculture and the Mamlatdar of Khed by the Managing Committee of the Khed Taluka Agricultural Development Association under the authority of a resolution passed by the Association on 16th October 1922.

(b) Government are not aware of any such Resolution of the General Executive Committee. The trustees were appointed at the instance of the Managing Committee of the Khed Taluka Agricultural Development Association and Government are not in a position to say why none of the non-official gentlemen referred to were included.

(c) A copy of the Trust Deed is placed on the Table.*

(d) The aims and objects of the Association are stated in the Trust Deed.

(e) The interest on the Trust funds forms one of the several items of the Association's income into which it merges and no separate account of its disbursement is maintained. The interest, like any other item of income, is spent on the furtherance of the Association's recognised aims and objects.

EXCISE ADVISORY COMMITTEE, POONA CITY AND CANTONMENT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number of meetings of the Excise Advisory Committee, Poona and Cantonment, during the year 1925 and the resolutions, if any, recommended by them for the approval of Government ;

(b) the action taken by Government on the above and the remaining resolutions and recommendations for the year 1924 ?

The Honourable Mr. A. M. K. DEHLAVI : (a) No meeting of the Excise Advisory Committees, Poona City and Cantonment, was held during the year 1925.

(b) The first part of the question does not arise. The following action has been taken by Government with reference to the remaining recommendations, that is, recommendations Nos. 2, 4, 5, 7 and 8, made by the Excise Advisory Committees, Poona City and Cantonment, in their meeting held on 12th June 1924 :—

No. 2.—The proposal is not feasible for the reasons mentioned in paragraph 15 of Government Resolution No. 982-24, dated 12th February 1925, passed on the Excise Committee's Report, a copy of which has already been furnished to all the members of this House.

No. 4.—The question is disposed of by the orders in paragraph 17 of the Government Resolution of 12th February 1925 mentioned above.

No. 5.—In Government Resolution No. L.C.-1593, dated 9th October 1924, which was placed on the Council table (*vide* pages 1102-4 of Volume XIII, Part XIII, of the Bombay Legislative Council Debates), it was stated that an attempt would be made to remove the Narayan Peth liquor shop to a site beyond the Lakdi Pul if a suitable site could be found. The shop has since been shifted to a house beyond the Lakdi Pul on the Poona-Paud road.

No. 7.—The site of the Mangalwar Peth and Khadak shops was changed from 1st May 1925.

No. 8.—Two more shops in Poona City and Cantonment were selected for the exclusive sale of 60° U. P. liquor with effect from 1st April 1925.

VILLAGE REGISTRATION DEPARTMENT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the year in which the village registration department was abolished and the establishment dispensed with;

(b) whether any provision was made for enlisting the names of the village registrars and their karkuns, so that they may be provided for in Government service as opportunities offered;

(c) what number of such village registrars were entitled to full pension and what number got only a portion of the pension;

(d) whether they have received any representation in the matter of pension from Mr. V. D. Shaligram, late a sub-registrar, that his services as karkun to a village registrar may be counted for pension;

(e) whether they have received any such applications from old village registrars now in service;

(f) if the answer to (d) and (e) be in the affirmative how those applications have been disposed of?

The Honourable Mr. A. M. K. DEHLAVI: (a) 1911.

(b) Yes.

(c) Out of 103 village registrars, 44 were entitled to full pension, 15 to reduced pension and 44 were entitled to gratuities only.

(d) A representation was received from Mr. V. D. Shaligram for treating his inferior service as superior for pension.

(e) No.

(f) Mr. Shaligram's request was not granted.

FISHING IN THE INDRAYANI

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware that the "Doho" (collection of deep water) in the Indrayani River near Dehu in the Poona District is held in sacred reverence by thousands of Hindu pilgrims and that fishing there is prohibited by Government order;

(b) how many instances, if any, have occurred during the last three years of the violation of that order by non-Hindus to the annoyance of the pilgrims;

(c) if any have occurred, whether they propose to take any steps in the matter ?

The Honourable Mr. A. M. K. DEHLAVI: (a) The Doho in the Indrayani River at Dehu is held in sacred reverence by Hindu pilgrims. Fishing therein is not prohibited by any orders of Government, but by the orders of the District Magistrate, Poona.

(b) One.

(c) A notice in English has since been put up forbidding fishing.

GRANT FOR POONA DISTRICT LOCAL BOARD WATER SUPPLY

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the total amount of the special grants for water supply already paid and intended to be given to the Poona District Local Board during the year 1925-26 ?

The Honourable Sir GHULAM HUSAIN: A sum of Rs. 7,900 was paid to the Poona District Local Board during the year 1925-26. No further grant was intended to be given to the Board during that year.

KONNUR-ALUR ROAD PROJECT

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether they are aware of the great inconvenience caused to the public by there being no metalled road between Konnur (in the Nargund Petha of the Navalgund taluka of the Dharwar District) and Alur in the Ron Taluka of the Dharwar District;

(b) what is the distance between the two places;

(c) whether they intend to construct a road between the said two places;

(d) if so, when;

(e) whether estimates for the work are prepared; if so, what is the estimated cost thereof?

The Honourable Sir GHULAM HUSAIN: (a) No complaints have been received by Government in the matter.

(b) Twelve miles.

(c) No. The road is not of any importance, it is only a local one. The complainants may approach the District Local Board, Dharwar, in the matter.

(d) In view of reply (c) the question does not arise.

(e) The estimates, for the work, amounting to Rs. 29,217 were prepared in 1913 for Famine Relief Works.

POLICE REPORTS ABOUT RAILWAY THEFTS AT AHMEDABAD

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to state whether there were any dissenting minutes or papers on the subject matter of the report prepared by Messrs. J. A. Guider, Kothawalla and Moseley in regard to the thefts in the Ahmedabad Railway Yard;

(b) if so, to place copies of such papers on the Council Table to throw further light on the several documents already placed on the Council Table in July last ;

(c) to state whether Mr. Guider and Mr. Kothawalla had difference of opinion on certain aspects of the cases under review ;

(d) if so, to place those papers on the Council Table ;

(e) to state what action they propose to take in view of the several complaints which have been filed with definite instances by the Ahmedabad Millowners' Association under their representation to His Excellency the Governor in Council dated 29th December 1924 and 31st December 1925, the facts of which yet remain uncontradicted ;

(f) to state whether they intend to appoint a committee or other suitable agency to investigate all the complaints mentioned in (e) and submit a report to the Council.

The Honourable Mr. J. E. B. HOTSON : (a), (b), (c) and (d) A copy of the note in which Mr. Kothawalla dissented from some of the conclusions expressed in the joint report is placed on the Council Table.* There are no other papers on the point.

(e) The honourable member has already been informed that all complaints registered with the police will be investigated.

(f) No.

RAILWAY THEFTS AT AHMEDABAD

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to place on the Council Table the papers which contain the explanation of the Watch and Ward Inspector Mr. Shankerlal for "failing to remember, while making his second report that the bale had been opened in his presence" as mentioned on page 15 of the 4th question list of the first session ;

(b) to state whether the consigner of the bale had to suffer pecuniary loss owing to the incorrect information given by the Inspector to Government ;

(c) if so, whether they intend to take any action against the Inspector or any other officers concerned.

The Honourable Mr. J. E. B. HOTSON : (a) Government have received no explanation from the Watch and Ward Inspector.

(b) The information was given by the Inspector not to Government, but to the General Traffic Manager of the Railway.

(c) Does not arise.

RAILWAY THEFTS

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to give a tabular statement containing cases in which watchmen or men of the Watch and Ward Department were suspected of, convicted for and black listed on account of thefts respectively in this

* Vide Appendix No. 10.

Presidency in the B. B. & C. I. Railway yard since the guarding of goods was entrusted to the Watch and Ward Department till September 1925;

(b) to give a similar statement gathered from the records of the Railway police and the courts of magistrates;

(c) to state if there were any such cases of thefts during that period in which there were found from the bales railway forms and other printed papers as are used and are obtainable in the railway premises? If so, the nature and details of such cases with the details of claims, if any, paid to the complainants.

The Honourable Mr. J. E. B. HOTSON: (a) and (b) A statement compiled from the records of the Railway Police is placed on the Council Table.* Government do not consider that the advantage to be gained by preparing similar statement from magisterial records is sufficient to justify the labour involved.

(c) Yes, one. On 19th January 1924, a consignment of 7 C. P. Bales was booked from Ahmedabad to one Maganlal Kesarimal at Sujalpur. On arrival at destination one of the bales was noticed in slightly loose condition. The bale on being opened at the consignee's place was found to contain two "memo books" belonging to the Ahmedabad Railway Station. Altogether 10 pairs of dhoties were missing from the bale. Government have no information regarding the claim, if any, paid to the complainant.

CATTLE FOR BANDRA SLAUGHTER HOUSE

Sardar G. N. MUJUMDAR on behalf of Mr. M. B. POWAR (Kolaba District): Will Government be pleased to state—

(a) whether they are aware of the fact that cattle are purchased from various cattle markets and taken to Bandra Slaughter House;

(b) whether they are aware that some of the animals thus purchased not infrequently infect the roads they walk over;

(c) if so, what measures have been taken to stop the infection?

The Honourable Sir GHULAM HUSAIN: (a) and (b) Yes.

(c) The matter is under consideration.

SUSPENSION OF WATANDAR MAHARS OF DEVALE

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether it is a fact that Messrs. Ukha Devala, Rambha Ragho, Laxman Manaku, Tatyia Tulsiram, Savalya Chokhu, Mahadu Ramji, Tanya Fula and Bhika Rupa, all watandar Mahars of Devale, taluka Kalyan, district Nasik, were suspended in March or April last and that some Mangs were appointed to do their duties;

(b) If so, why;

(c) whether it is a fact that the Mangs were continued in office not only during the period of service of the above mentioned Mahars, but

* Vide Appendix No. 11.

also for some portion of the period of service of their successors and that the latter complained to the local officers against this infringement of their rights ;

(d) whether it is a fact that the abovementioned Mahars who were suspended have been ordered to pay for the services of the Mangs appointed in their place, not only for the remaining portion of their period for which the Mangs worked, but also for the days out of the period of service of their successors, for which the Mangs were permitted to work ;

(e) whether the suspended Mahars have complained against this action of the local authorities ; if so, what action has been taken by the local authorities with regard to their complaint ;

(f) whether it is a fact that the action of the local authorities in suspending the Mahars, demanding from them payment for the services of the Mangs for the whole period during which the latter worked, has caused discontent among the Mahar community, and, if so, what steps are being taken to remove that discontent ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) and (c) As the Mahars were insubordinate and neglected Government work they had to be suspended and Mangs appointed to do their work. The Mangs were allowed to work for some time during the period of the service of the next takshim as some of the members of that takshim who were actually working with the suspended Mahars were found equally negligent and insubordinate. They (*i.e.*, the Mahars of the next takshim) were however subsequently allowed to officiate in their turn.

(d) Yes.

(e) Yes. As stated in reply to clause (b) the Mahars of the next takshim have now been permitted to officiate.

(f) Government have no information to that effect.

SMALL CAUSE COURT SUITS

Mr. R. D. SHINDE (Nasik District) : Will Government be pleased to state—

(a) How many suits were filed in the Court of Small Causes, Bombay, in 1923, 1924 and 1925 ;

(b) How many of these suits were contested ;

(c) How many of these suits were referred to Commissioners for taking accounts, etc. ;

(d) What was the amount received in each year on account of Commissioners' fees referred to in (c) above.

The Honourable Mr. J. E. B. HOTSON : The Government are unable to see that any public purpose would be served by laying these statistics on the Table.

SMALL CAUSE COURTS SUITS REFERRED TO COMMISSIONERS

Mr. R. D. SHINDE (Nasik District) : Will Government be pleased to lay on the Council Table a statement showing the number of suits referred by each of the Judges of the Small Causes Court, Bombay, to

Commissioners with the names of the Commissioners and the number of such suits referred to each of them and the amount received by each of them as commission fees during the years 1923, 1924 and 1925.

The Honourable Mr. J. E. B. HOTSON : The Government are unable to see that any public purpose would be served by laying these statistics on the Table.

COMMISSIONERS FOR MOFUSSIL COMMISSIONS

Mr. R. D. SHINDE (Nasik District) : Will Government be pleased to lay on the Council Table a statement showing the names of Commissioners to whom mofussil commissions were referred by the Chief Judge of the Court of Small Causes, Bombay, and who have received in any year more than Rs. 200 as commission fees for the years 1923, 1924 and 1925.

The Honourable Mr. J. E. B. HOTSON : The Government are unable to see that any public purpose would be served by laying these statistics on the Table.

Dr. R. P. PARANJPYE : With reference to these three answers I wish to ask Government whether, when they are going to reply in this manner, they will consult the honourable member as to the object in asking that question. Answers given in this manner are most unsatisfactory. Honourable members have got some reason for asking the question and before giving an answer like that will Government ask the honourable member what object he has got in asking such a question ?

The Honourable Mr. J. E. B. HOTSON : I think that if the honourable member who asks the question will only make it plain what the object is, which he requires to be satisfied, Government will endeavour to do so. But the compiling of these statistics means an immense amount of labour and when there is no obvious meaning in the question, it is not proper that that labour should be imposed on the officials.

Dr. R. P. PARANJPYE : Government know that notice has been given of a particular question. If Government cannot see the object of that question, can they not take the initiative to ascertain what the object the honourable member has got in asking that question ?

The DEPUTY PRESIDENT : I will only make a suggestion. When Government get such questions, they can ask the honourable members concerned to let Government know what their object is in asking such questions. That is only a suggestion for the Leader of the House to determine.

The Honourable Sir CHUNILAL MEHTA : Members of Government give an answer of this character with the greatest reluctance. I myself have had instances in the past when I was compelled to give such an answer on account of the enormous time and labour that would be involved. I remember at least one or two instances where the honourable member who put the question was asked what purpose he wished to be served and what exactly he wanted the Government to find out and whether he would change his question, so as to limit its scope or reduce

the period for which the information should be collected by Government. After the reply complained of has been given honourable members are aware that once or twice during the meeting of the Council it has been openly stated by Government in answering supplementary questions that if honourable members explain what object they wish to be served and what specific information they want relating to any particular subject, Government will endeavour their best to give that information and will be pleased to meet the wish of honourable members. I will see what can be done with regard to asking honourable members before such answers appear in print though I cannot bind Government to do so in every case—to explain the public purpose. I wish it to be made clear that there is no intention on the part of Government to slight honourable members or to keep back any information that they possess.

Mr. R. D. SHINDE: May I know from the Honourable Member whether he has noticed the figures in the statistics which have been asked to be laid on the table by these three questions?

The Honourable Mr. J. E. B. HOTSON: The figures have not been compiled.

LIQUOR SALES IN NASIK DISTRICT

Mr. R. D. SHINDE (Nasik District): Will Government be pleased to give the total amount of liquor allotted to each of the liquor shops in the Nasik District and the amount of quantity actually sold at the same shops during the past years since the system of rationing was put into force?

The Honourable Mr. A. M. K. DEHLAVI: A statement furnishing the information required by the honourable member for the three years ending 31st March 1925 is placed on the Council Table.*

COMPENSATORY ALLOWANCE: GRANT OF — TO SUBORDINATE OFFICERS AT POONA

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

- (1) whether compensatory allowance is given to certain officers serving at Poona;
- (2) the class of officers and staff to which this allowance is being given;
- (3) the class of officers or staff to which this allowance is not being given;
- (4) the reasons why this allowance is not being given to them?

The Honourable Sir CHUNILAL MEHTA: (1) Yes.

(2) A copy of Government Resolution No. 2837, dated 15th March 1924, containing the list of officers admitted to the Compensatory Local Allowance is laid on the table.†

(3) Most non-gazetted non-ministerial and all ministerial officers.

(4) No general scheme of compensatory or local allowances for the subordinate officers mentioned in the reply to clause (3) of the question

* Kept in the Secretary's Office.

† Vide Appendix No. 12.

was considered necessary by Government because in the general revision of pay which was effected in 1921 and 1922, these subordinate establishments received a high increase of from 60 to 100 per cent. in their pre-war rates of pay as against 15 to 50 per cent. increase granted to officers admitted to the Compensatory Local Allowance scheme. The revision was extremely generous and the new rates of pay were sufficient for most parts of the Presidency. Government have, however, after very careful investigation, granted with effect from 1st March 1926 a house rent allowance of Rs. 5 per mensem to non-gazetted non-ministerial officers, with certain exceptions, and all ministerial officers on pay up to Rs. 100 per mensem stationed at Poona.

Mr. H. B. SHIVDASANI: Why should subordinate officers be penalised when they are transferred to places where prices are high?

The Honourable Sir CHUNILAL MEHTA: The answer has already tried to explain that the revision of pay in the case of subordinate officers was on a higher scale. Moreover the subordinate officers are not likely to be transferred so much as the superior officers. They are usually retained in the place in which they are serving.

Mr. H. B. SHIVDASANI: If a clerk from a taluka kacheri in the Poona district is transferred to Poona his expenses will go up and he won't get any compensatory allowance?

The DEPUTY PRESIDENT: That is not a question.

Mr. H. B. SHIVDASANI: Won't the expenses of a clerk working in a taluka kacheri in the district go up when he is posted to Poona, though his pay is not increased?

The Honourable Sir CHUNILAL MEHTA: The reply says that in such cases an allowance of Rs. 5 per mensem would be given.

Mr. H. B. SHIVDASANI: But the other officers get 20 per cent. of their pay.

The DEPUTY PRESIDENT: There can be no discussion.

LAND REVENUE FROM SHIRALA PETA, SATARA DISTRICT

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(a) what is the amount of the total land revenue recoverable according to Jamabandi papers from the Shirala Peta in the Satara district;

(b) what are the actual recoveries during the last four years from that Peta?

The Honourable Mr. J. L. RIEU: (a) and (b) The requisite information is contained in the appended statement.*

POLICE PATEL, DEORUKH

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state whether it is a fact that although the police patel of

* Vide Appendix No. 13.

Deorukh, taluka Sangameshwar, has been reinstated he has not been paid for the period of suspension ?

The Honourable Mr. J. E. B. HOTSON : Yes.

Mr. A. N. SURVE : May I enquire why he has not been paid although he was reinstated ?

The Honourable Mr. J. E. B. HOTSON : Police patels do not come under the Civil Service Regulations or similar rules at all. That is one reason. The second reason is, that an officiator was appointed in his place, and the officiating patel drew the pay. There would be none left for this patel to draw.

Mr. A. N. SURVE : May I enquire whether he was innocent of the charge that was brought against him ?

The Honourable Mr. J. E. B. HOTSON : He was not found innocent. The facts were very suspicious, but there was not proof sufficient to justify his being dismissed.

GRANTS-IN-AID TO SECONDARY SCHOOLS IN THE NORTHERN DIVISION

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

(a) the amount allotted for grant-in-aid to secondary schools in the Northern Division ;

(b) the period during which grants are usually paid to grant-in-aid schools ;

(c) whether there has been unusual delay in the payment of grants during the last year ;

(d) if so, what were the reasons for the delay ?

The Honourable Mr. B. V. JADHAV : (a) All grants to secondary schools are paid from the general allotment for the whole Presidency according to the requirements of all the schools as funds permit. No separate allotment is set apart for each Division.

(b) From September to March every year.

(c) No, except so far as schools newly registered for grant for the first time in 1925-1926 were concerned.

(d) Grants can be paid to newly registered schools only after all the claims of schools previously registered have been satisfied.

COTTON CROP OF SITAPUR, VIRAMGAM TALUKA

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

(a) whether it is a fact that great damage was done to the cotton crop of Sitapur, a village of Viramgam Taluka of the Ahmedabad District, in the year 1924-25 ;

(b) if so, the reasons why one and a half times the revenue assessment was recovered with great severity from the cultivators of the said village ;

(c) what was the annewari valuation of the various crops and the average valuation of the total crop of the said village in 1924-25 ?

The Honourable Mr. J. L. RIEU : (a) No. There was slight damage only.

(b) The land revenue was collected without any severe measures being taken.

(c) The annewari of the different crops was as follows :—

				Annewari.
Cotton	..	..	..	.. 12 annas.
Jowar	..	..	..	.. 12 „
Bajri	..	..	..	.. 10 „
Wheat	..	..	..	.. 12 „
Miscellaneous	..	..	..	.. 12 „

The average was 11.1.

LAND FOR GROWING FODDER, PRANTIJ TALUKA

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

(a) whether their intention in throwing open Boch lands near Prantij for agriculture was to give them in small lots to actual agriculturists at a cheap rate to enable them to grow fodder for their cattle and to tide over difficult times ;

(b) if so, whether they are aware that the original intention has been frustrated during the current year by allowing non-agriculturists to bid in the auction with the result that genuine agriculturists have been compelled to pay an assessment which is as high as Rs. 40 (forty) per acre in many cases ;

(c) whether they are aware that the failure of the late rains has caused great distress in the Prantij taluka ;

(d) if so, what action they have taken to alleviate the distress of the agriculturists ?

The Honourable Mr. J. L. RIEU : (a) and (b) The honourable member is referred to the Honourable Member for Irrigation to whom separate questions on the subject should be addressed.

(c) No.

(d) Does not arise.

Mr. J. C. SWAMINARAYAN : Will the honourable member state whether his replies to (c) and (d) are based on the latest information as regards this taluka ?

The Honourable Mr. J. L. RIEU : I cannot recollect when we received the reports, but they were fairly recent, and there have been no indications since to lead one to correct the information given in the reply.

Mr. J. C. SWAMINARAYAN : Are not Government aware that in the months of May and June the cultivators were driven to feed their cattle on leaves of Amba, Limbola and such other trees ?

The Honourable Mr. J. L. RIEU : We have had no report to that effect.

ANNEWARI VALUATION OF CROPS IN PRANTIJ TALUKA

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

(a) the annewari valuation of the various crops and the average annewari valuation of the total crop in the villages Pallachar, Pogalu, Vadrad, Aminpur and Rasulpur of the Prantij Taluka of Ahmedabad District, during the current year;

(b) whether they are aware that there is insufficiency of fodder in those villages;

(c) if so, what steps they have taken in the matter?

The Honourable Mr. J. L. RIEU: (a) The requisite information is contained in the appended statement*.

(b) and (c) There was sufficient fodder in all of them.

ANGLO-VERNACULAR SCHOOL, SANAND

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

(a) whether it is a fact that the Educational Department has asked the municipality of Sanand to close the fourth and fifth standards of their Anglo-Vernacular School;

(b) whether it is a fact that the municipal authorities promised to carry out the reforms required by the Department;

(c) whether it is a fact that the recognition of the school has been withdrawn;

(d) whether it is a fact that the boys of Sanand have been forced to attend the Anglo-Vernacular School of Godhavi at a distance of three miles from Sanand;

(e) whether the finances of Sanand municipality will improve by the imposition of cotton cess and will enable the municipality to carry out any reforms which would be required by the Educational Department;

(f) whether under the new circumstances, the Educational Department intends to recognise the Anglo-Vernacular school of Sanand and place it on the list of grant-in-aid schools?

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

(b) Yes.

(c) Yes, because in spite of repeated reminders and requests, the Municipality did not fulfil its promise to carry out the necessary reforms.

(d) Government have no information.

(e) It is understood that this result is expected.

(f) The questions of recognising the school and of replacing it on the list of schools receiving grant-in-aid cannot be considered unless the Municipality complies with the requirements of the Department.

Mr. J. C. SWAMINARAYAN: Has not the municipality consented to comply with the requirements of the department after their finances have improved?

* Vide Appendix No. 14.

The Honourable Mr. B. V. JADHAV : I do not think Government would be justified in allowing them to continue the classes on the strength of such a promise.

FAILURE OF CROPS IN SOUTH DASKROI TALUKA OF AHMEDABAD DISTRICT

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

(a) whether it is a fact that the rice crop has failed in Gamdi and Chosar villages of South Daskroi taluka of the Ahmedabad district, on account of failure of rains during the current year ;

(b) whether it is a fact that the efforts of the cultivators to save a portion of their crops did not succeed on account of the scarcity of water in their wells and also on account of the water in their wells being brackish ;

(c) whether it is a fact that the cotton crop of those villages was damaged by a heavy storm in the month of November 1925 ;

(d) the annewari valuation of the various crops and the average annewari valuation of the total crop in these villages during the current year ;

(e) the names of the Government officers who made the annewari valuations.

The Honourable Mr. J. L. RIEU : (a) The unirrigated rice crop generally failed.

(b) No. It is not a fact.

(c) It is not a fact.

(d) Annawari statements for 1925-1926 are placed on the Table.*

(e) The anna valuation was made by the Circle Inspector and checked by the Mamlatdar and the Prant Officer.

CROPS AT NAROL

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

(a) whether it is a fact that the Irrigation Department could not supply sufficient water to the cultivators of Narol, a village in the South Daskroi taluka of the Ahmedabad district, and as a consequence, the rice crop of the village failed almost entirely ;

(b) whether it is a fact that the cotton crop of the said village was damaged by the bay storm which occurred in the month of November 1925 ;

(c) the annewari valuation of various crops and the average annewari valuation of the total crop of the said village during the current year ;

(d) the names of the officers who made the annewari valuation of the said village ?

The Honourable Mr. J. L. RIEU : (a) There was practically no flow in the Khari river and therefore there was no irrigation from

the Chandola Tank, from which the village in question gets its supply usually.

(b) No.

(c) The annewari of the different crops was as follows :—

	Annas.
Jowar (early sown)	7
Jowar (late sown)	4
Bajri (early sown)	7
Bajri (late sown)	3
Rice (irrigated)	10
Rice (unirrigated) .. .. .	..
Cotton (irrigated)	10
Cotton (unirrigated)	6
Castor seeds	5
Other cereals	4

The average of all crops was 4·1

(d) It was made by the Circle Inspector and checked by the Mamlatdar and the Sub-Divisional officer.

AUCTION OF PASTURE LANDS, VADRAD

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

(a) whether it is a fact that they intend to auction survey numbers used as pasture lands by the cultivators of Vadrاد, in the Prantij taluka of the Ahmedabad district;

(b) whether the cultivators of the said village have been paying the auction price of grass growing in those numbers every year;

(c) whether the cultivators have protested to Government against the auctioning of their pasture lands;

(d) if so, what action Government have taken in the matter?

The Honourable Mr. J. L. RIEU: (a) No.

(b) As the village is situated in class B the villagers pay annas 2 per acre on all Government assessed and unassessed waste area, excluding the area assigned for free grazing.

(c) Yes, a protest was made against the auction of certain assessed nos. measuring about 100 acres, but the Collector reported that it was unreasonable.

(d) None.

CLASSIFICATION OF LANDS IN VADWASA

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

(a) whether, in the new talukdari survey settlement, Pasayta Baarkhali lands to the extent of about 700 acres in Vadwasa, a village in the Prantij taluka of the Ahmedabad district, belonging to Makwana Thakors have been classed as Darbari Chakariat;

(b) whether the Makwana Thakors of the said village have applied to Government authorities, protesting against the new classification;

(c) if so, what action Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The Thakors applied to the Talukdari Settlement Officer in the matter.

(c) As the appellants had no satisfactory evidence to show that the lands should be treated as Pasayta or Baarkhali, the classification was confirmed by the Talukdari Settlement Officer.

Mr. J. C. SWAMINARAYAN : Is it a fact that the Talukdari Settlement Officer always decides in favour of the talukdars ?

The Honourable Mr. J. L. RIEU : If the honourable member's suggestion is that the Talukdari Settlement Officer, is prejudiced in favour of the talukdars, that is a suggestion which I most emphatically repudiate.

ANNEWARI OF CROPS IN BHOLAD

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

(a) whether it is a fact that the cotton crop in Bholad a village of the Koth-Sanand estate in the Dholka taluka of the Ahmedabad district was destroyed by insects during the current year ;

(b) whether it is a fact that the wheat crop did not ripen owing to failure of the rains ;

(c) the annewari valuation of the various crops and the average annewari valuation of the total crops in the said village ;

(d) the names of the officers of Government who made annewari valuation of the said village ?

The Honourable Mr. J. L. RIEU : (a) It is a fact that nearly half of the crop was so destroyed.

(b) No.

(c) The annewari of the various crops was as shown below :—

Crop.	Annawari.
Cotton .. .. .	.. 3½ annas.
Kharif Jowar .. .. .	.. 5 „
Wheat .. .. .	.. 5 „
Rabi Jowar .. .. .	.. 15 „
Grass .. .. .	.. 2½ „

Average anna valuation of all crops was 4.07.

(d) The valuation was made by the Bandh Karkun, and checked by the Mamlatdar after inspection.

ANNEWARI AT GALESARA

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

(a) the annewari valuation of the various crops and the average annewari valuation of the total crop in Galesara, a village in the Prantij taluka of the Ahmedabad district, during the current year ;

(b) the names of the Government officers who made the annewari valuation of the said village ?

The Honourable Mr. J. L. RIEU : (a) The annewari of the various crops was as shown below :—

Crop.	Annawari.
Bajri	10
Jowari	2
Cotton	6
Groundnut	3
Muth	4
Mag, Chora and Tuver	4
Sesame	2
Castorseed	4
Extra	4
Kalmibor	8

The average for all crops was 6·3 annas.

(b) The Circle Inspector made the valuation and the Mamlatdar and Sub-divisional Officer checked it.

Mr. J. C. SWAMINARAYAN : This kalimbor is a commercial product grown by rich landlords. Why was the produce of that crop calculated in calculating the annewari of poor cultivators ?

The Honourable Mr. J. L. RIEU : I am afraid I must ask for notice of that question.

RECOVERY OF RENT FOR 1919 BY THAKOR OF KOTH

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

(a) whether they first suspended and then remitted half the *jama* of Koth, a village of the Koth-Sanand estate in the Ahmedabad district in the famine year 1919 ;

(b) whether, in spite of remission of *jama* by Government, the Thakor of the said estate recovered the full rent from the cultivators for that year ;

(c) whether the cultivators have repeatedly complained to Government against the recovery of the full rent by the Thakor ;

(d) if so, what action Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No ; the estate was then under management. A small over-collection of rent did take place but it was due to voluntary payment on the part of some tenants.

(c) Yes.

(d) An exhaustive enquiry held into all the complaints from the tenants revealed that the allegations were unfounded. Government therefore did not take any action.

BOUNDARY MARK CHARGES

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

(a) whether it is a fact that they intend to charge annas four per boundary mark over and above the actual cost of its construction in the Ahmedabad district ;

(b) if so, the grounds on which they propose to do so ;

(c) whether it is a fact that section 122 of the Land Revenue Code entitled them only to the recovery of the actual cost of the construction or repair of a boundary mark ?

The Honourable Mr. J. L. RIEU : (a) and (b) The charge of 4 annas which has been ordered is on account of cost of supervision and is authorised by section 123 of the Land Revenue Code.

(c) No.

DEVASTHAN INAM VILLAGES

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

(a) whether they have received petitions from the cultivators of Devasthan inam villages, Wasna Maktampur of North Daskroi taluka and Isanpur of South Daskroi taluka, giving details of tyranny, mismanagement and harassments by the inamdar of those villages and requesting them to resume those villages ;

(b) if so, what steps they have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) A petition from the residents of Vasna Maktampur complaining of illtreatment by the inamdar of the village was received.

(b) The petition was returned to the petitioners for compliance with the provisions of the rules for the submission of petitions to Government.

Mr. J. C. SWAMINARAYAN : What are those rules for making petitions ?

The Honourable Mr. J. L. RIEU : I hope the honourable member does not expect me to quote all those rules from memory.

Mr. J. C. SWAMINARAYAN : Are the petitioners expected to know the rules ?

The Honourable Mr. J. L. RIEU : A copy of the rules is always sent to the petitioners, and their attention is drawn to the particular rule under which their petition is being returned.

TENURE OF CULTIVATORS IN KESARGADH

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

(a) whether they have received complaints from the cultivators of Kesargadh, a village of the Koth-Sanand estate in the Dholka taluka of the Ahmedabad district, that the Thakor of the estate is intimidating and coercing them to change their tenure from Vighoti to Bhagwati ;

(b) if so, what step they have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) Does not arise.

THE KHARAGHODA CUSTOMS LINE

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

(a) whether they are aware that officers of the Kharaghoda customs line exact a goat from shepherds, whenever they cross the line;

(b) if so, what steps Government have taken in the matter?

The Honourable Mr. J. L. RIEU: (a) No.

(b) Does not arise.

TALUKDARI ESTATES OF GUJARAT: REPORT OF MR. GORDON

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

(a) whether they have received the report of Mr. R. G. Gordon, I.C.S., who was appointed to enquire into the question of the tulukdari estates of Gujarat;

(b) if the answer to (a) is in the affirmative, whether they will place a copy of the said report on the Council table?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) Government regret their inability to place a copy of the report on the Council table.

Mr. J. C. SWAMINARAYAN: Why are Government unable to place a copy of the report on the Council table?

The Honourable Mr. J. L. RIEU: Because they consider it inadvisable to do so.

Mr. J. C. SWAMINARAYAN: Is it a confidential document?

The Honourable Mr. J. L. RIEU: Parts of it are confidential.

Mr. J. C. SWAMINARAYAN: Do Government refuse to place a copy of the report on the table, because it is a report in favour of one party as against the other?

The Honourable Mr. J. L. RIEU: No.

Rao Saheb D. P. DESAI: Sir, as I have not received a satisfactory reply to my question, may I put an additional question to the Honourable the Finance Member?

The DEPUTY PRESIDENT: Not as regards the question of the honourable member. We have disposed of that already. The honourable member may ask a supplementary question on the honourable member Mr. Swaminarayan's question which is now before the House.

Rao Saheb D. P. DESAI: I am asking whether I can do so with regard to my first question that I have already put today.

The DEPUTY PRESIDENT: That matter is ended. I do not think we can re-open it.

CELEBRATION OF HOLI BY PANGARI CULTIVATORS

Mr. S. K. BOLE: Will Government be pleased to state whether it is a fact that the cultivators of Pangari village in the Chiplun taluka

of the Ratnagiri district have been prohibited from celebrating the Holi festival in their temple ?

The Honourable Mr. J. E. B. HOTSON : Yes. The prohibitory order extends to the Brahmin Khots also.

Mr. S. K. BOLE : Will Government be pleased to state why they have prohibited it ?

The Honourable Mr. J. E. B. HOTSON : That order was passed owing to a dispute between the Khots and their tenants regarding the celebration of certain rites.

Mr. S. K. BOLE : Have Government made any enquiries as to which party is at fault ?

The Honourable Mr. J. E. B. HOTSON : Enquiries were made, but no satisfactory evidence was given by either side. It is therefore better that the parties should go to the civil court. It is not a matter for Government to decide.

PAY OF FIRST YEAR TRAINED TEACHERS

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

(a) to state whether it is a fact that first year trained teachers of 1925 are given the initial pay of Rs. 20 in this Presidency ;

(b) if the reply to the above be in the affirmative, to state what recommendations were made by the Sathe Paranjpye and Surve Committees in this behalf ?

The Honourable Mr. B. V. JADHAV : (a) Yes ; provisionally until local authorities fix the scale of pay for these teachers under Rule 59 (2) of the Bombay Primary Education Rules, 1924.

(b) Attention is invited to the Educational Department Press Note No. 252, dated the 14th January 1921, and the Note announcing the decisions of Government on the recommendations made by the Surve Committee regarding the scales of pay for primary teachers. Copies of these notes will be found in the Reading Room for the Honourable Members of this House. It should be noted, however, that the Local Authorities who will now employ their own teachers are at liberty to fix any scale of pay subject to the limits laid down in Rule 59 (2) of the Bombay Primary Education Rules.

CONGESTION IN AHMEDABAD

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

(a) what steps they have taken to relieve the congestion in the city of Ahmedabad ;

(b) what action the Ahmedabad municipality has taken for this purpose ?

The Honourable Sir GHULAM HUSAIN: (a) and (b) The following Town Planning Schemes have been organised by the Ahmedabad Municipality to relieve the congestion in Ahmedabad City:—

1. The Jamalpur Town Planning Scheme comprising an area of 250 acres of land has been finally sanctioned by Government. The scheme will be put into execution shortly.

2. The Kankaria Town Planning Scheme comprising an area of 431 acres of land. Government have sanctioned the making of this scheme. The objections received on the draft scheme are being considered by the Municipality.

3. The Ellis Bridge Town Planning Scheme comprising an area of about 1,700 acres. The principal feature of this scheme is to construct a high level bridge across the Sabarmati river near the Shahpur Gate to the Vadaj Road. The making of this scheme is sanctioned by Government and the objections received thereto are being considered by the Municipality.

4. The City Wall Scheme. This scheme is being considered by the Municipality.

Khan Saheb A. M. MANSURI: With regard to the third town planning scheme, it is stated in the reply that the principal feature of this scheme is to construct a high level bridge across the Sabarmati river near the Shahpur Gate to the Vadaj road. May I know whether Government have received any plans for this bridge from the Ahmedabad municipality?

The Honourable Sir GHULAM HUSSAIN: I cannot say from memory.

TEACHING OF ENGLISH LANGUAGE IN PRIMARY SCHOOLS

Mr. S. S. DEV (West Khandesh District): (1) Will the Honourable Minister for Education be pleased to give—

(a) the number of full primary schools teaching up to the VIIIth standard;

(b) in which of these schools English is taught in pursuance of the Government resolution that English may be taught to boys and girls in standards V, VI and VII?

(2) Will the Honourable Minister be pleased to state when full effect will be given to the resolution by extending it practically to all complete primary schools in the presidency?

The Honourable Mr. B. V. JADHAV: (1) (a) 1825.

(1) (b) and (2) These parts of the question have already been answered.

REPLIES TO QUESTIONS REGARDING RAILWAY COMPANIES

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) what principle they follow in giving replies to questions regarding railway companies;

(b) why have they given answers to such questions (1) as platform at Umbergaon station (13th list, February 1925); (2) Bhusaval railway station entrance (13th list, February 1925); (3) platform at

Kurduwadi station (2nd list, July 1925); (4) Fencing on the Barsi Light Railway (2nd list, July 1925);

(c) why have they refused answering such questions as (1) Platform on the Shelarwadi station; (2) a new station at Bhamburda village near Poona;

(d) will they be pleased to state whether to their knowledge any steps are likely to be taken in the near future for a platform at the Shelarwadi station and a new station at Bhamburda?

The Honourable Mr. J. L. RIEU: (a), (b) and (c) These parts have already been answered.

(d) With regard to a platform at Shelarwadi, the Railway Administration does not consider that the traffic is of such density as to warrant the capital cost of high level platforms.

As regards a new station at Bhamburda, the Railway Board have communicated their approval to the commencement of the work and the Chief Engineer of the Great Indian Peninsula Railway has accordingly been instructed to put the work in hand at once.

GRANTS TO DISTRICT LOCAL BOARDS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware that popular contributions have been paid over to the district local board by the inhabitants of several villages of the Poona district many years ago, and that Government or the local board are not making the necessary provision of their share for grants to school buildings, chavdis, dispensaries, etc., in the Poona district;

(b) if so, whether they propose to take any action in the matter?

The Honourable Mr. B. V. JADHAV: (a) Contributions to the extent of Rs. 7,548 have been made in amounts ranging from Rs. 31 to Rs. 889.

(b) It is not possible in every case to supplement a contribution made by the amount necessary to undertake construction. The villages must wait their turn.

THE L.C.P.S. EXAMINATION

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL: Will Government be pleased to state—

(a) whether it is a fact that only one candidate from the B. J. Medical School at Poona was successful in the last L.C.P.S. Examination;

(b) what are the reasons for such a low percentage of successes;

(c) whether they intend to take any steps in the matter.

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

(b) Please see reply to the question put by Mr. S. A. Sardesai, M.L.C.

(c) Steps have already been taken to provide better facilities for teaching at the Schools, viz., new laboratories, museums, libraries and equipment. The construction of the new laboratories is in progress and the provision of equipment for these laboratories, museums and libraries is being proceeded with as funds at the disposal of Government permit. Attempts are also being made, as far as possible, to admit only such students as have passed the Matriculation or other equivalent or higher examinations, to arrange for extra attendance at Schools by failed students and to pay more attention to practical training generally as far as the existing circumstances will permit.

RULES REGARDING BHUDKIS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether there are any rules and if so which, under the Land Revenue Code, which govern the digging of new "Bhudkis" (nala wells) on the banks of rivers or nalas by riparian owners of land, for using the nala or river water?

The Honourable Mr. J. L. RIEU: No.

ADULTERATED GHEE

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware that foreign and adulterated ghee is being sold in the bazars of the Poona district;

(b) whether they have taken any steps to ascertain whether it contains any articles detrimental to health by getting it analysed by the Chemical Analyser;

(c) if so, what is the result and which are the constituents of the adulterated ghee;

(d) whether the inquiry referred to in reply to the honourable member Mr. Haji Abdullah Haroon's question No. 5 (re: Holland Ghee) of the 6th list of the third session of 1924 has been finished by this time; if so, what is the result?

The Honourable Mr. B. V. JADHAV: (a) It is understood that the sale of foreign ghee is confined to the markets of Poona City. Instances of the importation of adulterated ghee have also come to notice.

(b) Yes.

(c) The foreign ghee known as Holland ghee is free from animal fat and is a vegetable preparation. It contains valuable food stuffs similar to the product known in England as Margarine.

(d) This part has already been answered.

Rao Saheb D. P. DESAI: Was it analysed?

The Honourable Mr. B. V. JADHAV: Yes, it was.

Rao Saheb D. P. DESAI: By whom was it analysed?

The Honourable Mr. B. V. JADHAV: By the Chemical Analyser to Government.

Mr. S. S. DEV : Is this article offered for sale as Holland ghee by the shopkeepers ?

The Honourable Mr. B. V. JADHAV : Government have no information on the point, whether the shopkeepers do so or not.

Mr. S. S. DEV : Is it not the duty of the shopkeepers to plainly say what kind of ghee they offer for sale ?

(No reply).

Rao Saheb D. P. DESAI : The shopkeepers should not be allowed to pass off this Holland ghee on the consumers as real ghee. Have Government asked the local authorities to prosecute those who sell Holland ghee as real ghee ?

The Honourable Mr. B. V. JADHAV : Government expect that the local authorities know how to perform their duties properly.

KULKARNI WATAN

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number of Watandar Kulkarnis who were employed as Talatis after the Kulkarni Watan Settlement about the year 1915-16 and the number of outsiders who were substituted for the Watandar Kulkarnis about the same year in each taluka of the Poona and Satara Districts ;

(b) what the numbers of watandar Kulkarnis and outsiders are who now in 1924-25 fill the places of the Watandar Kulkarnis in the Poona and Satara Districts ;

(c) whether they have fully kept the terms of the Kulkarni Settlements in the matter of these appointments ?

The Honourable Mr. J. L. RIEU : The appended statement* furnishes the information asked for.

CRIME IN HUBLI CITY

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) How many criminal prosecutions were lodged in Hubli City in each of the years 1923, 1924 and 1925 ; or

How many crimes were detected in Hubli City in each of the years 1923, 1924 and 1925 ?

(b) How many of these cases in each of these years ended in convictions ?

(c) Who was the officer in each of these years who launched these prosecutions or who detected these crimes ?

(d) (i) In how many of these cases in each of the above years were settlers involved ;

(ii) how many of these cases ended in conviction ?

The Honourable Mr. J. E. B. HOTSON : A statement containing the information has been placed on the Council table.

*Statement showing the number of crimes in Hubli Town from
1923 to 1925.*

Name of the officer in charge of Hubli City Police Station.	Year.	Offences.		
		Total number of offences reported.	Total number of offences detected.	Number of cases convicted.
D. B. Tamankar, Sub-Inspector ..	1923 ..	106	79	67
D. B. Tamankar, Sub-Inspector ..	Up to 16th Nov. 1924 ..	115	89	60
Shivlingappa Bhagappa Almelkar, Sub-Inspector ..	From 16th Nov. 1924 ..	22	14	11
Shivlingappa Bhagappa Almelkar, Sub-Inspector ..	1925 ..	510	458	390

Name of the officer in charge of Hubli City Police Station.	Offences of settlers.			
	Number of offences committed by settlers of Hubli Criminal Tribe Settlement, Hubli.	Number of cases detected.	Number of cases convicted.	Remarks.
D. B. Tamankar, Sub-Inspector ..	10	10	10	
D. B. Tamankar, Sub-Inspector ..	10	10	10	
Shivlingappa Bhagappa Almelkar, Sub-Inspector ..	4	4	4	
Shivlingappa Bhagappa Almelkar, Sub-Inspector ..	53	44	44	

**CRIMINAL CASES : TRIAL BY MANAGER, HUBLI CRIMINAL
TRIBES SETTLEMENT**

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) Whether the Manager of the Hubli Criminal Tribes Settlement has been invested with powers to try any criminal cases under the Indian Penal Code ?

(b) If so, whether he keeps records of his proceedings ?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) The question does not arise.

**CRIMINAL TRIBES SETTLEMENT, HUBLI : POWER OF SEARCH
INVESTED IN THE MANAGER**

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) whether the Manager of the Hubli Criminal Tribes Settlement has been invested with powers to search the persons or belongings of settlers on suspicion ?

(b) If so, whether he has exercised such powers in any of the years 1922, 1923, 1924, 1925 or 1926 up to March 19th ?

(c) If so, whether any suspicious property has been found ; if found, what was the procedure adopted by him in respect of such property found on suspicion ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Yes.

(c) In some cases suspicious property has been found. It has been disposed of departmentally in petty cases and sent to the Police for further enquiry or to a Magistrate in the more important cases.

PRIMARY TEACHERS : THE SURVE REPORT.

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) whether they have completed consideration of the Surve Committee's report ?

(b) if so, what is the conclusion arrived at by them ?

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

(b) Attention is invited to the note on the subject laid on the library table for the information of Honourable Members during the last session.

HIGH COURT : APPELLATE JURISDICTION APPEALS.

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) the number of second appeals and first appeals filed in the calendar year 1925 in the Bombay High Court in its appellate jurisdiction.

(b) how many appellate benches sat during the said calendar year for the disposal of appeals ;

(c) how many first and how many second appeals were disposed of during the said year ;

(d) how many of them were summarily dismissed, and how many of them were heard after notice to respondents ?

The Honourable Mr. J. E. B. HOTSON :

(a) Second appeals	972
First appeals	482

(b) Only one Division Bench was sitting from January to April 17th, 1925, with the exception of one week and three days when two Benches were sitting ; and two Division Benches were sitting from June to December 1925.

(c) First appeals	553
Second appeals	1,254
(d) First appeals summarily dismissed	33
Second appeals summarily dismissed	530
First appeals heard after notice to Respondents	520
Second appeals heard after notice to Respondents	724

THE SURVE COMMITTEE'S RECOMMENDATIONS.

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether they have come to any conclusion on the recommendations of the Surve Committee;

(b) if so, what;

(c) when will they be brought into force?

The Honourable Mr. B. V. JADHAV: (a), (b) & (c) Attention is invited to the reply given to a similar question by the honourable member on the same subject.

DAMAGE DONE BY WILD ELEPHANTS IN KANARA.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) whether village officers in Kanara have been ordered either by the Collector or Prant Officers to report the inroads of wild elephants in their villages and the amount of damage caused by them to the crops;

(b) whether there is any record kept by the village officers showing the dates of inroads and the details of damage done by such elephants;

(c) if so, will they be pleased to state the names of the villages invaded by wild elephants in the year 1925 and the amount of the damage done to the crops in that year;

(d) whether any remission or suspension of assessment was given in any particular case;

(e) if so, in how many cases and what was the total amount so remitted or suspended;

(f) if the replies to (a) and (b) are in the negative, what other ways there are by which inroads by elephants and the damage caused by them can be ascertained;

(g) whether any measures were undertaken by Government in that year to protect the crops of the villagers from the ravages of wild elephants and, if so, what measures and in how many cases?

The Honourable Mr. A. M. K. DEHLAVI: (a) Village officers have been ordered by the District Magistrate, Kanara, to report immediately the presence of wild elephants in any village in their charge.

(b) The Assistant Collectors in charge of Forest Mahals have been instructed to keep a record of the damage done by elephants to crops, standing or reaped, in all the villages in their Mahals.

(c) A list of villages visited by wild elephants in the year 1925 is placed on the Council Table*. The aggregate damage to crops in the villages was Rs. 2,803.

(d) Yes.

(e) 30 cases. The total amount remitted was Rs. 715-15-10.

(f) Does not arise.

(g) A rifle was purchased by the Agricultural Department for killing wild elephants, and a Shikari in Honavar Taluka was given a license to use the same. The Shikari visits any taluka or village, where his services are needed for the purpose of killing wild elephants provided the

* Vide Appendix No. 17.

The Honourable Mr. J. L. RIEU : The statements furnishing the required information are placed on the Council Table.*

GOVERNMENT HOSTEL FOR DEPRESSED CLASSES BOYS, POONA

Mr. R. S. NEKALJAY : Will Government be pleased to state—

(a) whether they intend to increase the number of boarders to 100 in the Government Hostel for Depressed Classes Boys at Poona ;

(b) if so, when ?

(c) whether the Superintendent of the Hostel has been made permanent and if not why not ?

The Honourable Mr. B. V. JADHAV : (a) No.

(b) In view of the reply given to (a) above, this question does not arise.

(c) No. The post is the only one of its kind in the Department and the present Superintendent is not qualified for any other post in the Department. It is therefore undesirable to make him permanent in this post, as there can be no guarantee that it will be continued indefinitely.

APPEAL BY THE PRIMARY TEACHERS' ASSOCIATION, KAIRA DISTRICT

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) which part of the appeal is considered by them to be " language of an objectionable nature " as stated by them on page 15 of the VIIth question list of March last ;

(b) whether it is a fact that they did not consider the appeal from the point of view of the truth of the cause ;

(c) whether they intend by adopting such procedure to check the sending of representations of collective grievances ?

The Honourable Mr. B. V. JADHAV : (a) The following is the portion of the appeal which Government considered to be specially objectionable as it amounted to a threat to the Honourable members of the Legislative Council :—

" Nothing less than the Sathe-Paranjpye Scheme will satisfy them. Do not refuse them that Scheme. If you do so you do it at your and the nation's peril."

(b) The appeal being addressed to the Honourable Members of the Legislative Council, the question of its consideration by Government did not arise.

(c) No.

**EDUCATIONAL GRANTS TO AIDED SCHOOLS AND MISSION SCHOOLS
AT AHMEDABAD**

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state —

(a) the names of the Mission Schools and other educational institutions in Ahmedabad to which grants were given in 1924-25 and 1925-26;

* Kept in the Secretary's Office.

(b) the amounts given as grants to each of them in these two years ;

(c) the incidence of the grants per pupil in each school and institution ?

The Honourable Mr. B. V. JADHAV : (a) (b) and (c) The accompanying statement * supplies the information required by the Honourable Member.

OVERBRIDGE AT RAILWAY CROSSING 311

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) the date on which the first scheme for constructing the overbridge at Railway Crossing 311 at Ahmedabad was sanctioned by the Ahmedabad municipality and the railway respectively ;

(b) the reasons for the inordinate delay in taking in hand the work of construction ;

(c) the number of accidents to human beings and animals at this crossing including the distance of 500 yards on the south and north sides of the crossing from 1918 to 1925 both inclusive ;

(d) the approximate period within which the work will now be completed and the bridge made open for public traffic ?

The Honourable Mr. J. L. RIEU : (a) The scheme was sanctioned by the Railway in 1913 and finally approved by the Ahmedabad Municipality on 2nd May 1921.

(b) The delay in the construction of the overbridge is due to the settlement of certain details in connection with the work and to the transfer of the land required for the purpose.

(c) Statements A and B containing the necessary information are laid on the table.†

(d) The overbridge is expected to be opened for public traffic by October or November 1926.

THE NUMBER OF CIVIL SUITS FILED IN COURTS

Khan Saheb A. M. MANSURI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to give—

(a) the number of civil suits for claims over Rs. 5,000 that were filed in each of the courts of Bombay, Ahmedabad, Karachi, Ratnagiri, Poona, Surat, Belgaum and Dharwar during each of the years 1920, 1921, 1922, 1923, 1924 and 1925 ;

(b) the number of suits disposed of in these courts during each of these years ;

(c) the reasons for the delay, if any, in the disposal of suits in these courts ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) A statement giving the necessary information is laid on the Council Table. ‡

* Kept in the Secretary's Office.

† Vide Appendix No. 18.

‡ Appendix No. 19.

(c) If the Honourable Member will bring to the notice of Government instances of undue delay in the disposal of individual suits, Government will have enquiries made as to the cause.

DIPLOMA OF THE COLLEGE OF PHYSICIANS AND SURGEONS

Sardar G. N. MUJUMDAR on behalf of Mr. M. B. POWAR (Kolaba District): Will Government be pleased to state—

(a) whether the Diploma of the College of Physicians and Surgeons is a registrable qualification under the Bombay Medical Act ;

(b) How the Diploma is conferred, by Examination, Thesis or otherwise ;

(c) On how many persons the Diploma has been so far conferred from the beginning of the College by each of these methods ?

(d) What was the particular professional distinction—some research work—Thesis—or other evidently useful scientific work—that each recipient of the Diploma had to his credit at the time of conferring of the Diploma.

(e) whether they intend to allow the College to continue to put up their fellows by this club membership method ?

The Honourable Mr. B. V. JADHAV : (a) The College of Physicians and Surgeons grants diplomas of Fellowship and Membership and a Licence. All these are registrable qualifications under the Bombay Medical Act.

(b) The diplomas of Fellowship and Membership and the Licence are granted after examination and the diploma of Fellowship is conferred also by election by the College Council, as provided for in the By-laws of the College.

(c) The diploma of Fellowship has been conferred on 81 persons by election and one by examination, that of Membership on 18 persons by examination and the Licence on 1,214 persons.

(d) The diploma of Fellowship by election is conferred only on fully qualified and registered medical practitioners of standing in the profession and of good repute.

(e) The College will continue to elect Fellows as provided for in its by-laws.

L. C. P. S. EXAMINATION

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state as to why the recent result of the L. C. P. S. examination has been so very horrible as to pass only about 20 per cent. of the candidates who appeared for the examination ?

The Honourable Mr. B. V. JADHAV : Candidates, among whom are included failed students, are probably not worse than they have been in the past, while the standard required by the examiners is now higher. The reasons for the defects in the students are—

(a) defective preliminary education.

(b) tendency on the part of failed students to get worse instead of better, in the absence of regular further attendance at the schools, and

(c) the difficulties of giving practical training to the students due to want of sufficient material (e.g., labour and gynæcological cases, cases of fractures and dislocations, *post mortem* specimens) and to some extent to deficiency of equipment.

As regards steps taken to effect improvements, please see the reply to the question put by Mr. N. R. Gunjal, M. L. C.

REVENUE RECEIPTS FROM SURAT DISTRICT

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

(1) What are the past three years average receipts from the Surat District to the Provincial Revenue under—

- (a) Land Revenue,
- (b) Excise and Opium,
- (c) Forest,
- (d) Stamps General,
- (e) Stamps Judicial,
- (f) Other sources, and,

(2) What are the total receipts to the Provincial Revenues from the Surat District from all sources in the years—

- (a) 1922-23,
- (b) 1923-24,
- (c) 1924-25,
- (d) 1925-26?

The Honourable Sir CHUNILAL MEHTA: (1) and (2) Statements giving the information required by the Honourable Member are placed on the Council Table.*

Rao Sahab D. P. DESAI: Why are receipts from land revenue going down and those of excise going up?

(No answer.)

MARATHI SCHOOLS IN KARWAR AND HALIYAL TALUKAS

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(a) whether it is a fact that in the Karwar and Haliyal Talukas of the district of Kanara though there is a large Konkani or Marathi-speaking population, there is not a single Marathi school for the children of these people?

(b) whether any representations were ever made for starting Marathi schools there?

(c) if so, will Government place on the table their copies, and also

(d) state what action they have taken on them?

The Honourable Mr. B. V. JADHAV: (a) No. There are 8 Marathi schools (3 for boys and 5 for girls) in the Karwar Taluka and 4 Marathi schools in Haliyal Taluka (3 for boys and 1 for girls).

* Vide Appendix No. 5.

(b) Yes, a representation was made by the inhabitants of Mudgeri for a Marathi Girls' school to the President, Taluka Local Board, Karwar.

(c) A copy of the representation is laid on the table.*

(d) The Taluka Local Board, Karwar, has passed a resolution in favour of opening a girls' school at Mudgeri. The District Local Board, Kanara, has decided to defer the question until the financial situation improves.

Mr. A. N. SURVE : I invite attention to first paragraph of Appendix 23. The last sentence of that paragraph says :

"As personally instructed by you, we have erected a building for the school and have submitted a report through the Kanarese school Head Master, Mudgeri."

I want to know that as the local board officer has erected the school building, is it not the duty of the local board to provide them with funds taking the necessary permission to open the school ?

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

Mr. A. N. SURVE : With regard to (a) may I enquire why there are 3 schools for boys and 5 schools for girls. Why is it in this inverse order ?

The Honourable Mr. B. V. JADHAV : There are more girls who are desirous of learning Marathi.

DUGARI VILLAGE TANK

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

(a) whether the tank of village Dugari in the Dholka Taluka has not been repaired in spite of various complaints to the Engineering Department ;

(b) whether it is a fact that himayat has been recovered from the agriculturists though there was no water in the tank and no water was supplied to the rice fields of the village ;

(c) if the reply to (b) is in the affirmative, whether they refunded the himayat amount recovered from the cultivators ?

The Honourable Mr. J. L. RIEU : (a) No complaints were received regarding repairs, but one of the four tanks in the village, called Motu Tank, was repaired in the year 1909-10 at a cost of Rs. 4,550.

(b) and (c) There are certain lands situated round about the tanks, which are assessed to himayat included in the land assessment, owing to their having water facilities for irrigation. There was no scarcity of water in the tanks, but the defective character of the rainfall prevented the people from transplanting seedlings. At the time the seeds were sown, there was sufficient water for the purpose, but when the seedlings were ready for transplantation, the water was not sufficient, and when subsequently the tanks became full of water the seedlings had dried up. It appears however that the people utilized the water from the tanks to irrigate other crops sown in the rice area. No applications for remission

* Vide Appendix No. 23.

appear to have been received from the villagers, and the annewari of the village ranged from 8 to 12 annas. No remission of himayat assessment was therefore given.

GAMBLING NEAR SARASPUR LIQUOR SHOP, AHMEDABAD

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

(a) whether the attention of the District Magistrate of Ahmedabad has been drawn to the gambling going on in the vicinity of the liquor shop of Saraspur, a suburb of Ahmedabad;

(b) if so, what steps the District Magistrate has taken to arrest the gamblers concerned and prevent the gambling?

The Honourable Mr. J. E. B. HOTSON: (a) Yes.

(b) Careful enquiries were made by the District Superintendent of Police, but no gambling has been detected so far.

KANBIS AND PATIDARS OF GUJARAT

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

(a) whether they are aware that Kanbis and Patidars are synonymous terms in Gujarat;

(b) whether it is a fact that all Patidars or Kanbis of Gujarat were formerly regarded by Government as belonging to the backward classes;

(c) if the answer to (b) is in the affirmative, the reasons why they have changed their policy as regards Patidars or Kanbis of Gujarat?

The Honourable Sir CHUNILAL MEHTA: (a) Yes.

(b) and (c) If the Honourable Member refers to the classification of castes for the purposes of recruitment to the Public Service, his attention is invited to Government Resolution, Finance Department, No. 2610, dated 5th February 1925, under which the system of classifying castes for the said purpose was first introduced. That Government Resolution was modified by Government Resolution, Finance Department, No. 2610, dated 1st April 1926, as the result of further investigation by Government. Copy of the latter * Government Resolution is placed on the Council Table.†

KADWA KANBIS OR PATIDARS OF GUJARAT

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

(a) whether the question of classifying the Kadwa Kanbis or Patidars of Gujarat is under their consideration?

* Copy of the former Government Resolution was placed on the Council Table on 19th March 1926 (*vide* page 1497 of Volume XVII, Part XXII, of Legislative Council Debates).

† *Vide* Appendix No. 24.

(b) If so, have they arrived at any decision in the matter ?

(c) If so, what such decision is ?

The Honourable Sir CHUNILAL MEHTA : (a) No.

(b) and (c) Do not arise.

HIGH LEVEL BRIDGE OVER THE SABARMATI

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

(a) the income derived from the toll bar at Wasna on the Sarkhej Road and from the toll bar at Navarangpur on the Vadaj Road during the last three years ;

(b) whether it is true that the receipts from the toll bar on the Sarkhej Road at Wasna are very much greater than those from the toll bar on the Vadaj Road at Navarangpur ;

(c) if the answer to (b) is in the affirmative, the grounds why a high level bridge has been proposed to be built on the river Sabarmati near the toll bar with much lower receipts and with much less traffic by the joint Ellis Bridge Town Planning Committee ?

The Honourable Sir GHULAM HUSAIN :

	1922-23.	1923-24.	1924-25.
	Rs.	Rs.	Rs.
(a) Wasna	2,000	8,100	8,200
(for only 6 months)			
Navarangpur	800	1,475	1,875

(b) Yes.

(c) The bridge proposed to be constructed by the Town Planning Committee across the Sabarmati near Shahapur Gate will provide the much needed convenience to the Ellis Bridge Town Planning Scheme, which covers an area 3 miles in length \times 1 mile in breadth and is intended to relieve the present over-congestion of the City of Ahmedabad. Nothing has been decided so far as Government is concerned.

GRASS STOCK—GOVERNMENT MEADOWS AT MODASA MAHAL

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

(a) how many pounds of grass can approximately be obtained from the Government meadows of the Modasa Mahal of the Ahmedabad district ;

(b) how many pounds of grass out of the present outturn in those meadows the contractor is required to stock according to the terms of the contract ;

(c) how many pounds of grass the contractor has stocked every year in pursuance of these terms ;

(d) how many pounds of grass the contractor has supplied to the public ;

(e) how many pounds of grass the contractor has got in reserve and in what condition ?

The Honourable Mr. J. L. RIEU : (a) 15 lakhs lbs.

(b) 15 lakhs lbs. out of the produce of the last two years, i.e., $7\frac{1}{2}$ lakhs out of the produce of the last year, and an equal amount out of the produce of the year before the last or $\frac{1}{4}$ th of the current year—whichever be the greater.

During any year of famine or scarcity the contractor has to supply half of the total produce of the year.

(c) 15 lakhs lbs.

(d) 5 to 6 lakhs lbs.

(e) 40 lakhs lbs. in good condition.

GRASS SUPPLY, MODASA MAHAL

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

(a) whether they are aware that the people of Modasa Mahal are subjected to great scarcity of fodder by the grant of monopoly of Government meadows of that Mahal to Mahomed Khanji;

(b) whether it is a fact that the people could get any amount of grass at the rate of Rs. 4 per 1,000 lbs. before the grant of monopoly even in times of scarcity;

(c) whether it is a fact that at present the price of grass is as high as Rs. 10 per 1,000 lbs. even in prosperous years while the price is raised to Rs. 20 to 22 for the same amount when there is scarcity of rainfall?

The Honourable Mr. J. L. RIEU : (a) No.

(b) No.

(c) In good years the rate varies from Rs. 9 to Rs. 10 per 1,000 lbs. and in years of scarcity from Rs. 15 to Rs. 20.

GRASS CONTRACT, MODASA MAHAL

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

(a) whether it is a fact that the people of Modasa Mahal are not supplied grass at contract rates in sufficient quantities required by them for the use of their cattle by the contractor of Government meadows of that Mahal;

(b) whether it is a fact that people are forced to buy grass at a very high rate from the contractor?

The Honourable Mr. J. L. RIEU : (a) No.

(b) No.

GRASS SCARCITY, PRANTIJ TALUKA AND MODASA MAHAL

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

(a) whether they are aware that there is great scarcity of fodder in the Prantij Taluka and the Modasa Mahal of the Ahmedabad district during the current year;

(b) if so, what steps they have taken to supply grass to the people of those parts in sufficient quantities at a cheap rate;

(c) whether they have taken any action to prevent the contractor of Government meadows of Modasa mahal from selling away his grass at a high rate ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) Does not arise.

(c) No such action is necessary.

Mr. J. C. SWAMINARAYAN : Have Government supplied grass to Prantij taluka and Modasa mahal in the final months of this season?

The Honourable Mr. J. L. RIEU : I am not sure whether grass has been supplied to this particular taluka, but I can assure the honourable member that grass has been supplied.

ANNEWARI IN NORTH DASKROI TALUKA

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

(a) the annewari valuation of the various crops and the average annewari valuation of the total crop during the current year in the villages—

(1) Sabaspur, (2) Labkaman, (3) Khodiar, (4) Indroda, (5) Dholo Kuwo, (6) Tarapur and (7) Aniapur of the North Daskroi taluka of the Ahmedabad district ;

(b) the names of the officers of Government who made the annewari valuations of these villages ?

The Honourable Mr. J. L. RIEU : (a) The appended statement* gives information about the anna valuation of the various crops. The average annewari of the total crop is as follows :—

					Annas.
Sabaspur	..	..	..	..	6-0
Labkaman	..	..	..	..	6-0
Khodiar	..	..	..	..	8-0
Indroda	..	..	..	..	6-5
Dhola Kuwa	..	..	..	..	6-5
Tarapur	..	..	..	..	6-5
Aniapur	..	..	..	..	7-8

(b) Circle Inspectors.

PASTURE LAND, GALESARA

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

(a) whether it is a fact that they have leased away a portion of the pasture lands of Galesara, a village of the Prantij taluka of the Ahmedabad district ;

(b) whether the cultivators of the said village have complained that the remaining pasture lands are wholly inadequate for the cattle of that village ;

* Vide Appendix No. 25.

(c) if so, what action they have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) No pasture land was given on lease, but 21 acres out of unassessed waste survey No. 143 was disposed of by public auction.

(b) No complaints about pasture land were received, but the cultivators complained against this waste land being put to auction, on the ground that the remaining area available for grazing was insufficient.

(c) The complaints are groundless, as the land given in auction is only 21 acres out of a total area of 591 acres 25 gunthas. The remaining area of Survey No. 143 and the land assigned for grazing are available for village cattle. No action was therefore taken.

LAND RENT TAKEN BY THAKOR OF KOTH SANAND

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

(a) whether it is a fact that in the new revision survey which took place three years ago, the assessment was increased in some villages and reduced in some villages of the Koth-Sanand estate in the Ahmedabad district ;

(b) whether it is a fact that the Thakor of the said estate has proportionately increased his rents in those villages in which the assessment was increased ;

(c) whether it is a fact that the Thakor has not made proportional reduction of rents in those villages in which assessment was reduced and has recovered rents on the old higher scale ;

(d) whether complaints have been made by cultivators to Government against the illegal recovery of rents on the old higher scale by the Thakor ;

(e) if so, what action Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No.

(c) Yes.

(d) Yes.

(e) The action of the Thakor was in accordance with the law, and Government are unable to interfere.

Mr. J. C. SWAMINARAYAN : As regards (e), is it not necessary that the Thakor should correspondingly reduce his assessment when the assessment to be paid by the Thakor was reduced ? When the assessment is reduced by Government is it not necessary that the reduced assessment should be passed on to the cultivators ?

The Honourable Mr. J. L. RIEU : Section 93 of the Land Revenue Code does not provide for it.

Mr. J. C. SWAMINARAYAN : Is it true that Government do not want the benefits of the reduction to be passed on to the cultivators ?

The Honourable Mr. J. L. RIEU : If the honourable member will refer to section 93 of the Land Revenue Code, he will see that a superior

holder is only debarred from charging more than he formerly charged. There is no provision in that section which imposes on him the obligation of charging less.

Mr. J. C. SWAMINARAYAN : When the survey is made at so much expense and it reduces the assessment of particular villages, is this reduction made only for benefiting the talukadar and not benefiting the agriculturists or the cultivators ?

The Honourable Mr. J. L. RIEU : We are simply bound by the law. The law as it stands is what I have explained.

Dr. R. P. PARANJPYE : We always see that no such reduction is given by the superior holder. Is that proper ?

The Honourable Mr. J. L. RIEU : That is a matter for consideration.

THE THAKOR OF KERWADA : Is it not a fact that the survey is carried on only for the purpose of collection of jama, and not for fixing the rent that a talukdar can legally levy from his tenants ?

The Honourable Mr. J. L. RIEU : That is a fact.

Mr. J. C. SWAMINARAYAN : Are not Government aware that jama is in disproportion to the assessment and the rent is also disproportionate ?

THE DEPUTY PRESIDENT : I do not know whether that question can arise out of these questions.

Mr. J. C. SWAMINARAYAN : Yes, Sir. It does arise.

THE DEPUTY PRESIDENT : Not the question of Government being aware of the proportions. I do not think it can arise.

ANNEWARI VALUATION IN KESARGADH

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

(a) the annewari valuation of the various crops and the average valuation of the total crop in Kesargadh, a village of the Koth-Sanand estate in the Dholka taluka of the Ahmedabad district during the current year ;

(b) the names of the Government officers who made the annewari valuation of the said village ?

The Honourable Mr. J. L. RIEU : (a) The annewari of the various crops was as follows :

Cotton	..	..	..	..	9 annas.
Wheat	..	..	..	..	7 "
Autumn Jowar	..	..	..	..	6 "
Winter Jowar	..	..	..	..	10 "

The average anna valuation of all the crops was 8·7.

(b) It was made by the Bandh Karkun and Mamlatdar and checked by the Sub-Divisional Officer.

THE BAGALKOT TOWN PLANNING SCHEME

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether they are aware that great dissatisfaction prevails among the owners of agricultural land proposed to be included in the Bagalkot Town Planning Scheme No. I (A) on account of the heavy contributions levied upon them for the costs of the scheme?

(b) whether they intend to revise the estimated increment in the value of the land and the rate of contribution in view of the changed economic conditions prevailing at Bagalkot and the fall in land prices?

The Honourable Sir GHULAM HUSSAIN:

(a) There is some dissatisfaction.

(b) No.

Mr. S. A. SARDESAI: Is not the Honourable Minister aware that the pre-war prices for town-planning at Bagalkot do not hold good to-day?

The Honourable Sir GHULAM HUSSAIN: I have no such information.

COMPULSORY SUPPLY OF FODDER BY WATANDAR MAHARS

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(a) whether they are aware of the fact that watandar mahars and patils are forced to provide food for the horses of lower revenue officials, such as mamlatdars, talatis, etc., and also for the vaccinators travelling from one village to another;

(b) under what Government resolution these officials demand free rations for themselves from the patils and watandar mahars;

(c) whether they propose to take any action in the matter?

The Honourable Mr. J. L. RIEU: (a) No.

(b) Does not arise.

(c) Does not arise.

PRIVATE BILLS

BILL No. IV OF 1925 (A BILL TO ENABLE THE HINDUS OF THE PROVINCE OF SIND TO RESTRICT THEMSELVES TO MONOGAMOUS MARRIAGES)

The DEPUTY PRESIDENT: The honourable member Mr. Adwani the mover of this bill, not being present and there being no further session to which the bill can be traversed, the bill automatically drops.

BILL No. XX OF 1925 (A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1923)

Mr. NOOR MAHOMED (Hyderabad District): Sir, with your permission, I should like to state that in these days of communal tension the intentions of the members of one community are generally suspected by

[Mr. Noor Mahomed]

the members of the other community. I brought this bill with the best of intentions. I never intended that our community should gain any advantage over any other community, or that any other community should lose anything. This is a measure of social reform for the benefit of my community. A lot of propaganda has been deliberately carried on against this bill. Therefore, considering all circumstances, I do not wish to give any opportunity for a discussion that will, I fear, have very unpleasant effect both on the Muhammadan community and the Hindu community. Though, Sir, it is rather painful that, when the registration of marriages is done in Bengal, in the Punjab and in other provinces including Khairpur State in Sind, there should arise misunderstanding here and I should find it necessary to deny some of my friends an opportunity for discussion which may be very lively, but not very pleasant; and which may have sad reflection outside. Therefore, considering all these circumstances, I do not at present wish to proceed with the bill (Hear, hear).

The DEPUTY PRESIDENT: As the honourable member does not intend to proceed with the second reading of the bill, the bill shall drop.

**BILL No. XXXI OF 1925 (A BILL FURTHER TO AMEND THE
LAW RELATING TO THE EMOLUMENTS CLAIMABLE
BY WATANDAR HINDU PRIESTS)**

As amended by the Select Committee

Mr. S. K. BOLE: Sir, I beg to present the report of the select committee on Bill* No. XXXI of 1925, a bill further to amend the law relating to the emoluments claimable by watandar Hindu priests.

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

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to a point of order. Before the report is formally discussed, I should like to draw the attention of the House to a statement in the dissenting minute of the honourable member Mr. Dev. He states there in his first paragraph:

"I oppose the bill. It is the second mischievous bill that the House will have to consider in the July session."

I beg to enquire whether the expression "mischievous bill" is parliamentary language. You must consider that the bill is now in the stage of second reading.

The DEPUTY PRESIDENT: Before the honourable member proceeds, I fear this will be the discussion when the motion is made for reading the bill a second time. At present, the only action to be taken by the

[The Deputy President]

honourable member Mr. Bole, the mover of the bill, is that the report should be presented, and the function, that I have to perform is to announce to the Council that the report is presented. No discussion can be allowed at this stage until the honourable member moves for the second reading of the bill. This is only a formal function to be performed and that is the report of the select committee is now before the Council. That is all that is to be done. If the honourable member moves for the second reading, ample opportunity will be given for discussion of all the provisions and the minutes of the bill.

Mr. A. N. SURVE : My point is this, Sir, that I object to the inclusion of these two words " mischievous bill ". If the report is once accepted then these words will remain a part of the record. That is my point, and I wish to enquire of this House whether they would desire to have the words I mention on the record. Those words cast a sort of reflection upon the whole House because the whole House has passed the first reading, and at this stage the honourable member has thought it fit to call the bill, of which this House has passed the first reading, a mischievous bill. If he were to say so before the bill was introduced or at the time when it was under consideration for the first reading, then there would be no reflection upon the judgment of this House. But now as the House has decided that the first reading should be passed, that means that the House wants that the bill should be considered. And the honourable member says that the bill is mischievous. My only submission is that at this stage these words are unparliamentary and, therefore they should not form part of the record of this House.

Dr. R. P. PARANJPYE (Bombay University) : I also consider that the point raised by the honourable member is quite just. Personally, I consider the word " mischievous " is not unparliamentary. That is a different matter, but I think that the House, at the time of the presentation of the report, has a right to consider whether the report is drawn up in parliamentary language or not and it is for the Chair to decide whether the report is in parliamentary language or not.

The DEPUTY PRESIDENT : I do not think this will prevent the presentation of the report of the select committee. There is nothing objectionable in the report of the select committee itself as it stands. It is the dissenting minute which is objected to and which certainly forms a part of the select committee's report, because it is a minute but it cannot be acted upon in the slightest degree unless there is an amendment to the effect to which it relates. The words " This is the second mischievous bill that the House will have to consider in the July session " may be, from my point of view or from the point of view of the honourable member, Mr. Surve, and many other honourable members, words that are not quite desirable, but when I am appealed to, to decide the question whether they are unparliamentary words which I should compel the honourable member to withdraw, I must hesitate to give a ruling in favour of their being so. It is desirable that when the honourable

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member Mr. Dev rises, if he does at all, to address the Council, he will give an opportunity to the Council, if he wishes to, to determine whether he really intends to adhere to the word "mischievous" but so far as the presentation of the select committee's report is concerned, I do not see any objection at the present stage to call upon the honourable member Mr. Dev to withdraw this expression before the presentation of the select committee's report. I therefore declare that the report of the select committee is presented.

Mr. S. S. DEV (West Khandesh District) : I rise to a point of order, Sir. The point is this, that the alleged report of the select committee which is supposed to have been presented is not a report of a properly constituted select committee at all. Under Chapter VIII, Standing Order 6, (1), it is laid down that

"The Member of Government in charge of the Department concerned with a Bill and, in the case of a Bill introduced by a Member other than the aforesaid Member of Government, the Member in charge shall be members of the select committee on the bill. The other members of the committee shall be named when the motion that the Bill be referred is made."

You will, therefore, see, Sir, that a select committee without the Member in charge of the department concerned with the bill cannot be a properly constituted select committee. In this particular instance, the bill was referred to a select committee on the 19th March 1926, and although I am not quite sure who on that particular day held the portfolio of the Revenue Department, I am perfectly sure that on the days when the select committee met, namely, the 15th of June and 27th of June 1926 no Revenue Member who held the portfolio of the department was on the select committee. If that is so the very constitution of the select committee is contrary to the Standing Orders and the work that the select committee did on those two days was *ultra vires*. It was not a select committee at all. On the particular day on which this bill was referred to a select committee I am not sure who the Revenue Member was, but on the 15th and 27th of June 1926 the revenue portfolio was with the Honourable Mr. Rieu and he was not on the select committee on those two days. Besides, you will note that the 14 members of the select committee that have been nominated do not include the Revenue Member. The Honourable Sir Chunilal Mehta is included in his individual capacity. Even if he held the revenue portfolio on 19th March he did not hold it on the 15th and 27th June 1926 and whoever held that portfolio on the 15th and 27th June ought to have stepped in the select committee *ex-officio*. The member of Government in charge of the Department is *ipso facto* on the committee. He need not be nominated. He is *ex-officio* in the committee. That not having been done, the select committee that met and transacted business on 15th and 27th June was contrary to the provisions of the Standing Orders and parliamentary practices, and the whole report is therefore vitiated and cannot be considered as the report of a properly constituted select committee. That is my point of order, which goes to the root of the bill.

The DEPUTY PRESIDENT : I think I will request the assistance both of the Honourable the Leader of the House and the honourable member the Remembrancer of Legal Affairs, before I decide this point.

The Honourable Sir CHUNILAL MEHTA : Sir, it is fortunate that this idea has occurred to the honourable mover now. This did not occur to many who were members of the select committee. Though I conducted the proceedings of the committee, it did not occur to me. I will also mention that I was in charge of that department when the bill was introduced. I take it that it was on that account I was put on that committee. Whoever was in charge of the department I wish to submit that Standing Order 6, (1) speaks of the Member of Government in charge of the department as against the Member in charge, which means a private member in this case. 'A Member of Government' is explained in two places. On page 78 :

"Member of the Government" includes any Member to whom a Member of the Government delegates any function assigned to him under the Standing Orders ; "

In this case the function was delegated to me and I was in charge of the department when the bill was introduced. I conducted the proceedings. I submit that the definition makes this matter clear. The definition governs this section and therefore permits any Member to whom the Member of Government may have delegated his function to conduct the proceedings.

Mr. L. B. BHOPATKAR : On a point of information. Is there anything in the Council record to show that particular function was as a matter of fact delegated under the Standing Orders ?

The Honourable Sir CHUNILAL MEHTA : The Standing Orders do not require that there should be anything on the records of the Council to show that the function is delegated.

The DEPUTY PRESIDENT : On the interpretation of rule 6 itself I am prepared to hold that the select committee's report is in order without going to seek the assistance of Standing Order I. Rule 6 cannot be read without the context, i.e., rules 4 and 5. It is impossible to separate rule 6 from rules 4 and 5. They all relate to the first reading of the bill. Rule 6 therefore relates to the state of circumstances that exists at the time of the first reading and the constitution of the select committee when it is elected. The Standing Order lays down that the Member of Government in charge of the department, that is the Leader of the House, and the member in charge, that is, the honourable member Mr. Bole, shall be members of the select committee. There is no questioning the fact that when the committee was appointed there was absolute legality about the appointment of that committee. The member in charge was the honourable member Mr. Bole and the member of Government in charge of the department was the Honourable the Leader of the House. The Standing Order then lays down that the other members of the committee shall be named when the motion that the bill be referred is made. Then rule 6 (2) says :—

"Such Member of Government shall be the chairman of the Committee unless he waives his right to be chairman ; in which case the committee shall appoint their own chairman."

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I am prepared to go even so far and hold that, if the Leader of the House had not been the chairman at the time of the constitution of the select committee and had been made chairman subsequently and the question was raised before the Council, the report of the select committee may have been illegal. In view of the fact that the Member of Government who was a member of the select committee at the time of its constitution presided over its deliberations, there is no illegality attaching to the proceedings of that committee. Rule 7 says that the select committee to which a bill has been referred shall make a report. Once that committee is constituted, that committee to which the bill is referred shall make a report. The committee that makes the report must be constituted of the members that have been selected at the time when the bill is referred to it. In view of this interpretation of rule 6 I do not think it is necessary to go to rule 1.

I may observe that the statement of the Honourable the Leader of the House that such function was delegated to him must be received without contradiction, though this question does not arise now.

Mr. R. G. SOMAN (Satara District) : Sir, I rise to a point of order. So far as the report of the select committee is concerned, it includes clause 5 also. If we look to clause 5, it appears to be intended as an amendment of the original bill. But I have a doubt whether this amendment is within the scope of the original bill.

The DEPUTY PRESIDENT : I must interrupt the honourable member. These questions do not arise at this stage when the select committee's report is presented. If the question is raised at the proper stage—that is, when we come to clause 5, I am prepared to give a definite ruling on that at that stage. At present I do not think that question arises.

Mr. R. G. SOMAN : Sir, I believe I have not been properly understood on my point of order. I shall explain it more fully. I say this is not a report only on the original bill, and I raise the question whether the presentation of a report which is not only on the original bill is legal. If it includes something else than what was intended by the original bill, then it is not legal, and it cannot therefore be presented before this House. I invite your attention, Sir, to Standing Order V, Rule 8, which defines what an amendment is. If clause 5 does not fall within the meaning of the word amendment, then it cannot be called an amendment of the original bill.

The DEPUTY PRESIDENT : I do not think I can allow further discussion of this kind to proceed, because the honourable member must know the provisions of the Standing Orders. The proper stage for raising this question—whether clause 5 should be there or should be eliminated as being beyond the scope of the original bill—is not when the report of the select committee is presented, but when the bill is read clause by clause and clause 5 comes under discussion. If this question is raised at the proper stage I shall be prepared to give a ruling one way or the other, after hearing all the parties concerned. At present,

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I hold that the point of order raised has nothing to do with the presentation of the select committee's report.

Mr. R. G. SOMAN: Then, Sir, it would be an amendment of principle.

The DEPUTY PRESIDENT: I have given my ruling, and no further discussion can be allowed. Any member can raise that question when clause 5 comes to be read.

Mr. S. S. DEV: Sir, another point of order. Do I understand that the report is presented? If the report is presented, then I have a point of order to raise.

The DEPUTY PRESIDENT: The report is presented.

Mr. S. S. DEV: Then the point of order is this. It appears that the sanction of the Governor General which was required under section 80A (3) of the Government of India Act, which ought to have been previously obtained, was not obtained previously. I find from the report of the select committee that the previous sanction of the Governor General was obtained only after the bill was sent to the select committee, and in the bill itself there was absolutely no reference to the previous sanction of the Governor General. I take from this state of things that no previous sanction was obtained when the bill was presented to this House, and that the sanction was only subsequently obtained. If that is a fact, it also strikes at the root of the bill.

The DEPUTY PRESIDENT: Will the honourable member the Legal Remembrancer tell us the history of the sanction?

Mr. BALAK RAM: The honourable member who moved the bill has got the sanction. The papers are in the department.

The DEPUTY PRESIDENT: The point raised is that at the time the bill was read for the first time, there was no mention of the previous sanction. It was only after it was sent to the select committee that the words "and whereas the previous sanction of the Governor General" etc., appear. The question is raised that when the bill was moved for the first reading the previous sanction was not obtained.

Mr. BALAK RAM: So far as I know, it was obtained before the first reading.

The Honourable Sir CHUNILAL MEHTA: I have got a letter dated the 24th August 1925 from the Secretary to the Government of India:

"I am directed to convey the previous sanction of the Governor General to the Invalidation of Hindu Ceremonial Emoluments Bill, and to request that Mr. S. K. Bole may be informed accordingly."

The DEPUTY PRESIDENT: The point is that the honourable member Mr. Bole did not insert the words "whereas the previous sanction . . ." etc., in the bill when he presented it for first reading in September of last year. It was purely a clerical mistake. The sanction was obtained before the bill was presented to the Council and it does exist.

Mr. S. K. BOLE : Sir, I beg to move the second reading of bill No. XXXI of 1925.....

Mr. P. G. JOSHI (East Khandesh District) : Sir, I rise to a point of order. I submit, Sir, that the motion which the honourable member Mr. Bole is making should not be allowed to be made, because copies of the report and the minutes of dissent and the bill as amended have not been despatched to the honourable members of this House 15 clear days before the date appointed for the session. I am referring you, Sir, to Standing Order VIII, 8 (2). My submission is that the minute of dissent by Mr. Pradhan and the minute of dissent by Mr. Karki were despatched to us from the office of the Legislative Council on the 14th, and therefore the copies of the minutes were not despatched to us 15 clear days as required by the Standing Orders. I know, Sir, that it is within your discretion to suspend this provision. But you will see, Sir, that this bill affects a very large portion of the Hindu population of this presidency, and some important amendments of which notice had been given by my honourable friend Mr. Bhopatkar were ruled out of order as being late.

Mr. R. D. SHINDE : Sir, I rise to a point of order.....

The DEPUTY PRESIDENT : Let the honourable member Mr. Joshi finish his first.

Mr. P. G. JOSHI : As those amendments were disallowed on the ground of either being late, I request that you should not suspend the provisions of the Standing Orders in the case of the motion also. The principle underlying the rejection of the amendments should also govern the making of the motion.

Mr. R. D. SHINDE (Nasik District) : Sir, may I point out that my learned friend's point of order that the minutes of dissent were not sent 15 days before the session as required by the Standing Orders, is rather late, because as you said, the report has already been presented.

Mr. P. G. JOSHI : Sir.....

The DEPUTY PRESIDENT : I do not want further discussion. The honourable member Mr. Shinde has raised the question that the point of order raised is late. I think every honourable member is entitled to raise that question even at this stage without interfering with the rights of the Chair to condone a shorter notice. I have got the papers before me, and I find that the select committee's report was sent long before the required date. But some of the members of the committee sent in their minutes of dissent only subsequently, and therefore their minutes were sent out subsequently. I find that the only minute of dissent which was not distributed 15 clear days before the session was that of Mr. Pradhan. But it was published in the *Bombay Government Gazette* on the 13th July and it left the Legislative Council Office on the 14th July. This also applies to the minute of dissent by the honourable member Mr. Karki. As these minutes of dissent do not seem to affect the amendments that have been sent in by the honourable member from Poona (Mr. Bhopatkar) I do not think there would be the slightest

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prejudice if the matter is taken up to-day. I know that the report of the select committee and the bill as amended were sent to the honourable members long before the 15 days' time required by the Standing Orders, and I am prepared to exercise my power of condoning the delay of three days that has occurred in the despatch of the minute of dissent by the honourable member Mr. R. G. Pradhan.

Mr. P. G. JOSHI : I am sorry, Sir, to take up the time of the House, but there is another point of order, and that is whether this House is competent to legislate on the subject matter of this bill. I go to the root of the whole thing now.

The DEPUTY PRESIDENT : I do not think that question arises now. It may arise at the second reading. If the honourable member raises it when the second reading is being considered, I am prepared to give my ruling.

Mr. P. G. JOSHI : I understood, Sir, that the honourable member moved the second reading, and therefore I raise my point of order.

The DEPUTY PRESIDENT : I am sorry that the matter should be misunderstood. I called upon the honourable member Mr. Bole to move the second reading, and as soon as he stood up and said that he wanted to move the second reading, there was an interruption. I would therefore ask the honourable member Mr. Bole to proceed.

Mr. S. K. BOLE : I would request you, Sir, before calling upon me to move the second reading, to ask honourable members to raise as many points of order as they like.

The DEPUTY PRESIDENT : I do not think that I can receive any dictation from the honourable member on this matter. The honourable member has a duty to perform, either to move the second reading or not to move it.

Mr. S. K. BOLE : Sir, I beg to move the second reading of Bill No. XXXI of 1925 (a Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests.) Sir, on the last occasion when the first reading of the bill was moved, so much has been said in support of the bill that I need not say much on this occasion. I therefore propose to be very brief.

Sir, the bill is a very simple one. It tries to get rid of spiritual slavery. As a matter of fact, it tries to do away with the mischief that has been played upon the ignorant non-Brahmin masses. Sir, the custom prevailing in this presidency is that though a priest, whatever his qualifications, is not requisitioned, still his services are required to be paid for without his rendering any services at all. This custom is peculiar to this presidency alone and the Bombay High Court has upheld it. In other parts of India, it is not so. In Bengal, Madras, the Punjab, the United Provinces, and, as a matter of fact, in the whole of the rest of British India, this custom does not prevail. All the High Courts there have not recognised these rights of priests. Even the

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Brahmin judges there have pronounced judgments against these rights of the priests. This bill seeks to do away with the anomaly obtaining in this presidency, and bring the law into conformity with the law that is in existence in other parts of British India. Government had taken the opinions of many of their officers, and almost all of them, from the Chief Justice of the High Court down to the Collectors, have expressed their opinion in favour of the bill. Many public meetings were held in the city of Bombay and other parts of Maharashtra in support of the bill. The All-India Non-Brahmin Congress that was held at Amraoti, under the Presidentship of the Honourable the Raja of Panagal, the Chief Minister of Madras, has passed a resolution in support of the bill. All the non-Brahmin papers, and even the Brahmin papers like the "*Dnyan Prakash*" have supported the bill. Even the leading orthodox Brahmin paper of Maharashtra, the *Kesari*, edited by Mr. N. C. Kelkar, has supported the bill as it was originally moved. That shows that public opinion is in favour of this bill. Sir, as a matter of fact the bill was before the public for five months when the first reading was moved, and there was no opposition to it during that period. It is only recently that there is some opposition, and that is due to some movement carried on by some interested persons against this bill, and it is confined to only a small section of a certain community.

Sir, these are democratic days, and the bill seeks only to have liberty of conscience and freedom of action. Social tyranny is as objectionable and as harassing as political tyranny. We are all striving for the right of self-determination in political matters, and the bill seeks the same right in social and religious matters. Some of my honourable friends are very keen in securing that right in political matters. But I think that right in social and religious matters is much more important than in political matters. Sir, we are all trying to have that right of self-determination, and this bill seeks that. My contention is, let any man have the privilege of choosing his own priest. Now-a-days the priests do not come up to the mark that has been prescribed by the Shastras. But I will not refer to the qualifications of the priests. Therefore, the people desire to perform their religious ceremonies either themselves or through the offices of priests of their own choice. Sir, that is only sought by this bill. To compel persons to engage the services of a priest against their own will and to make them pay for their services though they are not rendered is, I think, not justifiable. Practically speaking, it is against public policy and justice and equity. We talk of slave mentality, but this sort of slave mentality in religious and social matters is very undesirable. This bill seeks to remove that sort of mentality. There is no Government interference here. Much has been made of religion, but no religion is concerned in it. What it seeks to do is that anybody who does not want the services of a particular priest should be given the liberty of conscience and he should be given the privilege of calling in any priests that he likes. The custom is that even though he does not engage the services of a particular priest he has

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to pay for his services. I have come across no case where a man is required to pay for services which have not been rendered. It is very oppressive.

An Honourable MEMBER : Pensioners.

Mr. S. K. BOLE : Has he rendered so much service that he is to be given this pension ?

That is the sum and substance of my bill. The bill as it was introduced is very simple. As to the amendments that are added to the bill, I would say that I am not responsible for them. These amendments were moved by persons belonging to the priestly classes in the interests of the priests themselves for which I should not be held responsible. In these circumstances.....

Sardar G. N. MUJUMDAR : Do you oppose them ?

Mr. S. K. BOLE : I shall see when the amendments are moved. I have moved an amendment to these amendments. With these words, Sir, I move the second reading of the bill.

Question proposed.

Mr. P. G. JOSHI (East Khandesh District) : Sir, I rise to a point of order and my point is whether we are competent to legislate on the subject-matter of this bill. You will see that this bill has been brought forward to deprive the Joshis of their right to claim ceremonial emoluments. The Joshis claim this right not under any law, but as you are aware, under immemorial custom. Section 80A, clause (2), says :

"The local legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature."

You will see, Sir, that in order that the provincial legislature may be competent to legislate on the subject-matter of this bill there should be a law made either before or after the commencement of this Act by any authority in British India other than that local legislature. As I have explained to you, Sir, the Joshis claim this right not under any law but under the custom, and that has been judicially noted and judicially recognised by no less a person than the late Justice Chandavarkar. The case has been reported in 36, Bombay. I therefore submit that this provincial legislature is not competent to legislate on the subject-matter of this bill, because there is no law made by any authority in British India which my honourable friend Mr. Bole seeks to repeal or alter. In this connection I would bring to the notice of the House that the preamble of this bill says :

"It is expedient to amend the law relating to the emoluments claimable by Watandar Hindu priests...."

He pre-supposes that there is some written law in existence. As there is no law under which the Joshis claim this right—it is absolutely necessary that there should be a codified law—the legislature is not competent to legislate on the subject-matter of this bill. The section says "subject to the provisions of the sub-section next following...."

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and I do admit that the previous sanction of the Governor-General has been obtained. But this sanction does not authorise the provincial legislature to legislate upon a subject about which there is no written or codified law.

Another point of order which I want to raise is this. The bill as amended by the select committee does not seem to have received the sanction of the Governor-General and unless and until the previous sanction has been obtained.....

Mr. H. M. RAHIMTOOLA : Sir, I rise to a point of order. I want to know whether two points of order can be raised at the same time.

The DEPUTY PRESIDENT : It is entirely for me to decide the points of order raised. I do not think there is any prejudice in the honourable member mentioning both points of order at once. It would save our time. The honourable member Mr. Joshi may go on.

Mr. P. G. JOSHI : The point I was making is that the bill as amended by the select committee has not received the sanction of the Governor General and unless and until the previous sanction has been obtained this House will not be competent to take that report into consideration. This is the second point of order and I request your ruling on it.

Mr. R. D. SHINDE (Nasik District) : I may point out that though this bill seeks to put aside or amend a customary law, it is none the less true that this particular claim of the Watandar Joshis has been allowed in certain judgments of the honourable High Court of Bombay and is the law on the subject. It is none the less a law though not passed by any legislature. With this definition of the law the bill is perfectly in order as it is a case law. My submission is that the bill is perfectly in order. This is as regards point of order No. 1.

Mr. R. G. SOMAN (Satara District) : The honourable member who has just sat down says that the High Court judgment is a law and that is sought to be amended by the present bill. But the words used in clause (2) of section 80A are :

"...law made either before or after the commencement of this Act by any authority in British India other than that local legislature."

So the law ought to have been made by some legislature. Besides the judgment of the High Court cannot be said to have been a made law. The arguments advanced by my honourable friend cannot stand good.

Then, Sir, so far as the first point raised by my honourable friend Mr. Joshi is concerned, I wish to supplement what he said by making a reference even to clause (3) and making an enquiry of the honourable mover as to what sub-clause he seeks to rely on, for the purpose of the sanction of the Governor General, whether he has sought the sanction of the Governor General for the amendment of an existing law or whether he has sought the sanction of the Governor General for the purpose of making a new law. It will be better if he explains his own position, so that the first point of order can be settled by you by a ruling upon it.

The Honourable Sir CHUNILAL MEHTA : May I point out, Sir, in connection with section 80A, that clause (2) reads :

"The local legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province any law made either before or after the commencement of this Act."

and so on. I take it that the contention of the honourable members opposite is that there is no law. There is nothing in the section 80A to prevent the passing by a local legislature of a new law. Therefore, Sir, either the honourable members opposite must hold that the preamble is correct and that there is a law, or if they say there is no law, then section 80A (2) does not apply to this case. I submit, Sir, that if there is any doubt as to the existence of the law, the preamble can subsequently be altered.

Mr. P. G. JOSHI (East Khandesh District) : My point, Sir, is that this is the only sub-section of the Government of India Act which authorises the provincial legislature to legislate and it authorises legislation only of two kinds, namely, it can either repeal or alter the law. It cannot make any law. It can only, with the previous sanction of the Governor General, repeal or alter.

The Honourable Sir CHUNILAL MEHTA : See 80A.

Mr. P. G. JOSHI : This is a central subject and I am talking about a central subject. The provincial legislature cannot legislate on a central subject ; it can only repeal or alter a law which regulates a central subject, and as this affects a central subject, it can only do it by repealing or altering, which pre-supposes that there is a codified law.

Mr. BALAK RAM : Sir, as far as I can understand the honourable member who raised this point of order, his objection seems to be that under section 80A, clause (2), the local legislature of a province can repeal or alter only statute law. But the word used in the section is "law" and not "statute law", and this is the first time I hear that case law or customary law is not included in "law". That is all I have to say.

Mr. L. B. BHOPATKAR (Poona City) : Sir, apart from the merits of the bill, I should like to speak on the point of order. As I understand section 80A, I think the view propounded just now is not correct, and for this reason. Section 80A, clause (1), 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."

It gives a general authority. Then, clause (2) deals with the powers to repeal or alter. It says :

"The local legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province."

not any and every law ; there are two conditions laid down here. It must be "any law made". "Made" does not mean administered, as the honourable member the Remembrancer of Legal Affairs very well knows. The Courts of Justice only administer law. If the law says "Two and two makes seven" the courts have got to accept that, and the Remembrancer of Legal Affairs functioning as a District Judge

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has got to hold that two and two do make seven. "Law made" is not customary law. The latter indicates more a revolt against the existing law. Customary law is law which is not made; but it is one which is only recognised by society. Then, the second condition is that the law must have been "made either before or after the commencement of this Act" not by any authority previous to the British Government, but "by any authority in British India". Thus, it must be a law made, and made by any authority in British India. In other words, this sub-clause is meant only for the repeal or alteration of only such law as may have been made by any authority,—be it legislative authority or any other authority—an authority come into existence after the British rule. Then, there is the third clause. Section 80A does not confer powers of making legislation on a provincial legislature.....

An Honourable MEMBER: Does it not confer any power of making legislation as regards a central subject?

Mr. L. B. BHOPATKAR: No, certainly not. There is a special provision made, and it is this—

"The local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law"

and so on. In other words, the jurisdiction of the local legislature is confined only within the four corners of section 80A, and the local legislature cannot travel beyond the confines of those corners.

It was a very subtle argument that was advanced by the Honourable the Leader of the House. But it does not hold good here. The mover of the bill clearly says: "A Bill to amend the law relating to the emoluments claimable by watandar Hindu priests" and further on he says: "Whereas it is expedient to amend the law relating to the emoluments claimable by watandar Hindu priests" and so forth. In other words, all the while the honourable mover of the bill presupposes that there is a law in existence which he seeks to amend by his bill. We cannot suddenly change an amending bill into a substantive bill, and I therefore think that the point raised by my honourable friend Mr. Joshi is a right one. Of course, it is open to the honourable mover of the bill to introduce another bill in proper form and shape, and then.....

The DEPUTY PRESIDENT: Before the honourable member sits down and before I give my ruling, I should like him, because he is a lawyer himself, to enlighten me if he can on one point, namely, clause (3) of section 80A. It says:

"The local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law regulating any central subject."

That is to say, this Council has the power, with the sanction of the Governor General of India, to make law even as regards any central subject. I want his view so far as the power of the local legislature to legislate as regards any central subject or any subject mentioned from (a) to (h) in clause (3) of section 80A is concerned, because we have been actually making law as regards central subjects. I ask whether sub-section (3) does not come in his way.

Mr. P. G. JOSHI : It is now 4 o'clock, Sir.

The DEPUTY PRESIDENT : Yes, we shall adjourn now and meet again at 4-30 ; that will give the honourable member more time to carefully consider the point.

(After Recess)

Mr. L. B. BHOPATKAR (Poona City) : Sir, sub-clause (e) of clause 3 of section 80A should be read in conjunction with item 16 of the Devolution Rules on page 116 ; and when these two provisions are read together, the natural inference that we can draw is that the local legislature has got the power to regulate any central subject, which is of the nature as described in item 16, namely, civil law, including laws regarding status, property, civil rights and liabilities and civil procedure, which means law which has been codified ; because the Government have no power and authority over the personal law of the subject peoples and the customary law, especially in the scheme of the Hindu jurisprudence, is personal law. So in view of all these provisions my submission is that this bill in its present form is out of order.

Mr. B. K. DALVI (Belgaum District) : Sir, the point of order which has been raised appears to be that this legislature can legislate only as regards codified law. I submit, however, that under section 80A, sub-clause 3, of the Government of India Act, there is nowhere any distinction made as regards codified law or case law. It simply says that the local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law. Even Rule 16 on page 116 under Schedule I of the Devolution Rules simply mentions "civil law, including laws regarding status, property, civil rights and liabilities and civil procedure." I therefore submit that under section 80A there is no distinction made as between codified law and case law. If we refer to the meaning of the word "law" in Webster's Dictionary several meanings are given and it concludes thus :

"In this sense the word law includes any edict, decree, order, ordinance, statute, resolution, rule, judicial decision, usage, etc."

Therefore I submit that so far as the decision of the Bombay High Court is concerned it is a law which says that Joshies are entitled to enforce their right as against the villagers even if they do not require their services. This honourable House therefore has the power to legislate on this subject. Therefore I submit that the point of order cannot be sustained.

The DEPUTY PRESIDENT : I am glad that the honourable member for Poona (Mr. L. B. Bhopatkar) has solved my difficulty as well as possible. Clause 80A (2) says :

"The local legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that of local legislature."

In this clause (2) the word 'make' is absent. In clause (3) which gives the power of legislating says :

"The local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law regulating any central subject ; or"

[The Deputy President]

Therefore what we have been doing every day is to legislate upon central subjects subject to the condition of sanction by the Governor General. If the sanction of the Governor General is not obtained as regards legislation on any central subject, the provincial legislature has no power to legislate. Once the sanction is obtained, the power of this Council to legislate on central subjects comes into operation.

Then the honourable member for Poona referred to the item (d) of one list of central subjects. I rely on the same item. Amongst central subjects item No. 16 reads :

" Civil law, including laws regarding status, property, civil rights and liabilities and civil procedure."

There is comma after every word except between civil rights and liabilities and civil procedure, so that the Legislative Assembly has power to make any law as regards civil procedure and civil law which affects, diminishes or increases status, property, civil rights and liabilities. In my view, the law that is now being made affects the status and property of certain people. Had the honourable member for Poona had satisfied me that this bill does not fall within the words 'status, property, and civil rights', I do not think there can be any objection to this Council legislating upon that law. I therefore hold that this Council under 80A (3) has jurisdiction to legislate upon this central subject. The formal sanction has been obtained by the honourable member in charge of the bill who is proposing the second reading.

As regards the other point of sanction, it has been so often decided by the two permanent presidents of this Council that I do not think that it is a serious point for me to decide. Once the sanction is obtained for introducing the bill the House is seized of the amending bill and it has full power to deal with it in any way it chooses. There is a ruling of the present permanent president that it is for the Government to determine whether the sanction is necessary to any particular amendment and withhold the third reading or withdraw the bill. So far as the Council is concerned it has got full power, without any further sanction, to reject or adopt it.

Mr. P. G. JOSHI : Is it, Sir, that no previous sanction is necessary for the amendments of which notice has been given by honourable members ?

The DEPUTY PRESIDENT : Sanction is not necessary.

Mr. P. G. JOSHI (East Khandesh) : Sir, I want to move an amendme under Standing Order 8 (1) (2) (b) to the following effect :

" That Bill No. XXXI of 1925 as reported by the select committee be referred back to the select committee with instruction to take into consideration the representations received from Joshis and other communities and to hear their representations and to modify the report if considered necessary."

The reason for moving this amendment is that this bill, though small in size and innocent in appearance, is mischievous. It is affecting a large population of Hindus ; at any rate it is going to affect a large number of Joshis. So far as my taluka is concerned I have calculated that this bill affects 100 families. If we go on on this calculation we

[Mr. P. G. Joshi]

will find a large number of Joshi families affected by this bill if passed. Therefore it is absolutely necessary that the community or class which has been affected by this bill ought to be heard and their representations taken into consideration by the select committee, which has got the power to do so under Standing Order 8.

I understand from the minute of dissent by the honourable member Mr. Dev that though such representations were received by the select committee they were not taken into consideration at the time when the report was drafted. Though it was urged upon the select committee to hear their representations, the select committee refused to do so. I therefore submit it is absolutely necessary when we are going to legislate depriving a particular class of their right which has been enjoyed by them from time immemorial that their representations should be taken into consideration before we proceed with further stages of legislation on the matter. I therefore propose that this bill should be recommitted with special instructions to the select committee to take into consideration the representations of such classes which are affected by the bill, and if necessary hear their representatives, and to modify the report if they consider it necessary. I do hope that this amendment of mine will be accepted by the honourable members.

THE DEPUTY PRESIDENT: The amendment proposed by the honourable member Mr. Joshi is perfectly in order. As the effect of this amendment, if carried, will be to postpone the consideration of this matter, it will have precedence over the other motion. Therefore, honourable members will discuss this amendment first before proceeding to the merits of the bill. Therefore the matter under discussion will be the amendment that the Bill No. XXXI of 1925 be recommitted to the select committee.

MR. R. D. SHINDE (Nasik District): Sir, I strongly oppose this amendment. You will see, Sir, that this bill, the Joshi Watandars Bill, has been before the country for a long time. You will see, Sir, that in the last Legislative Assembly, sometime in 1922, the honourable member for the Southern Division, Rao Bahadur Lathe, had brought in a similar bill and that bill was passed through its various stages—through its three readings—in the Legislative Assembly, and it was finally passed by the Assembly. It was ultimately when it was taken to the House of Elders, the Council of State, that the bill was rejected. After that, this bill has been brought forward by Mr. Bole in this Council. So that, this bill has been before the country for so many years. It is not a case of surprise sprung upon the *Joshis*. Even before the first reading of the bill the bill was before the public for five months, as has already been pointed out by the honourable mover. Now, if the *Joshis* wanted to send representations for the consideration of the select committee, they had sufficient time. I may say that the select committee had amongst them persons who were the strongest supporters of the claims of the *Joshis*, and without disclosing what the deliberations of the select committee were, I may say that they had ample opportunity of placing

[Mr. R. D. Shinde]

the views of *watandar Joshis* before the select committee when they considered the bill.

Sir, there is one more thing which I wish to bring to the notice of the honourable House. The bill has been called mischievous. I may say on the other hand, that the representations which have been flooding us from centres like Nasik and Poona, which are the strongholds of the *watandar Joshis*, appear to me to have been engineered by somebody with the idea of making this honourable House believe that there are certain substantial rights which are being taken away by the honourable House. As a matter of fact the first representation was received only about the end of May or the beginning of June, and until then there were no representations from the *watandar Joshis* that they were opposed to this bill and that they wanted that the bill should not be passed.

I submit, therefore, that this bill was before the country for a long time, the people were fully apprised of the contents of the bill, and that there is no substance in the argument that it is a surprise sprung on the people and that more time should be given and the *watandar Joshis'* representations should be entered into. I submit, Sir, that the motion should be turned down.

Mr. S. S. DEV (West Khandesh District): Sir, may I move an amendment which, if allowed, will take precedence over all other motions? It is under Standing Order IV, 4 :

"That the consideration of this bill be adjourned to the next session.

The DEPUTY PRESIDENT: There is no next session.

Mr. S. S. DEV: Then I move, Sir,

That the consideration of the bill be adjourned *sine die*.

The DEPUTY PRESIDENT: According to the Standing Orders, the honourable member can only make a brief statement of the reasons, not a long one.

Mr. S. S. DEV: Sir, I was considering which of these two amendments stood a good chance of securing the vote of the House—the motion for the recommitment to the select committee or the motion that the consideration of the bill be adjourned *sine die*. Twice I tried with the President but failed. I wish now to try this motion with the Government benches and with the other communities in this honourable House. You will see, Sir, that only we Hindus are affected by the bill. Mahomedans have no concern with it and Government are above caste considerations. Although individuals of Government belong to castes, Government as a body can rise above castes. Therefore, I appeal to the Government benches and to other sister communities in this House to give their most dispassionate consideration to the points that I have to urge.....

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to a point of order. Can the honourable member use such an expression as "I failed with the President", when you have given a ruling against the point of order.

The DEPUTY PRESIDENT: A point of order has been raised, but I hold that what the honourable member Mr. Dev said was perfectly in order.

Mr. S. S. DEV: Sir, I had no intention to discuss the decision given by the President on my points of order. I can never mean any discourtesy to the Chair.

The DEPUTY PRESIDENT: The honourable member must know that he is permitted to make only a brief statement.

Mr. S. S. DEV: Sir, I was appealing to the Government benches and to the other communities to give their dispassionate consideration. I confess that it may not perhaps be quite possible for me to induce myself to be dispassionate when we would come to the merits of the question. We are not, however, at present considering the merits, but we are considering the motion that this bill be postponed *sine die*. A right lead has been given—and I thank the honourable member who gave it—that this bill also be postponed *sine die*. We, in this Council, take certain steps with a purpose. For instance, our Standing Orders are not meant to be meaningless. They carry some meaning behind them. The select committee have to state in their report in what languages the bill should be translated. The select committee, in this particular case, have recommended that it shall be translated into Marathi, Gujarati and Kanarese. What could be the object of the select committee in recommending that it should be translated into these vernacular languages? The object can be no other than that the public should get an opportunity to know what kind of bill is going to be considered in the House. In this connection, the House may have noticed that these translations into Marathi, Gujarati and Kanarese for the first time were published on the 22nd of July 1926. If the suggestion of the select committee has any purpose to serve and, it must be the desire of the select committee that the public should know in good time what is being done, that purpose is not served by the translations which have been published in the *Government Gazette* for the first time so late as on the 22nd of July. We met in the House on the 26th of July.

The DEPUTY PRESIDENT: I must remind the honourable member that he is only entitled to make a brief explanatory statement. The wording of the Standing Order is clear. I think if he gives briefly the reasons without expatiating upon them, it will serve the purpose.

Mr. S. S. DEV: That is reason No. 1. I leave it to the honourable members to see whether it appeals to them. As I said in the beginning, I appeal more to the Government benches and to the sister communities. I leave it to them to see whether they should be satisfied with the translations having been published in Bombay only three days before we met in this House.

My second reason is that the bill has not been translated in the vernacular which is current in Sind. There is an amendment from a member on the Government benches that the bill be extended to the whole of the presidency. If that is so, then the bill ought to be translated into all the languages concerned. Therefore, it becomes necessary that the

[Mr. S. S. Dev]

consideration of the bill should be postponed *sine die*. This is in brief reason No. 2.

My third reason is that in the bill as it has emerged from the select committee there are so many alterations. If you look at the bill, you will find that the new clauses cover more lines than the original clauses of this bill. There are so many clauses newly introduced that it becomes practically a new bill. Was this new bill, I ask, before the country before now? It was not. Shall we not give the public any time to know the nature of the bill? This is my reason No. 3.

Of course you can give many more reasons, but these are the three principal reasons which may weigh with the House and influence its vote on the motion. I hope that the Government members and the sister communities will give their best consideration to this motion, that the bill be postponed *sine die*.

The DEPUTY PRESIDENT: Is there any honourable member who wishes to oppose the motion?

Mr. L. S. CHAUDHARI: (East Khandesh District): I wish to oppose it, Sir.

The DEPUTY PRESIDENT: The honourable member can only make a brief statement.

Mr. L. S. CHAUDHARI: Sir, I oppose the motion which is proposed by my honourable friend Mr. Dev. He has appealed to the sentiment of the honourable members sitting on the opposite benches and he has appealed to the sentiments of the sister communities. But I appeal to the reason of the honourable members occupying the opposite benches and to the reason of other sister communities. This bill has been naturally introduced into this Council to root out a wrong under which some of the Hindu communities have been suffering from times immemorial. We want to get that wrong which has been inflicted upon them rooted out. Looking to the history of this bill, it will be seen that it was passed by the Legislative Assembly, and we have been trying to get this wrong rooted out long since. Now what my honourable friend cannot get by discussing the bill here he wants to get by postponing the consideration of the bill *sine die*. As a matter of fact I appeal to the reason of the members sitting on the opposite benches and of the members of the sister communities, whether they are going to keep us in the same slavish condition of religion under which we have lived so long. I appeal to this honourable House that this motion should be thrown out.

Question put. House divided. Ayes, 18; Noes, 50. Motion lost.

Division No. 6.

Ayes

BHOPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.

JOG, Mr. V. N.
JOSHI, Mr. P. G.
KABRI, Mr. M. D.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.

Ayes—contd.

NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
PRADHAN, Mr. G. B.
PUNJABHAI THAKERST, Mr.

SAPTARSHI, Mr. C. M.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
VELKAR, Dr. M. B.

Tellers for the Ayes : Mr. P. G. JOSHI and Mr. S. S. DEV.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan
Saheb
ADAM, Mr. C. G.
ADDYMAN, Mr. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DUGUID, Mr. A.
FRAMJI, Mr. K. S.
GHULAM HUSSAIN, the Honourable Sir
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HOTSON, the Honourable Mr. J. F. B.
JADHAV, the Honourable Mr. B. V.
JERANGIR, the Honourable Mr. COWASJI

KALBHOR, Mr. G. M.
KAY, Mr. J. A.
KAZI INAITULLAKHAN
KHUHRO, Mr. M. S.
LOWSLEY, Mr. C. O.
MANSURI, Khan Saheb A. M.
MCKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PATHAN, Mr. A. F. I. K.
PATIL, Mr. D. R.
Pir RASULBAKSH SHAH, Khan Saheb
RIEU, the Honourable Mr. J. L.
SAYED SHAHJADE SAHEB HAIDAR SAHEB
SHINDE, Mr. R. D.
SURVE, Mr. A. N.
SWAMINARAYAN, Mr. J. C.
THAKOR of Amod, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WEBB, Mr. M.
WINTERPOTNAM, Mr. G. L.
WOODS, Mr. E. E.

Tellers for the Noes : Mr. D. R. PATIL and Mr. R. D. SHINDE.

The DEPUTY PRESIDENT: We will now proceed to the consideration of the honourable member Mr. Joshi's amendment that the bill be recommitted to the select committee with instructions to obtain the representation of the people concerned.

Mr. S. K. BOLE: I rise to oppose the amendment. I am not surprised at the attitude of the honourable member Mr. Joshi. He has acted just like a Joshi.

Mr. C. M. SAPTARSHI: Is the expression proper?

Mr. S. K. BOLE: By name he is a Joshi.....

Mr. P. G. JOSHI: I may inform the honourable member that I am also a watandar Joshi.

Mr. S. K. BOLE: Tenacity is the characteristic of Joshis and with that characteristic they fleece the ignorant masses under the garb of religion, and the bill wants to stop this. I therefore appeal to the House not to allow the postponement proposed by the honourable member Mr. Joshi.

Mr. N. R. GUNJAL (Poona District): Addressed the House in Marathi and supported the amendment.

Mr. B. K. DALVI: I rise to a point of order, Sir. Is the honourable member confining his remarks to the question whether the bill should

[Mr. B. K. Dalvi]

be recommitted to the select committee? He is not. He is discussing the merits of the case.

Mr. N. R. GUNJAL : (Addressed the House in Marathi) I am supporting the amendment moved by my honourable friend Mr. Joshi to recommit the bill to the select committee.

Dr. M. B. VELKAR (Bombay City, South) : Sir, I rise to support the amendment moved by my honourable friend Mr. Joshi, and for this reason. The honourable member's amendment proposes that the bill be recommitted to the select committee with instructions that the representations received from Joshis ought to be heard. The select committee met, as I learn, and no representations were heard on the bill itself. We find that the bill itself is to come into operation from the 1st of April 1928. When this bill comes into operation only in April 1928, about two years hence, I do not understand why the honourable member Mr. Bole should be in so much hurry. Sufficient time ought to be given to the Joshis who are the persons who would be most affected by this legislation to send in their representations to this Council. In my opinion, and I think the whole Council will agree with me when I say that whenever we have to legislate so far as the religious or social customs are concerned, we have to proceed very cautiously, and my honourable friend Mr. Joshi wants us to send this bill again to the select committee in order that the persons affected ought to be given full opportunity to be heard. I therefore hope on this consideration that this Council will support the amendment.

Mr. C. M. SAPTARSHI (Ahmednagar District) : Sir, I beg to support the amendment brought forward by my honourable friend Mr. Joshi, only for this reason that even a criminal, Sir, is not condemned without giving him a hearing. I hope this honourable House will extend to the Joshis at least the treatment that is given to criminals. They have been holding these watans, some of them, for the last 500 years. To the select committee it was possible to hear the representations. But what I find from the dissenting minute of the honourable member for West Khandesh is that "the bill is going to affect the interests of thousands of Joshis in the presidency. The select committee had received and was receiving, up to the moment it met on 27th June, several representations from the Joshis and others. Some of these representations advanced many important considerations against the bill, but, I am sorry to note, these representations were not even read in the select committee nor by all the members on the committee". Is that fair? Is that a treatment which we should give to any watandar class, whether Brahmins or non-Brahmins or any other? If you really want to legislate and if you want to take away their watans, of course, there must be some good reasons. Times are changed and there are certain principles to be considered, and if you do all that after giving full opportunity to the persons concerned to be heard, there is no objection. But if you want to introduce legislation to do away with a system which has been existing in this country for the last 500 years or more, are you going to legislate

[Mr. C. M. Saptarshi]

without even giving the persons concerned an opportunity to be heard? That is the question which I would ask the Government benches to answer. I am very sorry, Sir, that on this question Government members have voted. I should have asked them and expected them to observe strict neutrality in this matter. It does not affect the Mahomedans, it does not affect Government at all. In spite of that, that the Government benches should take sides with the persons who have introduced this bill and should go on voting is a matter for surprise. It is entirely a matter for the Hindus in this Council.

An Honourable MEMBER: And not for others?

Mr. C. M. SAPTARSHI: Certainly not. I therefore support the amendment brought forward by my honourable friend Mr. Joshi and I hope that another opportunity will be given to the persons concerned to be heard.

The Honourable Sir CHUNILAL MEHTA: Sir, perhaps I should intervene at this stage in order to explain the exact facts that occurred in the select committee. I may say, Sir, that I am extremely glad that the honourable members opposite, though they have put in their appearance only to-day, are making up for lost time by these various amendments and points of order and I assure them that we certainly wish them to remain with us as long as possible. So far as Government is concerned, I may further assure them that Government does not in the least mind how much time the honourable members wish to take on this bill. That is entirely a matter for the non-official members themselves to consider in view of their other private business. But, Sir, I am somewhat surprised—I must say painfully surprised—at the statement which an honourable member, for whom I have the greatest respect and who is usually so extremely fair, has made in his dissenting minute. In the first place, he says that these representations were not even read in the select committee. Now, that, Sir, is not accurate. The representations, such as were received, were read, discussed and gone through in the select committee, and it was by the vote of the majority of the select committee that a proposal made by the honourable member to postpone the consideration of the bill was thrown out. It was not thrown out by the chairman of the committee or by any single individual member. It may be true that not each and every single individual representation was read. Most of these representations were of a uniform character, couched almost in the same language, and I do not think even the honourable members opposite would have desired us to read each and every single representation.

Sir, I should like to point out that this bill got its first reading passed somewhere in the middle of March. The first meeting of the select committee was called on the 15th of June. There were consequently three months within which to take any steps that the members of the select committee wished to take in connection with either the postponement of the consideration of the bill or for the representation of the Joshis, either in person or in any other manner. What actually happened? On the 15th of June we met. Many members thought that the whole

[Sir Chunilal Mehta]

business would be finished in five minutes as the Council had already given its assent to the first reading of the bill. An amendment was moved which provoked a certain amount of discussion and difference of opinion. For the consideration of that amendment, which was of a fairly far-reaching character, we had to adjourn the discussions of the select committee, although under the orders of the Legislative Council we were to report by the end of June 1926. We therefore met, after twelve days, on a Sunday—on the 27th of June. On the 27th of June the honourable member for West Khandesh moved before the select committee for the first time that the Joshis should be asked to be represented and should be heard by the select committee. It was, Sir, it seemed to me, scant courtesy to the select committee that although this question was raised as long ago as March last, and although the points of difference came before the select committee on the 15th of June and although these amendments were freely discussed, no suggestion was then made that the Joshis should be invited to attend in person at the next meeting of the select committee. But the story does not end there. On the 27th of June when this proposal was brought forward a majority of the select committee was absolutely opposed to giving any further adjournment because it would have meant going beyond the time allotted by the Legislative Council. Nevertheless I, as the Chairman of the committee, offered to the honourable member for West Khandesh that if there were any Joshis willing to attend then I was prepared to adjourn the discussion for another day and hear them either on the Sunday evening or on the Monday following if that would satisfy the honourable member. But he and another honourable member had to meet another public engagement somewhere else and he had to leave Poona on the same day and consequently he could not meet us again on the Sunday evening or on the Monday following. I should have thought that it was at least necessary, if any reference at all was to be made to this matter in a dissenting minute, that all the facts should be fully set out in order to put the full case before the Legislative Council. It was because of the incomplete and somewhat incorrect statements of this dissenting minute that the honourable member for East Khandesh and the honourable member sitting next to him, I take it, were inclined to support the motion for a recommittal of this bill to the select committee, and I therefore thought it necessary to place all the facts before the Council. I think that so far as the statement of these facts is concerned, it fully disposes of the allegation that sufficient time had not been given or that the representations had not received consideration at the hands of the select committee, nor do I remember (I am speaking from memory) that in the written representations of the Joshis is it anywhere stated that a personal discussion with the select committee was asked for. I cannot see how matters would be much further advanced than has already been done in the several full written representations that we already have before us. There were on the committee members who took, quite rightly took, an interest in the Joshis. They happened to be lawyers.

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We have seen the great ingenuity with which lawyers can evoke the assistance of any statute when rising to points of order or moving amendments and they had used that opportunity when speaking on the subject in the select committee. If my memory is not wrong, I think one of the members on the select committee himself belonged to the respectable class of Joshis, and I think he told us that he knew the feeling of this class of persons in this matter. I think on these grounds and further on the ground that this bill is not a new matter by any means but has been before not only the presidency but before the whole country since 1922, and has even been passed by the Legislative Assembly, whatever views we may hold about the merits of the question, there is not really much reason for further postponement. What is going to be the effect of the postponement? I may mention that it was on that ground also that the majority of the select committee came to the conclusion that no postponement should be allowed. A postponement in this case would mean that this bill would have to stand over till the next session and as the Council would be dissolved soon, it could not be taken into consideration from the stage which it has reached but would have to be moved actually *de novo* from the stage of leave to introduce with the discussion all over again. I do not think that it is fair to move such a motion now at this stage.

Then again, a point was made as to the period when the bill would come into operation, namely, 1st April 1928. There were several members on the select committee who desired that the bill should come into operation at once. There were some like my honourable friend from Dhulia who wanted that three or four years' time should be given for the bill to come into operation. It was not suggested even then by those who wanted the period of three or five years, that that period should be given in order that in the meantime the whole matter should be reconsidered. No. It was asked for on the ground that in that time such of the Joshis as might possibly be deprived of their emoluments on account of the operation of this bill, should have an opportunity of seeking some other kind of livelihood. It was, I think, I won't say by unanimity but by common consent, agreed that the bill should take effect from the 1st April 1928 and on that ground alone that clause has been put in.

There is one last point to which I should like to refer and that is with regard to the remarks made by the honourable member who last spoke. I think it is wrong to expect, wrong even to suggest, that Government should be insensitive to the social conditions of the people, that they should not on any occasion take any part in matters that may deal with social life. I think, Sir, that on the contrary it is the duty, consistently with their regard for the strictest impartiality for all communities, to further all schemes that may lead to a betterment of the social life of the people and to greater happiness among the people, and I think it would be a bad day when the principle is followed that Government should not in any shape or form interfere with any matter affecting social reform.

I therefore think that even that ground does not in the least appeal to me and I trust that the amendment will be thrown out.

Mr. D. R. PATIL (East Khandesh): Sir, we were talking so much about fair-play and the need for considering this question dispassionately that I feel inclined to ask my honourable friend Mr. Joshi whether it would not be fair on his part to withdraw his amendment in the face of the lucid explanation given by the Honourable the Leader of the House. If we look to the attitude adopted by my honourable friend Mr. Joshi, we can at once know his mind, we can at once find that from the beginning he wanted to see that this bill is defeated because he raised so many objections one after the other—he was of course perfectly entitled to do so, I do not question his right to raise objections—but we can see his mind that he is dead against this bill. Naturally he should do so because he himself is a watandar Joshi. My point is this that even if we delay the consideration of this bill, what will be achieved? What does this bill demand? It simply says that if any Hindu does not require the services of a priest that Hindu should not be compelled to pay any emoluments to the village priest which he can now claim under the customary law. That is the only issue before the House. Such being the issue the Joshis would never like to lose the emoluments which they can now claim without doing any service. That is the simple truth. I therefore do not think there is anything much to be considered, and I do not think that anything will be gained by a postponement of this bill. The bill will lapse if it is not passed into law now. I have with me a big paper which is voluminous; it contains objections of so many priests and besides we know the amendments moved by my honourable friend Mr. Joshi. Under these circumstances there need not be any objection to proceed with the bill. The honourable member Mr. Joshi has taken care to see that the bill should be nullified. I do not think there is any sense in accepting his amendment. I hope that my honourable friend Mr. Joshi, as a reasonable man, will accept the reasonable proposal that he should withdraw his amendment in view of the explanation given by the Honourable the Leader of the House.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I support every word that has fallen from the lips of the Honourable the Leader of the House. I was a member of the select committee and I think I owe it both to the select committee and to this House to say that every possible consideration was given in the select committee by the chairman to those who were opposed to the bill.

The Leader of the House stated that he was willing to hear the Joshis the next day after Sunday and he almost entreated the honourable member Mr. Dev to bring in such Joshis in whose behalf he was holding a personal brief. As was pointed out by the Leader of the House the honourable member Mr. Dev said that he would not be able to come the next day. The honourable member Dr. Paranjpye had every opportunity on his part to explain the bill. I as an humble member of the select committee did not think it right to impose my mind upon the committee in the matter, but as one belonging to a similar class to a certain extent I could not withhold sympathy from them. I thought it was important that consideration should be given to their representations. But the difficulty was this. The Honourable the Leader of the

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House informed the committee that unless the bill was sent to the press on Monday it would be too late for discussion of the bill in this Session. Therefore it had to go to the press.

The committee supported the chairman. I have no personal interest in the matter. This is a quarrel between Brahmins and non-Brahmins.

Honourable Members : No, no.

MOULVI RAFIUDDIN AHMAD : The fact is demonstrated by the state of affairs.

I may mention here that the honourable member Mr. Saptarshi, when the bill of the honourable member Mr. Adwani was before this House, very strongly opposed me when I had expressed my mind that religious matters should be decided outside the House. Now, he says that the present bill is for Hindus, and that Muhammadans, Christians and Parsis have no business to interfere. If we are not to interfere what are we here for ? My honourable friend Mr. Noor Mahomed did wisely in withdrawing his bill. The feelings of sympathy of the Muhammadan community for the Hindus, therefore, are practically demonstrated. I will only say that it will be a waste of time to have further adjournment of this bill.

Mr. S. S. DEV (West Khandesh District) : Sir, on two points I have to offer a personal explanation and also to support the motion. I was present at the meetings of the select committee from beginning to end. Every word that I have stated in the dissenting minute is true ; and it has been admitted to be so by the Honourable the Leader of the House. Though he stated in the beginning that it was not true that such representations were not considered, he modified his statement immediately by saying that every one of the representations was not considered. I have to say that some of the representations contained very cogent arguments and many of them have not been read in the select committee nor by everyone on the select committee. That is all what I have stated in the dissenting minute, and it is perfectly true. I happened to see one representation at the last moment with the Secretary. It was a lengthy representation covering over nine pages of typed matter. I could see that it was an important representation and so I handed it over to the chairman with a view to show him how we were, in our haste, brushing aside important material. He went over a page or two and gave it back to me. Such important representations were not read in the select committee. That is all that I have said in the dissenting minute and it is true.

The second thing that I have stated is that under the Standing Orders, chapter VIII 6 (4), I had urged in the select committee that the committee might be pleased to give an opportunity to the representatives of the Joshis whose interests were going to be affected by the measure of being heard by the select committee. The select committee ought to have heard some representatives of the watandar Joshis. I had none in view. It was not that I was asked to name a representation in one day and he was to be produced the next day. All this happened in one

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day and within about two hours. It was Sunday. The Committee met at 11 a.m. and dispersed at 1 p.m. The same day I had to leave Poona by the 3 p.m. Express. When I was asked by the Chairman whether I had any representative in view I told him that I had none but an opportunity shall be given. This is what I have to say by way of explanation to the House.

Coming to the merits of the amendment I may say that some of the reasons I advanced for postponing the bill *sine die* hold good and justify this amendment also. This is certainly not a war measure. No enemy is going to land on the Indian shores to-morrow if the bill is not passed. Besides the bill, if passed into law, is to come into operation from the year 1928. What harm is there then if this bill is postponed to the first session of the next Council? There will be Boles in the House, and why there will be the honourable member Mr. Bole, if I can predict, in the House, who will take up this bill again. As I said let the world go on with these Joshis for a few months more as it had gone on for thousands of years. (An honourable member: They are rich people.) Whether they are rich or poor is not the question. My honourable friend Mr. Joshi is a rich man for he gets a big sum of Rs. 3 as a watandar Joshi. But that is beside the question. The real question is whether this bill ought to be passed into law during this session. Is the whole world coming to an end if this session ends without this bill? All these reasons I had advanced on the motion to adjourn the bill *sine die* and having lost it I have no hope that this amendment will be carried.

The Joshis have been in the enjoyment of their rights for thousands of years, and you are now going to deprive them without giving them a proper hearing. It has been stated that this bill has been before the country for five months or five years. But it has not been before the rural population for more than a month or two. Only when the bill was sent to the select committee the public became aware of it. Here are thousands of applications which have been handed over to me—not by Brahmins, but by non-Brahmins—stating that without the Joshis they cannot perform their religious duties. I will explain how. What are the functions of these Joshis? Three or four villages may be under his charge. He goes from house to house telling the people, to-day is *ekadesi*, on such and such a day is *pournama*, *vyatipat* or *dasara* or *pradosh* and so on. They give all this information to the householders, house by house, and get some alms. That is the function that the Joshis have been doing. You are depriving our villages of the Joshis, and thus depriving the villagers of the very useful information which, according to their religion, they are bound to know. The nature of the bill is not known to the remotest corners of our presidency. Since it is being known, thousands of applications are pouring in. I will hand over this bundle of applications by Brahmins and non-Brahmins (but mostly non-Brahmins) to the President, as a piece of evidence to show under what circumstances I pray that this bill be re-committed to the same select committee so that they may give their best consideration to the bill in

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view of the new light that these applications may throw upon it. I therefore support the motion.

The Honourable Sir GHULAM HUSSAIN : May I know if there are any representations in favour of the bill ?

The Deputy PRESIDENT : Those papers are not before the Council. The question does not therefore arise.

Mr. B. K. DALVI (Belgaum District) : Sir, I rise to oppose the motion. It has been stated that the representatives of the Joshis have not been heard by the select committee, and therefore the bill should be sent back to the select committee for that purpose. Now, Sir, I need not offer many remarks, when we have heard the elaborate and eloquent speech of the Honourable the Leader of the House who has traced the history of this bill which has been before the country ever since 1922. We know it that as a matter of fact the representations of the Joshis were before the select committee, and some of them were considered, and know also from the Honourable the Leader of the House that all those representations were of the same nature and uniform. Therefore, I submit that although we do not know now the nature of the other representations, we may presume that even if we recommit the bill to the select committee the representations that will be received—supposing for argument's sake that there will be representations—those representations will be of the same sort. We know what the *watandar* Joshis will say. They will say " We have got a right over the villagers, and we don't wish to be deprived of these rights ". They will never agree to being deprived of their rights. So, we may take it for granted that there will be that sort of representation, and we can consider the bill on its own merits and dispose of it.

Besides, in this connection I wish to bring to the notice of the honourable House that we have got a strong exponent and supporter of the Joshis in this honourable House in the honourable member Mr. Joshi. He himself has admitted that he is a *watandar joshi* and I do not think that the other Joshis will do better than Mr. Joshi himself, who has been putting all sorts of obstacles in the passage of the bill.

Now, the next ground that has been urged by the honourable member Mr. Dev is, " what is going to happen if this bill is not passed in this session ". He said " Are the heavens going to fall ? " That was his argument. As he said that there will be Boles, I think there will be Devs too. Supposing the bill were to pass a year hence, I ask are the heavens going to fall if the bill is passed to-day. Again, that is an argument that won't appeal to this House.

Now, Sir, it was submitted on behalf of the supporters of the amendment that this bill is to become law only in 1928. But, Sir, you will find that this concession was given at the instance of the supporters of the amendment, and now they are trying to take advantage of that concession and want to have the bill lapse somehow or other or be postponed *sine die*. Now, that again is a ground that will not weigh with the House.

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Now, the fourth ground is that this bill is being opposed by most of the non-Brahmins. It was urged and it was pointed out to the House that this bill is being supported by only a few non-Brahmins. Then, I submit that there will be no necessity for opposing this bill. In spite of this bill, there will be non-Brahmins in thousands who will ask for the services of joshis, and if they ask for the services of the joshis they are bound to pay for his services, and there need be no anxiety on that score. This bill is only a sort of conscience bill which tries to absolve certain persons from the liability to pay a priest when as a matter of fact they do not want his services according to their religious tenets. If such people are in the minority, then the joshis need not be afraid that their remuneration will dwindle. I therefore submit that this amendment should not be allowed by the House.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, before I support the amendment, I should like to say a few words on the merits of the bill. In 1858 the late Queen Victoria made a public declaration promising that the Government in India would not interfere in religious matters of the Indian people. After that, His Majesty the late Edward VII repeated the promise at the time of his accession to the throne. After that, His Majesty King George V reiterated the promise given by Queen Victoria and Edward VII. This was done on two occasions. The position now is that the Government are supporting legislation which will interfere with the religion of the people. That is really a very surprising matter. The promises given by Their Majesties Queen Victoria and her successors have been carried out by the Government up to now, but there is no knowing, from their present attitude on this bill, that they will carry them out in the future. In this connection it must be remembered that these watandar rights in the villages are not confined to the Joshis alone. There are the Mahars, the Chambaras, the Bhangis, the Telis, the Tambolis, the Lohars, Kumbhars and the Sutaras who enjoy these watandar rights. They have been in existence from times immemorial. Now, after this Joshi Bill, there may be the Bhangi Bill, and the Sutar Bill, the Kazi Bill and other bills. That means that the promise of non-interference in religious matters will not be carried out in future. The question is how that promise is to be interpreted, and Government should very seriously consider that aspect of the question. This bill has been brought forward with certain objects, and the supporters of the bill know what they are.

The Deputy PRESIDENT: May I remind the honourable member that he has to address himself to the question of the recommitment of the bill to the select committee, and not to the merits of the bill.

Mr. V. A. SURVE: The law does not prevent an accused being given two opportunities of defending himself. There should be some help to the people who are losing their watan. If they do not get the help in a place like the Council where will they get it? It depends upon the will of the judge. I therefore think that the amendment is a reasonable one, and I support it.

Mr. A. N. SURVE (Bombay City, North) : Sir, I had no intention of taking part in this debate, but the earnest appeal which was made by the honourable member from Dhulia (Mr. Dev) has induced me to express my views. He has said in a very touching manner that the Brahmin Joshis go from house to house in the village telling the people "To-morrow is Ekadashi and some days after that is Pournima" and they ask for alms. Well, if it is a question of asking for alms, I do not think this bill interferes with that kind of asking for alms. The bill only refers to a particular kind of religious tyranny of the priest or slavery of the people, call it what you like. We wish for the abolition of this kind of slavery. If anybody wants that he should worship God according to his own conscience, we think he should have that liberty. We are fighting here for liberty of conscience. Even in matters of religion, we find that the question of self-interest and money—filthy lucre as it is called—is introduced, and that too with the assistance of British courts, whose authority some of my Swarajist friends at times call into question. It is a very touching thing, Sir, that members of the Swaraj party to-day have been invoking the proclamation of 1857 of Queen Victoria the Good. I think it is a happy augury of the times, and that in future there will be a change of the angle of vision.

Now, referring to the service of telling the Panchang, I may remind this House that at present there are two Panchangs, the reformed and the old. There is the Tilak Panchang and the old Panchang, and it happens that according to the two Panchangs there are two Ekadashis and two Dwadashis, and the people who want to perform their religious ceremonies according to a Panchang are at a loss to know on which day they should perform those ceremonies. They do not know whether they should go according to the Tilak or Reformed Panchang, or they should go according to the old Panchang. There is the *Bhaubandki*, as we call it, between the two Panchangs. *Bhaubandki* means a fratricidal quarrel for the paternal estate. This is the state of affairs.

Another point that has been placed before the House by my honourable friend from Dhulia is, what would be the loss if the bill is postponed for five or six months? I say, if a man's finger is pressed under a stone or is jammed in a door, will it be reasonable to appeal to him and say "it is only your finger that is suffering, better remain in your present position for some time, and you can be relieved after some time"? In this matter, we say that our conscience is involved, and we want that freedom as early as we possibly can. For these reasons, I think even if the bill is passed at this session, nothing would be lost, but on the contrary much would be gained. The bill is to come into operation in 1928, and will that not allow the Joshi watandars sufficient time to move in the matter? The bill will not come into operation immediately even if it is passed by the House to-day. I therefore say, allow it to pass now. We do not know what will be the temper of the new Council that will come into existence hereafter.

Another point is that every possible ground that could be raised has been raised. The case of the Joshi watandars is represented not by illiterate people. It is represented to this Council by an intelligent and

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organised body. I have in my hand a copy of a series of resolutions passed by the *Joshi watandar Sounrakshak Mandal*. That itself shows that these Joshis are not as unrepresented as is tried to be made out and as we are asked to believe. They have so much legal skill and there has been so much hair-splitting that we know what an amount of ingenuity has been exercised in the representation of their case. Similarly, I have in my hand a representation which has been thrust into our hands to-day. It is signed by 600 Brahmins and non-Brahmins as they are called, and one of the signatories is Mr. Shouche, Gramjoshi and retired Assistant Deputy Educational Inspector of Nasik. Sir, it will be seen that he is an ex-servant of Government and at the same time he wants to claim his watan property to officiate at religious functions. It shows to what low depths this watandar Joshi system has sunk. I think with these few remarks nothing more is necessary.

Mr. P. G. JOSHI (East Khandesh District): I am really surprised at the participation of Government members in the discussion of this bill particularly after the declaration of the Honourable the Leader of the House at the last session that the attitude of Government members will be neutral.

The Honourable Sir CHUNILAL MEHTA: Where was it stated?

Mr. P. G. JOSHI: On page 1521 the Honourable Sir Chunilal Mehta has observed "Therefore Government have come to the conclusion that everybody will be free to vote on this question as he pleases." I find that some Executive Council Members and Ministers did not vote at that time. That is the attitude which the Government have taken then and I think, Sir, that Government ought to have been neutral now. The important point is that even the eloquent speech of the Honourable the Leader of the House while participating in the discussion of this bill has not been sufficient to satisfy me that there is any case why this bill should not be recommitted to the select committee. The only point that he made was that if the bill is recommitted to the select committee the bill may not be taken up and it will have to be introduced *de novo*. I submit, Sir, that there are greater advantages in introducing this bill *de novo* as the present bill is very defective. The object which the honourable member Mr. Bole has in view will not be achieved even if this bill is passed. I will explain my meaning. In this bill the honourable mover wants to deprive the Joshis of their right to claim ceremonial emoluments. Nothing has been said in this bill of the remedies which the Joshis possess. The Joshis possess not only the right to claim ceremonial emoluments, but they have also the right to claim an injunction restraining persons from engaging another priest. These remedies have not been affected by this bill. If the honourable mover's object is to be served, it is necessary to deprive the Joshis of these remedies. I submit, Sir, it is better in his own interests if this bill should be allowed to be recommitted to the select committee. I am certain the honourable member is sure to be in the next Council. As he knows there are other remedies which give relief to the Joshis in this matter he may frame a more comprehensive bill and try his luck next time. Even if this bill

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is passed at this stage the Joshis who want to restrain the *Yajamans* not to engage other priests can do so.

It has been said that those who were opposed to this bill were given a most patient hearing at the time of the discussion in the select committee. I submit, Sir, that the fact has been admitted that the representations of Joshis have not at all been taken into consideration. This fact has been admitted by Moulvi Rafiuddin Ahmad, who told us that he was willing to allow the representatives of the Joshis to be heard, but as the bill was to be printed he unwillingly supported the reasoning of the chairman of the select committee.

Then it has been stated that the bill has been very long before the public. I think the bill has not been very long before the public. The bill never appeared in the *Bombay Government Gazette* as my honourable friend Mr. Dev pointed out before July 22nd. I therefore think that the bill has not been before the public sufficiently long. It is absolutely necessary that the Joshis should be given the right to have their say in the matter while the select committee are reconsidering the matter.

It has been said by my honourable friend Mr. Dalvi that the representations of the Joshis have been taken for granted, because he says that the Joshis would oppose this bill. It is no use taking the opposition of the Joshis for granted. The grounds on which they oppose the bill should be taken into consideration and unless and until I am satisfied that the grounds have been taken into consideration by the select committee I do submit that it is unfair to pass this bill.

It has been stated that the heavens are not going to fall if the bill is passed into law. This argument cuts both ways. Joshis have claimed this right for so many days and the heavens are not going to fall if they are allowed to do so a few days longer. With these few remarks I hope the House will pass my amendment.

The Honourable Sir CHUNILAL MEHTA: I do not wish to say anything further except that I intended to mention one matter which I forgot when I spoke on the last occasion. That is this. We received various representations from people supporting this bill and these representations also were not all read by the select committee.

Question put and lost.

Dr. R. P. PARANJPYE (Bombay University): Sir, I did not wish to take part in the discussion on the second reading of the bill, but I cannot let this occasion pass without pointing out one serious defect in this bill. Although I am not going to vote against the bill I think the bill would have been very much improved if something had been done in the matter. I had been a member of the select committee and I admit that the present claim of the Joshis to perform religious ceremonies at the houses of people even when not wanted is against public interests and modern sentiment, and therefore I am prepared to extinguish these rites as far as possible. But I have always felt that such movements for reform should be of such a nature that they will not work hard against individuals who are victims to the previous social system.

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I therefore wanted to move in the select committee that the bill should contain certain provisions for the granting of some slight compensation to the Joshis who are going to be deprived of their monopoly, which they have enjoyed for several centuries, perhaps even for several thousands of years. I was told at that time that this being a financial amendment, it could not be moved without adequate sanction. I therefore went the proper way to procure that sanction and I am sorry to find that that sanction has not been given. I do not propose to make any remarks upon my failure to get that sanction, but if I am going to support the second reading of this bill, I must say that I am doing it only with half a heart. We always find that whenever any reform movement tends to entrench upon the vested rights of any particular class, Government have always been very kind, very delicate, in their operations. Take, for instance, the Government of India Act, under which this Council has come into existence. We were told that under the enhanced privileges that were given to these Councils the powers and privileges that were enjoyed by the Imperial services were going to be curtailed and that they would not enjoy the same prestige and privileges as before. Well, we were not told at that time that this is the current of the times and that any vested interests should be sacrificed without the slightest regard. We were told at that time that these people, the members of the Imperial services, had come here under certain presumptions, under a definite understanding, that certain conditions would continue till they retire, and because parliament has changed those conditions according to the force of the circumstances in the whole world, and we were told on account of that some compensation must be given to the members of the Imperial services. We were, first of all, then informed that certain rights of proportionate pension would be given to the members of these services, although under the old rules no rights of proportionate pension were claimable by these servants under the old conditions. We were not satisfied even with that. The Lee Commission came and they were given certain additional concessions. I mention this point, Sir, in order to prove that the attitude of Government on this point has been quite unfair in the present case. They want to show no regard when people with whom they are not individually concerned are affected! I would point out to Government that I agree that these rights are no longer proper for these democratic times. So also the power and prestige of the officers of the Imperial services; they were not in consonance with the present democratic times. Did we tell them that those rights must be given up without any compensation to the individuals who are affected? No, we did not. But, Sir, here they are Brahmins and I am told that Brahmins may be sacrificed without the slightest compunction. Take the case of political Brahmins. When it came to the sacrifice of political Brahmins, we were told their rights and privileges should be considered with the most kindly regard, and that they should be treated not only justly but generously. I proposed in my amendment to give to these people not even a just compensation. I wanted simply that these Joshis, who are going to be deprived of their means of livelihood,

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should be given not the whole of the legitimate compensation, but a slight amount of compensation to enable them to tide over for a time during the period when they are changing from one position to another. My proposal was that every Joshi who maintains himself by his priesthood should apply to the Collector of his district when this Act comes into force and let the Collector know how much he is likely to lose on account of the passing of this Act per annum, and a five years' income on this basis should be granted to him by Government. It is, after all, the action of Government that is going to deprive these people of their vested and hereditary rights. Well, after all, what would a five years' income come to? I was very modest. I was not going to ask proportionate pension over and above the capitalised value of their services. I was not going to give them increased salaries on account of their diminished prestige. I was only asking for compensation equal to five years' income which the Joshis were losing in that way. And even this we were refused! And what would the amount of compensation come to? We know very well that these concessions to the Imperial services have cost lakhs and, considering the recurring expense, it is going to cost crores! What would have the compensation that I wanted to be given to these Joshis on the scale that I have mentioned come to? We have got certain figures, although the figures are not absolute. We were told that in the Poona District there would be something like about 700 Joshis who were holding inams, and that the inams are paying at present a land revenue at a reduced rate of something like Rs. 2,200. On an average, the revenue paid by each inam came to about Rs. 3 each. Well, instead of paying one-fourth the regular assessment, if the whole of this regular assessment were to be paid by them, they would have to pay about four times the amount. I was saying that in this case if a part of that assessment were to be given to the Joshis as compensation, Government would not have to spend very much. After all, it would have been an exceedingly small amount. I am certain it would have been under Rs. 1,00,000 during the whole course of the five years and I should have thought that a simple and modest proposal of that nature should have been accepted.

The Honourable Mr. B. V. JADHAV: How much would it be for the Poona district?

Dr. R. P. PARANJPYE: I think it would be about Rs. 4,000 to Rs. 8,000. The amount of the compensation that would have to be given to the Joshis would have been extremely small; certainly, it would not be more than a lakh. It would not rise to crores and a recurring charge of several lakhs, as in the case of the Imperial services. My honourable friend, the proposer of this bill, if he really were actuated by a regard for spiritual freedom, would have been the first to come forward and say: "We want our spiritual freedom. You say you have got certain vested rights; all right, you do not oppose us; we want our spiritual freedom, but we are also prepared to consider that your claim is fair and we shall support you in regard to compensation." I have come forward with a very modest proposal, not of giving complete or fully capitalised value of the loss the Joshis would be making, but a very small amount

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of compensation. I am sorry to say that my voice was apparently the only voice in the wilderness. I had in fact hit upon a middle way. I am a reformer myself and not carried away by sentiment. I do not give too much weight to the doctrine of vested rights. I am prepared to do away with vested rights of whatever nature they may be, if they are counter to the current opinion and advanced ideas.

Even though we want to do away with vested rights, I should treat the individuals in a fair and reasonable manner, not too generously but at least in a fair manner. I am very sorry to see that this bill shows no kind of fairness. I know that even if this bill is passed, the actual amount of loss is not going immediately to be very great and consequently, when the Honourable Minister for Education asked me what the amount of compensation would be, I said it would be comparatively very small. Take a village with a thousand population, out of which not more than a dozen would probably not call in the village priest, and it is only when a general agitation is carried on that the Joshis are likely to suffer. I do not think any Joshi makes a very great income, and that is why I was asking for a certain amount of compensation to be paid to the Joshis. But the Government was very hard-hearted and were very solicitous about the finances of the country; they sat tight upon their financial exchequer and therefore my reasonable proposal was disregarded. It was a very sorry spectacle indeed. All that I say is that as a fair-minded man I am going to vote for the bill because I consider that liberty of conscience should be given to every one, although I know that the spirit underlying this bill, the spirit that has actuated the mover of this bill in bringing it forward, is not that liberty of conscience should be given to each citizen but something else. I am supporting this bill in a spirit of fair-mindedness and reasonableness, and I should have been glad if the mover of this bill or any of its supporters had introduced in this bill by way of an amendment a clause in favour of the grant of compensation, in which case this bill would have had an easy passage with almost an absolute unanimity even on the part of my honourable friend Mr. Joshi. It would then have been realised that it is but right that people should be given perfect religious freedom. In these days, when the system of hereditary priests is slowly dying out, when people are getting more and more educated and superstitious beliefs are disappearing gradually, it is just that there should be absolute freedom of conscience in religious matters. When it comes to a question of freedom of conscience in a matter like this, even if a single person is hit and considers himself hard treated on that ground, I should be prepared to legislate even for that one single individual and I would give leave even to a single person whose conscience is being attacked by our social regulations. But in such a case I would take all possible care not to harm the interests of the people who were being put to loss as a consequence. I have made these remarks in order to make my position clear as a supporter of this bill; as a reformer, I am bound to support it, but I only wish that this bill had not been brought in a form which would give rise to heated and acrimonious communal dissensions. I wish that my honourable

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friend had provided some such clause as I have mentioned. However, I am supporting the second reading of this bill but with half a heart and however unwillingly I am doing it, I still consider it my duty to support the bill.

The Honourable Mr. B. V. JADHAV : Sir, I do not think I need take much time of this House in the discussion of the bill at this stage. But I have to put a few considerations before this House about the question of compensation. I was surprised to see the honourable member representing the University bringing forward his arguments. According to him, in the district of Poona there are about 700 watandar Joshis and the compensation he proposes to give them would amount to about 7,000 or 8,000 rupees per year for five years.....

Dr. R. P. PARANJPYE : No, no. At the utmost if every single pie of his income disappears.

The Honourable Mr. B. V. JADHAV : Does he mean that a Joshi's income amounts only to Rs. 10 a year ?

Dr. R. P. PARANJPYE : Not more than that ; he has of course the inam lands.

The Honourable Mr. B. V. JADHAV : Inam lands or cash allowances are not touched at all under this bill. The consideration of inam lands and cash allowances was imported into the discussion of the bill in the select committee by the learned Doctor himself. He computes that the earnings of a watandar Joshi do not exceed on an average about Rs. 10 a year. Does he mean to say that the Joshi maintains himself and his family on that paltry sum of Rs. 10 a year ? He now says that the loss in their income would come to about Rs. 10 a year. I do not think that his income is below Rs. 500 at the least a year and if there is a loss of Rs. 10 in an income of Rs. 500, I say that that is a loss not worth consideration at all. In former days the Joshis made much more because the people were ignorant and more superstitious than now and they wanted to make big donations on the obsequial ceremonies of their parents and on other occasions. Now-a-days people are getting more and more enlightened and they are not spending so much on religious rites. The income of Joshis and hereditary priests is therefore dwindling from year to year without waiting for the passing of any such enactment as the present bill before this House. The income of Joshis has been diminishing gradually and I do not think that Government or anybody else will be justified in saying that the consequent diminution of income should be made up by any scheme of compensation. I think the whole idea of compensation is rather extraordinary. As the honourable member himself says there are a very few families in a village which will not call in the services of the priest. If there are very few families who do not call him, would it not be much better for the priest to leave those families alone ? That is what the bill is asking for. It is asking for complete freedom from this priestly domination, freedom from priestly harassment, on behalf of this small minority of villagers who on conscientious grounds say that they do not want the ministrations of the village priest.

[Mr. B. V. Jadhav]

This sort of agitation has been going on for the last ten or twelve years, and as the learned Doctor has admitted the number of these reformers is not very large. I may tell this House that during the last four or five or six years not a single suit has been filed in a court, which shows that the Joshis are putting up with the loss of income and that this loss is very negligible, so negligible that they can well afford to bear it. It is to prevent these reformers from being dragged into court by the village priest that this bill has been brought forward. These reformers are generally poor people and cannot get proper legal advice cheaply and they are afraid of being obliged to spend a good deal on litigation in order to save a few annas or a rupee at the most. It will thus be seen that this bill has been brought forward to give liberty of conscience to those who want it; it was never the intention of the framers of the bill passed by the Legislative Assembly to touch the watan lands or cash allowances of the Joshis at all. You may take it from me that the motives of the framer of this bill here are perfectly honest and I do not think any person from the opposite bench can challenge the motives. We want liberty of conscience and nothing more.

Mr. R. G. SOMAN (Satara District): Sir, I rise to oppose the second reading of the bill. I oppose it on two grounds mainly. My first ground is that the bill incorporates certain provisions relating to the watan lands. That is my first ground. If the bill had remained in the original form perhaps it would have been more innocent but as a clause has been put in, at whosoever instance it may be, which loses sight of an important fact, it has become mischievous. I believe it was the duty of Government members to have drawn the attention of the select committee to that fact. So far as joshi watan lands are concerned they are up to this time declared to be alienable and inheritable by females. It is alienable even to strangers. If joshi watan lands are alienable to strangers and inheritable by females, it is wrong to think that these lands which have gone into other hands should be resumed. So far as joshi watan lands are concerned they are held under certain sanads subject to the condition that, so long as the half or one-fourth *judi* is paid to Government, they can hold their lands. Therefore I think it is not within the purview of any legislature, much less in the purview of a provincial legislature, to set aside an agreement concluded by means of a sanad. The joshi watan lands can never be said to have been given or continued till to-day as remuneration for the services to be rendered by Joshis. The House can easily understand the difference between the *vrutti* of a Joshi and his watan lands. If the honourable mover of this bill had only an eye on the *vrutti* of a Joshi it would have been quite a different matter. But I find from the dissenting minute submitted by him that he wants to deprive the Joshi of his watan lands even if he refuses to perform the religious ceremony of one villager while he may be willing to perform the religious ceremony of the other villagers. I do not wish to attribute any motive to the honourable mover of this bill, as it is apparent from the dissenting minute he has submitted. I take it for granted that he has very good motives in bringing this measure, that he wants to improve the class of

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Joshis and that he wants to do away with the social tyranny as he has stated in his opening speech. When he brings forward that argument he forgets that this right has been enjoyed by Joshis by an immemorial custom and so far as the *vritti* of a Joshi is concerned he is given some pecuniary advantage. The honourable mover of the bill wants to take away even this pecuniary advantage. If the honourable mover wants to take away this advantage why should he not have accepted the proposal of the honourable member Dr. Paranjpye to allow the Joshi some compensation for the pecuniary loss he sustains? I submit that so far as the pecuniary compensation is concerned the bill is completely defective, as it has not proposed any compensation as was proposed in the case even of the much maligned kulkarnis. The serious charge that can be brought against the present day Joshi is that he is not well versed in the profession for which he is intended, he does not know the Vedas and that he has deteriorated. I am prepared to admit that the Joshis of to-day are not able to perform the religious services of the villagers as efficiently as they ought to have been. But the remedy is to improve them as a class, to improve their status and to take measures to improve their learning. Instead of that the honourable mover of this bill wants by his bill to do away with that class altogether. My second point is, this class has been in existence since the time when the village community came into existence. Honourable members may imagine what difficulty there might have been at that time to bring to a village the family of a man who knows the religious services to be performed to the villagers. He was given some lands then as an attraction to remain in that village and he has lived in that village and his descendants now continue to live in that village. He formed one of the important units of the village community. So far as this House is concerned, I feel it my duty and request my honourable friends to deem it to be their duty to revive the old village system and if possible to bring into being an improved edition of the village community. There must be a Joshi in a village, call him a Joshi, call him a priest, call him *grama upadhyaya* as he is called in certain places, or call him kulkarni as this *vritti* of Joshi is vested in him in certain places. Just as a barber forms an important unit in the village community so also the Joshi. The barber, the carpenter, the lohar, the Joshi, all these persons form important units in a village community. In view of a recent decision of the High Court, does the honourable mover make bold to say that the watan of the barbers should be abolished or that the watan of the *sutar* should be abolished. If the House takes care to look into the recent decisions of the High Court, they will find that the High Court have declared that the rights of the barbers have been in existence according to the old custom. The case is reported in 22 Bombay, page 410.

From that ruling it will be seen that if a barber has got the right to do certain services to a family or to a certain villager at the time of some ceremonial, if his services are not accepted by that family or the villager the barber has got the right to enforce the payment of his fees. That

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is what the Bombay High Court has decided. If the honourable mover is prepared to do away with each and every watan of the village, and he wants to create a democracy which does not want a village community as a separate unit, then of course his measure is justified. But if he does not want to do away with the barber's watan or the sutar's watan, and if he aims only at the Brahmin Joshi, then people will not be wrong if they attribute to him a motive which is not quite pure. What I beg to submit to the honourable members of this House is that this question should be considered dispassionately by them, taking into consideration that it is not only the Joshi, but also the barber and the sutar who have got watans, cash allowances or watan lands are likely to be affected. All those watans are not recognised to be governed by the provisions of the Watan Act. It is only in the case of the kulkarni, the Mahar and such other village servants as are useful to Government, that the watans are recognised by the Watan Act. If we look at the other watans, from the view point of lawyers, then certainly those other watans ought to be continued to them only under the terms of their sanads. And if we pass this bill as it stands at present with clause 5, it would be going against the terms of their sanads. Take an instance. Suppose there is a sanad issued guaranteeing to recover only half *judi* on a certain land and the land is alienable and inheritable by females. This clause 5 says that if the man refuses to perform the services, then that land of his should be assessed fully. Though Government have agreed to levy only half *judi*, still Government is being given the right to assess the land fully. Of course, it is in the interest of Government to sit silent when such a measure is brought forward, because it adds to the finances of Government, if lands are assessed to the full. But is it fair on the part of Government? When it was argued that compensation should be given to them, the Honourable Minister of Education said that it would be a hardship if for every social reform compensation is sought to be made to the individuals affected by it. I urge if society is to improve, the members of that society ought to be kept contented. Look at the provisions of the Government of India Act. Under section 65 of that Act, the Indian legislatures have not power to pass any legislation against the unwritten constitution of the British Government on which depends the allegiance of any subjects of His Majesty. Can we not say that this measure is a measure of that kind? If we take away the watans of the joshis without allowing them any compensation whatsoever, then, is it not shaking the allegiance which they owe to the present Government?

I submit, that the honourable members of this House should take all these things into consideration, and vote against the bill as it is framed at present. If the bill is made more liberal, if it is brought with purer motives, if my friend is so very anxious to bring about democracy, by all means the House is prepared to support him. But let him fairly put all his cards on the table and without reserve. Let him bring forward a measure which is not aimed at any particular community. Then only all the members belonging to the various communities should vote solidly for the honourable member. But when the present measure

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aims at a particular community, the members of this House should think twice before they vote for it. It is an imperfect measure in its present form.

The Deputy PRESIDENT : The Council will now adjourn till 2 p.m. on Thursday, the 29th July 1926.

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Thursday, the 29th July 1926

The Council re-assembled at the Council Hall, Poona, at 2 p.m., on Thursday, the 29th July 1926, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
ADAM, Mr. C. G.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BHURGRI, Mr. J. M.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb SHER MAHOMED KHAN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, KHAN BAHADUR D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
DUGUID, Mr. A.
FRAMJI, Mr. K. S.
GHULAM HUSSAIN, the Honourable Sir
GUNJAL, Mr. N. R.
HAJI KHAMISO GUL MAHOMED
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KARKI, Mr. M. D.
KAY, Mr. J. A.
KAZI INAITULLAKHAN

KHURRO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LAIRD-MACGREGOR, Mr. E. G. L.
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSSEINBHAY A.
 LOWSLEY, Mr. C. O.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MCKEE, Mr. W. G.
 MEHTA, the Honourable Sir CHUNILAL
 MUJUMDAR, Sardar G. N.
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NAVLE, Mr. N. E.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PIR RASULBAKSH SHAH, Khan Saheb
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSSEINALLY M.
 RIEU, the Honourable Mr. J. L.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SAYED SHAHJADE SAHEB HAIDAR SAHEB
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Amod, the
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WEBB, Mr. M.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

FIRST YEAR TRAINED TEACHERS: PAY

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

(a) whether it is a fact that first year trained teachers of 1925 are given the initial pay of Rs. 20 in this Presidency;

(b) if the reply to the above be in the affirmative, to state what recommendations were made by the Sathe-Paranjpye and Surve Committees in this behalf?

The Honourable Mr. B. V. JADHAV: (a) Yes; provisionally until local authorities fix the scale of pay for these teachers under Rule 59 (2) of the Bombay Primary Education Rules, 1924.

(b) Attention is invited to the Educational Department Press Note No. 252, dated the 14th January 1921, and the note announcing the decisions of Government on the recommendations made by the Surve Committee regarding the scales of pay for primary teachers. Copies of these notes will be found in the Reading Room for the Honourable Members of this House. It should be noted, however, that the Local Authorities who will now employ their own teachers are at liberty to fix any scale of pay subject to the limits laid down in Rule 59 (2) of the Bombay Primary Education Rules.

Mr. J. C. SWAMINARAYAN: With regard to part (b) of the reply, may I know from the Honourable Minister whether the limits referred to are the minimum or maximum limits?

The Honourable Mr. B. V. JADHAV: They are both minimum and maximum limits.

THE DEAF AND DUMB SCHOOL, AHMEDABAD

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state the amount of grant given by them and by the Municipality of Ahmedabad to the Deaf and Dumb School at Ahmedabad and the total annual cost of maintaining the school?

The Honourable Mr. B. V. JADHAV: The following figures give the necessary information for the year 1924-25:—

	Rs.
(1) Government grant	4,067
(2) Grant by the Municipality of Ahmedabad.	900
(3) Total annual cost of the school ..	7,472

EDUCATIONAL DEPARTMENT—CONFIRMATION OF PROBATIONERS

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

(a) whether it is a fact that there are still probationers in the secondary line of the Educational Department holding B.T. degrees and with service of six or seven years who are not yet confirmed;

(b) if so, when these probationers will be confirmed ?

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

(b) Owing to the uncertainty of the effect of the transfer of control of primary education to local authorities under the Bombay Primary Education Act, 1923, on the strength of the Government Inspecting Staff it cannot be definitely stated at this stage when these probationers will be confirmed.

ORGANISATION OF PHYSICAL TRAINING

Mr. S. S. DEV (West Khandesh District) : Will the Honourable the Minister for Education be pleased to state—

(1) whether there is any physical Director appointed for the organisation of physical training in Schools and Colleges ?

(2) if so, what is his name ?

(3) since when the post has been created ?

(4) when was the sanction of the Legislative Council for the creation of the post obtained ?

The Honourable Mr. B. V. JADHAV : (1) Yes.

(2) Mr. F. Weber.

(3) and (4) No post on the Provincial establishment has been created but arrangements have been made with the Y. M. C. A., Bombay, for providing, on the basis of a Government subsidy, a part-time Physical Director. These arrangements were sanctioned in January 1925 and the budget provision on this account, viz., Rs. 8,700 was included in the budget for 1925-26 and passed by the Legislative Council.

Mr. S. S. DEV : Was it put down as a new item in statement D of the Blue Book ?

The Honourable Mr. B. V. JADHAV : I presume it was.

Mr. S. S. DEV : It was not.

UNCLAIMED CASH CERTIFICATES IN POONA DISTRICT

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the amount of cash certificates of the Postal Department which are due for full payment after full time and which have not been claimed by the owners during the last three years in the Poona District ;

(b) whether they intend to publish these amounts with the names of the depositors so that the legal owners can claim them ?

The Honourable Mr. J. L. RIEU : (a) Rs. 5,26,110 for the years 1922-23, 1923-24 and 1924-25.

(b) No. No such liability to publish has been accepted by the Post Office.

MEDICAL EXAMINATION OF SCHOOL PUPILS

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have made any arrangements for the medical examination of boys and girls receiving instruction in the primary schools of the Poona District;

(b) if not, whether they intend to make a commencement of this experiment in the near future;

(c) what will be the probable cost of such examination?

The Honourable Mr. B. V. JADHAV: (a) No.

(b) No. After transfer of control it will be for the Local Authority to decide.

(c) The cost of the examination would depend on the nature and extent of such schemes as may be adopted by the Local Authority.

SUITS AGAINST THE SECRETARY OF STATE

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the number of civil suits instituted against the Secretary of State by private persons (according to each district of the Presidency) for the last three years ending 31st December 1925;

(b) the number as above in which the plaintiffs were successful.

The Honourable Mr. J. E. B. HOTSON: A statement containing the information asked for is placed on the table*.

IRRIGATION CESS IN POONA DISTRICT

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the total amount of irrigation cess in each taluka of the Poona district;

(b) the amount of annual cost of establishment for the collection of the cess;

(c) the amount spent according to each taluka and the name of the work for which it was spent during the last three years for the removal of silt from the tanks of the Poona district?

The Honourable Mr. COWASJI JEHangIR: (a) The following amounts of water rates were assessed in the several talukas of the Poona District during the triennium ending 1924-25:—

Name of Taluka.				1922-23.	1923-24.	1924-25.
				Rs.	Rs.	Rs.
Haveli	..	..	..	2,27,932	2,40,652	2,09,280
Purandhar	..	..	..	5,918	9,235	4,786
Bhimthadi	..	..	..	5,65,427	5,89,454	5,74,928
Indapur	..	..	..	1,64,616	1,59,830	1,96,454
Total				9,63,893	9,99,171	9,85,458

* Vide Appendix No. 26.

These figures pertain to the irrigation year, i.e., from 15th February of one year to 14th February of the next year and are exclusive of the water rates on the second class Irrigation works (small tanks and bandharas) which are levied under the Land Revenue Code and not under the Bombay Irrigation Act, 1879.

(b) The water rates are collected by the Revenue Department on behalf of the Irrigation Department. A fixed percentage of 3 per cent. of the amount collected is paid to that Department as remuneration for collection.

(c) Nil.

GRIEVANCES OF NIRA LEFT BANK CULTIVATORS

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have received any memorials from or on behalf of the farmers who irrigate their lands by the Nira Left Bank Canal about their grievances under the new rules ;

(b) if so, what action do they propose to take in the matter ?

The Honourable Mr. COWASJI JEHANGIR : (a) and (b) No. However several resolutions passed at the conference of the Deccan Canals Irrigators held at Baramati on the 15th and 16th November 1924 in connection with canal administration in general were forwarded to Government by the General Secretary, Irrigators' Central Committee (Deccan Canals) for such action as might be considered necessary, and two resolutions passed by the Managing Committee of the Bagayatdars' Sangh on distributary No. 18, Nira Left Bank Canal, held on 26th August 1925, regarding dates for issue of water and charges for unitisation of areas were separately referred by the Kulmukhtyar of the Sangh to the Superintending Engineer, Deccan Irrigation Circle. These have been replied to by Government and the Superintending Engineer. The copies of the replies will be found in the accompanying statement*.

EXPENDITURE ON PHOTO-COPYING REGISTRATION

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether the amount sanctioned during the last budget (1925) for expenditure on photo-copying establishment, chemicals and postage was found sufficient or was exceeded ;

(b) if exceeded, from what head the excess was met by re-appropriation and the amount of the excess ;

(c) whether the sanction of the Council was obtained for the re-appropriation and the excess, and if so when ?

The Honourable Mr. A. M. K. DEHLAVI : (a) The Honourable Member presumably refers to the budget estimates for the year 1924-25. The expenditure on chemicals only was exceeded in that year.

(b) The expenditure in England on chemicals was Rs. 16,091 against the budget provision of Rs. 7,000 and that for exchange was Rs. 5,527

* Vide Appendix No. 27.

against the budget provision of Rs. 3,000. The excess expenditure in England was met by the High Commissioner for India from his grant under the head "Stationery and Printing" and that for exchange was met from savings in the grant for temporary establishment under the head "9-B-Registration."

(c) Sanction of the Legislative Council was asked at the session of October 1924 for the transfer of Rs. 9,700 to the High Commissioner's estimates from the provisions for temporary establishment and pay of clerks under the head "9-B-Registration", which was refused. The excess expenditure was therefore met as shown in reply to (b) above. As the excess expenditure for exchange was met from savings in the grant under the same major head, the sanction of the Council was not necessary.

PANDWADI AND AKOLA FOREST LAND

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether the Collector of Poona and the Commissioner, Central Division, have received any applications from the inhabitants of Akola, taluka Indapur, district Poona, complaining in the matter of the forest lands of Pandwadi and Akola given to them for cultivation;

(b) what were the original conditions on which the forest lands of Pandwadi and Akola were given for cultivation to the people of Akola;

(c) whether they have been cultivating those lands and paying assessment continuously for the last sixteen years without any remission or suspension;

(d) why such lands are being put to auction sale very often;

(e) whether Government intend now to give them to the applicants permanently on payment of assessment only?

The Honourable Mr. A. M. K. DEHLAVI: (a) Yes, two.

(b) In or about the year 1908 forest lands of these villages were leased out on 6 years leases to the villagers of these villages. They were afterwards given out for cultivation on annual leases.

(c) Yes. But not the same persons in all cases. They were allowed to do so on payment of assessment in advance. Hence the question of remission and suspension did not arise in this case.

(d) Generally whenever there is a demand from more than one person for the cultivation of these lands, they are leased out by auction.

(e) These lands were reserved for grants to ex-soldiers. As this concession has now been stopped the question of disposing of them permanently is under consideration. At the time of the final disposal of these lands claims based on a particular piece of land being held for a number of years by the same lessee and on the improvements effected by him will be duly considered.

COLLECTION OF REVENUE BY INAMDARS

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether it is a fact that inamdars are allowed to collect the revenue of their inam villages directly—personally or through their

agents—and are not bound to receive their revenue through talatis in the Thana and Kolaba Districts ;

(b) whether the inamdars who make their collections direct as mentioned above are under no obligation to make any payments to the talatis who are thus relieved from the revenue work of the inamdars ;

(c) if so, whether the same system will be introduced in other districts in which watandar kulkarnis are now replaced by talatis ?

The Honourable Mr. J. L. RIEU : (a) In the absence of hereditary village accountants, inamdars in the Thana and Kolaba Districts recover their dues direct in view of the provisions of section 85 (1) of the Land Revenue Code.

(b) Inamdars who make their collections direct are under no obligation to make any payment to talatis in respect of the land revenue so recovered.

(c) Government have under contemplation an amendment of the Land Revenue Code so as to prevent this practice in future.

Sardar G. N. MUJUMDAR : With regard to (c), in the reply it is stated that Government have under contemplation an amendment of the Land Revenue Code so as to prevent this practice in future. May I know what they mean by "this practice" ?

The Honourable Mr. J. L. RIEU : The practice of receiving revenue direct instead of through the village accountant.

Sardar G. N. MUJUMDAR : With regard to the Khots, may I know if the Khots are allowed to collect the revenue of their villages direct and not through the agency of the talati ?

The Honourable Mr. J. L. RIEU : The question refers to cases where there are no hereditary village accountants. Wherever there is a stipendiary village accountant the superior holder must receive the dues from inferior holders through him.

Sardar G. N. MUJUMDAR : It is stated that Inamdars who make their collections are under no obligation to make any payment to talati in respect of the land revenue so recovered. I want to know whether such is the case with the Khots also.

The Honourable Mr. J. L. RIEU : I presume so, but cannot say positively and must ask for notice.

HEGGERI TANK AT NAVALUR

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(a) whether they are aware that the irrigators below the Heggeri tank at Navalur have been complaining of insufficient supply of water for irrigation for a long time ;

(b) whether it is a fact that the Heggeri tank at Navalur has not had sufficient water for irrigation for a long time ;

(c) whether they are aware that the ryots of Navalur have been asking for feeder channels to the tank ;

(d) whether they intend to construct such feeder channels ;

(e) what is—

(i) the total consolidated assessment levied on such lands per acre below the tank;

(ii) the total assessment on all such lands;

(iii) the land revenue as such per acre;

(iv) the water rate per acre?

The Honourable Mr. COWASJI JEHangIR : (a), (b), (c) and (d). Yes. The question of constructing a feeder channel is under consideration.

(e) (i) The consolidated assessment per acre is Rs. 7-5-11 for garden and Rs. 3-6-11 for rice crops.

(ii) The total assessment on all such lands is Rs. 637.

(iii) The land revenue per acre is Rs. 1-7-7 for garden and Re. 0-11-0 for rice crops.

(iv) The water rate per acre is Rs. 5-14-4 for garden and Rs. 2-11-11 for rice.

Mr. V. N. JOG : Will the Government be pleased to state how many years rice crops had not been given water supply?

The Honourable Mr. COWASJI JEHangIR : In connection with what question?

Mr. V. N. JOG : The first four questions are answered in the affirmative. I want to know for how many years they have been complaining of insufficiency of water.

The Honourable Mr. COWASJI JEHangIR : I will ask for notice.

Mr. V. N. JOG : I want to know whether Government will be pleased to remit the water rates for the years they have got no water supply.

The Honourable Mr. COWASJI JEHangIR : I am not aware of any one year in which there was no supply of water.

Mr. V. N. JOG : Will the Government be pleased not to recover water rates until the feeder channel is constructed?

The Honourable Mr. COWASJI JEHangIR : I am afraid I cannot give a reply without further consideration.

GRANT FOR ANGLO-VERNACULAR SCHOOL, HIREKERUR

Mr. A. F. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) whether there is a first grade Anglo-vernacular school at Hirekerur in the Dharwar District;

(b) if so, whether the said school has been in receipt of any grant from Government in any of the last five years;

(c) if so, in what years, and what was the annual grant;

(d) whether the grant is now being made or has been stopped; if it is stopped the reasons for discontinuing the grant if any?

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

(b) and (c) The school in question received grants-in-aid of Rs. 350 and Rs. 253 in the years 1921-22 and 1922-23 respectively.

(d) As the school was poorly attended and ill-staffed, recognition was withdrawn in 1923.

DREDGERS "KALU" AND "SIR GEORGE LLOYD"

Mr. A. F. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) what was the cost of the dredger "Kalu";

(b) what was the cost of the dredger "Sir George Lloyd".

The Honourable Mr. COWASJI JEHangIR: (a) and (b) The total cost of the dredger "Kalu", including the purchase price, reconditioning and commission, was Rs. 14,36,805 and that of the dredger "Sir George Lloyd" was Rs. 37,25,308, including the cost of voyage to India.

Mr. G. B. PRADHAN: What is the proportion of the output between the two dredgers, may I know?

The Honourable Mr. COWASJI JEHangIR: It does not arise out of the question. I don't mind answering if the Honourable the President rules that this does arise.

Mr. G. B. PRADHAN: Two dredgers were bought at certain prices and naturally we want to know their respective output.

The Honourable Mr. COWASJI JEHangIR: The outputs of the two dredgers for last year have been mentioned in the Advisory Committee's report which was circulated to honourable members.

Mr. G. B. PRADHAN: But I want the proportion.

The Honourable Mr. COWASJI JEHangIR: I feel I cannot tell you from memory. The information will be supplied to the House, if the honourable member gives notice.

Mr. G. I. PATEL: What is the amount of commission included in Rs. 14,36,805?

The Honourable Mr. COWASJI JEHangIR: I will ask for notice.

TOLLS: THE HUBLI-GADAG ROAD

Mr. A. F. K. Pathan on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) what are the amounts for which the two tolls on the Hubli-Gadag provincial road were sold for each of the years 1925-26 and 1926-27?

(b) whether they intend to abolish the tolls on the said road, and, if so, when?

The Honourable Sir GHULAM HUSAIN: (a)

Name of toll bar.	Revenue realised during	
	1925-26.	1926-27.
	Rs.	Rs.
(1) Bhandiwad	2,400	4,025
(2) Bellikop	3,000	2,500
(b) Not for the present.		

TOLL FEES, DHARWAR DISTRICT

Mr. A. F. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state the amount derived by Government from tolls for the year 1925-1926 in the Dharwar District?

The Honourable Sir GHULAM HUSAIN: Rs. 63,950.

MEDICAL SCHOOL AT HUBLI

Mr. A. F. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

- (1) whether they intend to open a medical school at Hubli;
- (2) whether there is any medical school in the Bombay Karnatak.

The Honourable Mr. B. V. JADHAV: (1) and (2) The answer is in the negative.

DRINKING WATER, AHMEDABAD DISTRICT

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

(a) whether they are aware that there is a scarcity of drinking water in the Ahmedabad district, specially in Dholka taluka, South Daskroi and Sanand mahal;

(b) the number of artesian wells that have been successfully worked by Government agency and by grants to the public in the Ahmedabad district;

(c) the names of villages in which boring machines have been working in the Ahmedabad district, and the number of such machines;

(d) how many villages have applied to Government for the use of these boring machines;

(e) whether they are aware that the existing number of boring machines is not sufficient to cope with the demand for them in the Ahmedabad district;

(f) whether they propose to take any steps to supplement the existing number of boring machines.

The Honourable Mr. J. L. RIEU: (a) There is scarcity of drinking water in some parts of the Dholka and Viramgam Talukas but not in South Daskroi and Sanand.

(b) Eleven by Government agency and none by grants.

(c) Artesian boring machines are working in Utelia, Sarkhej, Dhandhuka and Jakshi. The number of such machines in all is 4.

(d) 33 villages.

(e) The number of machines now working in the district is sufficient.

(f) If funds permit.

Khan Saheb A. M. MANSURI: With reference to answer (e) the reply is "The number of machines now working in the district is sufficient" may I know whether Government are aware that the machine was not supplied to Rupal village, Dholka Taluka, where the villagers already paid in cash to the Collector, Ahmedabad, their share?

The Honourable Mr. J. L. RIEU : I may explain in reply to question (e) by saying that what was meant was that the number of machines is sufficient in view of the funds available. It has to be remembered that every boring cost a large sum of money, on an average about Rs. 20,000. As funds are limited, only a certain number of machines can be employed. If a great number of machines is provided, some of them will be idle for want of funds to admit of their being worked.

Khan Saheb A. M. MANSURI : Are Government aware that there is a great scarcity of water at this place and that people have to go two miles for bringing water ?

The Honourable Mr. J. L. RIEU : I am not aware of that fact. If the honourable member will give me notice I shall be able to supply him with information.

Khan Saheb A. M. MANSURI : Will Government sanction money for such things ?

The Honourable Mr. J. L. RIEU : That is a matter within the power of my honourable colleague the Finance Member.

PROBATIONER MAMLATDARS

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

(a) the number of graduates who have been recruited as Probationer Mamlatdars from 1910 to 1925 ;

(b) the number of graduates who entered the Revenue Department from 1900 to 1910, before the direct recruitment of probationer mamlatdars ;

(c) how many of those mentioned in (a) are confirmed as mamlatdars or promoted as deputy collectors ;

(d) how many of those mentioned in (b) are appointed as mamlatdars or Deputy Collectors ;

(e) whether it is a fact that injustice has been done to those graduates who entered the service before 1910, since their claims to mamlat and other higher appointments are overlooked ;

(f) whether Government are aware of the feeling of heart-burning and discontent prevailing amongst these graduates ;

(g) whether they propose to take into consideration the claims of these old graduates when making new appointments and giving promotions in future ?

The Honourable Mr. J. L. RIEU : (a) *Northern Division*.—Thirty-three, of whom one died and eleven either resigned or were reduced to the ordinary clerical establishment, having failed twice in the qualifying examination.

Central Division.—Thirty-one.

Southern Division.—Thirty-one, of whom two died, three resigned and three forfeited their appointment, having failed to pass the qualifying examination.

(b) *Northern Division*.—Fifty-nine, of whom three died before they were appointed substantive Mamlatdars.

Central Division.—Fifty-nine.

Southern Division.—Forty-six.

(c) *Northern Division.*—Eleven have been confirmed as Mamlatdars. None have been promoted as Deputy Collector.

Central Division.—Seven have been confirmed as Mamlatdars. None have been promoted as Deputy Collector.

Southern Division.—Eleven have been confirmed as Mamlatdars. None have been promoted as Deputy Collector.

(d) *Northern Division.*—Seven are permanent and seven are acting Deputy Collectors. Twenty-two are permanent and eleven are acting Mamlatdars.

Central Division.—Three are permanent Deputy Collectors; twenty-eight are permanent and six are acting Mamlatdars.

Southern Division.—One is a Deputy Collector and 13 are Mamlatdars.

(e) No. Vacancies in the Mamlatdars cadre are filled on considerations of merit, seniority and public expediency.

(f) No.

(g) The question does not arise.

SUB-REGISTRY OFFICE, BOMBAY: PAY AND PROSPECTS OF CLERKS

Mr. G. B. PRADHAN on behalf of Dr. R. P. PARANJPYE (Bombay University): Will Government be pleased to state—

(a) Whether it is a fact that the scale of pay of clerks in the Sub-registry office in Bombay is 50—3—80?

(b) Whether it is a fact that these clerks have all passed the matriculation or school-leaving examination and also the usual departmental examinations?

(c) Whether it is a fact that the scale in all other Bombay offices for similarly qualified clerks is 60—160 by differing rates of increments?

(d) Whether it is a fact that there is no further prospect of promotion to these clerks, if they remain in Bombay, to rise above Rs. 80 per mensem.

(e) Whether it is a fact that if they desire to advance in service they have to elect to go to the mofussil as sub-registrars?

(f) Whether it is a fact that if they do so, they are made to start at the point 62 in the scale 50—3—80 and have to wait a few years before they get into the next grade 80—5—120.

(g) How many clerks have been given such retrograde promotion during the last five years since the scale was revised?

(h) Why these few clerks only are treated differently from all other clerks in Bombay?

The Honourable Mr. A. M. K. DEHLAVI: (a) to (e) Yes.

(f) The scale of Rs. 50—3—80 for clerks in the Bombay Sub-registry office was fixed after taking the pre-war Bombay local allowance into account. The sub-registrars' scale of Rs. 50—3—80 is a mofussil scale and does not include any Local allowance. Consequently when a clerk in the Bombay Sub-registry office is promoted to the cadre of sub-registrars his starting pay in the latter cadre is fixed at a stage next above his

substantive pay as clerk after deducting Rs. 20 which represent the Bombay Local allowance. Thus if a clerk on Rs. 80 is promoted to a sub-registrar's post, Rs. 20 out of that pay is treated as the Bombay local allowance and he is allowed to enter the sub-registrars' grade on Rs. 62, which is the next stage above Rs. 60.

(g) In all eight clerks from the Bombay Sub-registry office were promoted to the cadre of sub-registrars in the Rs. 50—3—80 grade. Seven of these started on Rs. 62 and one on Rs. 59. While working in the Bombay Office they get Rs. 20 per mensem in addition as Bombay local allowance.

(h) The Honourable Member is referred to the reply to clause (f).

TRAVELLING ALLOWANCE OF MR. K. S. VAKIL

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to place on the Council table the details of the expenditure of Rs. 641 for 1924-25 incurred by Mr. K. S. Vakil, Educational Inspector, Northern Division, for his visits to Surat;

(b) to state whether the expenditure of three hundred per cent. over the normal scale of other years was sanctioned by the Department as a special case;

(c) to state whether they favour the policy of allowing expenditure 300 per cent. in excess of the normal expenditure to their officers for visits to their native areas;

(d) if not, whether they propose to take any action in the matter?

The Honourable Mr. B. V. JADHAV: Government do not consider that a detailed reply to this question will serve any useful public purpose. The control of the touring plans and expenses of Educational Inspectors vests in the Director of Public Instruction, as Head of the Department, and Government have no reason to believe that he does not exercise his control properly.

MURDER AT VIRAMGAM

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to state on what grounds they have stated that the daughter of the Aval Karkun committed suicide by burning herself at 10 a.m. on 31st May 1925;

(b) to state whether in any of the papers or statements recorded in the case it has been mentioned that she was burnt by somebody other than herself;

(c) if so, to place such papers on the table;

(d) to place on the table the girl's dying statement as already promised by the Home Member in reply to a supplementary question during March;

(e) to state whether any inquiries were instituted to ascertain whether somebody had approached her to murder her as mentioned by her in her dying statement;

(f) if so, to place full details of the same on the table;

(g) to state whether any information was gathered from the husband or father or brother of the deceased and if so, to place it on the Council table;

(h) to state whether they will place all the papers relating to this murder on the Council table;

(i) to please place on the table copies of notes and reports or information papers prepared by or obtained from the police inspector Nadirshah and sub-inspector Abdul Habib;

(j) to state why no C. I. D. officer was entrusted with the inquiries?

The Honourable Mr. J. E. B. HOTSON: (a) This was the conclusion arrived at by the police after investigation.

(b) Deceased stated that she had been burnt by a ghost, and her father mentioned the names of certain persons whom he suspected.

(c), (d), (f), (g), (h), (i) Government have already stated that no public purpose will be served by laying the papers of the enquiry before the Council. The dying declaration of the deceased however is placed on the table as desired*.

(e) Full enquiries were made by the police.

(j) Because the police investigation showed that no offence had been committed.

Mr. G. I. PATEL: With regard to (c) (d) and (h), may I know whether it is not the duty of Government to investigate into the case of murder of the daughter of a Government servant.

The Honourable Mr. J. E. B. HOTSON: Has the honourable member read the answer (j)?

Mr. G. I. PATEL: With regard to the statement printed on page 35 which reads as follows:—

"As I was alone, I went to close the back door of the house, when I came across a female ghost who asked a chest ornament.....".

May I know whether Government have investigated how far these facts are correct and whether there was a murderer and if so who committed this murder?

The Honourable Mr. J. E. B. HOTSON: Ghosts are not amenable to the police or to the magistrates.

Mr. G. I. PATEL: Do Government believe that the murder was committed by a ghost?

The Honourable Mr. J. E. B. HOTSON: I would again ask the honourable member if he has read the answer to his question (j).

Mr. G. I. PATEL: Yes; I have read it. But what are the facts ascertained after investigation, whether it was a human being or it was a ghost that committed this murder?

Mr. R. G. PRADHAN: Do Government believe in the statement made?

Mr. G. I. PATEL: How could Government account for the investigation of the committing of this murder?

COST OF LAND ON BACK BAY

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to give the total cost per acre of land in the Back Bay Reclamation scheme so far totally or partially filled for reclamation purposes ;

(b) to state the average economic loss per acre calculated on the basis of cost of production as previously estimated in 1921-22 and as actually found at present ;

(c) to give figures of future loss on blocks 1-2-8 if they are continued further and to state whether the losses are likely to increase ?

The Honourable Mr. COWASJI JEHangIR : (a), (b) and (c) The Honourable Member is referred to the second *ad interim* Report of the Advisory Committee. The figures given in the statements attached thereto will be revised when the results of dredging during the working season 1925-26 are known. Meanwhile, no further information can usefully be given.

THEFT OF FOUR BALES CONSIGNED FROM AHMEDABAD TO SEALDAH

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased : (a) to state whether four bales forming part of the consignment of 11 bales of cotton piecegoods *ex*-Ahmedabad to Sealdah, Invoice No. 374, R. R. 62841 of 9th November 1924 which were stolen by the thieves from a running train were in a rivetted and sealed covered wagon ;

(b) to state by whom, when and at what time and place the seals were detected to have been broken ;

(c) to place a copy of the Station Master's explanation on the table stating reasons for his mistake and over-looking on the second letter referred to by Government in their reply to Question I, page 9 of XI Question list placed on the Council table during March 1926 ;

(d) to state whether Government intend to take serious notice of all such errors and negligence on the part of their subordinates ?

The Honourable Mr. J. E. B. HOTSON : (a) Attention is invited to (a) of the reply to Question 1, pages 8 and 9 of XI Question list placed on the Council table during March 1926.

(b) The seals were detected to have been broken by seal checker watchman Ghulam Muhammad of Nadiad on the 10th November 1924 at 5-25 hours at Nadiad.

(c) Since the omission to notice the letter was clearly nothing more than an oversight occurring in the course of office routine, and has already been suitably dealt with, Government do not think that any useful purpose would be served by asking the railway authorities to supply a copy of the station master's explanation.

(d) Officials of the Bombay Baroda and Central India Railway are not the subordinates of Government.

Mr. G. I. PATEL : With regard to (c), it has been stated in the answer that the omission has already been suitably dealt with. May I

know what is meant by "suitably dealt with", whether any punishment was awarded or what?

The Honourable Mr. J. E. B. HOTSON: I think the words are quite clear, Mr. President. I think the answer is clear enough.

Mr. G. I. PATEL: Am I to understand that action has been taken?

The Honourable Mr. J. E. B. HOTSON: The action considered necessary has been taken.

MURDER AT VIRANGAM

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—(a) to place on the Council table a copy of the dying statement recorded by the third class magistrate, Virangam, regarding the alleged murder of the daughter of the treasury officer on or about 31st May 1925, as promised during the March session of the Council;

(b) to state whether they have received a copy of "Modh-Mitra" containing information on the subject and have made further inquiries in the matter. If so to place on the Council table further papers relating to this matter;

(c) to state whether the girl was betrothed to one gentleman and was subsequently married to another gentleman thus creating great dissatisfaction between the parties;

(d) to state whether the C. I. D. was entrusted with the investigation of the case in view of the fact that bitter relations existed between the family where the girl was previously betrothed and the family in which she was finally married;

(e) to state whether any statements of any of the members of these two families were recorded. If so to place copies of such statements on the Council table?

The Honourable Mr. J. E. B. HOTSON: (a) A copy of the dying declaration has been placed on the table in answer to a question put by the Honourable Member.

(b) Yes, from the Honourable Member himself.

(c) Yes

(d) The Honourable Member is referred to the reply given to his question No. 4 (a) printed in the 6th list of the last session.

(e) Yes. Certain statements were recorded by the Police Sub-Inspector and District Police Inspector, Virangam, but it would serve no useful purpose to place copies or translations of them on the Council table.

DEVELOPMENT DEPARTMENT REPORTS

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—(a) to state whether their attention has been drawn to the statement published in the letter by Sir George Buchanan in the "Statesman" (Calcutta) to the effect that "there is another report concerning the activities of the Development Directorate on matters which do not affect me and which has been suppressed in the hope that when the present storm is over it can be conveniently pigeon-holed";

(b) if so, whether they have any explanation to offer in regard to it and, if so, what such explanation is ?

The Honourable Mr. COWASJI JEHangIR : (a) Yes.

(b) There is no such report. The Advisory Committee has not yet submitted to Government its report on the Development Directorate Schemes other than the Back Bay Reclamation Scheme.

RAILWAY THEFTS IN AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether their attention has been drawn to Appendix No. 103 to Council Debates for 1926 which records the following Railway thefts at Ahmedabad for the year 1925 :—

(i) 13th March 1925, contents of piece-goods bale extracted in goods shed, two Railway loaders convicted.

(ii) 1st August 1925 ; piece-goods extracted from bale, bale resewn, watchman suspected.

(iii) 22nd August 1925. Watchman found in possession of shawls pilfered ; watchman convicted.

(iv) 2nd November 1925 ; watchman extracted piece-goods ; bale resewn, watchman convicted.

(v) 4th December 1925. Theft of piece-goods metre gauge goods shed ; two watchmen on trial.

(b) whether in the joint report No. W-16/24-103 of 30th April 1925 signed by Messrs. J. A. Guider, Watch and Ward Superintendent, H. R. Kothawalla, Superintendent of Railway Police and F. Moseley, District Traffic Superintendent, Ahmedabad, which was placed on the Council table it is mentioned that “ the possibility to tamper with bales in the Railway Yard is extremely remote and highly impracticable. The portion of the Yard is well lighted. There is also a permanent police post just outside the Yard and there are watchmen permanently posted inside the Yard to guard all the goods. It therefore would be unreasonable to assume that under the prevailing condition of the Yard and its vicinity it is impossible for goods to be tampered with ” ;

(c) what is the explanation given by these officers as to how in the above cases contents of piece-goods were extracted from bales and the bales resewn in the Railway Yard ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) Yes.

(c) Government are unable to comprehend in what manner the public interest would be served by procuring the desired information.

Mr. G. I. PATEL : In regard to (c), may I know whether in view of eighty cases of such thefts Government intend to have this investigation made in the interests of the public ?

The Honourable Mr. J. E. B. HOTSON : The honourable member has been informed repeatedly that he can bring any case to the notice of the police. He apparently has not done so.

RAILWAY THEFTS AT AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state whether in view of the list of railway thefts at Ahmedabad printed in Appendix 103 of the Council Debates recording definite cases of extraction of piecegoods from packed bales in the railway Yard at the hands of the watchmen and loaders they propose to abolish the control of the watch and ward on the goods at Ahmedabad and entrust the duty to the railway police as used to be the case prior to the establishment of the watch and ward?

The Honourable Mr. J. E. B. HOTSON: The honourable member is referred to the answer given to clause (b) of his question on the same subject printed at pages 1490 and 1491 of the Council Debates, Volume XVII, Part XXII, of the last Council sessions.

RAILWAY THEFTS AT AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased (a) to place on the Council table all papers including the legal proceedings relating to the conviction of the railway loaders and watchmen convicted for the extraction of piecegoods from bales in the Ahmedabad Railway Yard during each of the years 1924, 1925 and 1926;

(b) to state whether it is fact that cases of thefts in the Railway Yard from packed bales of piecegoods in which a few pieces were extracted and the bales resewn were definitely proved and that the offenders were the loaders or the watchmen?

The Honourable Mr. J. E. B. HOTSON: (a) Government are unable to comprehend in what manner the public interest would be served by procuring the desired information.

(b) Attention is invited to Appendix 103 to Volume XVII of the Council Debates.

Mr. G. I. PATEL: Are Government aware of the fact that this is a very controversial subject, whether such thefts do take place inside the railway yard or outside of it, and whether in view of this special complaint Government are prepared to give a proper reply to the question?

The Honourable Mr. J. E. B. HOTSON: I can only refer the honourable member to the many answers that have already been given.

Mr. G. I. PATEL: There is no answer practically to this part of the question.

VOTING AT DISTRICT BOARD ELECTIONS

Mr. R. G. PRADHAN (Nasik District): Referring to the district board elections that took place during the years 1924 and 1925, will the Honourable Minister for Local Self-Government be pleased to lay on the table a statement showing

- (1) the total population of each district concerned,
- (2) the total number of voters in each such district, entitled to vote at the election of members of the district local board,

(3) the total number of voters who actually voted in each case ?

The Honourable Sir GHULAM HUSSAIN: The accompanying statement gives the required information.*

BOMBAY ELECTORAL RULES: RESIDENTIAL QUALIFICATION

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) whether they are aware that there is no rule corresponding to rule 6 (1) (b) of the Bombay Electoral Rules obtaining in respect of any other legislature in India ;

(b) the reasons for the existence and continuance of the rule in respect of this Council ?

The Honourable Mr. J. E. B. HOTSON: (a) There is a provision in the Central Provinces Electoral Rules similar to that contained in rule 6 (1) (b) of the Bombay Electoral Rules. (*Vide* rule 6 (1) (b) of the Central Provinces Electoral Rules.)

(b) The residential qualification is intended to secure the election of persons with intimate knowledge of local conditions and representing local interests. It has been deliberately retained in Bombay after full consideration of the arguments urged against it.

Mr. HOSENALLY M. RAHIMTOOLA: Is the honourable member aware that the rule in the Central Provinces is not quite similar to the rule in the Bombay Electoral Rules?

The Honourable Mr. J. E. B. HOTSON: The two rules are not word for word the same, but they run on the same lines. The difference is not very great.

Mr. HOSENALLY M. RAHIMTOOLA: Is the honourable member aware that in the Central Provinces a candidate is required only to have a place of residence, whilst in Bombay he is required to reside within the constituency?

The Honourable Mr. J. E. B. HOTSON: The honourable member is quite right; the Central Provinces rule does say that he must have a place of residence in his district.

Mr. HOSENALLY M. RAHIMTOOLA: Therefore, the rules are not quite the same?

The Honourable Mr. J. E. B. HOTSON: They are not.

Mr. HOSENALLY M. RAHIMTOOLA: Will the honourable member state what are the peculiar conditions in Bombay which require a rule to be framed which does not exist in any of the other provinces ?

The Honourable Mr. J. E. B. HOTSON: I think that is a subject which it would take rather long to go into.

PUNISHMENT OF A SCHOOL TEACHER

Mr. S. A. SARDESAI (Bijapur District): (a) Will Government be pleased to state whether their attention has been drawn to the article

* *Vide* Appendix No. 30.

of "Tirugata" that appeared in the *Kannadiga* of Bagalkot, dated 14th August 1925, regarding the penalty meted out to a poor Kannada school teacher by the educational authorities?

(b) If so, will they be pleased to state if it is a fact and if so, what action they have taken or mean to take?

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

(b) No. The teacher was punished by permanent loss of increment for his attempt to create false evidence to prove his presence at the school when he was really absent, and for his unsatisfactory conduct in the village. Government consider that the punishment inflicted was thoroughly deserved, and do not therefore, propose to take any action in the matter.

Mr. S. A. SARDESAI : Are not Government aware that the parties were fighting in Agarkhet? One party wanted a Maratha school while the other party wanted a Kanarese school?

The Honourable Mr. B. V. JADHAV : Government are aware.

LOCAL BOARD AND COUNCIL ELECTIONS : POLLING STATIONS MANDVI TALUKA

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

(a) the number of villages in the Mandvi Taluka of the Surat District;

(b) the number of Polling Stations for Local Board and Council Elections;

(c) the number of villages in each voting group;

(d) in what group the following villages are included : (1) Patal, (2) Tuked, (3) Chudel, (4) Dharampur, (5) Kamlasoti, (6) Borigala, (7) Kolsana, (8) Kolakui, (9) Modharkui, (10) Antroli;

(e) what is the distance of each of these villages,

(a) From the present Polling Station,

(b) From Tadkeshwar which is also a Polling Station;

(f) what are the special reasons for including the above villages in the present group instead of including them in the Tadkeshwar group;

(g) whether they intend to provide more polling stations and to rearrange the villages in each group in this taluka and in other talukas of the Surat District so that the voters may not be compelled to travel long distances to record their vote?

The Honourable Sir GHULAM HUSSAIN : (a) 135 villages.

(b) 3 Polling stations for the Local Board Elections. As regards the information concerning Council elections the Honourable Member is referred to the Honourable the Home Member.

(c) 41, 67 and 27 villages under each polling station.

(d) All the ten villages named in the question are included in the Devgad polling station for local board elections.

(e) The distance of each of the villages from Devgad and Tadkeshwar is given below :—

Village.	Devgad miles.	Tadkeshwar miles.
1. Patal	9	11
2. Tuked	11	8
3. Chudel	10	10
4. Dharampore	14	5
5. Kamlasoti	12	7
6. Borigala	12	7
7. Kolsana	11	8
8. Kolakui	13	5
9. Modharkui	10	10
10. Antroli	12	8

(f) There are no special reasons.

(g) The question of a distribution of villages for the greater convenience of voters is at present under consideration.

Mr. H. B. SHIVDASANI : Who is responsible for having a polling station so far away as 14 miles from the Dharampore village ?

The Honourable Sir GHULAM HUSSAIN : I would refer the honourable member to answer (g), where it is stated that the whole question is under consideration.

Mr. H. B. SHIVDASANI : I want to know who is responsible at present ?

The Honourable Sir GHULAM HUSSAIN : The district officers.

PHOTO COPY REGISTRATION SYSTEM

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

(1) the names of places where the photo copying system for the registration of documents has been introduced ;

(2) the ordinary size of the photos ;

(3) whether they intend to increase the size of the photos and if so by how much and for which of the Registration Offices ;

(4) what will be the percentage increase in cost by increasing the size of the photo copies ;

(5) the reasons why the size of photo copies is not to be increased for other offices ;

(6) whether they are aware that the public have to make searches and the staff have to refer to photo copies ;

(7) whether it is a fact that the small size of the photo copies is detrimental to the eye-sight of the public and the sub-registrars ?

The Honourable Mr. A. M. K. DEHLAVI : (1) Haveli I and II, Haveli III, Mawal, Ambegaon, Bhimthadi, Dhond, Junnar, Indapur, Sholapur, Satara, Walwa, Karad, Bombay, Bandra, Ahmednagar, Ahmedabad.

(2) $3'' \times 4\frac{1}{8}''$.

(3) The size of photo copies in the case of Bombay and Bandra offices has been increased by 50 per cent.

(4) 125 per cent.

(5) Since in the mofussil offices documents are generally written in manuscript and in bold hand the photo copies are not difficult to read like the photo copies of typed Bombay documents.

(6) Yes.

(7) No.

Mr. H. B. SHIVDASANI: Will the Honourable Minister state if the photo copying system would result in a loss if the size is enlarged?

The Honourable Mr. A. M. K. DEHLAVI: In the mofussil?

Mr. H. B. SHIVDASANI: Yes.

The Honourable Mr. A. M. K. DEHLAVI: Yes, I think it will.

Mr. H. B. SHIVDASANI: Is it worth while to introduce this system at the cost of the eyes of the sub-registrars?

The Honourable Mr. A. M. K. DEHLAVI: In the mofussil manuscript copies are being given, and the photo copies are not difficult to read?

Mr. H. B. SHIVDASANI: What about the sub-registrars who make those copies of the documents? The public have to be supplied with copies of the documents in manuscript. The poor sub-registrar and clerks have to copy from the photos.

The Honourable Mr. A. M. K. DEHLAVI: No, from the original document. A copy is given to the man who registers the document in manuscript.

Mr. H. B. SHIVDASANI: If any party applies for a copy, the copy has to be prepared from the photo?

The Honourable Mr. A. M. K. DEHLAVI: It can be easily prepared.

Mr. H. B. SHIVDASANI: Then, what about the strain on the eyes?

The Honourable Mr. A. M. K. DEHLAVI: Government is not aware of any strain on the eyes.

Mr. H. D. SAHEBA: Why is not Government aware of a patent fact? The eyes are strained.

The Honourable Mr. A. M. K. DEHLAVI: Government are not aware.

Mr. C. M. SAPTARSHI: Has the Honourable Minister tried to read any of these copies himself?

The Honourable Mr. A. M. K. DEHLAVI: Many.

Mr. C. M. SAPTARSHI: Has the sight not suffered at all?

The Honourable Mr. A. M. K. DEHLAVI: No.

Mr. J. C. SWAMINARAYAN: Has the Honourable Minister read or can he read these documents with naked eyes?

The Honourable Mr. A. M. K. DEHLAVI: No, I always wear and use glasses.

MUNICIPAL WATER TAPS AT TALEGAON

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state the number of population of

- (a) depressed classes, and
- (b) of people other than those of the depressed classes within the municipal limits of Talegaon (Dabhade);
- (c) the number of municipal taps (water) in the localities inhabited by people mentioned in (a) and (b) above separately?

The Honourable Sir GHULAM HUSSAIN: (a) and (b). Separate figures of population of the depressed classes and of people other than depressed classes are not available.

(c) There are 20 pipe stands of which 3 are for use of the depressed classes and the remaining 17 for other classes.

INCOME OF DEVASTHAN INAM VILLAGES

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

(a) whether their attention has been drawn to the articles published in the Political Bhomio of Ahmedabad on the 30th October and 6th and 13th November 1925, regarding gross mismanagement of the Devasthan inami villages, Wasna Maktampur of North Daskroi Taluka, Isanpur of South Daskroi Taluka, and Saras of Mehmedabad Taluka and misappropriation of their income by their manager, Inam Haidar Bax Valande Musamija;

(b) whether they are aware that the income of those villages was earmarked for being spent for the purposes of Roza of Pir Shah Alum by the Mughal emperors;

(c) whether they are aware that the income of the said Devasthan inami villages is diverted by the manager for his private use;

(d) whether they have examined the income and expenditure of the said Devasthan inami villages;

(e) what steps they have taken to prevent the income from being diverted to purposes other than those for which it is intended.

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) Yes.

(c) No.

(d) No. No examination is possible under the terms of the sanad.

(e) Government have taken no steps in the matter. If the income is being misappropriated it is open to persons interested to bring an action in the Civil Court.

Sardar G. N. MUJUMDAR: With regard to answer to (d) may I know what kind of sanad is meant by Government?

The Honourable Mr. J. L. RIEU: The sanad under which the inam is held.

SARDAR G. N. MUJUMDAR: Is the original sanad or the sanad given by the British Government meant by this?

The Honourable Mr. J. L. RIEU : I have no information on the subject but if the honourable member gives me notice I will find out what he wants to know.

ANTI-RABIC TREATMENT

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

- (a) the amount of fees recovered for anti-rabic treatment in each centre of the Presidency during the year ending 31st December 1925 ;
- (b) the number of patients treated in each centre during the same period and the number, if any, reported to have died ;
- (c) the steps taken by the department concerned to destroy ownerless stray dogs for diminishing the number of victims from dog bites ;
- (d) whether any arrangements are made, and if so, where, and what, to cure animals such as horses, cows, buffaloes, etc., bitten by rabid dogs ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The accompanying statement* gives the information required.

(c) and (d) The Honourable Member is referred to the Honourable the Home and Revenue Members, respectively.

IRRIGATION : SHOLAPUR DISTRICT

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased—

- (a) to place on the Council table a statement of the acreage watered by the several Government irrigation works in the Sholapur District and Sholapur town from the year 1920 to the end of 1925 ;
- (b) to state what are the amounts of irrigation rates received during these years from the several canals or tanks ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

BOMBAY MEDICAL SERVICE OFFICERS

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

- (a) the total strength of the Bombay Medical Service ;
- (b) the number of temporary officers in the Bombay Medical Service and the period after which they are confirmed.

The Honourable Mr. B. V. JADHAV : The attention of the Honourable Member is invited to the reply to a similar question† put by Mr. S. K. Bole, M.L.C., at the First Session, 1926, of the Legislative Council.

* Vide Appendix No. 31.

† Vide pages 1538, 1539, Vol. XVII

BOMBAY UNIVERSITY—PROFESSORS AND RESEARCH WORK

Khan Sahab ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

(a) how many university professors and lecturers there are in the Bombay University and in what subjects ;

(b) what the university has hitherto done by way of helping research ? And what are the university publications hitherto ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The attention of the Honourable Member is invited to the reply given to same question put by Mr. S. A. Sardesai (Bijapur District) during the last session of the Council (*vide* page 1467 of Part XXII of Volume XVII of the Bombay Legislative Council Debates).

BACKWARD CLASS TEACHERS

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

(a) the number of teachers in the Poona, Dhulia, Nagar, Satara, Nasik, Bhiwandi and Ratnagiri training colleges respectively, and how many of them belong to the higher and backward classes respectively ;

(b) whether they intend to give effect to their resolution regarding the employment of the backward classes and appoint backward class teachers in due proportion in these colleges ?

The Honourable Mr. B. V. JADHAV : (a) The accompanying statement* gives the information required.

(b) The resolution of Government regarding the employment of the backward classes refers only to clerical appointments. However, non-Brahmin teachers are selected for appointment in training colleges as far as possible when vacancies occur.

LAND ACQUISITION IN MALI AND MUNJERI

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the cost of acquisition of plots of land for settlement in the villages of Mali and Munjeri in taluka Haveli of the Poona District ;

(b) the price realised by the sale of these plots by public auction.

The Honourable Mr. J. L. RIEU : (a) Rs. 2,77,741.

(b) Rs. 4,97,900.

WATER FOR INDAPUR TALUKA

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they intend to provide canal water to relieve the cultivators of Indapur taluka which is the most famine stricken area of the Poona district ;

(b) whether any scheme was undertaken for the water supply of the taluka in 1916-17 by excavating a tank at Tarangwadi in that taluka or by any other means ?

The Honourable Mr. COWASJI JEHangIR : (a) Yes. A list* of villages in the Indapur Taluka which are already being irrigated by the Nira Left Bank canal, the Shetphal and Bhadalwadi tanks is placed on the Council table. Sixteen additional villages of this taluka will receive the benefit of canal water when the remodelling of the Nira Left Bank canal is completed—*vide* reply to the Honourable Member's question printed at page 440 of the Bombay Legislative Council Debates, Volume XVII, Part VI, for March 1st, 1926.

(b) No.

UNSURVEYED INAM VILLAGES

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to give the names of all the unsurveyed inam villages in this Presidency in each district according to talukas ?

The Honourable Mr. J. L. RIEU : A statement giving the names of unsurveyed and unsettled inam villages in the Bombay Presidency proper is placed on the Council Table†.

Sardar G. N. MUJUMDAR : May I know the difference between unsettled inam villages and unsurveyed inam villages ?

The Honourable Mr. J. L. RIEU : Unsurveyed villages are those in which no survey has taken place, and unsettled villages are those in which survey may have taken place but the different rates of assessment have not been settled.

Sardar G. N. MUJUMDAR : Are there inam villages where survey has been made but no settlement has yet taken place ?

The Honourable Mr. J. L. RIEU : Many.

Sardar G. N. MUJUMDAR : Then how am I to distinguish between unsurveyed and unsettled inam villages from among the list supplied to me ? Will Government be pleased to let me know which villages have been surveyed but where no settlement has yet been made, before the end of this session ?

The Honourable Mr. J. L. RIEU : If the honourable member will see me about this, I will be glad to see if I can give him the information he wants.

Mr. S. A. SARDESAI : The survey of inam villages was made for the purpose of the Record of Rights. Do Government think that the villages have been surveyed for the purpose of applying survey settlement.

The Honourable Mr. J. L. RIEU : That is asking for an expression of opinion.

* *Vide* Appendix No. 33.

† Kept in the Secretary's office.

Mr. S. A. SARDESAI : Will Government give a promise that they will not depart from the policy of not applying survey settlement to inam villages ?

The Honourable Mr. J. L. RIEU : No settlement will be introduced into inam villages except under the provisions of the Land Revenue Code.

ANNEWARI IN POONA DISTRICT

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to give in a tabular form the "Annewari" valuation of the principal crops of the Poona District ?

The Honourable Mr. J. L. RIEU : The anna valuation of the various crops was as shown below :—

				Irrigated. Annas.	Non-irrigated. Annas.
Rice	..	..	..	8	6
Wheat	..	..	..	8	6
Jawari	..	..	..	9	6
Bajri	..	..	..	9	6
Tur	..	..	..	6	6
Gram	..	..	..	8	6

KULKARNI WATAN

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they have recently received any application from the watandar kulkarnis of the Poona and other districts, complaining of their grievances in the matter of the commutation of their kulkarni watans and praying for the restoration of the watans ;

(b) if so, how many applications and from which districts have they been received and how have they been disposed of ;

(c) the number of commutations made in each district with widows and on behalf of minors separately ;

(d) in how many cases in (c) above the commutation money was paid in a lump sum ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Over 1,000 applications have been received from the districts of Ahmednagar, Sholapur, Satara, Nasik, Poona, East Khandesh, West Khandesh and Belgaum. Most of them have been returned to the writers for compliance with the rules for the submission of petitions to Government. As regards the rest, reports have been called for from the officer concerned in respect of some and others have been rejected. In the case of those for which reports have been received, the applicants have been informed that Government decline to interfere.

(c) and (d) The appended statement* gives the required information.

*Vide Appendix No. 34.

KULKARNI WATAN

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware that the watandar kulkarnis of Poona and other districts have recently been put to unnecessary inconvenience in the matter of obtaining certified copies of the proceedings and other papers in connection with their watan commutations by their subordinate officers;

(b) if so, whether they propose to take any action in the matter?

The Honourable Mr. J. L. RIEU: (a) No.

(b) Does not arise.

GRANT OF A ROAD SITE IN DHARWAR TALUKA

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) whether it is a fact that there is a road called 'Hali Dandin Dare' leading from Dharwar to Govankop, taluka Dharwar, Dharwar District;

(b) what was the width of the road two or three years back;

(c) whether it is a fact that half the width of the road was given by the owners of the adjoining lands on the north without compensation for the road;

(d) whether it is a fact that this road was meant for the use of the villagers;

(e) whether it is a fact that half of the southern portion of the road has been granted to some one by Government;

(f) whether the adjoining land owners and villagers were consulted before thus granting that portion;

(g) whether they are aware that some eight owners of lands on the southern side have no road at all to go to their fields;

(h) whether it is a fact that these land owners have applied to Government to redress their wrong about a year back;

(i) if so, how have Government disposed of their application?

The Honourable Sir GHULAM HUSAIN: (a) Yes.

(b) Nearly 100 feet.

(c) Some of the men who subsequently objected to the grant said so, but they had no evidence to prove the fact and there is nothing in the Government records to support their statement.

(d) Yes. It is used by the villagers only to go to their fields. There is another new District Local Board road from Dharwar to Hebli via Govankop.

(e) A strip of land 50 feet in width on the northern side is reserved for the road and the remaining portion on the southern side is granted to one Shaik Abdul Karim, a military pensioner, for cultivation on restricted tenure after ascertaining that the villagers had no objection to the grant.

(f) Yes.

(g) It is not true that any owners have no roads to go to their fields.

(h) Government are not aware of any applications having been made in this connection, but three applications were received by the Collector of Dharwar requesting the cancellation of the grant on the ground of there being no passage to some lands.

(i) The Collector of Dharwar with the Assistant Collector and the Mamlatdar personally saw the land with a view to consider the applications mentioned above. Some of the applicants were also present. The grant of this site was allowed to stand after making necessary arrangements for the passage to some adjoining lands. The grant of another old road further south to one Govinda was cancelled so that there should not be any room for complaint.

Mr. V. N. JOG : Was it published in the village that this strip of land was to be given as a grant ?

The Honourable Sir GHULAM HUSSAIN : It is not necessary to publish it in the village.

Mr. V. N. JOG : Were the villagers consulted and have they given anything in writing that they had no objection ?

The Honourable Sir GHULAM HUSSAIN : The Mamlatdar went there in person and made enquiries and was told that they had no objections to raise.

Mr. V. N. JOG : Were the owners of the land adjoining to the strip consulted ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member will read the reply carefully, he will get his answer in that.

Mr. V. N. JOG : The reply is very vague.

The Honourable Sir GHULAM HUSSAIN : It is very clear.

ATTACHMENT OF PROPERTY OF A HUBLI RESIDENT

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) Whether it is a fact that a notice from a Hubli resident has been served upon the Honourable the Home Member in 1926 to the effect that a suit will be filed against Government or against Home Department for damages in respect of attachment of his property by some Government officers ?

(b) If so, will Government be pleased to place a copy of the same upon the Council table ?

(c) Whether a reply has been given to the notice ?

(d) If so, to place a copy of the said reply upon the Council table ?

(e) Whether it is a fact that any property of the said person who has given the notice has been attached ? If so, under whose orders ? And when ?

(f) Whether it is a fact that the said property had been given to the person (from whom it was attached) by order of a competent court previous to its attachment ?

The Honourable Mr. J. E. B. HOTSON: No such notice has been served on the Home Member, and consequently the succeeding parts of the question do not arise.

CO-OPERATIVE HOSPITAL, HUBLI

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) Whether they are aware of the existence of "The Co-operative Hospital" at Hubli in the Dharwar district?

(b) If so, when it was established?

(c) How many cases were treated there in each of the years 1923-24, 1924-25 and 1925-26?

(d) How many major operations were performed there during each of the said three years?

(e) How many minor surgical operations were performed in the same period?

(f) Whether the said hospital is in receipt of a Government grant?

(g) If so, how much?

(h) If not, whether Government intend to give it a grant?

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

(b) In 1916.

(c) In 1923-24 472

In 1924 (1st April to 31st December 1924) .. 389

In 1925 8,198

(d) In 1923-24 44

In 1924 48

In 1925 171

(e) In 1923-24 78

In 1924 122

In 1925 1,629

(f) No.

(g) Does not arise.

(h) Government are unable to give any grant at present owing to the existing financial stringency.

BACK BAY RECLAMATION: THE SEA WALL

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) The length of the sea wall built up to 31st March last?

(b) What is the cost of it?

The Honourable Mr. COWASJI JEHangIR: (a) 19,694 feet.

(b) Rs. 69,52,965.

CHARITABLE HOSPITALS: GRANTS TO

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) How many charitable hospitals there are in the presidency?

(b) Where each is located?

(c) How many of these receive Government grants ?

(d) What is the total amount of such grants spent or proposed to be spent during the current year ?

The Honourable Mr. B. V. JADHAV : (a) It is presumed that the Honourable Member refers to private—aided and non-aided—charitable hospitals and dispensaries. His attention is invited to statement "A" on page 5 of the Annual Report on Civil Hospitals and Dispensaries for 1924.

(b) Please see statement "B" of the Report, hospitals and dispensaries, classified under IV and V.

(c) Please see statement "A" of the Report.

(d) Rs. 58,789.

RAILWAY PROJECT : BELGAUM TO HUBLI

Mr. A. F. I. K. PATHAN on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) Whether a new railway line is to be constructed from Belgaum to Hubli *via* Bail-Hongal and Saundatti ?

(b) If so, when it is proposed to begin the construction thereof ? When it is estimated to be completed ?

(c) And at what (estimated) cost ?

The Honourable Mr. J. L. RIEU : (a), (b) and (c) The survey of a railway line from Belgaum to Hubli is in hand. The information required by the Honourable Member cannot be furnished until the survey has been completed and the project report and estimates have been prepared by the Agent, Madras and Southern Mahratta Railway Company.

MUHAMMADAN GRADUATES IN THE EDUCATIONAL DEPARTMENT

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

(a) how many Muhammadan graduates are there in the Educational Department in the S. D., C. D. and N. D. ;

(b) what are the present appointments of each and the salary they draw ;

(c) how long they have been in their present posts and what salary each drew prior to his present appointment ;

(d) the total period of service of each and the salary with which each started in service ?

The Honourable Mr. B. V. JADHAV : (a) 6, 11 and 12 respectively.

(b), (c) and (d) The accompanying statement gives the requisite information.*

SALE OF FIREWOOD TREES BY GOVERNMENT

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

(a) whether they are aware that in auction sales of firewood trees in the Ahmedabad District they realise about fifteen to twenty per cent.

* Vide Appendix No. 35.

less by the system of cash payments as compared to the old system of payments by instalments ;

(b) whether they are aware of the hardship experienced by the contractors owing to the system of cash payments ?

The Honourable Mr. J. L. RIEU : (a) It is probable that the cash payment system results in rather smaller realisations than the instalment system, but it has compensating advantages.

(b) The trees are now sold in such small lots that no hardship exists.

CARRIAGE OF BIGAR BY WATANDAR MAHARS

Mr. R. S. NEKALJAY : Will Government be pleased to state—

(a) whether it is a fact that the watandar mahars of village Anne-wadi, district Satara, have to carry " Bigar " to a distance of 7 miles ;

(b) if so, whether they propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (a) No. On one occasion these Mahars were required to accompany an officer's kit a distance of five miles ; but this was exceptional.

(b) Does not arise.

Mr. R. S. NEKALJAY : May I know in what district it occurred ?

The Honourable Mr. J. L. RIEU : In the Satara district.

AHMEDABAD MUNICIPAL PRIMARY SCHOOL : GUJARATI THIRD YEAR BOOK

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether they have taken objection to a certain lesson in the Gujarati Third book proposed to be introduced by the Ahmedabad Municipality in their primary schools ; if so, to give reasons and to place copies of the paragraphs objected to on the table ;

(b) whether the first and second books of the same series have long been sanctioned by Government and have already been introduced since long ;

(c) whether it is a fact that the Honourable Minister for Education declared in a speech in this Council during March last that he would not seriously object to the introduction of this book ?

The Honourable Mr. B. V. JADHAV : (a) Lesson 44 in the Third Book of the National University Gujarati Reading Series is considered objectionable as in it are contained allegations against the Japanese administration in Korea which might cause serious offence to the Government of Japan.

(b) The First and Second Books of the National University Gujarati Reading Series have not been sanctioned by Government for use in primary schools. Government have, however, not taken any objection to their use as there is nothing seriously objectionable in them.

(c) What I actually said was that in the Third Book referred to by the Honourable Member there were a few lessons and passages to which objection could be taken and if those passages were redrafted and amended,

I did not consider that there would be any objection to the introduction of that book also. I was then speaking without the book before me. On further examination I find that Lesson No. 44 is the one which contains the objectionable passages to which I then referred. If this lesson is removed the department would not object to the introduction of this book.

Mr. G. I. PATEL : May I know why the answer to clause (a) of the question has been evaded by Government ? The reasons have not been given.

The Honourable Mr. B. V. JADHAV : The reasons have been given in the answer.

Mr. G. I. PATEL : What is the nature of the allegations in that book against the Japanese administration in Korea ?

The Honourable Mr. B. V. JADHAV : I would ask the honourable member to read that lesson himself.

Mr. G. I. PATEL : I have read that book. Where does the objection lie ?

The Honourable Mr. B. V. JADHAV : Government consider the whole lesson objectionable.

Mr. H. D. SAHEBA : Does the Honourable Minister state that it is objectionable to educate the children of this country with regard to the historic relations between Japan and Korea, and is Japan in alliance with the British Government ?

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

Mr. J. C. SWAMINARAYAN : Is it objectionable to treat in the lesson about the past history of different countries ?

The Honourable Mr. B. V. JADHAV : It is not past history ; it is in connection with the present Government of Japan.

Mr. J. C. SWAMINARAYAN : Is teaching of modern history objectionable ?

Khan Saheb A. M. MANSURI : How does it help poor little children ?

The Honourable Mr. B. V. JADHAV : The lesson does not help the children at all.

Mr. G. I. PATEL : Are they not historical facts ?

The Honourable Mr. B. V. JADHAV : They are doubtful.

Mr. H. D. SAHEBA : Does the Honourable Minister act on doubtful matters.

The Honourable Mr. B. V. JADHAV : No.

Mr. H. D. SAHEBA : He says he is doubtful and yet he acts ?

PAY OF PRIMARY TEACHERS IN AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that the Ahmedabad Municipality has sanctioned a special scale of pay to be given to the primary teachers of various grades and submitted it to Government for sanction ;

(b) whether it is a fact that the scales submitted by the Ahmedabad Municipality are less costly both to Government and the Municipality than the corresponding scales sanctioned by Government including attendance allowances to the head masters and first assistants ;

(c) the date on which the municipality submitted that scale to Government for sanction, and date on which they have accorded their sanction to the revised scales of pay, and the reasons for delaying the sanction so long ;

(d) whether the delay in according their sanction has put the Ahmedabad Municipality and the school board to great inconvenience ?

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

(c) The Municipal President's letter submitting the revised scales of pay is dated the 15th April 1924 and the Government Resolution sanctioning them is dated the 28th April 1926. The reasons for the delay in sanctioning the scales were—

(i) the desirability of awaiting the receipt and consideration of the report of the Surve Committee on the question of the revision of pay of primary school teachers ;

(ii) the necessity of obtaining further information from the Municipality regarding the financial effect of their scales as compared with the scales sanctioned by Government *plus* the duty allowances recommended by the Surve Committee and accepted by Government.

(d) Government have no information.

BIJAPUR AND YERAVDA PRISON LIFE

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to state whether their attention has been drawn to the account of "Prison Horrors" published in the *Bombay Chronicle* of 10th May and 27th May ;

(b) if so, to place a statement of facts regarding the horrors and solitary confinements described therein on the table ;

(c) to place copies of the prison records of the illness of Messrs. Majali, Devakar, Hanumant Mohare and Kaujalgi on the table ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The Honourable Member is referred to the answer given to the question put by Mr. V. N. Jog at the last Session of this Council printed at page 371 of Bombay Legislative Council debates, Volume XVII, Part V.

(c) It is not understood what useful purpose would be served by publishing such records.

Mr. G. I. PATEL : May I know whether the records relating to the illness of well known political prisoners are not of interest to the public ?

The Honourable Mr. J. E. B. HOTSON : The honourable member probably knows the nature of the details given in these records. I do not think that they are of interest to the public.

CERTIFICATE OF STANDARD RENT

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) The total amount collected in Bombay as fees for granting the original certificates of Standard Rent of small premises from the date on which the Rent Act first came into operation up to the 31st December 1925;

(b) The total amount collected as fees for endorsing the above certificates on an increment being added to the Standard Rent;

(c) The number of premises in respect of which the amounts stated in (a) and (b) above were charged respectively;

(d) The number of cases in which landlords of such premises were prosecuted for charging excess rent without obtaining the Rent Controller's endorsement and the total amount of fines collected from them;

(e) The number of landlords prosecuted for reasons shown in (d) who were fined for (1) the alleged technical offence of charging an excess allowed by the law without obtaining the Rent Controller's endorsement and (2) the number of landlords prosecuted for the technical mistake in calculating the percentage in cases where the amount of the excess did not exceed Re. 1.

The Honourable Mr. COWASJI JEHangIR : (a) Rs. 42,551.

(b) No certificates are 'endorsed' as stated in the question but when an increment is allowed they are 'revised' involving extra work to the staff. The amount of fees collected for revising the certificates comes to Rs. 12,916.

(c) (a) 41,750 tenements.

(b) 22,711 tenements.

(d) Forty-five landlords were prosecuted up to the end of 1925 in respect of 865 tenements for taking more than the statutory increase without getting their certificates revised. The fines amounted to Rs. 5,560.

(e) As the term "technical offence" used in (1) and (2) is not clearly understood, Government regret that they cannot give any reply to this part of the question.

EXCISE AUCTION AT SATARA

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased—

(a) to state whether it is a fact that the Collector of Satara on 23rd March 1925 on the occasion of excise auctions held there disallowed a bid of Rs. 28,000 for the Mandai shop and sanctioned a bid of Rs. 10,000 only for it, although the gentleman who offered Rs. 28,000 held a solvency certificate and also held certificates that he was not in the black list and although he had been an excise contractor since 20 years;

(b) to place on the Council table a copy of the notice issued by the Collector for the auctions referred to in (a) ?

The Honourable Mr. A. M. K. DEHLAVI: (a) The Mandai shop was auctioned for Rs. 10,500. A person unknown to the District Officers and without satisfactory credentials began to bid up to and above Rs. 20,000, but this bidding was disallowed as there was not sufficient guarantee of his *bona fides* and he did not offer to deposit the sum in advance. He had recently been holding a country liquor shop license in the Dharwar District, but has been debarred from holding a license in that district till further orders as he was found by the Collector of Dharwar to be implicated in the illicit transport of country liquor.

(b) A copy of the auction notice issued by the Collector is placed on the Council Table.*

Mr. S. A. SARDESAI: Why a direct answer has not been given to my question?

The Honourable Mr. A. M. K. DEHLAVI: It is a direct answer and the whole case is explained there.

Mr. S. A. SARDESAI: The answer given with regard to the bid of Rs. 28,000 referred to in the question is vague. Will the Honourable Minister please place a list of the bidders on the Council table?

The Honourable Mr. A. M. K. DEHALVI: That was not the question asked.

Mr. S. A. SARDESAI: What do you mean by Rs. 20,000 and above?

The Honourable Mr. A. M. K. DEHALVI: Exceeding Rs. 20,000.

Mr. S. A. SARDESAI: Don't you know the exact figure?

The Honourable the PRESIDENT: The Minister says that all bids above Rs. 20,000 (which would include bids of Rs. 28,000) were dealt with in a particular way.

Mr. S. A. SARDESAI: The bidders offer a particular sum: they never offer vague sums.

The Honourable the PRESIDENT: I will allow the honourable member to ask a supplementary question if he puts it directly.

Mr. S. A. SARDESAI: Was there a bid for Rs. 28,000 or not?

The Honourable Mr. A. M. K. DEHALVI: Might have been.

Mr. S. A. SARDESAI: That means you are not certain.

The Honourable the PRESIDENT: I wish the Minister would give a direct answer.

Mr. S. A. SARDESAI: I ask if he who offered the highest bid had been debarred from holding a license, why was he allowed to bid in the beginning and only disallowed at the end of the auction.

The Honourable Mr. A. M. K. DEHALVI: Those are not the facts at all. When the bid is started anybody can bid: but when a man comes forward with a huge bid, he is asked to deposit certificates, and if the certificates are reliable they are accepted. In this case, it was first

* Kept in the Secretary's Office.

of all a fabulous bid of Rs. 20,000 for a shop which was worth Rs. 10,000. The Collector therefore naturally wanted to go into the question and it was found that the bidder had no *bona fide* certificates, and was therefore disallowed. Beyond that his reputation as a shop-holder was injured elsewhere also.

Mr. S. A. SARDESAI: Will the Honourable Minister be pleased to place on the Council Table the full list of bidders together with their offers?

The Honourable Mr. A. M. K. DEHALVI: I want notice of that question.

BUILDING FOR BAGALKOT MUNICIPAL SCHOOL

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether it is a fact that Mr. Gordon, the Collector of Bijapur, ordered the organisers of the Bagalkot Basaveshver High School to stop further building operations on the Bagalkot municipal site which had been sanctioned by the Bagalkot municipality unanimously in their meeting held on 26th August 1925 and which was sanctioned by Mr. Naik, the then Collector, and the Commissioner, Southern Division;

(b) whether it is a fact that Mr. Gordon did not mention any grounds for his action and did not give school authorities any opportunity to offer any explanation;

(c) if the answer to (a) is in the affirmative, the reasons for Mr. Gordon's action?

The Honourable Sir GHULAM HUSSAIN: (a) The orders in question were addressed to the President of the Bagalkot Municipality and not to the school authorities.

(b) Mr. Gordon did not mention any grounds in his communication to the President of the Bagalkot Municipality requesting him to suspend further operations until further orders but he gave full reasons in his reports to the Commissioner, Southern Division. There was no communication between the school authorities and the Collector.

(c) The reasons were (1) the exact area and location of the land in question had not been defined, (2) no definite assurance was forthcoming that funds would be available for building a proper High School, (3) the Hungund-Kaladgi road runs through the site.

SURVEY SETTLEMENT, CHORASI AND BARDOLI TALUKAS, SURAT DISTRICT

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

(a) whether objections were invited against the rates proposed by the Survey Settlement Officer for the Chorasi and Bardoli Talukas of the Surat District;

(b) whether copies of the report of the Survey Settlement Officer were made available to the people on payment of fees;

(c) if not, what facilities were provided for the people to get access to copies of the report of the Settlement Officer ;

(d) whether it is a fact that the Mamlatdars, Chorasi and Bardoli, did not give permission to people to take copies of this report ;

(e) whether it is a fact that people in villages far from Taluka towns could not conveniently get access to the report of the Settlement Officer ;

(f) whether they intend to make copies of the report of the Settlement Officer available to people and to extend the date of inviting objections ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No. It is not practicable to do so.

(c) They were free to take either extracts or a full copy of the report kept in the kacheri for inspection.

(d) The Mamlatdar of Bardoli received no application for taking copies. The Mamlatdar of Chorasi granted one verbal request to do so.

(e) Government have not received any complaints in the matter.

(f) As already stated, a copy is available. Government do not propose to extend the period for sending in objections.

Mr. H. B. SHIVDASANI : As regards (b) am I to understand that it is not practicable to make copies available ? Cannot the report of the settlement officer be printed ?

The Honourable Mr. J. L. RIEU : It is impracticable to write out copies for distribution. This would take far too much time and cost in the matter of staff.

Mr. H. B. SHIVDASANI : Why cannot the report be printed and copies made available ?

The Honourable Mr. J. L. RIEU : It would be long before the report could be printed.

Mr. H. B. SHIVDASANI : In regard to (d) do I understand that the mamlatdar received only one request for copies ?

The Honourable Mr. J. L. RIEU : That is the reply given.

Mr. H. B. SHIVDASANI : The reply says that the mamlatdar granted one verbal request, but it does not say how many requests were refused.

The Honourable Mr. J. L. RIEU : It was not refused.

Mr. H. B. SHIVDASANI : In (e) it is stated that Government have not received any complaints in the matter. Are Government aware that some villages are fifteen or twenty miles away from the taluka kacheri ?

The Honourable Mr. J. L. RIEU : I do not think that that question arises out of this.

Mr. H. B. SHIVDASANI : My question was "whether it is a fact that people in villages far from taluka towns could not conveniently

get access to the report of the settlement officer". It is stated that the reports were kept in the taluka *kutcheri*, and Government have not received any complaints. When the report is kept at a distance of twenty miles from the villages, can it be maintained that the people can conveniently get access to that report?

The Honourable Mr. J. L. RIEU: It is impossible for Government to distribute copies of the report all over the taluka, and I do not think it is legitimate to say that it is a matter of inconvenience to the people to come from a distance of fifteen miles.

Mr. H. B. SHIVDASANI: How can people send their objections unless they get convenient access to the report?

The Honourable Mr. J. L. RIEU: They have access.

Mr. H. B. SHIVDASANI: Not convenient access.

The Honourable Mr. J. L. RIEU: That is a matter of opinion.

UNIFORMS OF POLICE CONSTABLES AND EXCISE PEONS

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

(a) The expense per uniform incurred by the Police Department on the uniform of Police constables and the expense per uniform incurred on the uniforms of Excise and Forest peons?

(b) Where are the uniforms of Police constables prepared?

(c) Why the uniforms of Forest and Excise peons cannot be got prepared at the same place?

The Honourable Mr. A. M. K. DEHLAVI: (a) The subjoined table gives the information required so far as the Excise and Forest peons are concerned.

	Average cost per head per year.		
	Rs.	a.	p.
Excise peons in the Presidency proper ..	.. 29	7	4
Excise peons in Sind .. ..	.. 15	5	2
Forest guards in the Presidency proper ..	.. 21	4	0
Forest guards in Sind .. ..	.. 26	4	0

(b) Reply has already been given.

(c) The articles of uniform are supplied by contractors and as the lowest tender is always accepted it is not possible to get them prepared at the same place.

BOMBAY LEGISLATIVE COUNCIL ELECTIONS: COUNTING OF BALLOT PAPERS

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

(a) Whether their attention has been drawn to the Bombay Electoral Regulation 3 (b) which lays down that the Returning Officer shall mix together all the ballot papers taken out from the ballot box or boxes relating to the different polling stations?

(b) What is the underlying principle of mixing all the ballot papers ?

(c) Whether they intend to count the votes of each polling station separately ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The object of mixing all the ballot papers before the counting of votes begins is to preserve the secrecy of voting.

(c) No.

Mr. H. B. SHIVDASANI : Is not the secrecy preserved by the fact that the voters vote by ballot ?

The Honourable Mr. J. E. B. HOTSON : It is considered that it is better preserved if the papers from all the boxes are mixed together.

Mr. H. B. SHIVDASANI : How are the candidates to know how the voting went by each polling station ?

The Honourable Mr. J. E. B. HOTSON : As secrecy has to be preserved it is not considered desirable that candidates should know this.

Mr. H. B. SHIVDASANI : Is it undesirable ?

The Honourable Mr. J. E. B. HOTSON : Yes.

SATARA COUNTRY LIQUOR SHOPS

Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state—

(a) the figures of consumption in underproof gallons of each country liquor shop in the district of Satara respectively for the last three years, and also the amount at which each shop was auctioned out to the licensees and the names of such licensees ?

(b) Whether it is a fact that at the last auction sale the bids of certain bidders were rejected though they had been the licensees of country liquor shops for some years past ?

(c) Whether these bidders were declared to be unfit and, if so, on what grounds ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Statements * showing the consumption of country liquor for the financial years 1922-23, 1923-24 and 1924-25 and the amount of vend fees for the years 1922 (9 months from 1st April to 31st December 1922), 1923-24 (15 months from 1st January 1923 to 31st March 1924) and 1924-25 (12 months from 1st April 1924 to 31st March 1925) are placed on the Council table.

(b) and (c) The Honourable Member is referred to the reply given to-day to clause (a) of the question asked by Mr. S. A. Sardesai (Bijapur District). No other bidder was rejected at Satara.

THE SATHE-PARANJPYE SCHEME

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

(a) how many local boards and municipalities were asked to express their opinion on the Sathe-Paranjpye scheme ;

* Kept in the Secretary's office.

(b) how many of them expressed their opinion in favour of the scheme and how many against ?

The Honourable Mr. B. V. JADHAV : (a) Twenty-six District Local Boards and 152 Municipalities : it should, however, be noted that they were not asked to state whether they approved of the Sathe-Paranjpye Scheme but whether they were able to bear their share of the additional cost.

(b) Seven District Local Boards and 50 Municipalities have stated that they will bear their share of cost, and 18 District Local Boards and 96 Municipalities have stated that they are unable to bear their share of cost.

N.B.—One District Local Board and six Municipalities suggested a modified scheme.

ELLIS BRIDGE TOWN-PLANNING SCHEME

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

(a) whether the Daskroi taluka local board has passed a resolution on the 30th September 1925, by a heavy majority, protesting against the Ellis Bridge Town-Planning Scheme ;

(b) whether the said resolution has been forwarded to the joint town-planning board with a request to submit it to Government before a final decision is arrived at ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The reply is in the affirmative.

CROPS OF TALUKDARS OF BHANKODA

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

(a) whether it is a fact that the talukdars of Bhankoda, a talukdari estate in the Virangam taluka of the Ahmedabad district, have contracted debts from creditors and have also given an Ijara of their estate to an Ijardar ;

(b) whether it is a fact that the creditors and the Ijardar of the said estate are fighting in the Civil Courts for their respective rights ;

(c) whether it is a fact that the crops of the current year are still lying in the grain yards of the villages of the said estate, undistributed between the talukdars and the cultivators on account of the quarrels between the creditors and the Ijardar ;

(d) whether it is a fact that the cultivators of the said estate have requested Government authorities to hasten the weighing and distribution of the crops in the grain yards ;

(e) if so, what action Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) Yes.

(d) No regular applications have been received, but a copy of a Resolution passed at a meeting of certain villagers presided over by the Honour-

able Member of the Legislative Council himself was sent to the Collector.

(e) The Mamlatdar was directed to make weighment of the Mankhals and to allow tenants to take their share leaving Raj Bhag in khala for disposal according to law ; but it was found that owing to the injunction of the Civil Court dated 9th December 1925 binding both the parties to maintain *status quo* neither party gave a valid consent to weighment by the Mamlatdar. It was then ordered by the Collector and Talukdari Settlement Officer that it was " not desirable to interfere at this stage and the result of the Civil Court should be awaited ".

LEASE OF LAND AT MAHADEVAPURA

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

(a) whether they have given survey Nos. 193 to 195 and 201 to 206 on the new tenure to certain *bona fide* cultivators of Mahadevapura near Ambawada in Prantij taluka of the Ahmedabad district for the last two years ;

(b) whether the said cultivators have expressed their desire to take the lands on the old tenure at a reasonable rate ;

(c) whether it is a fact that in spite of the protests of the cultivators these numbers have been incorporated in a big lot with the intention of auctioning the whole lot to traders who would lease the same at a profit to *bona fide* cultivators ?

The Honourable Mr. J. L. RIEU : (a) No. These survey numbers were temporarily given out to certain Patidars on Eksali tenure.

(b) and (c) Yes, but as these survey numbers were scattered over a big block of waste survey numbers, the Eksali cultivators were offered other survey numbers on any one side of the block. They did not however, accept the offer. The block was then sold by public auction to a genuine land holder in the interests of economic cultivation and to secure better prices in auction.

LEASE OF LAND AT GULABANI MUWADI

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

(a) whether it is a fact that they gave by auction the survey numbers, 41, 44 to 48, 53 to 55, 68 to 70 and 72 of Gulabani Muwadi in the Prantij taluka of the Ahmedabad district on the new tenure to *bona fide* cultivators and accepted the *chothai* (one-fourth of the auction price) from them on 7th March 1925 ;

(b) whether they have given possession of the said survey numbers ;

(c) if the answer to (b) is in the negative, whether it is a fact that they intend to give the whole lot to merchants who would make profit by leasing them to *bona fide* cultivators ?

The Honourable Mr. J. L. RIEU : (a) Yes ; but, as the bidders were not of the backward classes the auction was not sanctioned and the *chothai* was refunded.

(b) No.

(c) No.

SETTLEMENT REGISTER : DHOLERA VILLAGE

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

(a) whether the Commissioner, Northern Division, ordered the preparation of the Settlement Register of the village of Dholera in the Dhandhuka taluka of the Ahmedabad district by his order No. T.S.O. 494, dated 17th June 1925;

(b) whether the said Settlement Register has been prepared and submitted to the Commissioner, Northern Division, for his approval;

(c) if so, why the said Settlement Register is not yet published for the information of the public?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) It has been prepared but not yet submitted for approval.

(c) As the talukdars have filed a Civil Suit in the District Court, the Settlement Register and other papers were forwarded to the Government Pleader, Ahmedabad, for the purposes of defending the suit. He has not yet returned them.

VILLAGE SITE, DHOLERA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state whether it is a fact that the civil courts have been passing decrees of attachment on the houses of Dholera, and selling them by auction without any objection from anybody?

The Honourable Mr. J. L. RIEU: Yes.

TALUKDARS OF DHOLERA—LEVY OF MARRIAGE CESS

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

(a) whether the Talukdari Settlement Officer of Ahmedabad District issued an order No. T. S. O.-200, dated 31st March 1924, cancelling all the items which are not connected with revenue from land like the levy of Re. 0-8-0 per bale of cotton sold by merchants or the levy of Re. 1-0-0 from each cultivator and merchant on the occasion of a marriage or death in the family of the Darbar or the levy of Re. 1-4-0 on the occasion of the marriage of a daughter of a Bania and Re. 1-0-0 on the occasion of the marriage of a daughter of a Kunbi from the Dharavarani Yads of the talukdari villages of the Ahmedabad District?

(b) whether they are aware that in spite of the above order the talukdars of Dholera are levying a cess of Rs. 2-0-0 per marriage celebrated in Dholera:

(c) if so, what steps they have taken to prevent such levies?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) It is now reported that the talukdars of Dholera are levying Rs. 2 per marriage celebration.

(c) No complaint has been made so far. The party aggrieved should seek his remedy in the proper Court.

Mr J. C. SWAMINARAYAN : With regard to (b), it is admitted that the levy prohibited by Government is being extorted by the talukdars. How is it that Government do not take any action against the talukdars ?

The Honourable Mr. J. L. RIEU : They cannot take any action unless they receive a complaint.

Mr. J. C. SWAMINARAYAN : Though the talukars disobey the orders of Government, how is it that Government do not take any action and allow the talukdars to exact illegal taxes ?

(No reply.)

AHMEDABAD MUNICIPALITY : EXTENSION OF TERM

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

- (a) whether they have been approached with a request to extend the life of the present municipal board of Ahmedabad ;
- (b) if so, the names of the persons who have made such a request ;
- (c) what decision they have come to as regards that request ;
- (d) whether they have consulted the public of Ahmedabad before coming to any decision in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) The Commissioner, Northern Division, reported on 8th June 1926 that no such application had been received by him for transmission to Government.

(b), (c) and (d) These question do not arise.

ELLIS BRIDGE TOWN PLANNING SCHEME

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

- (a) whether they are aware that there is great depression in trade and industry at present and that there is not even the remotest chance of buildings being constructed in the Ellis Bridge town-planning area ;
- (b) whether they are aware that the application of the town-planning Act, to that area will only result in the ruination of agriculturists of the affected villages without any prospect of the materialisation of the scheme ;
- (c) if so, what action they propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) It is reported that this factor has been discounted by the Municipality.

(b) It is understood that the interests of *bona fide* agriculturists have been adequately safeguarded.

(c) Government do not consider that any action is called for.

(Further consideration of Bill No. XXXI of 1925, a bill to amend the law relating to the emoluments claimable by watandar hindu priests)

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Sir, I rise to oppose the second reading of this bill most strongly. I won't repeat all the arguments I advanced at the time of the first reading, but I cannot but say that it is Bolshevism to encroach upon the vested rights

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and interests of some minority. A reference has been made by the honourable mover of this bill, Mr. Bole, to the opinions of Government officers with regard to this bill. But may I ask him whether those officers were watandars and whether their opinions in this regard should carry any weight? It was stated that the representations against this bill were the result of a movement by the Poona Brahmins. But I must tell this honourable House that the honourable mover himself was president of some of the meetings in which statements and resolutions in support of this bill were made and passed. Am I therefore to understand from this that he himself was at the root of that movement?

With regard to the Government, I certainly resent their attitude. As this is purely a religious matter, they ought to have been quite neutral. At the time of the first reading they did not take any part in the discussion, except the Honourable the present Leader of the House. But now they are entering into this question under the garb of social reform, and this fact is clear from the amendment of which notice has been given by the honourable member, the Revenue Secretary (Mr. Thomas).

Now, this bill had been brought into the Legislative Assembly, and it was passed there, but it failed in the Council of State. May I know from the honourable member Mr. Bole the reasons why it was thrown out in the Council of State? (Interruption.)

The Honourable the PRESIDENT: Let the honourable member proceed without interruption.

Sardar G. N. MUJUMDAR: This bill refers particularly to the Joshi wantandars of the Brahmin community, and I must warn my honourable friends belonging to the Muhammadan community, that if this bill is passed, a day will come when the Mujawars, Mullas and the Kazis among the Muhammadans will have to forfeit their watans, emoluments, or lands.

Now you will see, Sir, that many of the Joshi watandars have got inam lands and cash allowances. Government have issued *sanads* to them and they have imposed a *judi* of one-fourth or one-eighth of a rupee as the case may be, upon those inam lands, and they have made the watans private property. You will see, Sir, that the late Justice Chandavarkar has decided that this Joshi watan *vritti* is an immoveable property. So, injustice is being done to one community by depriving it of its immoveable property.

The question about compensation was raised at the time of the discussion in the select committee by the honourable member Dr. Paranjpye, but that was refused by the chairman, and the sanction to it was also refused by Government. I think it was natural on the part of Government to do so, because if sanction had been given to the compensation amendment, they would have had to pay money as compensation from their own pockets. What happened is that in the bill as amended by the select committee, an additional clause, clause 5, has been added. The second part of that clause says:

'A hereditary priest who holds inam lands or receives a cash allowance as remuneration for the performance of his services shall, at his option, on written application

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to the Collector, be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village if he agrees to pay full revenue assessment on his inam lands or, as the case may be, to forego his cash allowance; provided that such option shall be allowed to be exercised once only in the case of each Inam grant."

By this clause, ultimately Government will get this assessment, and yet they do not want to give compensation to those who are affected by this bill. I am afraid, Sir, that just as the Kulkarnis were deprived of their watans by taking Rajinamas of their watans from them, this clause will have the same effect upon the Joshi watandars in future, if this clause is retained in this bill.

It is often said by the Honourable Minister of Education and the honourable mover of this bill that their motive is quite pure and honest. If it is so, may I ask, then, why the honourable mover Mr. Bole has tabled an amendment to clause 5?

Honourable MEMBERS: He has not yet moved it.

Mr. S. K. BOLE: It is only a consequential amendment.

Sardar G. N. MUJUMDAR: If his intention and motive were quite pure, then why has he given notice of such an amendment? I can assure the House that the motive is not an honest one. He wants to deprive the Joshi watandars of their lands. He does not want to allow them to remain in possession of their lands, on payment of full assessment even. He wants them to give up possession of their lands to Government. So, I oppose this bill very strongly, and I commend it to the House that they should by a majority throw out this bill.

(Several honourable members rose.)

The Honourable the PRESIDENT: I see so many honourable members on their feet that I am tempted to make a suggestion in regard to the further discussion of this bill. I know that there is a considerable amount of feeling in connection with this measure, and it is my intention to give full scope to a free and full discussion. I would only ask honourable members to allow the speaker for the time being to put his case uninterruptedly as far as possible. That is my first suggestion.

The second suggestion I should like to make is that speakers for and against the bill should, as far as possible, alternatively address the House, so that one side of the case may not be put continuously at one time and the other side continuously at another time. I would therefore ask that as the honourable member Sardar Mujumdar spoke against the motion, only those honourable members should get up to speak after him who are in favour of the second reading. This would enable me to call upon one of them to address the House. When that honourable member concludes his observations then only those should get up who want to oppose the second reading. In that way, we can proceed in a dignified manner to deal with a problem about which as I have said there is a considerable amount of feeling. I hope honourable members will help me to conduct the proceedings in such a manner as to reflect credit upon the House. These are my suggestions, and I hope only those honourable members will now get up who wish to support the second reading.

Mr. R. G. PRADHAN (Nasik District): Sir, I support the second reading of this bill. I do not approve of the new clause that has been added by the select committee, and, as honourable members will find, I have given notice of an amendment for the deletion of that clause, but I am entirely in favour of the principle involved in clause 4 as it stood in the original bill, and I think it is my duty to support the second reading of the bill, subject, however, to this reservation that, if the amendments of which I have given notice are not passed and the bill as it is amended by the select committee is going to be approved of by the honourable House, I shall reserve to myself the liberty to reconsider my attitude, and to oppose the third reading of the bill.

My honourable friend Mr. Bole has, I am sorry to say, in putting forward his case in favour of this bill has put it in a manner which it is not possible for us to approve. He has done so in an aggressive and provoking manner which it would have been better if he had avoided. But on the other hand we must consider not the manner in which the mover of the bill has spoken in support of the bill, but it is our duty to consider it on its merits. And considering the bill on its merits it appears to me that there can be very little difference of opinion on the main issue which is involved in this bill. My honourable friend Mr. Bole is perfectly right in saying that the main issue embodied in clause 4 of the bill has received the general consensus of opinion. He referred to the opinion expressed in a leading orthodox newspaper the "Kesari". The "Kesari" has pointed out that so far as the fundamental question involved in the bill is concerned very few persons will oppose it considering that the times are changing. There can be no doubt that so far as the main question involved in the bill is concerned there is a very large and I would say an overwhelming body of opinion in favour of this bill. What is the principle of this bill? I am afraid even the honourable mover of this bill has not fully understood the principle involved in the bill. He seems to hold the view that the principle underlying this bill is liberty of conscience, the right of choosing one's own priest. I submit that it is not the true principle underlying this bill. If you at all believe in priesthood, if you at all believe that religious ceremonies must be performed by a priest you cannot have an unlimited choice of freedom in the matter of priests. You must get a priest at least from among the religious denomination to which you belong. My honourable friend Mr. Bole and others who think like him may, if they desire, set up for the time being new priests for performing religious ceremonies. However, such temporary priests created for the time being would ultimately form a priesthood and if you at all believe in the institution of priesthood as absolutely necessary for a society it is impossible for you to get rid of the ordained priests or recognised priests. I submit therefore that it is not the principle involved in the bill. What is then the principle? The principle is simple. That principle is that if a priest is not invited to perform a religious ceremony or even if he is invited he does not perform religious ceremonies, can he be entitled to claim the religious emoluments in connection with those religious ceremonies? Is he entitled further to claim them as a legal right in a court of law? That is the principle involved in this bill. Even if the priest does not perform the religious ceremonies he seeks to enforce

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his claim for religious emoluments in a civil court. Is he entitled to do that? That is the principle involved. Now, in understanding the nature of this principle and in coming to a considered decision as to whether this principle is sound or not let us in the first place remember that except in two provinces—Bombay and Central Provinces no such legal right has been recognised by the High Courts. The High Courts of Bengal, Madras and other places, except these two problems have uniformly declared that there is no such legal right and consequently such a legal right cannot be enforced in a court of law. That is a fact which must be remembered. It is only in these two provinces that the High Courts have taken a different view and recognised this as a legal right. I submit, Sir, that the view taken by the High Courts of Bombay and the Central Provinces is not the correct one. It is not in consonance with the spirit of Hinduism; it is not in consonance with the spirit of village organization. The view taken by the High Courts of other provinces is the correct one. What is really the nature of this village organization of which the priests form a part? That village organisation is based not so much on the principle of rights as on the principle of mutual service, and the payment of emoluments which are paid to priests are in the nature of voluntary contributions. These being voluntary contributions it is against the spirit of Hinduism and against the spirit of Hindu institutions that they should be capable of being enforced in a court of law. Therefore I submit that the effect of this bill, so far as clause 4 is concerned, will be to revive the old spirit of Hinduism and the old spirit of ancient Hindu institutions which are so dear to us. There is nothing contrary to this spirit. Certainly it is but fair that for services not rendered there should be no recognition of any claim, legal claim on the part of priests to emoluments. That this claim should be recognised by certain courts appears to me to be wrong. I therefore think that the principle involved in this bill is absolutely sound. It has been stated that if this bill is carried and passed into law there will be disorganization in the village life and village community. It is possible to reform village life; it is possible to reform village organization, but it is no longer possible to revive village life and village organization exactly as they were before the advent of the British. Our duty at the present moment is not to run after what is not practical, but to so improve and readjust the village life and village organization that they will be in harmony with modern life and modern civilization.

I shall conclude with a reference to one point, reference to which had been made yesterday by the honourable member Dr. Paranjpye, and that is a point in regard to compensation. I entirely agree with Dr. Paranjpye that some provision should have been made for giving compensation to these watandar priests whose vested rights will be affected by this bill. But I do not agree with the reasoning he has given in support of that point. He has said that these rights are against public policy. If that is so, if the vested rights of the watandars are against public policy, then no question of compensation can arise. But I would ask the honourable House and Government also to look at that point

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from a practical point of view and to remember that even their own High Court has recognised this right and that these watandars have enjoyed this right for more than hundred years. And, therefore, it is but fair that some arrangement should be made in order to compensate these people for the loss which they would suffer. The honourable House knows why an amendment cannot be included to that effect. It is entirely a matter in the hands of His Excellency the Governor to give sanction to an amendment in this connection, and in the absence of sanction to such provision, the House is powerless in the matter. But, at the same time, I would appeal to Government to reconsider that point and satisfy the watandar priests by just seeing whether something could not be done to give them some compensation that may be reasonable.

With these words, and again saying that I shall have to reconsider my attitude if clause 5 is retained by the honourable House, I fully support the second reading of the bill.

THE THAKOR OF KERWADA (Gujarat Sardars and Inamdars): Sir, I was one of those who supported, the first reading of the bill as it then stood. But since then there has been a change made by a clause which has been inserted, which was suggested, by the learned Dr. Paranjpye, whom I do not see in the opposite benches here at present. As regards that clause, I consider that it is a very drastic power to confiscate a watan, and unless the honourable mover of this bill is prepared to delete the clause, I do not think any one who is interested in the matter or any member of the Council will support the bill which gives a power to Government to confiscate, in an arbitrary manner, the vested rights of a watandar proprietor.

Sir, many of the honourable members of this House who have spoken have done so in defence of the watandars. Of course, I do say that to have resort to civil courts as regards the rights of priesthood will be absurd and that we cannot tolerate such things in these days. But at the same time, in the name of social reform or one thing or another, we cannot give power, to Government, to confiscate the hereditary rights which these watandar priests have enjoyed and have been enjoying from times immemorial. If the learned Doctor (Dr. Paranjpye) were here, I would have challenged him to go to the polls on this confiscation ticket, on this confiscation clause, and see if he is returned to this Council. If my honourable friend the mover of the bill is agreeable to delete this clause, I would support his bill; otherwise I think I would reserve my right to vote against the whole bill.

The Honourable Sir CHUNILAL MEHTA: Mr. President, I would like to explain the position of Government in relation to this bill and to the much discussed clause 5, and I should also like to clear certain misunderstandings that appear to me to be existing in connection with that clause. I may say at once, Sir, that there is no question or no desire on the part either of Government or of the honourable mover of the bill to go in for any sort of confiscation. I may assure the honourable House

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that, had no amendment been moved in the select committee, the bill as it emerged from the select committee would have been in the same shape as it had been when it found the approval of the House at the time of the first reading, and I may further add also that the honourable mover and his supporters were all of them unwilling that any amendment at all of the nature of clause 5 should be made. I think it, therefore, necessary to explain to the House why the majority of the members of the select committee thought it desirable, in justice to both parties, to insert some such provision as is contained in clause 5. And I would like to explain that far from being any measure of confiscation, it really is a protection to the priests, for whose interests most of the speakers that have so far spoken appear to be so keen. I will try to explain why that is so. Before I do that, however, I would like to deal with the general question of compensation which was raised by the honourable member Dr. Paranjpye. I am sorry that he is not present here to-day. But I have reconsidered the subject in view of the speech that he made yesterday and I wish to tell the House that I still remain of the opinion that compensation is difficult to assess, should not be allowed on the merits and that clause 5 is only a bare justice to the priests themselves. Now, I wish the Council to remember that this right of the priest to ask for fees whether he is called for service or not is a limited right, which probably all the members of the Council are not aware of. The limitation is this, that he can claim this fee only if the *yajaman*, that is to say, the Hindu who accepts and wishes to call in the priest, performs the particular ceremony according to the Brahmanical rites. If, for example, a Hindu resorted to marriage under the Civil Marriage Act or under the Brahmo or the Arya Samaj rites, or any non-Brahmanical rites, the priest would have no claim to get any fees from the *yajaman*. I do not know if all the honourable members were aware of this fact, but I say that it is a fact worthy of great consideration when you come to examine the question of compensation. That is one point.

Again, you have to remember that whereas there is what I am free to concede a sort of property vested in the priests as a class,—this property accrued by immemorial usage and also formed part of the decisions of the High Court, namely, to ask for fees whether the priest is called in to perform the service or not,—while I am free to concede that there is that property, and that while the deprivation of that property would naturally demand the party being compensated, we have also to remember that he has the duty cast upon him by law of being compelled to perform the ceremony whenever he is called to do so.

Not only has he got that liability but he has got the further liability of performing those ceremonies at a certain fixed customary rate; that rate honourable members have already informed the House is not very big and in some cases is very trivial indeed and even for that trivial remuneration which may extend perhaps in some cases to the presentation of a piece of betel-nut, he has to go anywhere perhaps a distance of several miles and perform the service under any circumstances whatsoever to suit the convenience of the *Yajman* calling in the priest.

Mr. P. G. JOSHI : It is not so. It is not obligatory upon him to go long distances whenever the Yajman calls him.

The Honourable Sir CHUNILAL MEHTA : He will have to go a distance of four or five miles, because, as the honourable member is aware, the priest sometimes has jurisdiction over a group of villages, not one village only, and that group of villages may extend over ten miles from one end to the other. However, that is not a matter of very great importance. While I have conceded as a matter of principle that compensation may in certain cases be claimable, I wish to point out now how difficult it is to assess this compensation in the first place and in the second place, that while arriving at the value of this compensation, you have got to consider the liability that falls upon the priest. The honourable member for Poona (Sardar G. N. Mujumdar) very correctly said that it was but natural that Government should refuse to give compensation for a service which is not being performed to Government but only to certain sections of the people. I welcome that statement from him, but even though Government are not in any sense legally liable to give any compensation, we had the question examined as to what would be the liability on Government if compensation were agreed to. The honourable member, Dr. Paranjpye, moved an amendment in the select committee. It is not, however, before the House but I will refer to it, Sir, for the purpose of illustrating the difficulty of assessing compensation. It was, I may say, extremely vague and it left room for a considerable difference of opinion as to the manner in which the loss should be examined. We must further remember, Sir, that all the Joshis do not necessarily get remuneration besides the Vritti either in the shape of remission of land revenue, that is to say, in the shape of paying judi alone for the land or in the shape of cash allowances. Several priests get no sort of remuneration or fee whatsoever from Government. We took for the purposes of calculation the Central and Southern Divisions only, which are mostly concerned in this matter. There are in the Central and Southern Divisions 17,790 villages. We have no exact means of calculation, but we assumed that on an average perhaps there is one Joshi for two villages and we roughly estimated that a Joshi, if he has to get his livelihood would make something like Rs. 30 per annum from his services. That would give in all Rs. 2,66,000 odd as compensation for one year. The honourable member, Dr. Paranjpye, suggested that the compensation should be calculated over a period of five years. If the compensation is to extend to five years, it would give something like Rs. 13,34,000. I consider that a very big sum for Government especially when the service is not being rendered to the State. But the very fundamental principle of any compensation is that there should be loss. Compensation can only be given where loss is proved, and I should like any honourable member here to prove that there is loss.

Mr. P. G. JOSHI (East Khandesh District) : Sir, I am very sorry to interrupt, but I would like to raise a point of order at this stage. My point of order is whether this legislature is competent to pass this legislation. You know, Sir, there are certain Joshis who do not possess land or who do not receive any cash allowance. They only rely on the custom

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of receiving ceremonial emoluments from the Yajman for functioning at certain ceremonies.....

The Honourable the PRESIDENT : Before I allow any discussion on the point of order, I should like to ask the honourable member to point out to me anything in the Government of India Act or the Rules and Standing Orders made thereunder, which restricts the powers of this legislature in the matter of legislation. Restrictions have been imposed in regard to central subjects, and as regards previous sanction ; but I should like to know, whether there is any authority in support of the contention which the honourable member has raised as a point of order, restricting the powers of this legislature.

Mr. P. G. JOSHI : My point of order is that this legislature cannot pass a law confiscating private property without giving compensation to the party wronged, and for this purpose I will refer you, Sir, to Law Reports, House of Lords, 1920, page 508, under which even the King cannot confiscate property and refuse to give compensation. I submit that even the Houses of Parliament will not be competent nor will even the King be competent to pass a law like this, and therefore I submit that as there are certain Joshis whose vested rights which are recognised to be property are being confiscated by this Act without proposing compensation to be given to them, that it is not competent for this legislature to pass a law like this because it will be an act of confiscation.

The Honourable the PRESIDENT : I have asked the honourable member to draw my attention to any provisions in the Government of India Act, Rules or Standing Orders made thereunder, which restrict the powers of this legislature. If there is any authority on which the Honourable Member Mr. Joshi relies in support of his contention, I should like to see it.

Mr. P. G. JOSHI : I have not the authorities here at this moment, Sir, but under section 15 of the Hereditary Offices Act it is provided that a watan to be commuted should be commuted with the consent of the watandar and without the consent of the watandar the property or watan cannot be confiscated.

The Honourable the PRESIDENT : I am sorry that the honourable member who is a lawyer should argue in this manner. The legislature has the power to provide that compensation shall be paid and he has quoted an instance in which the legislature chose to exercise that power. The honourable member need not go to that section. I may point out to him the case of the Land Acquisition Act in which you can take anybody's property but you will have to pay compensation. That is part of the functions of the legislature. The point raised by the honourable member is that this legislature is not competent to pass the present bill. I want his authority for that. It must be assumed that the legislature would do what is right and they have done so in that case. That has nothing to do with the point raised.

Mr. P. G. JOSHI : I have no authority to quote under the Government of India Act. I have quoted the authority of the House of Lords....

The Honourable the PRESIDENT : If the honourable member would let me have a copy of it, I shall examine it.

The Honourable Sir CHUNILAL MEHTA : It is clear that no liability rests on Government. I should also like to point out that under the sanads that have been granted, under which these lands are held, in some cases the lands are held entirely at the option of Government. They can be resumed at any time and therefore there is no question of confiscation.

Sardar G. N. MUJUMDAR : Even when they are serving can Government take away their lands ?

The Honourable Sir CHUNILAL MEHTA : Yes.

There are sanads which say that if the villagers do not want the service then the sanads can be resumed. There are other sanads which say that the lands will be continued during the pleasure of Government :

"It is hereby declared that the lands described in the following table shall be continued rent free as shown below during the pleasure of Government as remuneration for the purpose of service to the village community."

Mr. H. D. SAHEBA : It is further on stated that if the services performed are found inefficient.....

The Honourable Sir CHUNILAL MEHTA : What is the book from which the honourable member is quoting ?

Mr. H. D. SAHEBA : From the Alienation Manual.

The Honourable Sir CHUNILAL MEHTA : I am not quoting from that.

There is not only one sanad but there are various kinds of sanads. In some sanads conditions are laid down.

Sardar G. N. MUJUMDAR : Do all these forms of sanads refer to Joshies ?

The Honourable Sir CHUNILAL MEHTA : Yes.

I was trying to point out that the accusation of confiscation is not one that can lie in the present instance. Many honourable members opposing the bill said that it was only a very small proportion of the community that desire to be relieved of the compulsory imposts of the Joshi. If it is only a very small number then the loss cannot be great. You have got to take that into consideration. The honourable member Dr. Paranjpye in supporting the bill at the time of its first reading has made the following pertinent remark :

"When they do not acknowledge the right to these emoluments they will naturally make their own terms. Where you are now paying 4 annas or less he will demand 8 annas or a rupee. That is the possibility that may occur. I have talked to one of these priests recently and when I put to him this question he said that it would do him no harm. He said that it would do him good and he would earn more, because a large number of people do want the ministration of these priests. Since you take away their titular rights to these emoluments he will make his own terms and extract from the people far more than he actually does now. At present he cannot make any terms. He must go when called whatever may be offered to him."

An Honourable MEMBER : That is the opinion of one individual.

The Honourable Sir CHUNILAL MEHTA : We are dealing with opinions in this matter and we are trying to arrive at what is just and fair.

I do not think that I need pursue the quotation further. The Joshi is not prohibited from carrying on his trade. He is at perfect liberty to serve those people of the village who want his ministration. Not only that, but he can ask under this bill any sort of emoluments he likes. The reason why the honourable member Dr. Paranjpye moved this amendment was that while you take away the right of the Joshi to earn certain emoluments you still leave upon him the liability of being compelled to do service at terms which he may think are unreasonable. If clause 5 is not there the effect would be that the hereditary Joshi may be called for such work as may involve a very small remuneration and another person may be called where large fees are paid. I do not think that that would be a state of affairs fair to the Joshies. We therefore agreed in the select committee by a majority that a joshi, as he is being deprived of his emoluments, should have the right to refuse to serve whenever he chooses to do so. One example mentioned by the honourable member for Poona impressed me very much. It was stated that a Joshi may be called to perform the funeral ceremony in a case where the death has occurred of a man suffering from contagious disease. Without clause 5 he would be compelled to go and perform the ceremony....

Mr. P. G. JOSHI : He never shirks.

The Honourable Sir CHUNILAL MEHTA : There are Joshies and Joshies. We have been told that Joshies have been doing their duties most indifferently. It has been not contended that all Joshies have been performing their duties in the most efficient manner. I think it is justifiable to believe in the efficacy of religious ceremonies, and the ministration of the priests, provided they are performed correctly and according to the tenets of the Shastras. I therefore think that if any man is dissatisfied with the work of any particular *joshi*, if he thinks that he is performing ceremonies in a manner not in accordance with the prescriptions of the Shastras, he should have the liberty of going to another man.

There is not any question of loss, and where there is no loss there cannot be any compensation. Clause 5 is one that has caused the greatest amount of misgiving in this House. Clause 5 says that while you are depriving him of his rights to fees, he should be relieved of his corresponding liability and should be allowed to exercise the option, where he receives emoluments from the State, of applying to be relieved of his obligation to perform the service. He can do it at his own discretion : there is no compulsion on him to do so. It relieves him of all responsibility. It relieves those *joshis* who do not get any remuneration, either in land or in cash or in kind, of this liability which would otherwise be thrown upon them. They are therefore allowed to exercise this option if it suits them. There is no compulsion. It only says that when a *joshi* wants to exercise that option, in those cases where the State gives him a special remuneration in the shape of a *judi* for performing those ceremonies, he must be called upon to pay the full amount of assessment. Now, it has been asked, if that is so, why not take away the whole land as has

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been suggested in one of the amendments ? We did not consider that it was desirable to go to that limit. We did not wish that the economy of the village should be disturbed more than by accepting the principle of the bill according to modern conditions. We considered—as indeed was the opinion of many of the members of the committee—we considered that this bill, even with clause 5, will have really no harmful effect upon the *joshis*. On the contrary we gave him a protection which he otherwise would be without, as we felt that it was only fair that he should have this protection. If you take away this clause, all *joshis*, whether they got any remuneration—in land, cash or kind—or not, would be under an obligation to serve, and that obligation could be enforced in a court of law, and if the *joshi* did not serve he would be liable for damages.

I would like to leave it to the House to consider whether they think that the omission of clause 5 is going to do any service to the *joshis*. It not only gives them the liberty of conscience that we want for the ordinary man of the village, but it also protects them from any suit that might lie against them. It is because I consider that it is a matter of barest justice that I would like the House to retain clause 5 as it stands.

Mr. C. M. SAPTARSHI : Were any of the *joshis* consulted as to whether they wanted this clause 5 ? Was there any representation from them ?

The Honourable Sir CHUNILAL MEHTA : I do not know whether the honourable gentleman was present here yesterday when I dealt with that point.

Mr. C. M. SAPTARSHI : I was present.

The Honourable Sir CHUNILAL MEHTA : I have not seen in the representations of the *joshis* anything except that the bill should be summarily thrown out. That is all they said. You cannot give more serious consideration to such representation than we gave it in select committee.

Mr. C. M. SAPTARSHI : My point is this. The honourable member Dr. Paranjpye introduced this clause in the select committee. Was the opinion of the *joshis* taken on this new clause, as to whether they wanted it ?

The Honourable Sir CHUNILAL MEHTA : Mr. President, it was the duty of the advocates of the *joshis* to have suggested that in time. On the 15th of June—I would like to repeat in order to make that point quite clear—on the 15th of June this clause was moved. There was considerable difference of opinion, and different points of view were expressed on it. The committee adjourned till the 27th of June. No request was made by any member of the committee either on the 15th of June or any day between that date and the 27th of June, for asking the *joshis* personally in the presence of the committee what they thought of that clause. It really does seem to me that those who wished to have the advantage of the views of the *joshis* might have made the suggestion during all that time.

Sardar G. N. MUJUMDAR : If this clause is retained and the bill is passed, then will clause 5 nullify the conditions in the sanad issued by Government ?

The Honourable Sir CHUNILAL MEHTA : It will not, as it stands, nullify the conditions in the sanad, but it is hoped that it would to that extent be an indication of the wishes of the Council as to what action Government should take. I should be prepared to consider any suggestion that may be made in that behalf. As I said, this clause was introduced for the protection of the *joshi*, and I am quite prepared to consider any suggestion that may be made to carry it out more fully.

I hope I have explained to the House all the considerations that induced the members of the select committee to agree to clause 5. That clause has not been introduced at the instance of any non-Brahmin members and it has not been introduced to do any harm to the *joshis*.

(*After recess*)

Mr. S. S. DEV (West Khandesh District) : Sir, I wish to present these petitions, against the bill, which have been handed over to me for being presented to the honourable House by Mr. Manohar Narayan Joshi. These petitions come from several villages in the presidency proper, over the signatures of thousands of Brahmins and non-Brahmins. Most of them Sir, are over the signatures of non-Brahmins. I have ascertained from the gentleman who has handed over these petitions to me for being presented to the House that they are genuine representations, and on that assurance I also vouchsafe to the House that they are genuine. I hand over these petitions, so that they may be helpful to the House in deciding the question before us.

The Honourable the PRESIDENT : The petitions are presented.

(Sir VASANTRAO A. DABHOLKAR *rose*.)

The Honourable the PRESIDENT : The Honourable Sir Chunilal spoke in favour of the bill. I should like to ask honourable members to follow the procedure I have indicated. If there is any honourable member who wishes to oppose the bill, he may do so.

Mr. S. S. DEV (West Khandesh District) : Sir, I oppose the second reading of the bill, in the hope that the honourable mover of the bill may be induced to withdraw it, and therefore I shall direct myself to only such arguments as may go to convince him that it would be but fair that this bill should be withdrawn by him.

In the first place, the honourable mover may have seen by this time that there is great difference of opinion over some of the amending clauses that have been added in the bill by the select committee, and in this connection I would refer him to what has been said in May's Parliamentary Practice, when a question like this arises, so that it may be useful to him to decide whether, under these circumstances, he should be guided by these observations. I request the particular attention of the honourable member Rao Saheb Desai that he will allow the honour-

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able mover of the bill to listen to what I have to particularly bring to his notice. The observations which I wish to bring to his notice are on page 376 of May's Parliamentary Practice.

The House knows that several clauses have been added to the original bill which was presented by the honourable mover, and he is also aware that the whole aspect of the bill has been practically changed. Two clauses have been added to the bill, about which the country had no notice. On the 15th of June, these clauses were moved in the select committee and within 12 days they were considered and adopted by the committee. The country at large had absolutely no information that these two clauses were being added. It has been said by the Honourable the Leader of the House that none of the representations made any point that any representatives of the Joshis should be heard.

It was also said by the Honourable the Leader of the House that none of the members that composed the select committee made a request that any representatives of the Joshis should be heard. The public knew nothing of these two clauses and you cannot punish the people because none in the committee on 15th suggested that any representatives should be heard. These two clauses were never before the country at any time. They have changed the whole aspect of the bill. If the honourable mover of the bill agrees with me that the whole aspect of the bill has been changed, if the honourable mover of the bill agrees with me in holding that the original bill was ten times more innocent and that the present bill is hundred times more offensive owing to the two clauses that have been added—there may be some misunderstanding about these two clauses—if he agrees with me that these two clauses have changed the whole nature of the bill, then I would bring to his notice what I find in May's Parliamentary Practice, that it may help him to decide what he should do under such circumstances. It is only one paragraph and Mr. President, I hope you will allow me to read it. I want to draw the particular attention of the honourable mover of the bill.....

Mr. B. K. DALVI : I rise to a point of order. I want to know whether the honourable member Mr. Dev can address the honourable mover or the Chair.

The Honourable the PRESIDENT : He must address the chair, but while doing so he can refer to the honourable mover of the bill.

Mr. S. S. DEV : I am addressing the chair but at the same time I wish to have the exclusive attention of the honourable mover to what I have to point out to him.

Mr. S. K. BOLE : The honourable member has my entire attention.

The Honourable the PRESIDENT : Will the honourable member Mr. Dev proceed ?

Mr. S. S. DEV : On page 376 we find :

"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,

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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. 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. In 1889 an appeal was made to the Speaker regarding the extensive alterations made by the committee on the Tithe Rent-Charge Recovery Bill. He stated, that whilst he desired to safeguard the rights and jurisdiction of the chairman of ways and means in giving an opinion on a matter of committee procedure, and although he could not, as Speaker, stop the bill on the point of order that the bill was a new bill, he unhesitatingly affirmed that the practice of the house had been, in a case of this kind, to withdraw a bill which had been so dealt with, and to introduce another bill in the amended form, on which the decision of the house could be obtained upon a second reading. The bill was thereupon withdrawn. On the 27th January 1913, the Speaker was asked to express his opinion as to certain amendments which it was proposed to move to the Franchise and Registration Bill which was then being considered in committee of the whole house. 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."

I therefore contend that if the honourable mover of the bill agrees with me that the additions to this bill have so altered the nature of the bill as to make it a new bill which undoubtedly it has become and that especially these two clauses were never before the public at any time, I may humbly appeal to him to withdraw this bill.

The second thing which I want to bring to his notice is very important, more important than the one to which I have just referred.

Mr. P. G. JOSHI : I want to know whether it is not a point of order. I think it is a point of order.

The Honourable the PRESIDENT : The honourable member must give credit to the honourable member Mr. Dev to know his own business.

Mr. S. S. DEV : It cannot be a point of order. It is entirely in the discretion of the Speaker to advise the mover as was done in the two cases which I referred to that the bill may be withdrawn. It is entirely for the mover of the bill to say whether he will follow the procedure which was followed on the suggestion made by the Speaker in the Mother of Parliaments and withdraw the bill.

The second thing which I said was more important than the one referred to is this small book in my hand. It is not a bulky volume like May's Parliamentary Practice. It is a small book of 40 pages. But it is more important as I said than the bulky volume of May. Because it is an *Adnya-Patra* by Sambhaji, the first Monarch that sat on the Kolhapur Gadi, the grandson of Shivaji the Great, the Son of Rajaram Maharaj. This small but precious book has nine chapters. They give the policy that was followed by Shivaji Maharaj in all his affairs military, revenue, administrative.

The Honourable Mr. B. V. JADHAV : Is it genuine ?

Mr. S. S. DEV : Undoubtedly it is. Who can doubt it ?

The Honourable the PRESIDENT: Will the honourable member proceed with his remarks?

Mr. S. S. DEV: It is a small book of 9 chapters and gives the policy that was adopted by Shivaji in all his State affairs. These nine chapters are so important that each chapter may well become the subject of a Volume. To tell you the truth, these nine chapters are nine gems and I would make a present of one of these gems to the honourable mover of this bill. I refer to gem No. 7. (Interruption and laughter). Do the honourable members realize what they are ridiculing?

The Honourable the PRESIDENT: Will the honourable member proceed to explain what that is?

Mr. S. S. DEV: Yes, Sir, from chapter seven I read the first seven lines only. The honourable mover of the bill may, please, listen.

लहान थोर परंतु प्राचीन परंपरागत वृत्ती चालत आल्या असतील ती वृत्ती लोप केल्यानं परम पातक आहे. एकाची वृत्ती एकास सर्वथैव न द्यावी, स्वतां अपहार न करावी. कदाचित् वृत्तिवंतानं अपराधही केला तथापि त्यास यथा-शास्त्र शासन करावें, परंतु वृत्त्यपहार करावा हें विहित नव्हे. महदपराधी वृत्त्यपहार करावा असा केला असला, तर शास्त्र काढून शास्त्रावर भार ठेवून शास्त्रीं सांगितलें असेल तसें करावें. मुख्य अर्थ हाच कीं, न्यायान्यायें दुसऱ्याचा वृत्त्यपहार करावा हे क्षुद्र बुद्धि सहसा धरूं नये.

Such was the policy of the Great Shivaji. These aphorisms have been handed down to us for our consideration. They deserve our serious attention.

The next thing which I will bring to his notice is,

(Some honourable members :— Translate the Marathi passage.)

Mr. S. S. DEV: I am asked to translate it, but I need not take the time of the House by translating it, as the honourable mover has understood it.

The Honourable the PRESIDENT: If the honourable member desires to produce any effect in regard to the quotation he read, there is a large majority of members who do not know Marathi, and therefore, it is in his own interests that he should translate it.

Mr. R. G. PRADHAN: I rise to a point of order. The honourable member in charge of the department is absent, though important speeches are being made.

The Honourable the PRESIDENT: I do not know how that is a point of order. The honourable member in charge of the bill is the honourable member Mr. Bole.

Mr. S. S. DEV: Very well, Sir. I shall try to translate it.

लहान थोर परंतु प्राचीन परंपरागत वृत्ति चालत आल्या असतील ती वृत्ति लोप केल्यानं परम पातक आहे.

It is a great sin to confiscate watans which have been long enjoyed as hereditary watans, whether they are small or big, that is whether they pertain to Mahars or pertain to Brahmins, or to patils or to anybody.

An Honourable MEMBER : Is that correct translation ?

The Honourable the PRESIDENT : You cannot have any discussion as regards translations.

Mr. S. S. DEV : Yes, it is a correct translation. I have given the translation and explained what is meant by small or big watans. Closely translated it means : small or great, but ancient hereditary *vritti* that has been handed down from generation to generation, it is a sin to confiscate.

एकाची वृत्ति एकास सर्वथैव न द्यावी.

One man should not be deprived of his *vritti* and it should not be handed over to another.

स्वतां अपहार न करावी.

(The King) himself should not also confiscate it.

कदाचित् वृत्तिवंतानें अपराधही केला तथापि त्यास यथाशास्त्र शासन करावें, परंतु वृत्त्यपहार करावा हें विहित नव्हे.

If a hereditary watandar has perchance committed any offence, he should be punished according to law, but it is not proper to confiscate his *vritti*.

It is exactly this principle which we adopted in passing the bill that was moved by my esteemed and honourable friend Mr. Dongarsing Patil in connection with the hereditary patils. If they commit any offence, you might, according to law, punish them, but you cannot confiscate their watans.

महदपराधी वृत्त्यपहार करावा असा केला असला तर शास्त्र काढून शास्त्रावर भार ठेवून शास्त्रीं सांगितलें असेल तसें करावें.

But if the offence be so great, treason for instance, that it is necessary to confiscate the watan, then you must refer to the shastras and do according to what has been stated in the shastras.

मुख्य अर्थ हाच कीं, न्यायान्यायें दुसऱ्याचा वृत्त्यपहार करावा हे क्षुद्र बुद्धि सहसा धरूं नये.

The main substance is that no one should entertain a mean desire to confiscate another man's *vritti* either by fair or foul means.

This, in short, is the translation of what I read in Marathi. This, as I said to you, Sir, was the policy that was adopted by the great Shivaji and I wish that that policy which has been so far followed even by the British Government, may be continued, and that we may not be tools in the hands of the Government to disown the policy that has been so far adopted.

Then, the next thing that I have to bring to the notice of the honourable mover is that we have at least two prominent enlightened Maratha states to look to. In the year 1915 the Baroda State passed a law relating to the hereditary priests. The State did not confiscate the watans, but reformed the institution by giving a period of six years to the Joshis

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within which to qualify themselves. It has been said in this House that the Joshis are ignorant, incompetent men. It was said also by the Leader of the House that there are two opinions on this point. One opinion is that they are good men, another that they are bad men; they do not know what ceremonies they have to perform. The Baroda State passed a bill and gave a period of six years within which the Joshis had to qualify themselves. And, as the honourable mover knows, if I get an opportunity of moving the amendment which I have given notice of—I hope there will be no such necessity and that before I get that opportunity, the honourable mover will withdraw the bill,—I have a similar sort of amendment. My amendment seeks that if the Joshis are competent men, then they should have the right to perform the ceremonies and claim the emoluments, otherwise not. I do not want to support any incompetent men. I attach great value to competence and more so to character. If a Joshi is a bad man or a man of no character, condemn him by all means but do not condemn the institution. Improve the institution of Joshis. Do not endanger the very existence of the institution. Mend it, don't end it. This is what Baroda has done. In the Kolhapur State, as far as I know, no step has been taken in either way, either to mend or to end the useful institution of the Joshis, even with Mr. Latthe, —I am glad he is in the gallery—even with Mr. Latthe, the originator of this bill, as the Dewan of the State. In fact, when we have these two enlightened Maratha princes to look to for guidance, and when they have not gone the length of committing the sin of confiscating the Joshi Watans, it is too early that in this House such a bill should be introduced.

And lastly, I appeal to the honourable mover to withdraw the bill in the name of millions of those who are not Brahmins in this Presidency, particularly in Maharashtra, millions of those who really wish that this bill should not be passed. If any honourable member doubts what I say, if ample opportunity is given, the mover of the bill will himself come to know that it is the emphatic opinion of the millions of people who are not Brahmins that this bill should not be carried. Will not the honourable member Mr. Bole be pleased to withdraw the bill? I hope these observations will induce the honourable mover to withdraw the bill.

The Honourable Mr. B. V. JADHAV: May I rise to a personal explanation in respect of the document quoted by the honourable member who spoke last? He read from what is called "An Adnyapatra" from Sambhaji Maharaj Chhatrapati of Kolhapur to his Pant Amatya. I had read that document first published in the "Vividha-Dynana Vistar" about thirty or forty years ago and the book is a reprint of it. When serving in the Kolhapur State I made enquiries about the genuineness of that document and I came to know that there was no copy of that document in the records of the State. I also made enquiry of the Chief of Bavda whose ancestor the Pant Amatya is said to be, and the Chief also told me that he had no knowledge of any such document.

Mr. S. S. DEV: Is it a personal explanation or is it a second speech?

The Honourable the PRESIDENT: It is an effort to correct an impression.

Mr. S. S. DEV : Shall I have the right to correct that impression ?

The Honourable the PRESIDENT : No, I do not think the honourable member has that right. The Honourable Minister stated merely what his own opinion was and the House will judge between the two.

Sir VASANTRAO DABHOLKAR : After the lucid explanation of the Honourable the Leader of the House that there is no attempt on the part of Government to confiscate the properties of these Joshis and the assurance given to me by the honourable mover of this bill, I have no hesitation in supporting the second reading of the bill. When points of order were raised yesterday when the Honourable the President was not present in the House, the honourable member who has just preceded me said that this question should be considered by this House dispassionately, and therefore I rise to speak on this question quite dispassionately. If the advanced Hindu classes have got the right of changing their priests, may I know from the honourable member from Dhulia why should the Non-Brahmins be forced to accept the priests who give them no service but who claim emoluments ? My honourable friend from Poona, the honourable member Dr. Paranjpye, yesterday said that compensation should be paid to these Joshis if their watans are to be confiscated. In fact there is no such attempt for confiscation of their properties as I have said before ; so this legislation should be supported. Why should that community be compelled to pay emoluments for services not rendered ? Then how does the question of compensation come in ?

My honourable friend from Dhulia has kept on the Council Table a batch of applications, in which these applicants want the services of Joshis to be retained and, as such, they will have the chance of serving their Yajmans and so they can go on enjoying the hereditary watans as they have been doing up to now. This House has been considering most anxiously the question of increasing the salaries of primary teachers and peons and the reply from Government every time has been that on account of financial stringency the salaries of primary teachers and peons cannot be increased. May I know from this House whether they are going to vote a sum of about 13 lakhs for paying compensation to Joshis which question of compensation does not arise because there is no loss to them as they will be enjoying their watans ? My honourable friend from Poona, Sardar Mujumdar, said that the passing of the bill is just like Bolshevism. On the contrary I should like to point out to him that the passing of the bill is an attempt to suppress Bolshevism. Bolshevism lies where ? It lies in Joshis claiming money without service being rendered. In these days of democracy, how would the honourable Sardar feel if a bill was sent to him for services not rendered to him ? Would he pay it ? Here the Non-Brahmins, on account of watans and sanads given to the hereditary priests, have to stoop down to certain priests whom they cannot change. So, the legislation which is not introduced by Government but by a non-official member, is not an attempt at Bolshevism, but it is an effort in the right direction, namely, an attempt to put down Bolshevism.

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As regards what my honourable friend from Dhulia said about the two clauses changing the aspect of the whole bill and that those two clauses were not given sufficient publicity, I have listened to what the Honourable the Leader of the House said and I formed the impression that those two clauses will prove more of a help than a loss to the Joshis. If any families want to call in the Joshis, they can go and render service and claim emoluments. If this is going to be of assistance to the Joshis, may I know why the honourable member from Dhulia wants the honourable mover to withdraw his bill because of these two clauses which help the Joshis more and which are to their own interest?

As regards the 7th gem, about which the Honourable Minister for Education has just given an explanation, my honourable friend from Dhulia pointed out that it would be a great sin to confiscate hereditary property of a watandar Joshi. There is not the slightest attempt, as I said before, to confiscate the Joshi's property. But even supposing for argument's sake that there seems to be an attempt to punish the Joshis for claiming emoluments without rendering any service my honourable friend from Dhulia himself admits that the Joshi should be punished for doing certain wrongs to the community. Why should the Non-Brahmins be compelled to call in priests they do not like and why should they not be allowed to call in whatever priests they choose.....

Mr. P. G. JOSHI : What is the offence of the Joshi ?

Sir VASANTAO DABHOLKAR : It is stated in the memorial itself which I did not want to touch. The advanced Hindu classes are at liberty to call in any priests they like. That being so, why should the Non-Brahmins be compelled to utilise the services of no one but the hereditary priest of the village ? Take the case of my own community. About 25 years ago there was some dispute about the management of our temples and two parties were formed and some priests joined one of the parties they preferred. What happened ? Those priests were removed by our people who did not agree with them. If we, the advanced classes have the right to remove our priests, why should the Non-Brahmins be denied that right ?

Further, it is said here in this memorial by the Joshis themselves "but it is not possible to attend to every call for service." What does the Hindu community expect ? They do not wish to call in the services of the priests at any time, day or night ; they know that the priests cannot be available at all times, but it is a fact that a Hindu family does expect the priest to send down his representative if he himself cannot attend. Suppose the priest is engaged in a marriage ceremony at one Yajman's place and unfortunately at another Yajman's place there is a death. The priest cannot leave the marriage ceremony and go to perform the last religious rites on the dead body. What would be the feelings of the family of the deceased, if they did not get the services of the priest or his representative ? If the priest does not send his representative, then he commits an offence. This should satisfy my honourable friend Mr. Joshi who raised this question and who forced me to refer to the memorial that was sent to us.

Mr. P. G. JOSHI : I never disputed that fact.

Sir VASANTRAO DABHOLKAR : My honourable friend may or may not dispute that ; those are my feelings, that just as the advanced Hindu community have the right of changing their priests, similarly the same right should be given to the other classes of the Hindu society who have been bound down by certain enactment and by certain hereditary sanads to certain priests

Mr. P. G. JOSHI : Have you a hereditary priest ?

Sir VASANTRAO DABHOLKAR : I have got a hereditary priest who was engaged by my late grand-father. I still maintain him. Though he has no sanad or watan from Government I respect the word of my grand-father, but I would be prepared to remove him if he were to claim anything without rendering service to my family and I should be prepared to punish him according to what ? According to Shastras preached by Shastris as cited from the 7th gem by my honourable friend Mr. Dev.

Mr. L. B. BHOPATKAR (Poona City) : Sir, before I go to the consideration of the provisions of the bill, I wish to make it known that the Swaraj party is come here not to oppose the bill. On behalf of the members of the Swaraj party I may declare that they are at perfect liberty to vote according to their conscience.

Now coming to the bill itself I may at once say that if the bill had been kept in the original form and shape, it would not have evoked the kind of opposition in some quarters as it has done. So far as the principle is concerned, personally I am in hearty sympathy therewith, and as the honourable mover of the bill may be aware I have expressed my complete approval thereof on the platform and in the press. In spite of the several blemishes that have entered into the bill when it emerged from the select committee, I heartily support the principle of the bill. I do not mean that I am in agreement with all its implications and with all the additions and alterations that have been made in the bill by the select committee. I feel that unnecessary heat and acrimony has been imported into the discussion of the bill. I have been carefully listening to the speeches delivered in favour of and against the bill ; and I regret to say that most of them were somewhat marked and marred by rancour. I propose to place before the House certain tests in the light of which the House will be enabled to decide one way or the other.

Naturally the question arises, what are those tests ? To my mind, they are three ; the first test is whether the bill is necessary ; the second is whether it is just to both the parties concerned ; and the third test is, whether there are any additions or alterations that the bill requires. Let us apply the first test to the bill not as originally moved but as it has emerged from the select committee, and let us coolly and dispassionately ascertain whether the bill is necessary or not. If we come to the conclusion that it is necessary, then I consider, that it is the bounden duty of this House to pass it. I am afraid that most of us have not correctly understood what a Joshi and Joshi *vritti* are. A Joshi, as I understand him, has the right to perform certain ceremonials and receive

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ceremonial emoluments but he has also some watan lands or cash emoluments attached to his *vritti*. The *vritti* is different from the watan attached to it. If we correctly understand the difference between the two, we are sure to come to a right solution of the problem involved in the bill. The analogy of a Government pleader will serve us best in this case. The Government pays him a retainer, and whenever he is called upon to render his services he is paid his daily fees. Much on the same lines this particular *vritti* was created by the ancient monarchs. That is the real nature of the Joshi *vritti* and the watan lands attached to it. I would ask the honourable members representing the Government and particularly Sir Chunilal Mehta to look at this question from this point of view. What is really the watan land or the cash allowance? It is not something that is given to the Joshi or Gramopadhyaya for the services rendered by him from time to time. It is the retainer more or less in a permanent form paid to him by the ancient kings in order that he should be a part of the village organisation and render some social and religious services to the village community concerned. I will amplify this point when I come to clause 5 of the bill. When we consider the existing law, the question comes whether this bill as it has emerged from the select committee is necessary or not. I wish to assure my non-Brahmin friends that I am an advocate of the principle of liberty of conscience. It is the very essence of democracy. In these days of democracy it is the privilege of every person to claim it and act upon it to the fullest extent. What is really the law as it obtains at present on this point? I think that the honourable mover of the bill must have by now acquainted himself with the prevailing law on this question. I will only cite the two recent cases which summarise the whole law bearing on the question. One is the 20 Bombay Law Reporter page 451 case and the other is the 17 Bombay Law Reporter page 950 case. In the latter case it is laid down that no fees can be claimed by a Joshi or Grama Upadhyaya unless the ceremony performed is Hindu ceremony as a whole. If there is the slightest defect in the ceremony or the ceremony performed is not Hindu in character no Court will be justified in passing a decree in favour of a Joshi for his fees. It is further laid down in the 20 Bombay Law Reporter case that if no Brahmanical ceremonies are performed, no fees can be claimed by a Joshi. I believe, Sir, that on the strength of these two rulings it is quite possible for any person to have the services of any priest he likes, and yet not be required to pay anything to the watandar village priest. If he performs the marriage, not in the Brahmanical form or according to the Brahmanical rites but in some other form or according to other rites he is absolved from the obligation to pay anything to the watandar priest. But it must be frankly admitted that there remains still a small margin in which probably there exists the obligation according to the law in existence to requisition the services of the Joshi or at least to pay him his fees. If the honourable House thinks that this margin must be wiped away, it can justifiably say that the present legislation is necessary and that liberty of conscience should be given to persons standing on that margin. I may frankly state that

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those persons who constitute that small margin are entitled to claim a legislation like the present one.

Much has been said about the social tyranny practised by the Joshis. The last speaker ridiculed the whole Brahmin community. It seems that some of us are fast cultivating a taste to abuse and malign the whole class of Brahmins. But I may apprise the honourable House of the fact that in the economy of village life it was not the Brahmin alone who predominated or who predominates. It is not the Brahmin alone who is a watandar. In the constitution of the village society, while there were only two Brahmin hereditary watandars, there were at least a dozen of non-Brahmin watandars, who tyrannised over the Brahmins and non-Brahmins, if at all it could be termed tyranny. But, Sir, the times are fast changing; the village community is fast disintegrating, and the Brahmin and the non-Brahmin watandars have got to prepare themselves for the curtailment if not the total abolition of their rights, in the modern conditions and in these democratic days. Sir, I trust, the honourable mover of this bill and all other persons who make so much of the Brahmin tyranny have read chapter X of the Government of India Act. I invite their attention particularly to sections 118 to 120 of the Government of India Act. Section 118 says :

"The bishops of Calcutta, Madras and Bombay are appointed by His Majesty by letters patent.....and there may be paid to them, or to any of them, out of the revenues of India, such salaries and allowances as may be fixed by the Secretary of State in Council."

Not only the salaries, but

"There shall be paid out of the revenues of India the expenses of visitations of the said bishops."

Further on, section 119 says :

"If the bishop of Calcutta dies during his voyage to India for the purpose of taking upon himself the execution of his office.....the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, such a sum of money as will, with the amount received by or due to him at the time of his death on account of salary, make up the amount of one year's salary."

Section 120 provides for pensions to bishops.

I would like to ask the critics of the Brahmin Joshis whether any service is rendered to them by the Christian Bishops in return for the money which is paid to them out of the revenues of India? The last speaker asked with all the fervour of righteous indignation, "Why is it that the *joshi* should be paid when he renders no service?" I will ask the honourable mover of the bill, as well as the last speaker, why should Indian subjects, who do not belong to the Christian persuasion, be required to pay to the Bishops and Archdeacons for services which are not rendered to them? Has their voice ever risen in protest against these queer provisions of the Government of India Act? Dare they utter the same words of calumny in regard to the Christian Bishops, as they have used in respect of the Brahmin Joshis? I mean to say that if there are any persons who set so much value on liberty of conscience, by all means let them have that liberty of conscience.

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but it does not necessarily follow that they should claim in this honourable House the liberty to bring into ridicule and to abuse, in season and out of season, only one class of the Hindu community.

Now let us apply to this bill the second test, namely, whether the bill is just to both the parties concerned. It is evident on the very face of the bill that it is quite just to those who advocate the principle of freedom of worship. But is it really just to the other party, namely, the *Joshis*? In regard to this, I should like to bring to the notice of the honourable House the treatment that was meted out to the other *vrittikars* by the Government when their watan were commuted. Probably the honourable House might be knowing that there were several *vrittikars* in olden days, as for instance, the *deshmukhs*, the *deshpandes*, the *agnihotris* and so forth. All these *vrittis* were commuted but in doing so, there was some principle followed by the Government. The Government followed the middle course of dispensing with their services, but at the same time recognising their claims and watan on account of the great part that they had played in the administration of village society. I leave out of account the *deshmukhs* and the *deshpandes*, and take only the *agnihotris*, who had had much to do with the religious side of the village life. Sir, an *agnihotri* means a Brahmin who practises religious austerities and dedicates his life for achieving the good of the Hindu community. In ancient times he played an important part in the village life. When on account of the impact of Western civilization his *vritti* was considered unnecessary and therefore commuted, the Government did not confiscate his watan lands or ask him to pay full assessment on them. I only ask the honourable House to mete out the same treatment to the *joshis*. I desire the House to treat equally both the parties affected by the bill. Let the House by all means grant liberty of conscience and action to the fullest extent on the one hand, and on the other hand keep intact whatever the other party has possessed and enjoyed for the last several generations. Such a treatment will be fair and equitable to both the classes of people.

This leads us naturally to the consideration of clause 5. I do feel, Sir, that clause 5 as framed is not just towards the *joshis*. I am of opinion that clause 5 should be there, but not couched in its present language. If the bill does not contain some legislative safeguard and protection to the *Joshis*, I am afraid that they would be constantly a prey to the whims and caprices of the executive authorities. Now or never is the time to define exactly the rights of the *Joshis* and to embody them in the present legislation. For myself I see the extreme necessity and desirability of having a clause like clause 5, and I agree with my honourable friend Dr. Paranjpye in that respect. But so far as the details of the clause go, I do feel that great injustice will be done to the class of Gramjoshis if it were not materially altered; and in order to make my position clear, I will only point out two defects therein. The first part of clause 5 says :

"After this Act comes into operation, every hereditary priest who holds no inam land or receives no cash allowance as remuneration for the performance of his services to the

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village shall be deemed to be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village."

So far as that part of the clause is concerned, I have not the least complaint to make. But when I come to the second part of the clause, I find two grave defects therein. It says :

"A hereditary priest who holds inam lands or receives a cash allowance as remuneration for the performance of his services shall, at his option, on written application to the Collector, be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village if he agrees to pay full revenue assessment on his inam lands, or as the case may be, to forego his cash allowance ; "

The clause is conceived in a bad spirit. I may repeat here what I said at the outset, namely that it is wrong to look upon the watan lands or the cash allowances as something dependent upon whether the *gram-joshi* renders services or not. The watan is entirely different from and independent of the *vritti*. It is a kind of retainer given once for all to the village priest to induce him to stay permanently in the village and to render certain services to the village society ; and for the services to be rendered by him from time to time he is given in addition the *vritti*, that is to say, the right and privilege of claiming emoluments. The analogy of the Government pleader applies to him. As I stated in the beginning of my remarks, can you ever think of claiming back the retainer that has been already given to a Government pleader in order to induce him to accept the post, simply because you are no longer in need of his services ? The Government can very well refuse to pay him his daily fees if his services are no longer accepted ; but can it justifiably call upon him to return the retainer which has already been given to him ? The point that I am making out is that the second part of clause 5 is absolutely against the very grain of the watan that is attached to the *Joshi vritti*. The proviso to the second part of the clause is still more harmful. It says :

".....provided that such option shall be allowed to be exercised once only in the case of each Inam grant."

I may tell this House that, according to the Mitakshara school of Hindu Law, the son is as much entitled to share in the ancestral property as the father himself. The *Joshi watan*—for that matter any watan—is a kind of immoveable property ; and to lay down in the proviso that such option shall be allowed to be exercised once only in the case of each Inam grant is practically to destroy one of the most fundamental principles of the Mitakshara law. The proviso, therefore, requires to be so altered as to mean that a coparcener may exercise this right, but that it shall be binding on him and none else. Any foolish act done by the father should not be made to penalise all the generations to come. The proviso to the second part of the clause runs exactly counter to the law as is administered in courts of law every day, and administered on the very sound principle of the Mitakshara school of Hindu Law, namely, that all the coparceners have equal rights in ancestral property by the mere fact of their birth in the family. So far as the first part of clause

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5 is concerned, it is all right ; but so far as the second part is concerned, I do feel, Sir, that the bill, as is framed in the select committee, is unjust towards the class of Joshis. The House should therefore so modify that clause that the bill would be just towards both the parties. I do not think it advisable to leave this vast class of Joshis to the tender mercies of the executive authorities. The bill must contain some legislative provision for safeguarding and protecting the rights of the Joshis ; and it must be so framed that it does not come in conflict with the Hindu law, or with the principles upon which the institution of watans has been brought into existence. After reserving my right to have my say in regard to the details of the bill, I give my full support to the principle of liberty of conscience and worship, which underlies the bill. In conclusion, I again declare that members of the Swaraj party are free to vote upon this bill according to their conscience.

Mr. D. R. PATIL (East Khandesh District): Mr. President, I have heard with great patience (laughter) the speeches of my honourable friends Mr. Dev and the leader of the Swaraj party. I know, Sir, that, while we consider a measure of such importance, we must look at the question very dispassionately and should not entangle ourselves in the region of the controversy between Brahmins and non-Brahmins. I would therefore appeal to all the honourable members of this House to look at the bill on its own merits, and if we find that the bill is a good one on its own merits, it is the bounden duty of every member of this House to accept the second reading of the bill. Now, Sir, what does the bill want ? The bill simply wants that a Hindu should not be required to pay any money by way of ceremonial emoluments to a Hindu priest if his services are not required by him. I do not think that any man who cares for the dictates of his conscience and who wants to be fair to such a proposal that is brought before this House will not accede to this bill. If we look to the speech of my honourable friend, Dr. Paranjpye, we find that he also accepts the principle of this bill. Then where is the hitch ? That is also a question to be considered by the House. The hitch to my mind appears to be that some members of this House want that the Joshi *virithi* should be confined only to Brahmin priests. I can see this hitch plainly from the speech of the honourable member Mr. Dev, who has read certain gems—rather games—from a certain pamphlet. I am not going to enter into the question whether the pamphlet which he read was genuine or not ; I take it for granted that it is a genuine one. What do those gems show ? They show only that the watan should not be confiscated. Does the mover of the bill want to confiscate the watans ? He does not. Then, what is the use of paying any heed whatsoever to the reading of that gem ?

Another argument advanced by the honourable member, Mr. Dev, was that a majority of the people, especially a majority of non-Brahmins are against the bill. If the majority of non-Brahmins are against the bill then the priests would not suffer. So also the second argument of the honourable member, Mr. Dev, falls to the ground. Both the contentions of my honourable friend Mr. Dev, I think, are sufficiently answered

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by me especially in the face of the fact that this measure is a permissive one.

Now, Sir, I come to the arguments of the leader or the Swaraj party. He referred to the judgments of the Bombay High Court. I answer that by quoting a ruling from Madras High Court.

Mr. P. G. JOSHI: In Madras there is no Joshi *vritti*.

Mr. D. R. PATIL: No; you are wrong. I will quote the ruling of the Madras High Court, that will throw some light in deciding the present question which we are considering. It is from the judgment of Mr. Justice Sadasiva Iyer. It reads as follows:

"I am strongly opposed to the recognition of anything which can give rise to the acceptance of the right to officiate as purohit for a particular person or any other particular party of villagers, especially a right which can be enforced in a court of law."

He goes on further to say:

"I hold that a legal right to officiate as purohit should not be recognised by a court and that it is against public policy to allow any such claim."

Now if we look to that judgment what do we find? In the first place no court should recognise any right of Joshis to claim ceremonial emolument, in a court of law. When a plaintiff comes before a court one has to see whether the claim is based on justice, equity and good conscience. If the court finds that the claim is not based on justice, equity and good conscience the court ought to throw out the claim. We find from the judgment that I have quoted that claims of Joshis for ceremonial emoluments are regarded as against public policy, because they are not based on justice, equity and good conscience. Therefore it naturally follows with great force and it must appeal to the commonsense of every one that no man should be required to make a payment for services which are not required by him from a Hindu priest. This is the sum and substance of my whole argument. In the face of these considerations how can we say that the bill has behind it a hatred against a class of Brahmins? Leaving aside the question of Brahmins and non-Brahmins it has been admitted that the bill so far as the main principle is concerned is a good one. We have got that admission from the leader of the Swaraj party. But when the bill was first introduced what was the comment outside? Certain interested persons made much of the bill and said that it was a revolt against Brahmanism. At that time that was the criticism levelled against the bill, namely hatred of Brahmins. To-day we have the admission that everybody agrees that the main principle of the bill is good.

Mr. G. K. MAVALANKAR: With one exception.

Mr. D. R. PATIL: So far as the honourable members who have spoken about the bill are concerned they admit that the principle is a good one.

Sardar G. N. MUJUMDAR: I am also an exception.

Mr. P. G. JOSHI: Don't forget that I am also an exception.

Mr. D. R. PATIL: You are an interested party.

The DEPUTY PRESIDENT: Order, order. The honourable member may continue.

Mr. D. R. PATIL: My honourable friend Mr. Joshi, is opposed to the principle while the leader of the Swaraj party admits that the principle is good. One fact is clear that prominent members like my honourable friend Mr. Dev, and the leader of the Swaraj party have accepted the soundness of the bill. Much is made of amendments. Is my honourable friend Mr. Bole, responsible for them? He only wanted that a Hindu should not be required to pay a Hindu priest for his services which are not required by him. That was all he wanted. If subsequently any additions in the bill have been made by the select committee, not by my honourable friend Mr. Bole, but at the instance of the honourable member Dr. Paranjpye, who is a Brahmin, is Mr. Bole responsible for them? I do not think that Mr. Bole can be blamed for any such additions. You may if you like at all find fault with those who have suggested the additions. It has been said that these additions will injure the Brahmin priests who have lands. But I do not think so. As for myself I do say that I do not want to interfere with the lands of the Brahmin Joshis. My point is that no Hindu should be required to pay a Hindu priest for his services which are not required by him.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, I rise to oppose the bill. I oppose the bill *in toto* and not as the leader of the Swaraj party has done. The question is one of property right. Even after revolutions the power that came into existence had accepted property rights. That is the principle accepted even after revolutions and this is accepted not for doing good to a particular class of community, but in the interests and safety of the country. Sir, I give one example. Take the question of ecclesiastical affairs. As regards the question of ecclesiastical affairs, there were certain commitments by the East India Company, and therefore, the subject of ecclesiastical affairs has been kept a reserved subject. Much ado has been made by every member here, Sir, on the question of equity, law and good conscience. And what is that? If services are not rendered, no money should be paid. But nobody is prepared here—I challenge—to answer this question: Why the ecclesiastical affairs are made a reserved subject, Sir? No services are rendered to the Indians, and yet the Indians have to pay the cost of this ecclesiastical department. Well, here in this case, the question of equity, law and good conscience is not to be applied; it is only to be applied in the case of the Brahmins! Liberty of conscience should be given to all. I am in favour of liberty of conscience, being a student of John Stuart Mill's *Liberty*. But at the same time, one should respect the property rights that have accrued to others. I may have a liberty of conscience as regards certain matters, but that does not empower me to outrage the modesty of a woman walking on the road. Now, I I give one concrete instance. There are bhangis or the sweepers in Ahmedabad. They have got certain rights. Certain rights accrue to them. They go on mortgaging the right to sweep privies, the privies of others. That is, the right of sweeping is mortgaged and money is raised. This is a property right, and in spite of all efforts, and in spite

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of all these municipalities, even though the privies are not properly cleaned at Ahmedabad, still the municipality cannot protect us from this nuisance and double taxation. There also the rights are respected. The Honourable Minister read a sanad. Of course, these sanads show accrued rights, wherein the clause of service is mentioned, while in the other case the clause of service is not mentioned and it rests upon the pleasure of Government. But, Sir, the "pleasure" here is to be interpreted not of an autocratic Aurangzeb or any other king, but the pleasure of the British Government,—a Government managed by the people fully responsible to the people in England. That Government's pleasure is to be taken into account. Then, the sanad is to be interfered with.

Now, I shall come to the question of monopoly. When a village was to be established, just as in this case, the point was raised as regards retainer. At that time, a particular man was wanted. There is a belief in India that the marriage question is a sacred question; sacredness is attached to the marriage question. There is a belief among certain people—call them ignorant or call them anything—that the whole marriage question is sacred. Now, if this monopoly right is taken away, and suppose if certain people believe in these religious affairs and find it difficult to secure a priest to perform a ceremonial rite, who is responsible? So, this retainer is given to these priests, just as the East India Company brought the bishops from England here and gave them certain rights. Perhaps the Peshwas created those rights in the Bombay Presidency. Especially in Gujarat these rights do not exist; they only exist in Maharashtra. Therefore, if the right given by the East India Company is to be respected and the ecclesiastical affairs are to be treated as a reserved subject, I do not see any reason why there should be so much ado about this question of the watandar priests. If we did not have this system, the consequences would be that later on there would be competition, and because of competition they won't find any persons to perform the ceremonies. Monopolies are to be given, are to be created. Sometimes they become a nuisance, but they are to be created because without such monopolies you cannot have prosperity in the villages. We want religious ceremonies to be performed in remote villages at distances, and therefore, some facilities must be given. The lands which they are given are given not because of service, but they are mere retainers, and whether service is rendered or not rendered, the property-right is given there, and even Government also would not be justified in resuming these lands. Now, one honourable gentleman has said that under the last clause (2) of clause 5 we do not want to resume their lands. That has been said by the honourable member. But the sting is here, namely, if that is the case, why does the clause mention there that in case the service is not performed, etc., etc.? Thereby this clause clearly suggests that if services are not done, the right of resumption is there. In the first place, I do not accept even the Government's right for resumption. I interpret the word "pleasure" in the way I have already explained. This is a moral contract, Sir, which is to be respected by this House.

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I also appreciate or rather I do not feel wonder that such a bill is introduced by the honourable member here. That will be the consequence of the broad franchise given, and all the Brahmins should be glad. It is a question of the domination of a party. But the domination of a party is far more serious than the domination of these priests. If there is one kind of domination under which all suffer, it is the foreign domination, political domination, and the domination of priesthood shall continue so long as the majority of the people in the world will continue to believe in God, Sir. Unless they believe that God does not exist, they cannot wipe out the class of priests. If all become atheists, that is possible; otherwise not. This is simply a quarrel as regards the priests of the Brahmins. If you do away with Brahmin domination, rest assured that the domination of the Lingayats or the domination of the non-Brahmins is bound to come, so long as people believe in God, Sir.

The Honourable the PRESIDENT: Before I call upon honourable members to continue discussion, I should like to invite their attention to the fact that latterly the speeches made are practically repetition of the same arguments in different words. The subject has been sufficiently threshed out. In a matter like this I do not wish to interfere with the further discussion of the subject, but I hope those honourable members who still desire to address the House will be very brief and will try to introduce any new points that they may have. I hope they will have some appreciation of the value of the time of this House.

Mr. B. K. DALVI (Belgaum District): Sir, I need not say that I rise to support the second reading of this bill. But before doing that, I must congratulate the leader of the Swaraj party for accepting the principles contained in the bill. As I understood the attitude of the Swaraj party when it walked into the Council Hall yesterday, we thought that it was determined to oppose two bills and that it entered the Council Hall with the sole object of opposing those bills, namely, one by the honourable member Mr. Noor Mahomed and the other the Joshi Bill by the honourable member Mr. Bole.....

Mr. P. G. JOSHI: We entered with the object of dealing with the bills on their merits.....

Mr. B. K. DALVI: That attitude also was evident from the attempts of the members of that party either to postpone the bill *sine die* or to recommit the bill to the select committee so that it may lapse. When those attempts proved futile, that attitude had to be changed and the party members are now given the liberty to vote according to their conscience. However that may be, I will reply in brief to the arguments which have been advanced by the honourable leader of the Swaraj party and also my friend the honourable member Mr. Mavalankar.

An analogy was taken up that the Joshi is just like the Government Pleader and that the *Vritti* of the Joshi is just like the retainer a Government Pleader gets—that the watan or cash allowance of the Joshi is just like the Government Pleader's retainer fee, but this analogy was not

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carried to its logical conclusions. There he stopped. I now take up the same analogy and submit to this House that under clause 5, sub-clause (ii), the Joshi is given the option either to continue as a hereditary joshi or to cease to be a joshi if he finds that his job is less profitable on account of certain persons in the village ceasing to take his services and then paying for the same. That option is given to the Joshi himself, it is not taken away from him, it is in his choice either to continue as Joshi or to cease to be a joshi, but in the case of a Government Pleader that choice is not left to him; a certain period is mentioned and it is left to the choice of Government to remove him after giving notice. But the analogy when carried to its logical conclusion is like this, that the moment the Government Pleader, either on account of the expiry of the period for which he is retained or when he is given notice by Government, ceases to be a Government Pleader and his retainer also ceases and he cannot claim the retainer from Government. So also the moment this joshi does not want to continue as a joshi he cannot lay claim either to the land or to the cash allowance which he gets as retainer. So, I submit to this House that just as the Government Pleader, when he ceases to be a Government Pleader, has no right at all to receive that retainer, similarly this choice is given to that joshi that he should either pay full assessment on the land or if he is only given cash allowance he should cease to receive the cash allowance. So, the House will see that this clause is perfectly just even to the joshi. Therefore, I submit that this clause, as it stands, is not at all unjust to the joshis. But as regards this clause, namely, clause 5, I can submit that this clause is not the creation of the honourable mover of the bill or of my party. We know that we did not want it at all, but, as has just been explained by the Honourable the Leader of the House, it was introduced there for the protection of the joshis by the honourable member Dr. Paranjpye. If my friends do not want that clause in the bill, and when the clause comes for discussion before the House, we shall consider it on its merits and we shall see for ourselves whether it is proper to accept or reject it. The only point that was made by the honourable member, the leader of the Swaraj party, and the honourable member, Mr. Mavalankar, I think I have disposed of.

There is another misconception in the minds of certain opponents of this bill, that this bill is aimed only at the Brahmins; but if we refer to the preamble and also to the several clauses of the Act, it says that this bill is intended to amend the law relating to the emoluments claimable by watandar Hindu priests and not necessarily the Brahmin priests, because it may so happen that in a certain village there may be a non-Brahmin hereditary priest. We find even among Lingayats that there are hereditary priests also, and if the other Lingayat families do not want services to be rendered by their hereditary priests, they will say when this bill is passed, "We do not want your services and we will not pay you". Thus when this bill is passed they will have the liberty of worship and the liberty of conscience which this bill aims to give

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them. I do admit that Brahmins happen to be the majority of the priestly class but it is simply an accident. The object of the honourable mover of the bill therefore is not aimed only at the Brahmin priests. Not only that but this bill is not aimed only for the benefit of the non-Brahmins because under this bill even Brahmin families will have the benefit. I shall take an instance of a village. Suppose in that village there is a hereditary priest and there are several Brahmin families and further suppose that the hereditary priest in that village happens to be on inimical terms with those Brahmin families or is a bad character and is not liked by the other Brahmin families, in that case, if they do not want the services of that hereditary priest, as the law now stands, they will be compelled to pay for the services of that man even if they do not call him to perform the rites, but if this bill is passed they will not be required to pay their enemy or a bad character and thus it will benefit such Brahmin families also. This House will now see that this bill is not aimed only for the benefit of non-Brahmins. As a matter of fact the non-Brahmins do not require it because, in spite of the law being there, in spite of these two rulings of the Bombay High Court being there, we know that 90 per cent. of the marriages and other ceremonies are being performed as a matter of fact by their own caste priests, leaving the Brahmin hereditary priest the liberty to go to a court of law to claim the paltry amount of Rs. 1-4-0 or six annas by spending about one hundred rupees. So, we were not very keen on this bill but now that the bill is here, we wish to support it for the reason stated by the Honourable the Minister for Education, namely that we do not want this sword of a suit to hang over our heads. Any hereditary priest, merely out of vindictiveness and vengeance, may take it into his head, even at great cost to himself, to go to court in order to compel a non-Brahmin (even a Brahmin at that) to pay one rupee or so. It will not be out of place here to quote an instance which is well-known to the leaders of the non-Brahmin movement and which might prove of considerable interest to this House. In a Brahmin State just close to Belgaum town there is a village in which about 99 per cent. of the marriages are performed according to the Satyashodhak Samaj tenets. The population is mostly that of Marathas and they do not call in the services of the Brahmin priest. There is a hereditary Brahmin priest in that village. When that hereditary priest found that the village was not willing to requisition his services nor to pay him, he actually lodged a civil suit in the court of that State. That suit went on in the original, in the appellate as well as in the high court of that State, and ultimately the priest could recover only Rs. 1-4-0 and proportionate costs of the suit, but the Brahmin priest had to spend about Rs. 200 in that case. On the other hand the defendants' case was conducted free of charge by those who were the supporters of that movement. The result was that the priest had to suffer considerably. Another consequence of the suit was that the minority who were so far utilising the services of that Brahmin priest got enraged on account of his vindictiveness in having recourse to a court of law. That minority also determined not to take

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his services any longer, with the result that that Brahmin priest had to give up his idea of vengeance and of lodging suits again and again. He ultimately left that village and came down to Belgaum city. There he started a tea shop, even now he is actually conducting that tea shop, and I would submit to this House that he has become a distinct gainer thereby. In that sense I would submit to this House that the motives of the honourable mover are not at all mischievous but they are pure, and this bill has been brought forward by him in order to benefit not only the non-Brahmins but all Hindu classes including Brahmins. Not only that, but he further wants to benefit the Joshis themselves. I may, however, point out to this honourable House as to what these emoluments are which a hereditary priest gets. The House might perhaps be aware that when the question was raised yesterday as to what were the emoluments of priests it was stated by the honourable member Dr. Paranjpye that it might be Rs. 10 to Rs. 30 a year. If therefore on account of this bill being passed he finds that he cannot get even this paltry sum, he will, instead of rotting in the village and leading a miserable life, take to better jobs and in this way this bill will prove a blessing to him. Therefore I request all my Brahmin friends and even my honourable friend for East Khandesh, who is himself a watandar Joshi, to heartily support this bill.

Mr. C. M. SAPTARSHI (Ahmednagar District) : Sir, I rise to support the principle of the bill, but reserve to myself the right to vote according to the attitude of the honourable mover of this bill. It is stated that this is not the stage when we should raise the question regarding clause 5 and that that question can be considered when clause by clause reading of the bill comes up. I submit that that attitude is not tenable. We must see that the honourable mover of this bill is prepared to meet us half way, and that he is prepared to accept the reasonable amendments which have come up as a result of such a long debate. You have seen, Sir, most of the members of the Swaraj party, especially those who belong to the Brahmin community, have admitted the principle of the bill. (Interruption.) Please don't interrupt me. I am addressing the House and not you. The members of the Swaraj party have taken up that attitude because they think that in these days it is impossible to say that you should call a particular priest. If the bill was confined to this principle alone I think it would have been absolutely innocuous. The objection to the bill does not lie in the bill as it was originally introduced but in the bill as it has emerged from the select committee. I was deeply pained at the attitude of the Honourable the Leader of the House. When Dr. Paranjpye, we are told, introduced clause 5 he himself, i.e., the Finance Member was sceptical about this clause and that he himself did not understand what good this clause was to do. I find that he is now supporting the whole clause as it stands. I put it to him whether it is fair to ask the House to work out the amount of compensation within half an hour and then say that it will require 13 lakhs for paying compensation. I put it to him to say whether the sub-clauses (i) and

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(ii) of clause 5 are proper and fair. I do say that Dr. Paranjpye in introducing clause 5 meant very well: but sometimes the intentions of persons are not the necessary indications or guarantees of their being able to do good. That is the case in this particular instance. Dr. Paranjpye not being a lawyer did not understand the full implications of clause 5.

In the first place, as regards sub-clause (i) of clause 5 I want to know from the mover of this bill whether he received any representations from Joshis that they want to be relieved of this office. I do not agree with the leader of the Swaraj party when he said that this sub-clause (i) of clause 5 should be inserted at all. I do think both the sub-clauses (i) and (ii) are unnecessary. Sub-clause (i) may be inserted if the prevailing sentiment among the Joshis is that they should be relieved of this office and if the select committee had taken that fact into consideration. If the Joshis have not expressed any sentiment to that effect it is not for you to become self-constituted advocates of the Joshis and proceed to protect their supposed interests by doing something which on the other hand may do serious harm to them.

As regards sub-clause (ii) of clause 5 there cannot be a more dangerous clause inserted in the bill. It was stated by the Leader of the House that this clause was optional. We know what option means in such cases. I know also that kulkarni watans were commuted with the consent of the kulkarnis concerned. It was a forced consent. If you insert a clause like that, that if Joshis want to be relieved of their office their watans should be commuted, you will be giving a very dangerous power in the hands of the executive. A Satyashodhak deputy collector or mamlatdar will take it into his head to commute all Joshi watans and compel the Joshis in his jurisdiction to give their consent to be relieved of their office. The kulkarni watans were commuted by force and we all know that. (Interruption). There are more and more non-Brahmins belonging to the Satyashodhak party who are being taken as mamlatdars and deputy collectors, because the non-Brahmin party is consistently supporting Government in whatever they do. I am not prepared to allow this clause to enter into the bill and thus give power into the hands of the executive to relieve the Joshis of their watan lands and cash allowances. Apart from the question whether the cash allowances and lands are in the nature of a retainer or remuneration, the bill as moved by the mover originally did not intend to touch either of them. Therefore the honourable member Dr. Paranjpye possibly meant well by the Joshis, but I think that sub-clause (i) of clause 5 will certainly inflict great harm, and it must be deleted.

Another aspect with regard to the bill which I should like to press on the House is this. If clause 4 is passed then it is conceivable that the Joshi watan lands which are at present held under condition that Joshis will perform the religious services may be resumed by Government. We must therefore see that the operation of this bill is confined to clause 4 and that Government will not be in a position after the passing of this bill to resume the cash allowances and the lands. An express clause

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should be inserted in the bill that the other rights of Joshis except those affected by clause 4 will not be liable to be affected by this bill. Such an amendment has been suggested by my honourable friend from Nasik. If that amendment is accepted, and clause 5 is deleted I do not see any objection to the bill. The object of the honourable mover will be served and the *joshis* also will be protected with regard to their other rights. When legislating for social reform, as my honourable friend Dr. Paranjpye observed, one must see that no harm is done to vested rights. Therefore, if the amendment of my honourable friend for the deletion of clause 5 is accepted and a new clause is inserted restricting the bill to its original intention and protecting the other rights of the *joshis*, then I do not see any harm will be done if the bill is passed. With these remarks, I give my qualified support to the second reading of the bill.

Mr. L. S. CHAUDHARI (East Khandesh District) : Sir, I rise to support the second reading of the bill. Up till now, the House has heard what the members who come from the advanced classes, particularly those who come from the Brahmin community, had to say about the imaginary losses that the priestly class will be put to. But they have not put before the House what kind of treatment we are subjected to at the time of religious ceremonies. And therefore I wish to put before those honourable members who do not come from the priestly class how our religious ceremonies are performed by these priests in villages. If there are eight or nine marriages to be performed in one village, the priest sits at the top of one house and performs the marriage ceremony going on in all the eight or nine houses. Would any right-minded gentleman support this practice ? Will the honourable members say that these priests should be paid for this kind of indifferent service ? If these religious ceremonies are to be gone through for the purpose of self-realisation, that purpose is not served by this insufficient and indifferent service.

Mr. P. G. JOSHI : Is it relevant, Sir ?

The DEPUTY PRESIDENT : It is perfectly relevant.

Mr. L. S. CHAUDHARI : When they want to get money for services not rendered, it is my duty to say what kind of service they render to their *yajamans* (masters). The treatment that these priestly classes mete out to their *yajamans* is nothing but simple mockery of the words *yajaman* and *bhiksuka*. They give them the most indifferent service.

In the old arrangement of village communities, the village was a self-sufficient administrative unit, and in these administrative units secular as well as religious duties were performed. Those duties were performed on the principle of division of labour. The secular duties were performed by the *balutedars*, and the religious duties were performed by the spiritual servants. The spiritual servants are called the priests. The priests were held in reverence, simply because they were gifted with learning, and were leading a life of self-sacrifice and piety, and because they were

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performing these important duties in the village life, they were given some emoluments. It was thus that these emoluments came into existence. As the village was a complete unit in those ancient days, lands were assigned to them. But with the change of time, the village organisation has disappeared, and along with that also the old system of having the different duties performed by different men. In this way, the *dhobis*, the *chamars*, the *mahar* and other servants have had their services dispensed with, and the principle of freedom of contract has been resorted to in their cases. Why should exception be made now in the case of the spiritual servants? As a matter of fact, with the change of time the priestly classes are allowed to resort to any calling. There is no restriction provided in any *shastras* that they should stick to their priestly profession only and should not take to any other. A priestly *joshi*, or *watandar joshi*, or any relative of my honourable friend (Mr. P. G. Joshi) can take to any trade and even sell leather bags, in the shop. No *shastra* prevents him from doing so. That being the case, why should he compel the *yajman* to fall at his feet at the time of a religious ceremony? In these days of democracy I think freedom of contract has been recognised by the laws of our land, and that principle of freedom of contract should be extended even to this religious field. It is for this purpose—in order to correct this wrong—that this bill has been introduced. What does this bill intend? It simply intends, as the Honourable Minister of Education has put it, to remove the sword that is kept hanging above the head of the *yajaman*. It simply wants to assert the principle of self-determination in the field of religion. It wants nothing more. As a matter of fact, this bill does not prevent any non-Brahmin calling any Brahmin for performing religious ceremonies. It only aims at one thing, namely that if one priest is not liked by the *yajaman* and the *yajaman* goes to another priest, the hereditary priest should not be entitled to get a decree against the *yajaman*.

I come from a village, and I wish to acquaint non-Hindu honourable members with the affairs of my village. There is the family of my *Upadhyaya*. One of the family is a postmaster, and another is a drawing master. And the third, an illiterate booby, is kept to officiate at our religious ceremonies as priest. That man does not know how to read and write, he cannot read a *Satyanarayan puja*, he cannot utter the Sanskrit word *atmana*. He is known for his immoral character in the village. Do you want us to go to such a fool in order to get our religious ceremonies performed? It is to remove this anomaly, that this bill is introduced. When the doors of learning were confined to a particular class, and the non-Brahmin communities were not given the advantage of education, so long we were putting up with this sort of things. But with the advent of this benign government, the doors of learning are open to all classes without any restriction. We know the defects of our priests. If in spite of the education which has spread among all classes, we are to be compelled to go to such priests and get our religious ceremonies performed at the hands of such sinful men then it is a hardship, having no comparison.

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Sir, evil motive has been attributed to the mover of the bill. This bill was introduced by Mr. Latthe in the Legislative Assembly, and at that time it was intended for the whole of British India. None can say that Mr. Latthe was actuated by some evil motive towards all Brahmins in the whole of India. This bill is simply a copy of that bill. That being the case, I think evil motive cannot be attributed to the present mover.

One more argument is advanced, that if this bill is passed into law it will disturb the religious arrangements of the Hindus. As a matter of fact we have now our *Vedas* translated into the German and English languages, and they are allowed to be read by any scholars of the non-priestly class. Have these *joshis*, these *badavas*, of Nasik held any conference to prevent this kind of misuse of their religious books? Have they prevented this encroachment upon the Hindu religion by people of other denominations? If they have not done that up till now, if they have not protested against the non-priestly classes reading the *Vedas* and Hindu scriptures, why should they say that by the introduction of this bill alone their religious rites will be disturbed? As a matter of fact, it is giving religious liberty to all classes; it is not restricting or disturbing the religious arrangements; it is conferring religious freedom upon all the people concerned. Therefore, I say, Sir, all these arguments which are advanced against this bill are simply imaginary, or are simply advanced out of selfish motives. What are the opinions of eminent persons in India with regard to the bill? That eminent jurist of India, Dr. Gour, has expressed himself very strongly in favour of the bill. Two honourable Judges of the Bombay High Court, Mr. Justice Percival and Mr. Justice Shah have approved of the principle of the bill. Not only that, but all the Commissioners of all the Divisions of the Bombay Presidency have expressed themselves very strongly in favour of the bill. The District Judge of Ahmednagar has stated in clear terms that to admit such a right that the priest is entitled to his emoluments though he is not asked to render any service is simply against public policy, and will not be accepted by any man of right judgment. Not only that, but all the other High Courts in India, Calcutta, Allahabad, Madras, as well as the Chief Court of the Punjab, all of them have accepted this principle. Therefore, looking to the views expressed by these eminent jurists and judges and the officers in our Presidency, and looking to the hollowness of the arguments advanced against this bill, I strongly support the bill, and I appeal to those honourable members who are not acquainted with the religious tyranny to which we are subjected in the villages, that they should take a very unbiassed view of this matter, and should strongly support the bill *in toto*.

Mr. P. G. JOSHI (East Khandesh District): Sir, I rise to oppose the second reading of the bill. As you are aware, Sir, I am a watandar Joshi and also claim to be as advanced a reformer as my honourable friend Dr. Paranjpye, with probably this difference that I have not forgotten that I am a Joshi and that I am a Brahmin. I would, therefore,

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have supported this bill most willingly, even at the sacrifice of my *vritti*, had I been satisfied that this bill is an honest attempt at social emancipation, or that there is the slightest justification or that there is the least necessity for this enactment. But I am sorry to say that I am not satisfied on all these three points.

I do not accept the plea that this is an enactment to secure liberty of conscience and liberty of action. Why we object to this bill has been made clear by three of my honourable friends who have spoken in this House in support of this bill. I refer to the speeches of three of my honourable friends, Mr. D. R. Patil, Mr. B. K. Dalvi and Mr. L. S. Chaudhari. The first objection to this bill is that it is aimed at the Brahmins. The underlying principle of the bill is to run down the Brahmins (An Honourable Member: No, no.) I maintain that is the underlying principle of this bill. If I were satisfied that that is not the principle underlying the bill, I would be most willing to support the second reading of the bill. Sir, the honourable mover of this bill, as we know, has been nominated in this House to represent labour. But if we see his writings and his activities, we will find that he is clearly a hater of the Brahmins.

The DEPUTY PRESIDENT: I think language of that sort should not be used here, because, even if it is not unparliamentary, it is not becoming that language of such a kind should be used as may produce bad blood between the honourable members.

Mr. P. G. JOSHI: I am sorry to be frank. I must frankly say why I oppose the bill. I would like to make my language as soft as possible.

The DEPUTY PRESIDENT: As careful as possible.

Mr. P. G. JOSHI: Yes, Sir. You are aware, Sir, that the honourable mover of this bill Mr. Bole has tried to advocate the claims of Upritenants as against the Khots, the majority of whom happen to be Brahmins. It is also well known to the members of this House that he is one of those who have urged the legalisation of the commutation of Kulkarni watans, simply because most of the Kulkarnis happen to be Brahmins. You may take it, Sir, that he has also raised a contribution from the district of Ratnagiri for the purpose of his propaganda. When we are aware of all these activities of the honourable mover of this bill, I do not think that people will blame me if I take it that the underlying principle of this bill is the hatred of the Brahmins. We further know that the honourable mover of this bill is a member of the Satya Shodhak Samaj, and we also know that the Honourable Minister of Education, who has supported this bill, is also a leader of that Samaj (An honourable Member: What of that?) It is relevant in this sense, because we know that one of the tenets of the Satya Shodhak Samaj is that they should not call in the services of the Brahmin priests, and this tenet has been recognised judicially in 42, Bombay, which has been quoted by the Leader of the Swaraj party.

The Honourable Mr. B. V. JADHAV : The honourable member is misrepresenting the tenets of the Satya Shodhak Samaj.

Mr. P. G. JOSHI : I am stating what is stated in 42, Bombay, and as taken notice of by the Judges.

The Honourable Mr. B. V. JADHAV : The tenets of the Satya Shodhak Samaj are that there is no necessity of an intermediary between God and man, and that every man ought to be allowed to perform his own religious ceremonies.

Mr. P. G. JOSHI : Without the intervention of the priest—that is the tenet. Therefore, Sir, the members of the Satya Shodhak Samaj do their best to see that the services of the Brahmin priests are not requisitioned by the members of their community. (An Honourable Member : What harm is there ?) There is no harm, and therefore I consider this bill as part of the propaganda of the Satya Shodhak Samaj, of which the honourable mover is a member. You are aware, Sir, that the members of the Satya Shodhak Samaj consider the Brahmins as '*Deshache Dushman*', that is enemies of the country, and therefore, as they honestly believe in it, it is quite proper and natural that a member of the Satya Shodhak Samaj should introduce this bill in this House, to run down the Brahmins, to exterminate the Brahmins as early as possible. That is the underlying principle of the bill, and it has been even indirectly admitted by my honourable friend Mr. Patil, who has vehemently told us that the underlying principle of the bill is not hatred of the Brahmins. There was absolutely no necessity for him to say what was the underlying principle of the bill, but he has emphasised that fact, and the necessity for emphasising that fact is that he knew why we Brahmins have opposed this bill.

Mr. D. R. PATIL : I rise to a personal explanation. My honourable friend Mr. Joshi is totally wrong in saying what he has said, because that word hatred occurred in the minute of dissent of my honourable friend Mr. Dev. He used that word.

The DEPUTY PRESIDENT : A personal explanation has been given, and I think the honourable member should accept it.

Mr. P. G. JOSHI : I accept the explanation, but the fact is there, that he did suggest that the underlying principle of this bill is hatred of the Brahmins. Therefore, as that is my conviction, that the principle on which this bill has been based is the principle of hatred against the Brahmins, I oppose the second reading of the bill.

Then, Sir, I come to the next point. I say that there is absolutely no necessity for introducing and for passing this bill. Now, Sir, I want to ask the honourable mover of this bill, who wants this bill ? In whose interests has this bill been brought forward ? I want to know whether it is the Bhandari community which wants this bill ; I want to know whether it is the Rajputs who want this bill ; I want to know what community wants this bill. I know positively that the Satya Shodhaks do not want the Brahmin priests to perform their ceremonies. That much I know, but I do not know what other communities want this

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bill. The legal aspect of this question has been explained to us by the Honourable the Leader of the House as well as the leader of the Swaraj party. It has been made clear to us that these Satya Shodhaks ought not to be afraid of the priests, because the law is very clear. According to the tenets of the Satya Shodhak Samaj, the ritual which they observe on occasions of marriages and other religious ceremonies is not the Brahmanical ritual, and the priest whom they engage is not the hereditary priest. Therefore, in all their religious ceremonies, they cannot be afraid of the Brahmins, they cannot be afraid of the priests, because the law is very clear on the point.

The Honourable Mr. B. V. JADHAV : It is they who have been set up by the Brahmin priests.

Mr. P. G. JOSHI : I do submit to this House that this bill is not absolutely in the interests of the Satyashodhaks. I want to ask the honourable mover of the bill in whose interest this bill has been brought forward.

An Honourable MEMBER : Non-satyashodhaks.

Mr. P. G. JOSHI : Exactly ; and there comes the rub. The non-Satyashodhaks, as the term implies are those that are not members of the Satyashodhak Samaj. They are Sanatanis and they are in perfect sympathy with the priests and therefore what the Satyashodhaks want and what the honourable mover of the bill wants is that the Sanatani non-Brahmins should disappear and that there should be a dispute between the Brahmins and the Sanatanis. That is the principal object with which the bill has been brought forward. These Satyashodhaks want to have a fling at the Sanatanis and they want to have a fling at the Brahmins. Therefore I say that the Sanatanis do not require this bill.

An Honourable MEMBER : How do you know that ?

Mr. P. G. JOSHI : Because you are Satyashodhaks and they are non-Satyashodhaks. As I said, Sir, this bill is not wanted by anybody and there is absolutely no necessity for introducing this bill. Therefore I oppose the second reading.

Sir, it will now be clear to this House that this bill is in advance of public opinion and this House should not waste its energy and time in introducing a legislation which is not absolutely necessary and which is not wanted by any Hindu communities.

Then, Sir, I want to make the real position of the Joshi *vritti* clear. Even supposing for arguments sake that the mover of the bill and the supporters of the bill have made the necessity of this legislation clear, then, Sir, they have not placed before the House the mutual obligations and the real position of the Joshis and the Yajmans. It is a bill to deprive the Joshis of their right to claim ceremonial emoluments, but the mover of the bill ought to realise the permanent obligations which the Yajmans have of calling in the services of watandar priests. These Satyashodhak

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these non-Brahmins, want permanently to be relieved of the obligations of calling in the services of watandar priests.

An Honourable MEMBER : What harm is there ?

Mr. P. G. JOSHI : There is no harm. But if you want to be relieved of the permanent obligations, then the question of compensation comes in. If you have a religious ceremony to be performed then you must call in the services of a priest. If that invitation is not accepted the watandar priests cannot be said to have a right for asking ceremonial emoluments from these non-Brahmins. Therefore the obligation is there. It has been made clear by the judgment of the late Justice Chandavarkar. It is reported in 36 Bombay. I have been contradicted that this is not the position.

The DEPUTY PRESIDENT : Everybody is aware of the judgment of the late Justice Chandavarkar. Is it necessary to read it ?

Mr. P. G. JOSHI : I would like to read it.

The DEPUTY PRESIDENT : I cannot compel you not to read it, but I must say that everybody is aware of the judgment of the late Justice Chandavarkar.

Mr. P. G. JOSHI : I will be brief. It reads as follows :

" To the enlightened sentiment of the present day it does seem unfair and oppressive that a man should be compelled by law to religious ministrations from another person who is not of his choice, and that simply because that has been the course of the relations of the families of both for generations on the ground of hereditary rights. But if a Hindu wishes to remain a Hindu and have the benefit of his religion he must take its burden also, when that burden is annexed to the benefit by Hindu law on the ground of custom."

It will therefore be clear that they must accept the burden if they want to take advantage of the benefits and the burden is that of calling in the services of watandar priests. This obligation they want to be relieved of by the instrumentality of this bill. That is the real position. It is therefore quite clear they must compensate the Joshis as, owing to this bill, their property right is seriously affected.

Now, Sir, it has been said that Joshis have land and cash allowances. But there are certain Joshis who have no land or cash allowances. They have only the *vritti*. I am a Joshi ; I do not hold any land and I do not receive any cash allowance. I have only the *vritti*, the claim to ceremonial emoluments if a Yajman wants to perform the Brahmanical ceremonies. If by this bill I am to be deprived of *vritti* and *vritti* is property which has been recognised by the Bombay High Court, is it not fair that I should be given a compensation if the Yajman wants to be permanently relieved of the obligation of calling in my services ? This question does not come in so seriously in the case of those Joshis who hold watan land and who receive cash allowances, but in the case of Joshis who do not hold land or receive cash allowances the question of compensation is very important.

The DEPUTY PRESIDENT : Has this not been sufficiently dealt with by other speakers ? The honourable member has taken more than half an hour.

Mr. P. G. JOSHI : It has not been, Sir, I am very sorry and I will finish my speech in a minute or two. I want to impress upon this House that there should be no penalty attached to Joshis whose services have been refused and who possess no watan land. The bill will penalise them. As long as the Joshis are willing to render the services of a priest, they should in no way be penalised. If you want to give liberty you can, but there should be no penalty attached to Joshis. That is a point which I want to make clear.

The Honourable Sir CHUNILAL MEHTA : Will the honourable member state whether it is a loss ?

Mr. P. G. JOSHI : Yes. As I have said I hold no land nor do I receive any cash allowances. If the Yajman does not call me for the religious ceremonies, I am suffering a loss.

The Honourable Sir CHUNILAL MEHTA : You may charge higher fees.

Mr. P. G. JOSHI : That is a point, Sir, which I thought I have made clear.

Mr. C. M. SAPTARSHI : I rise to a point of order. Can this discussion across the table be allowed ?

The DEPUTY PRESIDENT : Does the honourable member wish me to prevent it ?

Mr. C. M. SAPTARSHI : Yes.

The DEPUTY PRESIDENT : I can do so in no time, provided the honourable member is willing that it should apply to him also. I earnestly hope that the wishes of the honourable member Mr. Saptarshi will be carried out without my intervention.

Mr. P. G. JOSHI : I have been reminded, Sir, by the Honourable the Leader of the House that I may charge higher fees. I say that is the rub. I do *not* want to charge higher fees to my *yajman*. I do not want to tyrannise the non-Brahmins. What the honourable member Dr. Paranjpye has stated is perfectly clear. If this bill is passed, I will have an opportunity to sit tight on the non-Brahmins. I may expect and extract more ceremonial emoluments. But, Sir, I do not want to shirk the responsibility or to back out of the understanding which I have given to the Government. I do not want to extract more fees from the non-Brahmins.....

Mr. B. K. DALVI : On a point of information, Sir. Is the honourable member speaking on his own behalf or on behalf of others ?

The DEPUTY PRESIDENT : That is no point of information.

Rao Bahadur S. N. ANGADI : I rise to a point of order, Sir. The honourable member is always speaking of non-Brahmins, that he wants to be generous to non-Brahmins in this matter, and so on. And he must be knowing that so many communities have got their own independent priesthood, the Lingayats, for instance. It is only a very large section of Marathas and some others who want to do away, and rightly, with the Brahmin priesthood.

The DEPUTY PRESIDENT : But what is the point of order ?

Rao Bahadur S. N. ANGADI : He says he does not want to charge higher fees to the non-Brahmins, he wants to be very generous to the non-Brahmins, and so on.....

The DEPUTY PRESIDENT : That is not a point of order. The honourable member can certainly meet him in his speech ; he will have ample opportunity of meeting him when he rises to speak.

Mr. P. G. JOSHI : I may inform the honourable member Rao Bahadur Angadi, Sir, that when I said non-Brahmins, I never meant the Lingayats ; I did not include them in my remarks.....

The DEPUTY PRESIDENT : Cannot the honourable member proceed with his speech without replying to individual remarks ?

Mr. P. G. JOSHI : With these remarks, Sir, I oppose the second reading of the bill.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Mr. President, I have been sitting tongue-tied in the debate that is going on for the last two days. But I find that both sides have introduced recrimination unnecessarily. I find from the remarks which the last speaker made that he says that this bill is wanted by the Satyashodhaks. But they do not need it. As regards other non-Brahmins, they are yet amenable to priestly influence and they do not want this bill. If that is so, it is an innocuous bill. The Satyashodhaks have their own special arrangements and they are not prepared to call in the watandar priests, whether the bill is there or not. If the bill is not required by the other communities, then, why are you afraid of the bill ? Then, why this unnecessary recrimination ? Then, why go into the motives of the person who introduces this bill ? Look at the bill as it stands. Look at the principles and the clauses contained in the bill. You need not actually dissect his mind. You need not go to his heart and find out what was working in his heart when he was drafting the bill. Here, I find there is absolute agreement as regards the four clauses which are there. Now, I find, Sir, there is the Hereditary Offices Act. In the village there were hereditary servants of two kinds. The State recognised hereditary offices which were useful to the State as regards village police, as regards revenue and other matters. For that, the Hereditary Offices Act is passed. There were certain secular and religious duties ; there were certain servants who were merely useful to the society. The State had got nothing to do with that. All the same some of such services carried certain emoluments and the offices were hereditary. But they are not yet legalised. Now, I find in the Hereditary Offices Act there is such a section as section 15. What is troubling the members of this House is that clause 5 of the bill. Now I submit, Sir, that my honourable friend Mr. Dalvi was certainly not right when he said that pushing the analogy of the Government Pleaders further on, the moment we dispense with the services of the Government Pleader, his retainer ceases. With great deference to him, I will say that that analogy will not apply to the hereditary office. Section 15 is a reflection as regards the rights of these

[Mr. G. B. Pradhan]

hereditary offices. If certain hereditary offices were there, to whom lands were attached, then Government could say to them: "We do not want your services, and we want to resume your lands". Yet, Government did not do so. There was such a thing as the Gordon Settlement. They commuted the watans, but they said: "We are not going to confiscate the whole thing; we do not want the services from you, so we shall retain a part of the watan with you and we shall take away the remaining part". That is exactly what the Joshis have been asking. They say: "It is you who want to dispense with our services; it is you who come forward and say you do not want our services. If you refuse to accept our services although we are ready to render them, in that case you must not confiscate the whole of our watan; confiscate only that portion of it which is reasonable and equitable, but retain the remaining portion to the Joshis."

There is a further section in the Hereditary Offices Act. There are two other sections to which I would with your permission refer. Now, no priest has got a right to say, whether he is learned or not, whether he knows his duties or not, whether he is a lunatic or a sane man, that his services ought to be taken. That is not so. In the Hereditary Offices Act there is an officiator; the qualifications of the officiator are decided by the Collector. The hereditary officer may nominate an officiator, but if the Collector finds he is not competent, then the Collector says: "I refuse to accept his services". That is exactly the point which the honourable member Mr. Chaudhari wants. He said: "We have got a priest. Now that priest is absolutely incompetent. Why force his services upon us? Is it reasonable? Is it not proper that that man ought not to be forced upon an unwilling *yajman*?" The leader of the Swaraj party and my honourable friend Mr. Saptarshi were certainly right when they proclaimed that the principles of the bill are acceptable to the majority of the people. If there is a person whose services I do not want, and if I am to pay him for services which he may render to me, then I must have a right to say that I shall not pay him if I do not take his services. But there is one section 16 in the Hereditary Offices Act which has been specifically inserted in it by Government. Now, Government dispense with the services of the hereditary officers and commute their watans. But it is definitely laid down in the Act that this means that services which he used to render to Government are dispensed with. That does not mean that he is also absolved from services which he was rendering to the village community. With your permission, Sir, I will just read a few lines from this section. It says:

"Nothing in the last preceding section (that is to say, about commutation of service) shall be held to affect any rights of individuals or village communities to exact such service as may be customary from village servants whose watans were originally granted or are now held for the performance of such service, but who have been relieved by Government of liability to perform such service to the State."

So, if they are relieved from service to the community, if there are certain duties which they used to perform to the village community or to individuals, they are not relieved by commutation from those services. Now, Dr. Paranjpye, with the best of motives introduced

[Mr. G. B. Pradhan]

clause 5 in the bill. It may be unhappily worded. Now, as regards sub-clause (i) of clause 5, I do not think that any Joshi can complain. There can be no obligation upon a Joshi that he must provide an officiator when there is nothing attached to his office. It may be a hereditary office, but so long as there is no emolument or any land or cash allowance attached to his office, he has got a right to say: "If you do not want me to perform any service, you may not take it;" (Mr. P. G. Joshi: Question), "but I am not bound to serve you" (Mr. P. G. Joshi: Question).

Then as regards the second clause, I do say that fears are rightly entertained as regards the right of confiscating the whole of the watan without giving any compensation, that this may prove to be a choice of compulsion given to the Joshis. It may be that some officials may compel Joshis to give an application showing their willingness to exercise their option; in such cases there ought to be safeguards that if such watans are to be confiscated or commuted, they must not be commuted *in toto*, but there must be a certain margin left to the Joshis because I do not admit that those watans were given as retainers are given and that the moment the services are stopped the retainers also cease. The watans were given to the families as hereditary properties and under which watans even if the people do not choose to accept the watandar family's services, so long as the watandar family is ready and willing to render such services, you cannot confiscate the whole of the watan. I do not understand why the second reading of the bill should be so hotly contested. If there is any objection to this clause and if you wish to make any changes in it or in any other clause, do that; but why oppose the second reading of this bill and why spend so much time?

The DEPUTY PRESIDENT: The House will now adjourn and meet again at 2 p.m. to-morrow, Friday, the 30th July 1926.

30 JULY 1926]

Friday, the 30th July 1926

The Council re-assembled at the Council Hall, Poona, at 2 p.m. on Friday, the 30th July 1926, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
 ABDULPURKAR, Mr. N. A.
 ADAM, Mr. C. G.
 ADDYMAN, Mr. J.
 ADWANI, Mr. D. B.
 AHMAD, MOULVI RAFIUDDIN
 ANDERSON, Mr. F. G. H.
 ANGADI, Rao Bahadur S. N.
 BALAK RAM, Mr.
 BEDREKAR, Khan Bahadur I. M.
 BHOPATKAR, Mr. L. B.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb SHER MAHOMED KHAN
 BOLE, Mr. S. K.
 BUNTER, Mr. J. P.
 CHATFIELD, Mr. G. E.
 CHAUDHARI, Mr. L. S.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. A. R.
 DALVI, Mr. B. K.
 DEHLAVI, the Honourable Mr. A. M. K.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 DIXIT, Dr. M. K.
 DUGUID, Mr. A.
 FRAMJI, Mr. K. S.
 GHULAM HUSSAIN, the Honourable Sir
 GUNJAL, Mr. N. R.
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HATCH, Mr. G. W.
 HOTSON, the Honourable Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.
 JOSHI, Mr. P. G.
 KALBHOR, Mr. G. M.
 KAMBLI, Rao Bahadur S. T.

KARKI, Mr. M. D.
KAY, Mr. J. A.
KAZI, INAITULLAKHAN
KHUHO, Mr. M. S.
KOTHARI, Mr. V. R.
LAGHARI, HAJI FAZUL MUHAMMAD KHAN
LAIRD MACGREGOR, Mr. E. G. L.
LALJI NARAYANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
LOWSLEY, Mr. C. O.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MCKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PARANJPYE, Dr. R. P.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PATHAN, Mr. A. F. I. K.
PATIL, Mr. D. R.
PIR RASULBAKSH SHAH, Khan Saheb
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKERSI, Mr.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAI, Mr. S. A.
SAYED GHULAM NABI SHAH
SAYED SHAHJADE SAHEB HAIDAR SAHEB
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR of Amod, the
THAKOR of Kerwada, the

THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WEBB, Mr. M.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

EDUCATIONAL INSTITUTIONS AT SHOLAPUR : GRANTS

Khan Saheb HAJI HAZRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to give a list of the grants budgetted for all educational institutions at Sholapur for 1926-27 with names and amounts for each of them, giving reasons for increase or decrease in each case ?

The Honourable Mr. B. V. JADHAV : If as is presumed the Honourable Member refers to aided educational institutions in Sholapur, it should be noted that these are of three classes, *viz.*, Secondary, Primary and Special, and that grants to aided institutions belonging to each of these three classes are paid from the consolidated allotment provided in the budget for each of these classes and placed at the disposal of the Director of Public Instruction. No separate allotment is provided in the budget for payment of a grant to each individual institution. Hence it is not feasible to supply the details asked for.

THE SATHE-PARANJPYE SCHEME

Khan Saheb HAJI HAZRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

(a) the names of the district local boards and local authorities and municipalities which were consulted in connection with the Sathe-Paranjpye scheme ;

(b) what district local boards and municipalities have voted in favour of the Sathe-Paranjpye scheme and what district local boards and municipalities have voted against that scheme ;

(c) whether they have selected any part of the presidency for the application of the Sathe-Paranjpye scheme ;

(d) if so, what part ;

(e) if not, the reasons why they have not done so ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The accompanying statements* give the information required.

(c), (d) and (e) Government have not selected any part of the Presidency for the application of the Sathe-Paranjpye scheme as they have accepted the conclusion of the Surve Committee that the adoption of that scheme would retard the expansion of primary education. Government have, however, sanctioned duty allowances on the lines recommended by the Committee in paragraph 2 of their report a copy

* Kept in the Secretary's office.

of which was laid on the Council Table in the last session and will be found in the Reading room and Library.

LOCAL BOARDS : KUNBIS IN

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

- (a) the number of the Kunbi community in the Ratnagiri district ;
- (b) how many of them are elected on the taluka and district local boards ;
- (c) how many of them are nominated by Government on the taluka and district local boards ?

The Honourable Sir GHULAM HUSSAIN: information is being called for.

CHAVDI AT KULTHA, DHULIA TALUKA

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

- (a) whether it is a fact that the people of Kultha in the Dhulia Taluka had, about eight or ten years back, raised and deposited with Government a sum of about one hundred rupees for the purpose of having a chavdi built at the place ;
- (b) whether they have also realised any sums by sale of the material of the old building of the chavdi at the place ;
- (c) when the new chavdi will be built ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes, Rs. 75.

(c) An estimate amounting to Rs. 2,111 has been prepared and the work will be undertaken when funds permit. According to the usual rule the villagers should contribute one-third of this amount.

Mr. S. S. DEV : When the Government made this estimate did they give the people to understand it ?

The Honourable Mr. J. L. RIEU : I cannot say ; I must ask for notice.

Mr. S. S. DEV : When was this estimate made ?

The Honourable Mr. J. L. RIEU : That also I cannot say.

Mr. S. S. DEV : May I know whether the people were told that they would have to contribute one-third ?

The Honourable Mr. J. L. RIEU : I think they must know it. I do not know whether in this particular case they were specifically told.

BREAKDOWN OF SOMA WADI BUND

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

- (b) If so what is the extent of * * * loss of landed property in the neighbouring villages ?
- (c) Is it the intention of Government to compensate the injured parties and if so on what basis ?

(d) What safeguards have Government laid down for the protection of the public against such accidents ?

The Honourable Mr. J. L. RIEU : (b) Loss of landed property is as under :—

	Rs.	a.	p.
(i) Crop compensation	38,269	14	11
(ii) Land compensation including bunds ..	52,795	0	8
(iii) For huts, temples, wells, etc. ..	2,734	0	0
Total ..	93,798	15	7

(c) Almost all the injured parties have already been compensated. The compensation to the injured parties has been based on several factors, such as cost of cultivation, out-turn per acre, value of land, damage to crops, water courses, wells, bunds, trees, etc., and loss of bullocks, huts, temples, household articles, life, etc.

(d) Government are instituting periodical inspections in the case of dams under construction and annual inspections in the case of those already constructed.

ACTION ON RESOLUTION OF IRRIGATION CONFERENCE

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state what steps they have taken with respect to resolution No. 9 passed in the Irrigation Conference at Baramati (Poona District) last year ?

The Honourable Mr. COWASJI JEHangIR : It is understood the resolution referred to is the one passed at the Irrigation Conference held at Baramati on the 15th and 16th of November 1924. The irrigation possibilities of the Deccan have already been thoroughly investigated by Government. The Nira Right Bank Canal and the Pravara River Works commenced in 1912 and 1911 respectively are nearing completion and the Nira Valley Development Scheme has been started. Certain schemes, e.g., the Mutha Canals extension and the question of providing additional storage for the Godavari Canals are under contemplation. An officer of the rank of a Superintending Engineer has been appointed in connection with the investigation of minor irrigation works and village water supply and work has already been taken in hand. As these operations will keep the existing staff busy for some years, Government consider that no further action is necessary at present on the resolution.

TRAINING SCHOOLS

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) the present number of (i) Brahmin boys and (ii) non-Brahmin boys in the training colleges at Poona and Dhulia and in the training schools at Nasik, Nagar, Satara, Ratnagiri and Bhivandi ;

(b) the number of present teachers, Brahmin and non-Brahmin separately in the above colleges and schools for the last two years ;

(c) how many vacancies, with particulars (name and school) have occurred since the passing of the resolution about 50 per cent. recruitment of non-Brahmins, and how they were filled, with particulars of name, school and caste ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

GRIEVANCES OF NON-BRAHMAN GOVERNMENT SERVANTS

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) whether they are aware that non-Brahman servants in several departments are troubled in several ways by their Brahman superiors ;

(b) if so, what steps they intend to take in the matter ?

The Honourable Sir CHUNILAL MEHTA : (a) No.

(b) Does not arise.

THE TATA HYDRAULIC WORKS

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) whether they have taken any steps to inspect the Tata Water Works and to ascertain that they will not burst like the Somvadi Tank ;

(b) whether they have instructed the Tata Company to take steps to avoid such bursts in the case of any works which are found leaky and dangerous ?

The Honourable Mr. J. L. RIEU : (a) Government are instituting periodical inspections wherever possible of hydro-electric works, and such instructions as are found necessary as a result of these inspections are issued to the Companies concerned for compliance from time to time though Government are not responsible for the work.

(b) Yes.

NON-BRAHMIN TALATIS APPOINTED IN 1925

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) the number of permanent vacancies of talatis in the Poona district with names of villages and how many of them were given to non-Brahmins, with names of villages, during the last year 1925 ;

(b) the number of acting vacancies of talatis in Poona district and how many of them were given to non-Brahmins, with names of villages, during last year 1925 ?

The Honourable Mr. J. L. RIEU : Since the printing of the reply I have received the statement, and this has been laid on the Council table. The honourable member can obtain the information required by referring to it.

TALATIS

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

- (a) the total number of talatis in Poona district ;
- (b) how many of those are held by non-Brahmins ;
- (c) whether the number held by non-Brahmins is below 50 per cent. ;
- (d) if so, what steps are being taken by Government to bring the number up to 50 per cent. ?

The Honourable Mr. J. L. RIEU : (a) 336.

(b) 14.

(c) Yes.

(d) In making appointments to posts of talatis, the orders relating to the recruitment of backward communities for Government service issued from time to time are to be applied, subject to the limitations of the agreement for commutation of service between Government and watandar-kulkarnis, in accordance with which appointments of talatis are to be made from among such watandars.

PRODUCTIVE IRRIGATION WORKS

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state why they have not made further progress in connection with the construction of productive irrigation works, as suggested in the report on surveys of productive irrigation works in the Deccan by Mr. H. F. Beale ?

The Honourable Mr. COWASJI JEHangIR : The protection of famine stricken tracts was essential ; hence protective irrigation projects were considered first.

CUTTING OF TREES NEAR FORESTS

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

- (a) whether the rule regarding taking permission to cut trees from private land situated within one mile from forest lands, is applicable in the Poona District ;
- (b) which officers are authorised to give such permission ;
- (c) whether the rule has been explained to all agriculturists ;
- (d) whether they are aware that the agriculturists are put to a great deal of trouble to get such permission ?

The Honourable Mr. J. L. RIEU : (a), (b), (c) and (d) There is no rule prohibiting the cutting of trees in malki numbers in the vicinity of forests. It is however not uncommon for cultivators to ask for permission to cut. When asked for it is granted without any trouble to the cultivator.

DEVASTHANS IN POONA DISTRICT

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to lay on the Council table a list of Devasthans in the Poona district receiving grants or inams or Jahagirs from Government, with the names of Vahiwatdars of the Devasthans or of the trustees as the case may be?

The Honourable Mr. J. L. RIEU: Information has been called for.

POONA TRAINING COLLEGE BOARDING

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(a) the present number of students in the Poona College for Men, giving separate figures for Muhammadans, Marathas, Jains, Lingayats, Untouchables and Brahmins;

(b) the number of vegetarians and non-vegetarians;

(c) whether there are separate boarding arrangements for non-vegetarians;

(d) whether there are any special boarding arrangements for Muhammadans; if so what is the monthly expense per student;

(e) whether it is a fact that there is a separate club for non-Brahmin students at Loni Agricultural School; if so what is the monthly expense per student;

(f) what is the present average expense per student of the Training College for Men for Boarding;

(g) if the expense for non-Brahmin students is less, why separate arrangements for non-Brahmin students are not started at the Poona Training College;

(h) whether such a proposal of starting a separate club for non-Brahmins was ever put forward and what was the decision in the matter?

The Honourable Mr. B. V. JADHAV: Information has been called for.

EXCISE REVENUE, DHARWAR DISTRICT

Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state the amount of excise revenue for the Dharwar District for the year 1925-26?

The Honourable Mr. A. M. K. DEHLAVI: Rs. 9,59,470.

SABARMATI CENTRAL PRISON, AHMEDABAD

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

(a) whether they are aware that the privy tubs supplied to the prisoners at night are very inconvenient owing to their being more than a foot in height and having an edge on each side barely an inch and a half to sit upon;

(b) what steps they propose to take in the matter?

The Honourable Mr. J. E. B. HOTSON : (a) The pails provided for occasional use in emergency at night are adequate and sanitary and no complaint regarding them has been made by prisoners.

(b) None.

Khan Sahab A. M. MANSURI : Is the honourable member aware that the superintendent of the Sabarmati Central Jail suggested that some change should be made in the privy tubs and the Inspector General of Prisons refused to sanction it ?

The Honourable Mr. J. E. B. HOTSON : I am not aware of it.

Khan Sahab A. M. MANSURI : Does the honourable member think that it is possible to sit on an edge of an inch and a half ?

The Honourable Mr. J. E. B. HOTSON : Quite possible.

SUB-JAIL AT AHMEDABAD

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

(a) what are the arrangements for keeping female prisoners at the sub-jail at Ahmedabad ;

(b) what are the grounds on which they refused to appoint a committee of visitors for the sub-jail like the one at the Sabarmati Central Prison ?

The Honourable Mr. J. E. B. HOTSON : (a) No female prisoners are kept in the sub-jail at Ahmedabad. They are all sent to the Ahmedabad Central Prison.

(b) This sub-jail is used for under-trial prisoners only. As far as the Government are aware, it has not yet been considered necessary to appoint a Committee of Visitors for any jail in which only under-trial prisoners are kept.

REMISSIONS AND SUSPENSIONS OF LAND REVENUE IN AHMEDABAD AND SURAT DISTRICTS

Khan Sahab A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state in what years remissions and suspensions of land revenue were given during the last fifteen years in the Ahmedabad and Surat districts ?

The Honourable Mr. J. L. RIEU : The honourable member is referred to the Land Revenue Administration Reports.

HONORARY CO-OPERATIVE ORGANIZERS' TRAVELLING ALLOWANCE

1. Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased—

(a) to state whether any rules exist regulating the maximum amount of travelling expenses and bhatta which an honorary co-operative

organizer can draw every month, whatever the extent of his travelling may have been ;

(b) if so, to place the rules on the table of the House ?

The Honourable Mr. A. M. K. DEHLAVI : (a) There are no rules, but a general direction has been given to the Registrar of Co-operative Societies that the amount of travelling allowance should be limited to Rs. 60 a month in the case of District and Rs. 30 a month in the case of Taluka Honorary Organizers, save in exceptional cases, and he has been asked to inform these gentlemen that these limits should not be exceeded in any case without his permission.

(b) Does not arise.

MAHARKI WATAN LANDS

Mr. R. S. NEKALJAY : (a) Will Government be pleased to state whether any plots of maharki watan lands have been made khalsa by Government in the Northern, Central and Southern Divisions, separately during the last fifteen years ;

(b) if so, the survey numbers and the names of their original holders ?

(c) the reason for making them khalsa ?

The Honourable Mr. J. L. RIEU : Government regret their inability to furnish the information, which cannot be collected without a disproportionate expenditure of time and trouble.

LLOYD BARRAGE : ROHRI CANAL CIRCLE WORKS ESTIMATE

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state—

(a) whether it is a fact that a large number of the estimates of works in the Rohri Canal Circle of the Lloyd Barrage are exceeding the sanctioned amounts ;

(b) if so, what are the causes for the increase, how it is being met, and under whose orders ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

GRANTS FOR EDUCATIONAL INSTITUTIONS AT AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Mill Owners' Association) : Will Government be pleased to give a list of the grants budgeted for all educational institutions at Ahmedabad for 1926-27 with names and amounts for each of them, giving reasons for increase or decrease in each case ?

The Honourable Mr. B. V. JADHAV : If as is presumed the honourable member refers to aided educational institutions at Ahmedabad, it should be noted that these are of three classes, viz., Secondary, Primary and Special, and that grants to aided institutions belonging to each of these three classes are paid from the consolidated allotment provided in the budget for each of these classes and placed at the disposal of the Director of Public Instruction. No separate allotment is provided in the budget for payment of a grant to each individual institution. Hence it is not feasible to supply the details asked for.

WATER SUPPLY AND DRAINAGE SCHEME, AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to state whether in their Resolution No. 5105, Public Works Department, dated 21st October 1925, they have mentioned that "The question of the grant-in-aid asked for by the (Ahmedabad) Municipality is still under the consideration of Government";

(b) to place on the table their final decision if at all arrived at by this time. If not, to say whether they intend to sanction the grant-in-aid on the policy announced in Government Resolution No. 4326, dated 15th July 1907, and Government Order No. 6935 of the General Department, dated 30th June 1920. If so, to declare the amount of the said grant;

(c) to state whether it is a fact that they have already sanctioned a similar application from the Poona Municipality and agreed to bear half the cost of its drainage scheme. If so, to give reasons for giving differential treatment to the Ahmedabad Municipality?

The Honourable Sir GHULAM HUSSAIN: (a) Yes; but Government added that "it should be distinctly understood that in issuing these orders Government are not committing themselves to any grant-in-aid".

(b) No final decision has yet been arrived at. In view of the need for retrenchment Government may find themselves forced to reconsider their whole policy of grants-in-aid for such works. An officer has been placed on special duty to make recommendations for retrenchment and until his report has been received and orders have been passed on it Government are unable to specify any amount of grant which they may be able to give to the Ahmedabad Municipality or to state whether they will be able to give any grant at all.

(c) Government have agreed to give a grant-in-aid amounting to half the cost of the Poona Drainage Scheme. The circumstances of the two cases are, however, different as, owing to certain errors in constructing the original scheme at Poona, Government regarded themselves as committed to bear a half share of the cost of the revised scheme. As stated above, in the case of Ahmedabad Government have from the first been careful not to commit themselves to any grant-in-aid.

Mr. G. I. PATEL: What were the errors in constructing the original scheme at Poona?

The Honourable Sir GHULAM HUSSAIN: The scheme was not carried out successfully.

Mr. G. I. PATEL: On whose part did the error lie?

The Honourable Sir GHULAM HUSSAIN: On the part of the officer responsible.

Mr. G. I. PATEL: By whom was the officer placed on special duty?

The Honourable Sir GHULAM HUSSAIN: Well, the honourable member ought to know that.

R. C. TECHNICAL INSTITUTE, AHMEDABAD—STAFF AND STUDENTS

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to place on the table a statement giving the number of students and teachers in the R. C. Institute at Ahmedabad, before they took it over and in 1926, respectively ;

(b) to state if it is a fact that the Institute has not increased its staff in proportion to the increase in the number of the students ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

BRIDGE OVER AMBOLI CREEK

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether their attention has been drawn to the article "Neglected Gorai" in the issue of 5th May of 1926 of the *Times of India* ;

(b) whether they propose to take any action in the matter ?

The Honourable Mr. COWASJI JEHangIR : (a) Yes.

(b) No. The work is not a commercial proposition such as might be undertaken by the Development Department. It is also of purely local importance, and, therefore, its execution at the cost of provincial revenues would not be justified.

Mr. G. B. PRADHAN : Will Government be pleased to state the capital cost of the bridge and the amount of fees which they expect to raise from it ?

The Honourable Mr. COWASJI JEHangIR : If the honourable member will give notice, I can certainly get those figures.

SUB-REGISTRARS IN KARNATAK

Mr. S. A. SARDESAI (Bijapur District) : Will Government be pleased to state—

(a) the number of sub-registrars in the four Kanarese-speaking districts of this Presidency ;

(b) how many of them are Muhammadans, Brahmins, Lingayats, Marathas, Saraswats and Christians ;

(c) whether the appointments are made in proportion to the population of the various castes ; if not, the reasons why admixture of castes is not strictly observed by the Inspector-General of Registration ;

(d) whether it is a fact that the population of Lingayats in the Karnatak is 60 per cent. of the total ;

(e) if so, the reasons why there are only about three or four Lingayat sub-registrars in the Karnatak ?

The Honourable Mr. A. M. K. DEHLAVI : (a) 45.

(b) Muhammadans 8, Brahmins 20, Lingayats 4, Saraswats 7, Christian 1, Marathas and other backward Hindus 5.

(c) No. The proportion in which sub-registrars are to be taken from the backward classes is being strictly observed and this proportion will be reached gradually as vacancies occur.

(d) No. The population of Lingayats in the four districts is about 27·2 per cent. of the whole population.

(e) Does not arise.

LOCAL FUND CESS

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether they are aware that the local fund cess has already been increased in some districts, and that it is likely to be so increased in the Bijapur district also, and that the hardships of the famine-stricken people will be untold if the cess is increased;

(b) if so, whether they propose to take any action in the matter?

The Honourable Sir GHULAM HUSSAIN : (a) Local Fund Cess has been increased in some districts. No proposal to increase the Local Fund Cess in the Bijapur District has been submitted for sanction to Government.

(b) In the circumstances stated no action is possible.

SUPPLY OF ELECTRICITY TO KARACHI

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

(a) when the license for the supply of electrical energy to Karachi was granted to the present licensees and the name of the licensee?

(b) the year from which electrical energy is being supplied to the public at Karachi;

(c) the rates which are being charged for the supply of various kinds of electricity since the commencement;

(d) whether it is fact that these rates have been recently increased with the permission of Government;

(e) whether before granting this permission Government had invited any objections from the public of Karachi;

(f) if so, how were these objections invited and whether any and, if so, what objections were received against the sanction of the increase in rates?

(g) what are the special reasons for granting the permission to the licensee to increase his rates?

(h) whether it is a fact that a private gentleman has thrown out a challenge asserting that the present rates charged are remunerative enough if the affairs of the company are properly managed.

The Honourable Mr. J. L. RIEU : (a) The Karachi Electric License, 1913, was granted to Messrs. Forbes, Forbes, Campbell and Company on 27th August 1913; and Government consented on 29th June 1914 to the assignment of the license to the Karachi Electric Supply Corporation, Limited, the present holders of the license.

(b) From the evening of 31st March 1915.

(c) (i) *Rates for Lights, Fans and Heaters :—*

- (1) From 1st April 1915 to 31st March 1926, 6 annas per unit.
- (2) From 1st April 1926 to date, 7½ annas per unit.

(ii) *Public Lights :—*

- (1) Rs. 66-6-0 per 60 watt lamp per annum of 3,800 burning hours.
- (2) Rs. 110-10-0 per 100 watt lamp per annum of 3,800 burning hours.

This includes provision of lamps, brackets, cables, etc., and complete maintenance.

(iii) *Power :—*

- (1) First 33½ hours supply per month at the maximum power which has been demanded per unit Annas 4
- Second 33½ hours supply per month at the maximum power which has been demanded per unit Annas 3
- Any balance over 66½ „ „ at Annas 2

- (2) Flat rate of 3 annas } According to nature of demand.
- Flat rate of 2 annas }

(3) For units equivalent to full demand of motor for 8 hours a day, twenty-five days a month throughout the year, 1½ annas per unit.

(4) Rs. 50 per annum per K. W. installed payable in advance *plus* one anna two pies per unit actually consumed.

(5) For power installations of 40 K.W. and over Rs. 50 per K.W. per annum payable in advance *plus* one anna per unit actually consumed.

(iv) Special rate to Karachi Port Trust for all Yard lighting, *viz.*, Rs. 358 per annum per K.W. of maximum demand *plus* 2·5 annas a unit one thousand units per annum per K.W. of maximum demand being guaranteed.

(d) Yes; but only the rate mentioned at (i) (1) in the reply to sub-question (c) above.

(e) and (f) The licensees published the notice of their application for the proposed amendments by public advertisement in three successive issues dated 20th, 21st and 22nd October 1924 of the "Daily Gazette", Karachi, and also stated in that notice that every local authority, company or person desirous of making any representation with reference to the application might do so by letter addressed to the Secretary to Government, Public Works Department, Bombay, within three months from 20th October 1924. This notice was republished in the *Bombay Government Gazette* as also in the *Sind Official Gazette*.

Objections were received from the following persons and bodies:—

- (1) Karachi Indian Merchants' Association.
- (2) Karachi Buyers' and Shippers' Chamber.
- (3) The Social Service League, Karachi.
- (4) Mr. R. K. Sidhva.
- (5) A number of Karachi residents.
- (6) The Karachi Municipality.

(g) After thorough enquiry Government found that if the Supply Corporation were to be in a position to give an adequate supply to Karachi it was necessary to order new plant. This required additional capital.

The dividends paid during the last two years were 6 and 5 per cent. respectively, and that too with the assistance of certain adventitious items and by writing down the depreciation charges. Private capital will not be attracted unless there is a prospect of a higher rate of dividend.

(h) A statement to this effect is made in a letter addressed to Government by a private individual.

Mr. H. B. SHIVDASANI: With regard to (h) have Government taken any action on the letter received by them?

The Honourable Mr. J. L. RIEU: No.

Mr. H. B. SHIVDASANI: Why has no action been taken?

The Honourable Mr. J. L. RIEU: It did not call for any action.

Mr. H. B. SHIVDASANI: Could not the Government enquire whether the statements in that letter were justified?

The Honourable Mr. J. L. RIEU: There was no necessity for doing so.

REGISTRATION: SIZE OF PHOTO COPIES

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

(a) the names of places in which the photo copy system has been introduced;

(b) the size of photo copies in those places;

(c) whether it is a fact that a person with normal eye-sight cannot easily decipher the contents of these photo copies without the assistance of a magnifying glass;

(d) whether it is a fact that the constant reference to these photo copies injures the eye-sight of the sub-registrars and clerks who have frequently to handle these photo copies;

(e) whether they have consulted an eye-specialist as regards the effect these photo copies would have on the eye-sight of the poor sub-registrars;

(f) whether they intend to insure the eye-sight of these sub-registrars in view of the danger they have to undergo;

(g) whether they intend to give compensation to those sub-registrars whose eye-sight has been spoilt by these photo copies?

The Honourable Mr. A. M. K. DEHLAVI: (a) Haveli I and II, Haveli III, Mawal, Ambegaon, Bhimthadi, Dhond, Junnar, Indapur, Sholapur, Satara, Walwa, Karad, Bombay, Bandra, Ahmednagar, Ahmedabad.

(b) The size of photo copies in all offices, except in Bombay and Bandra is $3\frac{1}{2} \times 4\frac{1}{2}$ ". In Bombay and Bandra the size has been increased by 50 per cent.

(c) to (f) No.

(g) No case has arisen.

Mr. S. S. DEV: Are Government waiting for a sub-registrar to lose his eye-sight and come forward to Government?

The Honourable Mr. A. M. K. DEHLAVI: Yes.

Mr. J. C. SWAMINARAYAN: Why do not Government consult an eye-specialist?

(No reply.)

Mr. H. B. SHIVDASANI: Is not the size of the photo one-eighth of the original?

The Honourable Mr. A. M. K. DEHLAVI: Possibly.

Mr. J. C. SWAMINARAYAN: Do Government care for the eyes of the registrars?

The Honourable Mr. A. M. K. DEHLAVI: They care for their eyes very much. Government cannot do with sub-registrars without eyes.

CANAL WATER SUPPLY, SATARA DISTRICT

Sardar G. N. MUJUMDAR on behalf of Mr. R. G. SOMAN (Satara District): (i) Will Government be pleased to place on the Council table a copy of the application form to be presented by the bagaitdars of the Satara District demanding supply of canal water;

(ii) Will Government be pleased to state—

(a) whether it is a fact that over and above the terms laid down in the irrigation rules enacted in 1922 certain terms are added in this application which the applicant has to accept;

(b) whether it is a fact that the bagaitdars of the Satara District require more than three waterings for their seasonal crops;

(c) whether it is a fact that the irrigation works are not able on account of shortage of water to allow full supply of water required for the crops;

(d) whether it is a fact that in the year 1924-25 certain villages in the Khatav Taluka have been charged full seasonal rates though they did not get more than one or two waterings;

(e) whether it is a fact that applications for water to more acreage than is contemplated in the forecast of sub-divisional officers are received and granted by the Public Works Department?

The Honourable Mr. COWASJI JEHangIR: (i) A copy of the application form* is put up.

(ii) (a) Yes.

(b) No. The number of waterings required to bring the crop to maturity depends upon the kind of crop grown, the amount and distribution of rainfall received during the particular season and the nature of soil.

(c) Water in the tanks because of the precarious rainfall is generally insufficient for the whole area under command.

(d) Yes, but the waterings given were sufficient to mature the crops.

(e) Under special critical circumstances only as the season develops the sub-divisional officer grants more applications and not usually.

POLICE PATEL, TULSANI

Mr. V. A. SURVE (Ratnagiri District): Will Government be pleased to state—

(a) since what time, the police patel of Tulsani, taluka Sangameshwar, has been suspended;

(b) whether any enquiry into his case has been made and with what result ?

The Honourable Mr. J. E. B. HOTSON : (a) From 23rd September 1925.

(b) An enquiry was held into his conduct in connection with the arrest of an absconder, by name Shankar Bhaskar Surve, in the Tulsani riot case. The District Magistrate reports that though there was no conclusive evidence of remissness in the performance of his duty, his conduct was not free from doubt. His term of office expired on 31st December last, before the enquiries into his conduct were completed.

HORSE ALLOWANCE TO BANDH KARKUNS OF AHMEDABAD DISTRICT

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

(a) whether Bandh Karkuns of the Ahmedabad District are given only Rs. 10 per mensem as horse allowance ;

(b) whether it is a fact that other clerks of the Revenue Department who do similar duties are given Rs. 15 per mensem as horse allowance ;

(c) if so, the grounds why Bandh Karkuns are paid lower horse allowance ;

(d) whether the Bandh Karkuns have applied to Government for increasing their horse allowance ; if so, what action they have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Bandh Karkuns in Ahmedabad get Rs. 10 travelling allowance.

(b) Circle Inspectors, who are not, however, clerks, get Rs. 15 travelling allowance.

(c) and (d) Circle Inspectors are required to move about more rapidly and are consequently expected to keep a better stamp of ponies. The question of raising the travelling allowance of Bandh Karkuns to Rs. 15 is, however, under consideration.

Mr. J. C. SWAMINARAYAN : Are not Government aware that bandh karkuns have to serve a larger area and a larger number of villages than circle inspectors ?

The Honourable Mr. J. L. RIEU : That may be the case, but their touring is not so intensive.

Mr. J. C. SWAMINARAYAN : How are they to visit a larger number of villages at less expense ?

The Honourable Mr. J. L. RIEU : The question, as I said, is under consideration.

GUJARAT PROVINCIAL VAIDYA CONFERENCE RESOLUTIONS

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

(a) whether they have received resolutions Nos. I and VII, passed by the Gujarat Provincial Vaidya Conference held at Ahmedabad on the 6th, 7th and 8th December 1925, asking for the establishment of an

Ayurvedic College in the province of Bombay and the employment of *Bhishaks* or *Visharads* of the All India Ayurvedic Vidyapitha in the work of village medical relief, respectively ?

(b) if so, what action they have taken as regards the said resolutions ?

The Honourable Mr. B. V. JADHAV : (a) The answer is in the affirmative.

(b) No special action has been taken.

Rao Saheb D. P. DESAI : If no special action has been taken, may I know what action has been taken ?

(The Honourable Mr. B. V. JADHAV'S reply was inaudible.)

Rao Saheb D. P. DESAI : Are Government conversant with the Ayurvedic system of medicine ?

The Honourable Mr. B. V. JADHAV : No.

Rao Saheb D. P. DESAI : Does the Honourable Minister think that the Ayurvedic system is a necessity or not ?

The Honourable Mr. B. V. JADHAV : I am not an Ayurvedic physician.

Rao Saheb D. P. DESAI : Is the matter actually under consideration or not ?

The Honourable Mr. B. V. JADHAV : I want to wait some time to see the result of the Madras college experiment.

Mr. J. C. SWAMINARAYAN : Were the sympathies expressed by the Honourable Minister at the time of the budget meeting mere lip sympathies ?

The Honourable Mr. B. V. JADHAV : They were not mere lip sympathies ; they were hearty sympathies.

Mr. S. S. DEV : You are awaiting the results of the Madras college for two years and more ?

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

Mr. S. S. DEV : How long do you intend to wait ?

The Honourable Mr. B. V. JADHAV : Till the first graduates come out.

Mr. J. C. SWAMINARAYAN : Are you going to wait till the end of the life time of this Council ?

The Honourable Mr. B. V. JADHAV : That goes without saying.

FOREIGN MEDICINES : IMPORTS

Khan Saheb HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state the total import of foreign medicines into the Bombay Presidency ?

The Honourable Mr. B. V. JADHAV : Attention is invited to the answer given to a similar question* put by Mr. S. A. Sardesai, M.L.C., on 18th March 1926.

* Vide page 1406, Vol. XVII.

WATER SUPPLY—INDAPUR TALUKA

Khan Saheb HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

(a) whether they intend to provide canal water to relieve the cultivators of Indapur taluka which is the most famine-stricken area of the Poona district;

(b) whether any scheme was undertaken for the water supply of the taluka in 1916-17 by excavating a tank at Tarangwadi in that taluka or by any other means?

The Honourable Mr. COWASJI JEHangIR: (a) and (b) The attention of the honourable member is invited to the reply given to the question put by honourable member Mr. N. R. Gunjal on 29th July 1926.

DEPRESSED CLASS HOSTELS—GRANTS-IN-AID

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

(a) whether they give any grant to private hostels started for depressed class students in the Presidency;

(b) if the answer is in the affirmative, to what hostels?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

CINEMA CENSOR BOARD

Mr. S. K. BOLE: Will Government be pleased to state who represents the backward classes on the Cinema Censor Board in the City of Bombay?

The Honourable Mr. J. E. B. HOTSON: There are no special representatives of the backward classes on the Board. The Hindu and the Muhammadan communities, including the backward classes in these two communities, are represented by Messrs. N. V. Mandlik and Salebhai Karimji Barodawala, respectively.

Mr. R. D. SHINDE: May I know to what community Mr. Mandlik belongs?

The Honourable Mr. J. E. B. HOTSON: Hindu.

HIMAYAT IN DASKROI TALUKA

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

(a) what action they have taken or propose to take to reduce the Himayat or water rate or irrigation rate in the 17 villages of the Daskroi taluka whose assessments had been raised in pursuance of Government Resolution No. 422 of 19th January 1888;

(b) the maximum rates of jirayat and kyari lands of these villages before the Chandola system of irrigation was started and at the first and second revisions of land revenue;

(c) the amount of himayat and the area of kyari lands watered by the Chandola tank itself before it was handed over to the irrigation department in 1878-79?

The Honourable Mr. J. L. RIEU : (a) The attention of the honourable member is invited to the orders issued in paragraph 4 of Government Resolution No. 3549, dated 20th November 1922, printed in Government Selection No. DXCVI—New Series.

(b) A statement containing the requisite information is laid on the Council Table.*

(c) Information is not available.

VILLAGE SANITATION

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state—

(1) whether they are aware that heaps of manure are stocked at any place in villages ;

(2) whether they are aware that this practice of indiscriminately stocking manure at any place is very harmful to the health of villagers ;

(3) whether they have framed any rules regulating village sanitation ?

The Honourable Mr. B. V. JADHAV : (1) Yes.

(2) Yes.

(3). The attention of the honourable member is invited to the provisions of—

(a) Bombay Act IX of 1920.

(b) Bombay Act I of 1889.

(c) The Village Police Act.

Mr. S. S. DEV : Is the Honourable Minister aware that sanitation is very bad in the villages in spite of these Acts ?

The Honourable Mr. B. V. JADHAV : He is aware.

MULSHI PETA ACQUISITION—USE OF ACQUIRED LANDS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether it is a fact that Messrs. Tata and Company had proclaimed on 21st October 1921 that the land to be acquired in Mulshi Peta will be used by the owners until it is actually sunk under water ;

(b) if so, whether Government had acquiesced in that proclamation ?

The Honourable Mr. J. L. RIEU : (a) Government are aware that the Tata Power Company, Limited, gave some such undertaking to the landowners in the Mulshi Peta.

(b) It was a private arrangement between the company and the landowners, with which Government were not concerned.

PROFIT AND LOSS ACCOUNT OF THE FOREST DEPARTMENT REGARDING CONTRACTS WITH THE G. I. P. RAILWAY

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to draw up a profit and loss account of the contract of the Forest Department with the G. I. P. Railway Company, for supply of sawn and unsawn

timber to the latter, during 1922-23 and 1923-24 and place a copy of the same on the table with the following details :

(a) The total quantity of timber by species appropriated to meet the indent with cost on the same (i) under royalty ; (ii) under extraction and removal to the depôts ; (iii) under freight charges to places of delivery ; (iv) total cost.

(b) Loss in quantity at the depôts, through wastage, rejection and conversion of (i) sawn and (ii) unsawn timber ; and the net loss of revenue and cost on the same.

(c) The total tons of sawn and unsawn timber, finally delivered to the railways and those rejected by them at Bombay.

(d) A separate account of the timber sawn of different species with expenditure under royalty, extraction charges, sawing charges and freight charges ; and with net receipts from railways.

(e) Financial results of the whole bargain inclusive of all detailed cost and royalty and of net income up to date ?

The Honourable Mr. A. M. K. DEHLAVI : A statement containing the desired information is placed on the Table*.

Mr. V. N. JOG : In the profit and loss account, it is shown that in the matter of teak (sawn) there has been a loss of Rs. 1,51,933, including the loss on junglewood sawn and unsawn. The total loss is nearly Rs. 3 lakhs. May I know who is responsible for it ?

The Honourable Mr. A. M. K. DEHLAVI : Government will investigate the question.

Mr. V. N. JOG : Why have not Government done so up to now ?

The Honourable Mr. A. M. K. DEHLAVI : I require notice of the question.

CONVERSION OF GRAZING AREA INTO A TEAK POLE AREA IN KANARA

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether it is a fact that the area of land used by the inhabitants of Konal hamlet in Kalleshwar village of the Ankola Taluka from a very long time past to graze their cattle is used by the Forest Department for planting and growing teak trees ;

(b) whether it is a fact that the inhabitants are not allowed to graze their cattle there and that they have been served with notices that in the event of grazing they will be fined and also made to pay compensation ;

(c) what is the extent of the area used for growing teak trees ;

(d) whether it is a fact that no other convenient and suitable area is available to them to graze their cattle in that hamlet ;

(e) if the reply to (d) is in the negative, whether the available area is overgrown and inaccessible ?

The Honourable Mr. A. M. K. DEHLAVI : (a) The inhabitants of Konal have been allowed to graze their cattle over an area of 560 acres in a

compartment of 580 acres. In approximately 20 acres of this compartment lying at a distance of 3 miles from the village dead bamboos have been burnt and teak seedlings planted in the burnt patches during last monsoon.

(b) The inhabitants of Konal were served with a notice asking them to put somebody in charge of the cattle whenever they grazed near the planted areas to prevent straying and were warned that damages to the plants would be treated as an offence. No restriction of grazing other than in this 20 acres has been ordered.

(c) 20 acres planted in 1925 and approximately 10 acres planted about 1917.

(d) Of the 580 acres about 400 acres are hilly and overgrown; the remaining area is quite suitable for grazing as there are numerous maidans in the jungle. The total number of village cattle is 66.

If the dead bamboos had not been burnt and teak seedlings planted, the whole of this area would quickly have been covered with a mass of young bamboo of no value to either the Forest Department or the villagers.

(e) Does not arise.

CLASSIFICATION OF TEMPLES AND MOSQUES IN KANARA

Mr. M. D. KARKI (Kanara District): Will Government please state the number of temples and mosques that fall under sections 3 and 4 respectively of the Religious Endowments Act (XX of 1863) in each of the talukas and pethas of Kanara?

The Honourable Mr. B. V. JADHAV: No information on this point is available.

SABARMATI CENTRAL PRISON, AHMEDABAD

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether they are aware that wheat which is the staple food in Gujarat is withheld of late in the Sabarmati Central Prison and, if so, why?

The Honourable Mr. J. E. B. HOTSON: Yes. The change in diet was introduced in all the Jails of the Presidency with a view to effecting economy without impairing the health of prisoners or making the diet monotonous. Wheat still continues to be issued to convict officers at every meal, and will be given to prisoners also whenever its market price is lower than that of bajri or jowari.

Khan Saheb A. M. MANSURI: Is the Honourable Member aware that the price of wheat is very seldom more than that of jowari and bajri?

The Honourable Mr. J. E. B. HOTSON: Very seldom, if ever.

Khan Saheb A. M. MANSURI: Is the price of wheat the same throughout the district?

The Honourable Mr. J. E. B. HOTSON: Of course it varies from one place to another. The rates are not the same everywhere.

The THAKOR of KERWADA : If wheat is considered monotonous in the case of the prisoners, why is it issued to the convict officers at every meal ? Is it not monotonous for them ?

The Honourable Mr. J. E. B. HOTSON : The honourable member has misunderstood the answer to the question. Wheat is not considered to be monotonous.

Mr. G. I. PATEL : Do Government look to the small difference in price in the matter of the staple food in a district ?

The Honourable Mr. J. E. B. HOTSON : Certainly.

Mr. G. I. PATEL : What would be the total approximate difference in cost if wheat were substituted instead of bajri or jowari ?

The Honourable Mr. J. E. B. HOTSON : I should like to ask for notice of the question.

ANDHERI COLLEGE

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

(a) whether the work of the construction of the Sir Mahomed Yusuf College has already commenced ;

(b) if so, from what date ;

(c) how far the work has progressed ;

(d) when the work is expected to be finished ;

(e) when they expect to begin the actual work of the classes of the college ;

(f) whether they have made any arrangements for the apparatus and other necessities required for the college ;

(g) whether any preparations have been made to provide a suitable and competent staff for the college ?

The Honourable Mr. B. V. JADHAV : (a) The answer to this part of the question is in the affirmative.

(b) 1st November 1925.

(c) About 8 feet above plinth level.

(d) It is likely to be completed by the end of October 1927.

(e) In June 1928 if the buildings are completed in October 1927.

(f) and (g) These questions are under consideration.

Khan Saheb A. M. MANSURI : May I know from the Honourable Minister how it was that it took eight months for the building to come up 8 feet ?

The Honourable Mr. B. V. JADHAV : I would refer the honourable member to the Honourable Minister in charge of the Public Works Department.

Khan Saheb A. M. MANSURI : Does the Honourable Minister mean to say that the machinery of Government so far as the Engineering Department is concerned moves very slowly ?

The Honourable Mr. B. V. JADHAV : It is not for me to say.

Khan Saheb A. M. MANSURI : Is the Honourable Member at all serious about starting the college very soon ?

The Honourable Mr. B. V. JADHAV : As soon as the building is completed, the Educational Department will take care to see that the college is started.

Khan Saheb A. M. MANSURI : May I know whether he made enquiries as to why the building was being finished so very slowly ?

The Honourable Sir GHULAM HUSSAIN : The progress of the building depends on the allotment made in the budget.

Khan Saheb A. M. MANSURI : Why was a smaller allotment made for this purpose ?

The Honourable Sir GHULAM HUSSAIN : Whatever money was at the disposal of the department and was sanctioned by the Council is being spent.

Khan Saheb A. M. MANSURI : Had not Government at their disposal the money given by the donor ?

(No reply.)

TODDY SHOP NO. 27 AT HAINES ROAD, SAT-RASTA

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

(a) whether they are aware that the toddy shop at No. 27, Haines Road, Sat-rasta, has been located recently just opposite the Masjid in the locality ;

(b) whether they have received any memorial from the Muhammaddans of the locality ;

(c) the reasons and object of the removal of the said toddy shop nearer to the Masjid ;

(d) what is the meaning of Government when in replying to the petitioners that the shop is not visible from the masjid they admit that it has been removed nearer to the masjid from its last location.

(e) what steps they propose to take in the matter ?

The Honourable Mr. A. M. K. DEHLAVI : (a) The toddy shop in question has not been located on its present site recently. It has been located there for the last fifteen years except for a brief period of a few months when the building in which the shop is situated was being reconstructed.

(b) Yes.

(c) The circumstances being as stated in the reply to clause (a), the question does not arise.

(d) The shop has been moved back to the place where it had been situated for fifteen years and in replying as stated it was intended to convey the idea that in its present place there was no possibility of the devotees offering their prayers being disturbed.

(e) Government do not propose to take any action in the matter.

Khan Saheb A. M. MANSURI : May I know from the Honourable Minister why a similar shop was removed to a distance from the mosque at Surat on my question in the Council ?

The Honourable Mr. A. M. K. DEHLAVI : That shop was removed because it was too near the mosque ; it was within 8 feet of the mosque, and the windows of the mosque overlooked the windows of the shop and the windows of the shop overlooked those of the mosque. In the case of the shop at Haine's Road, I visited the place, and I found there was no such inconvenience to the mosque.

Khan Saheb A. M. MANSURI : Is it not a fact that the shop at Surat was at a distance of 30 feet from the mosque ?

The Honourable Mr. A. M. K. DEHLAVI : It was 8 feet ; I measured it myself.

AVAL-KARKUNS AND NAZIRS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state how many Mahomedans have been promoted or appointed as Aval-Karkuns and Nazirs during the last one year, after the interpellations regarding the same were put in this House last year ?

The Honourable Mr. J. E. B. HOTSON : Four Mahomedan clerks have been promoted to be Nazirs during the last year. As regards Aval-Karkuns, the honourable member is referred to the Honourable Member in charge of the Revenue Department.

Khan Saheb A. M. MANSURI : May I know from Government why the reply has not been given by the Honourable the Revenue Member with regard to the Aval Karkuns ?

The Honourable Mr. J. E. B. HOTSON : Because the question was addressed to Government in the Home Department.

Khan Saheb A. M. MANSURI : Why is there a reply with regard to the Nazirs and no reply with regard to the Aval Karkuns ?

The Honourable Mr. J. E. B. HOTSON : The honourable member should address his question to the department concerned.

Khan Saheb A. M. MANSURI : Was it not the duty of the Secretary to arrange so that the replies would be given separately ?

Mr. G. I. PATEL : Is it not the procedure with Government that in the copy of the question which is supplied to the honourable members, it is distinctly stated that the question has been referred to such and such a department for disposal, and in view of that procedure, was it not the duty of Government to take steps to send copies of this question to the departments concerned separately ?

The Honourable Mr. J. E. B. HOTSON : I think there has been a ruling on this point already, Mr. President ?

The Honourable the PRESIDENT : The Rules and Standing Orders are clear on the subject. Honourable members have been repeatedly informed that, under the Rules and Standing Orders, questions have to be asked of a particular Member or Minister of Government. In order to provide special facilities to non-official members, who may not

be quite sure whether their question related to one department or another, the generic term of "Government" is accepted, and the Secretary to the Legislative Council, immediately a question is admitted, sends it to the department concerned. Honourable members have been told pretty often that they should frame their questions in such a manner that answers could be obtained from one department only. There is nothing to prevent Government giving answers to questions which are for more than one department, but they are not bound to do so.

Mr. H. B. SHIVDASANI: Honourable members are not informed which Members are in charge of which departments.

The Honourable the PRESIDENT: That has been done now. At one time, they were not given that information, but subsequently, in consequence of considerable pressure from the House, Government have given a list showing the departments in the charge of each Member and Minister.

Mr. G. I. PATEL: But the Secretary of the Council sends us copies of questions, saying that each question has been referred to such and such a department for reply. We therefore understand that the Secretary has carefully looked into all these matters.

The Honourable the PRESIDENT: The honourable member does not seem to understand what the procedure he has mentioned means. It means that the question has been referred to a particular department. If the question deals with two departments, the honourable member receives intimation from the Secretary that it has been sent to one particular department.

Mr. P. G. JOSHI: What we expect is that the Department to which the question has been addressed should forward it to the department concerned if it does not concern it.

The Honourable the PRESIDENT: I have already told the House that there is nothing to prevent Government from doing this if they wish to do so. But the constitutional rights of honourable members are restricted to asking questions of one individual member of Government or Minister. Therefore you must not call for replies in regard to questions in which two departments are concerned as a matter of right. That is what I am concerned with.

Mr. P. G. JOSHI: In these matters I would like to know what the Honourable the Leader of the House intends to do and what attitude Government is going to take.

The Honourable Sir CHUNILAL MEHTA: Mr. President, there was a great deal of force in the contentions of non-official members so long as the list allocating the different departments to the different Members and Ministers was not available. A list has been made available since at the request of the Council. From the keen interest that they take in the work of the Council it is apparent to me that honourable

members do know to what department their questions relate. If on some rare occasions by mistake honourable members include two questions relating to two different departments and address it to one Department I believe we can answer. And in certain instances we have done so. But I do not think it would be in the interests of honourable members not to follow the procedure that has already been laid down. Otherwise it will lead to unnecessary delay if one Department gets the question and considers it and sends it on to another Department for another part of the question and delay might occur. In that case the Council will no doubt complain that the answers are merely "information is being called for" and that unnecessary delay has taken place. We do not want to be shot at both ways. We therefore trust that honourable members will exercise their own discretion in the matter. On special occasions no doubt Government could, if it was easy, obtain information from other departments, get it and place it before the House.

Mr. P. G. JOSHI : We expect you to co-operate with us.

CENTRAL PUBLIC OFFICES AT AHMEDABAD

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

(a) when they propose to take in hand the construction of central public offices at Ahmedabad in view of their having to pay heavy rent for the various buildings hired for the purpose, the poor accommodation in some of these hired buildings and the great inconvenience and hardship to the public which Government itself admits and realises;

(b) whether they are aware of the fact that there is ample Government land situated in a suitable healthy locality of Bhadra for the site of these central offices belonging to Government ?

The Honourable Sir GHULAM HUSSAIN : (a) The work will be taken in hand when the fair plans and estimate have been sanctioned and when it will be possible to allot funds.

(b) Yes.

BRIDGE ACROSS THE SABARMATI, AHMEDABAD

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

(a) whether the scheme for a bridge across the Sabarmati from Shahpur to Wadaj is under their consideration ;

(b) if so, what their decision in the matter is ;

(c) whether they have received any proposals with regard to the same from the Ahmedabad municipality ;

(d) whether they are aware that the said bridge is likely to develop the town planning area of Ellis Bridge and thereby relieve the growing congestion in the city ;

(e) whether they are aware that amongst the various town planning schemes before the Ahmedabad municipality the Ellis Bridge Scheme is the best both from the point of sanitation and situation and convenience of the public ?

The Honourable Sir GHULAM HUSSAIN (a) Yes.

(b) No decision has yet been arrived at.

(c) Yes.

(d) Yes.

(e) This is a matter of opinion. Government regret that they cannot give any definite reply.

Khan Saheb A. M. MANSURI: With reference to answer (b), may I know what time it will take for the Government to arrive at a decision?

The Honourable Sir GHULAM HUSSAIN: We can arrive at a decision when the final scheme is submitted. It has not yet been submitted and it was not the fault of Government.

Mr. J. C. SWAMINARAYAN: How can Government afford to spend such a large sum of money in building this bridge while there are more persistent demands of improving roads in Ahmedabad rural districts?

The Honourable Sir GHULAM HUSSAIN: What has Government to do with that?

Mr. G. I. PATEL: Is not the question of the construction of the bridge connected with the grant of money from Government. The municipality has already asked for a substantial grant to be given to them for the construction of this bridge. I want to know whether Government are prepared to do that?

The Honourable Sir GHULAM HUSSAIN: The final scheme is not before Government.

Mr. G. I. PATEL: I refer to the reply given to a question that Government were not prepared to consider this question for want of figures.

The Honourable Sir GHULAM HUSSAIN: When the final scheme is not before Government how can we say?

Mr. G. I. PATEL: May I know on what grounds then that reply was given to me previously?

The Honourable Sir GHULAM HUSSAIN: When was that given?

Mr. G. I. PATEL: At the last session.

The Honourable Sir GHULAM HUSSAIN: Can you find out where it is?

Mr. G. I. PATEL: I will find out.

APPLICATION BY MR. NOWROJI FRAMJI REGARDING LIQUOR ABKARI
AUCTION, AHMEDABAD

Mr. G. K. MAVALANKAR (Ahmedabad City): Will Government be pleased to state—

(a) whether they have received an application signed by Mr. Nowroji Framjee, the old market licensee, regarding the conduct of the liquor shop auctions at Ahmedabad wherein he has made serious allegations about connivance at the formation of a combination and corruption against certain Government officials and subordinates;

(b) if the answer is in the affirmative whether Government have made any inquiry and if so, with what result? If not, why not?

The Honourable Mr. A. M. K. DEHLAVI: (a) Already answered.

(b) The country spirit shops in Ahmedabad City and Cantonment were reauctioned. Government have not considered it necessary to take any action as regards the allegations made by Mr. Nowrojee Framjee against certain officials as the Collector was present at the auctions and settled personally all points that arose.

IRRIGATION WATER IN KOCHARE AND MHAPAN

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(a) whether it is a fact that the lands in the villages of Kochare and Mhapan in the Vengurla Taluka of the Ratnagiri District get their supply of water for summer crops from a lake situate in the village of Pat in the Sawantwadi State;

(b) whether the lake in question has now been silted up to such an extent that the supply of water is being materially reduced every year;

(c) whether the summer cultivation in the said villages has now been reduced to one-third of what it was in the past as a result of this diminished supply;

(d) whether it had been the practice for years, for the Sawantwadi State and Government together to put up a bandh on the east side of the lake in question, at the end of every monsoon;

(e) whether Government have discontinued the practice during the last three or four years and if so, the reasons therefor;

(f) whether they intend to take any action to secure to the villagers of Kochare and Mhapan the same supply of water as in the past?

The Honourable Mr. COWASJI JEHangIR: The information has been called for.

SCHOOLS : DEPRESSED CLASSES IN

Mr. R. S. NEKALJAY: Will Government be pleased to state the number of local bodies that have given effect to the Government Resolution of the Education Department about allowing children belonging to the depressed communities to attend local schools.

The Honourable Mr. B. V. JADHAV: Information is being collected.

WORK FOR LOCAL BOARDS AND VILLAGE PANCHAYATS BY WATANDAR MAHARS

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(a) whether it is a fact that watandar mahars are made to work for the Local Boards and Village Panchayats;

(b) under what Government resolution these two bodies take such work from the mahars;

(c) whether Government propose to take any action in the matter?

The Honourable Mr. J. L. RIEU : (a) The practice differs in different districts. There are no watandar mahars in Gujarat and the Kanara District. In the Bombay Suburban Division and the districts of Ahmednagar, Satara, Nasik, West Khandesh, Kolaba and Belgaum no watandar mahars are forced to work for Local Boards or Village Panchayats. In Thana these village servants help Local Boards and Village Panchayats in publishing important notices by beat of drum and in collecting Village Panchayat funds respectively. The amount of work done by them on such occasions is however negligible. They are not paid in return for their work, except in Vada and Mokhada, where they are said to receive payments when employed by the Panchayats and Local Boards. In Poonā and East Khandesh they take remittances of cattle pound receipts and purely local fund items to the taluka treasury, while in Sholapur they are required to take school-fees to taluka Masters once a month and to carry sometimes, but very rarely, school furniture when purchased. In Bijapur District no watandar mahars are forced to work for Local Boards or Village Panchayats. If any are working under these bodies they are employed with their consent and get wages for their services. In Dharwar none of these village servants are made to work for Local Boards and Village Panchayats without remuneration in return. These local bodies employ the mahars as paid sweepers and not as watandar mahars. In Ratnagiri the Taluka Local Board, Deogad, sends to the Police Patils notices regarding auction sales of ferry and toll contracts, etc., forgiving wide publicity by beat of drum by watandar mahars who are not paid any extra remuneration.

(b) There are no Government orders on the point. The mahars, where they do work for local bodies, do so in accordance with custom.

(c) The matter is under consideration.

LLOYD BARRAGE : KANDIARO BRICK FIELDS

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state :—

- (a) When the work of the brick fields at Kandiaro was started ?
- (b) Under whose immediate supervision the work is carried on ?
- (c) How many bricks have so far been manufactured ?
- (d) Where have those bricks been used ?
- (e) On what dates has the stock been checked and by what officer ?
- (f) On what dates have the accounts of the Kandiaro Government Brick Kiln been checked and by whom ?
- (g) What are the names of the contractors engaged on the Kandiaro brick fields ?
- (h) What are the rates allowed to the contractors for *kucha* and *pukka* bricks respectively ?
- (i) How many times and what number of bricks have been written off as being damaged by rain, and what was the amount of rainfall on the days the bricks were damaged by rain-water ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

TRAINING CLASS : BELGAUM MANUAL

Mr. G. B. PRADHAN on behalf of Dr. R. P. PARANJPYE (Bombay University) : Will Government be pleased to state—

(a) whether it is a fact that a manual training class was started in Belgaum in connection with the Sardar's High School in 1904 with the aid of grants from the local bodies and the public ?

(b) whether it is a fact that this was turned into a sloyd class in 1915 teaching both wood and (paper?) sloyd ?

(c) whether they have given orders to close it altogether from last year and asked the teacher, who is a first class mechanical engineer, sub-overseer and a certified drawing teacher, to teach ordinary school classes ?

(d) whether they received any representation requesting them not only not to close it but to transform it into a regular manual training class ?

(e) what action they have taken on this representation ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

THE GOKAK MILLS

Mr. G. B. PRADHAN on behalf of Dr. R. P. PARANJPYE (Bombay University) : Will Government be pleased to state—

(a) on what terms the Gokak Mills have been allowed the use of the waters of the Ghataprabha River ?

(b) when this agreement was first entered into and for what period in the first instance ?

(c) whether the contract was renewed at any time subsequently and whether the terms were altered ?

(d) whether any members of Government hold any shares or are otherwise interested in these Mills ?

(e) whether the members of Government at the time when the concession was first given held any shares or were otherwise interested in the Mills ?

The Honourable Mr. J. L. RIEU : (a) Copies of the agreements containing the terms on which the Gokak Mills have been allowed the use of the Ghataprabha River waters are placed on the Council Table.*

(b) The first agreement was entered into in 1884 for a period of 99 years commencing from 28th May 1884.

(c) The agreement of 1884 was surrendered and a fresh agreement was made in 1894. Subsidiary agreements were made in 1897 and 1899. As regards the alteration in the terms, the Honourable Member is referred to the agreements.

(d) No.

(e) Government have no information.

WATER SUPPLY AT DAKOR

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) the progress so far made in regard to the several schemes for water supply at Dakor which have been under their consideration since the last year;

(b) the reasons for the delay which has taken place in taking practical measures in this matter in view of the continued grievance in this great Hindu pilgrim centre of Gujarat?

The Honourable Sir GHULAM HUSSAIN: The attention of the Honourable Member is invited to the reply given to parts (c) to (e) of the Council Question No. 1 put by the honourable member Mr. Lalji Naranji (Indian Merchants' Chamber) printed at page 17 of the eighth list of the Questions and Answers in the First Session of the Council, 1925. Since then the Commissioner, Northern Division, has been requested to ascertain from the Dakor Municipality which of two schemes proposed by the Sanitary Engineer to cost Rs. 2,15,000 and 1,43,000, respectively, it was prepared to undertake and how it proposed to finance the scheme selected. The Commissioner's report is awaited.

Mr. G. I. PATEL: Is the Honourable Minister aware that the matter is pending disposal with him for the last three years and Dakor is a great pilgrim centre of Gujarat suffering from scarcity of water since long.

The Honourable Sir GHULAM HUSSAIN: The Minister is fully aware that the matter is pending with the municipality which consists of representatives of the people. It is for them to decide before Government can take any action.

BACK BAY SCHEME: OPINION OF AMERICAN EXPERTS

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether they are aware of the fact that the Tatas had consulted the best experts of America, Messrs. Jacobs & Davis, who had given their opinion in 1911 that it would prove disastrous to launch the scheme of reclamation;

(b) whether this fact was known to them and was in their records when they launched the scheme?

The Honourable Mr. COWASJI JEHangIR: (a) and (b) When the scheme was launched, Government were aware of the opinion given by the firm in question to Mr. Ratan Tata in 1911, and a reference to it was in their records.

Mr. G. I. PATEL: Who was responsible for launching the scheme when the opinion was given that it would be disastrous to do so?

The Honourable Mr. COWASJI JEHangIR: I am not in a position definitely to answer. Government did not believe in the opinion.

Mr. G. I. PATEL : Are Government prepared to believe the opinion at least at this stage or do they want to test their actions by the results obtained ?

(No reply.)

Mr. J. C. SWAMINARAYAN : Was this sober opinion given in 1911 discarded subsequently on account of the speculative frenzy of 1920 and 1921 ?

The Honourable Mr. COWASJI JEHangIR : No.

AYURVEDIC RESEARCH

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether they have taken any measures to advance the cause of Indian Medical Science by either founding an Ayurvedic College or a Research Institute ;

(b) if so, to state what measures they have taken ;

(c) whether it is a fact that the Governments of Madras and the United Provinces have already adopted measures in this direction ?

The Honourable Mr. B. V. JADHAV : (a) and (b) Investigation is already being made into the properties of indigenous drugs at the Parel Laboratory. The question of studying and recording the effect of these drugs in hospitals, in addition to experiments in the laboratory, is also under consideration. With regard to the establishment of an Ayurvedic and Unani School or College, Government consider that as a School of Indian Medicine has recently been opened by the Government of Madras, it will be desirable to defer steps in this Presidency until experience has shown how far the experiment has been a success. If it is then decided to establish a similar institution in the Bombay Presidency, this Government will have the further advantage of being able to draw upon the Madras Presidency for trained teachers.

(c) As indicated in the reply to (a) and (b) above, a School of Indian Medicine has been opened in Madras. Government have no definite information whether a similar school has also been established in the United Provinces.

MATRICULATION EXAMINATION RESULTS

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that the results of the students who appeared for the matriculation examination this year from the schools at Ahmedabad showed about 20 per cent. of successes when the general result for all centres showed about 40 per cent. of successes ;

(b) if so to state the reasons therefor ?

The Honourable Mr. B. V. JADHAV : Enquiry is being made.

ACCIDENT ON ULHAS RIVER

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether they are aware that one N. V. Kelkar of Badlapur, who while crossing the river Ulhas, was carried away by the flood of

water let out abruptly by the officers of the Development Department with some injury to his person and property and who therefore applied for permission to prosecute the Assistant Engineer in charge of the work, was refused permission on the ground that all requisite precautions had been taken before releasing the water ;

(b) if so, how they ascertained whether the necessary precautions had been taken ;

(c) whether Kelkar was asked to produce his evidence ; if not, why ;

(d) whether Kelkar had made a request for his being heard before deciding the matter ?

The Honourable Mr. COWASJI JEHangIR : (a) A copy of complaint which Mr. Kelkar proposed to lodge was forwarded by his pleader requesting that his client might be permitted to prosecute the Assistant Engineer in charge of the Badlapur barrage. Permission was refused on the ground that all the prescribed precautions were strictly observed before the water was released.

(b) By departmental inquiries, and by an independent inspection of the working of the barrage made through the Collector of Thana in the presence of a large number of people, who admitted that the rise in the level of the river when the gates were opened was not sudden and that proper signals were given before the gates were opened.

(c) and (d) Mr. Kelkar had made a request for being heard through a pleader, if *considered necessary*. This request was not granted as the inquiries into the accident proved that all requisite precautions had been taken on the occasion before opening the barrage gates.

Mr. G. B. PRADHAN : Will the Government place on the table the statements which were recorded on the occasion of the experiments which were made ?

The Honourable Mr. COWASJI JEHangIR : I will certainly consider it, if notice is given.

Mr. G. B. PRADHAN : May I know why no reply is given to (c) as to why Mr. Kelkar was not asked to produce any evidence ?

The Honourable Mr. COWASJI JEHangIR : Mr. Kelkar evidently wanted to be heard through a pleader. It was not found necessary and therefore he was not called upon to produce evidence.

Mr. G. B. PRADHAN : Was Mr. Kelkar ready to give evidence and yet Government did not take it ? Is that so ?

The Honourable Mr. COWASJI JEHangIR : His evidence was not considered necessary and therefore he was not asked for it.

THE CHILDREN PROTECTION ACT

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) why the Children's Protection Act has not yet been brought into force ;

(b) when it is proposed to bring it into force ?

The Honourable Mr. J. E. B. HOTSON : (a) Various administrative difficulties have arisen, which have compelled Government to postpone putting the Act into force.

(b) As soon as these difficulties can be overcome, Government are giving urgent consideration to the questions involved and hope to be able to take action in the near future.

Mr. HOSENALLY M. RAHIMTOOLA : Has the attention of Government been drawn to the proceedings of a public meeting held in Bombay on the 28th Instant ?

The Honourable Mr. J. E. B. HOTSON : Yes.

Mr. HOSENALLY M. RAHIMTOOLA : What are the difficulties ?

The Honourable Mr. J. E. B. HOTSON : The Act requires that places of safety should be appointed and that schools should be certified. Unfortunately, a sufficient number of places of safety and schools cannot be found partly because the managers of schools are afraid of getting bad characters into them, and partly because a lot of money is needed but is not forthcoming at the moment.

Mr. HOSENALLY M. RAHIMTOOLA : Whether the Government of India had passed a validating Act ?

The Honourable Mr. J. E. B. HOTSON : Yes.

Mr. HOSENALLY M. RAHIMTOOLA : When ?

The Honourable Mr. J. E. B. HOTSON : I cannot tell you just now.

THE SATHE-PARANJPYE SCHEME

Mr. S. A. SARDESAI (Bijapur District) : Will Government be pleased to state—

(a) which and how many District Local Boards and Municipalities were consulted about the Sathe-Paranjpye Scheme ?

(b) which and how many of the District Local Boards and Municipalities were in favour of it and which and how many were against it ?

(c) whether any area has been selected for the introduction of this scheme ?

(d) will the Sathe-Paranjpye scheme be introduced in any division in which there is a majority of District Local Boards and Municipalities in favour of it ? If not, why ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The accompanying statements* give the information required.

(c) and (d) No ; because Government have accepted the conclusion of the Surve Committee that the adoption of the Sathe-Paranjpye Scheme would retard the expansion of primary education. They have also sanctioned the grant of duty allowances on the lines recommended in paragraph 2 of the Committee's report, a copy of which was laid on the Council Table at the last session and will be found in the Library and Reading Room.

*Kept in the Secretary's Office.

SUPPLY OF OFFICIAL PUBLICATIONS

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) to what journals the Government blue-books, administration reports and other costly official publications, as distinct from the ordinary Press Notes and Government Gazettes, are supplied?

(b) what is the principle on which the said Government publications are supplied and the journals are selected?

The Honourable Mr. COWASJI JEHANGIR: (a) The accompanying list * furnishes the required information.

(b) Reply has already been given.

RAILWAY LICENSES TO NEWSPAPER VENDORS

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to place on the Council table a copy of the rules made by the railway authorities in the matter of issuing licenses to newspaper vendors?

The Honourable Mr. J. L. RIEU: The question relates to a Central subject and Government are not in a position to answer it.

TOLL BARS

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

(4) at what places there are toll bars on the Bilimora Bansda road at present;

(5) at what places on the same road there were toll bars previously, i.e., before the toll bars were abolished;

(6) what is the distance between the first and the last toll bar on this road and what was the distance previously;

(7) what is the reason for keeping so many toll bars now?

The Honourable Sir GHULAM HUSSAIN: (4) There are in all 5 toll bars and checking stations on the Billimora Bansda Road as under, mileage being counted from Billimora:—

1. Vankal is in mile 3/4.
2. Samroli is in mile 5/1.
3. Khundh (near Chikhli) is in mile 6/2.
4. Rankua is in mile 13/2.
5. Surkhai is in mile 14/2.

Nos. 2 and 5 are checking stations subordinate to toll bars at Nos. 1 and 4.

(5) Before the tolls were abolished, there were only 3 bars at mile 3/4 Vankal, 6/2 Chikhli and 13/2 Rankua.

(6) The distance between the 1st and the last nakas (Vankal and Surkhai) at present is 10 miles 6 furlongs. Previously it was 9 miles and 6 furlongs.

(7) As there are many branch roads joining the Billimora Bansda road and villagers are apt to evade toll duty, toll bars as mentioned against question 2 (4) above had to be established; toll on a conveyance

is levied only at the two terminal bars, the intermediate ones being treated as check nakas only.

Mr. H. B. SHIVDASANI : With regard to (6), why has the distance been increased ?

(The Honourable Sir Ghulam Hussain's reply was Inaudible.)

Mr. H. B. SHIVDASANI : Has it been increased in order to create another toll naka so that the people may have the privilege of paying twice ?

The Honourable Sir GHULAM HUSSAIN : No.

Mr. H. B. SHIVDASANI : What are the reasons ?

The Honourable Sir GHULAM HUSSAIN : Reasons have already been given.

Mr. H. B. SHIVDASANI : No reasons have been given.

TALATIS IN THE SURAT DISTRICT

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

(a) whether the number of talatis in the Surat district has been greatly reduced of late ;

(b) whether each talati has been given more villages without any increase in his pay ;

(c) the number of talatis taluka by taluka :

(i) in the year 1921,

(ii) now,

(iii) ultimately after the reduction has been carried out ;

(d) the cost on the talatis establishment :

(i) in the year 1921,

(ii) now,

(iii) ultimately after the reduction has been effected ;

(e) whether they are aware that there is great discontent among the talatis owing to this reduction in their number and increase in work without any increase in emoluments ;

(f) what steps they propose to take to remove the causes of such discontent ?

The Honourable Mr. J. L. RIEU : (a) 107 out of 397 posts have been reduced.

(b) Yes ;

(c) (i) Chorasi 39 ; Olpad 80 ; Mandvi 39 ; Bardoli 51 ; Jalalpor 41 ; Chikhli 38 ; Bulsar 53 ; Pardi 35 ; Valod 21.

(ii) Chorasi 22 ; Olpad 55 ; Mandvi 33 ; Bardoli 36 ; Jalalpor 33 ; Chikhli 29 ; Bulsar 35 ; Pardi 33 ; Valod 14.

(iii) It is not yet known what the ultimate reduction will be ;

(d) (i) Rs. 1,60,124 ;

(ii) Rs. 1,42,947 ;

(iii) This cannot be estimated at present ;

(e) No ;

(f) Does not arise.

Mr. H. B. SHIVDASANI : With regard to (e), what are the grounds for stating that there is no discontent ?

The Honourable Mr. J. L. RIEU : Government are unaware of any evidence of discontent.

Mr. H. B. SHIVDASANI : Have Government tried to ascertain whether there is any discontent amongst talatis ?

The Honourable Mr. J. L. RIEU : No.

Mr. H. B. SHIVDASANI : Do they not consider it necessary to do so ?

The Honourable Mr. J. L. RIEU : No.

Mr. H. B. SHIVDASANI : Do they expect the talatis, who are their subordinates, to complain to them ?

The Honourable Mr. J. L. RIEU : Subordinates are not usually reluctant to complain.

Mr. H. B. SHIVDASANI : Would they not be victimised if they did complain ?

The Honourable Mr. J. L. RIEU : No.

SUB-REGISTRARS' CONFERENCE RESOLUTIONS

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

(a) whether they have received a copy of each of the resolutions passed by the sub-registrars at their annual conference held at Surat in April last ;

(b) whether they have considered the representations contained in each of those resolutions ;

(c) what decision they have arrived at as regards each of those resolutions ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) and (c) Action will be taken by Government, if necessary, after specific proposals have been received through the Inspector General of Registration.

Mr. H. B. SHIVDASANI : Do Government expect to get a report from the Inspector General ?

The Honourable Mr. A. M. K. DEHLAVI : I am not aware of that at this moment. Possibly the Inspector General may send up his own proposals.

Mr. H. B. SHIVDASANI : Have Government asked for a report from the Inspector General ?

The Honourable Mr. A. M. K. DEHLAVI : No.

Mr. H. B. SHIVDASANI : How do they then expect to take action if they do not receive any report ?

The Honourable Mr. A. M. K. DEHLAVI : The Inspector General is the proper authority through whom the representations have to come ?

Mr. H. B. SHIVDASANI : Is it not the duty of Government to take action on those resolutions ?

The Honourable Mr. A. M. K. DEHLAVI : Government will consider the question of taking action when the matter comes up to them through the Inspector General who will probably have to make his own proposals with regard to the representations.

IRRIGATION IN SATARA DISTRICT

Sardar G. N. MUJUMDAR on behalf of Mr. R. G. SOMAN (Satara District) : Will Government be pleased—

(a) to place on the Council table a statement of the acreage watered by the several Government irrigation works in the Satara District from the year 1920 to the end of 1925 ;

(b) to state what are the amounts of irrigation rates received during these years from the several canals or tanks ?

The Honourable Mr. COWASJI JEHangIR : (a) and (b) A statement furnishing the information is placed on the Council table.*

INCREASED ASSESSMENT IN WALWA TALUKA

Sardar G. N. MUJUMDAR on behalf of Mr. R. G. SOMAN (Satara District) : Will Government be pleased—

(a) to state whether it is a fact that the proclamations published in the villages in the Walwa Taluka in respect of the intended introduction of revision settlement in that taluka do not give any grounds as to why enhanced rates should be introduced ;

(b) to place a sample copy of such proclamation on the Council Table ?

The Honourable Mr. J. L. RIEU : (a) The preliminary notifications first issued did not give such grounds, but this defect was corrected by the publication of revised notices in May 1926.

(b) Already answered.

SUSPENSION OF POLICE PATELS, RATNAGIRI

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state, (a) whether any police patels have been suspended in the Ratnagiri District since January 1925 and if so how many ;

(b) whether any enquiry in their case has so far been made and if so with what result ;

(c) whether these patels have been paid their usual remuneration, for the period of their suspension ?

The Honourable Mr. J. E. B. HOTSON : (a) Fifteen Police patils have been suspended in the Ratnagiri District since January 1925.

(b) Full enquiry has been made in 14 cases with the following result :—

8 reinstated,

5 removed,

1 ceased to be patel on the expiry of his term of office.

The enquiry in one case is still in progress.

(c) As the Police patels are not permanent servants of Government and their service is not pensionable they are not entitled to any remuneration during the period of suspension.

REPAIRS TO THE VILLAGE TANK AT DALOD, VIRANGAM TALUKA

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

(a) whether the people of Dalod, a village in the Virangam Taluka of the Ahmedabad District, have requested Government to repair their village tank which is silted up;

(b) if so, what action they have taken in the matter?

The Honourable Sir GHULAM HUSSAIN: (a) No.

(b) Does not arise.

AHMEDABAD ELECTRICITY COMPANY, LIMITED: INCREASED CONSUMPTION CHARGES

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

(a) whether the public of Ahmedabad raised a protest when the Ahmedabad Electricity Company, Limited, applied to Government for approval of increased charges;

(b) whether they sanctioned increased charges inspite of the protest of the Ahmedabad public?

The Honourable Mr. J. L. RIEU: (a) Protests were received from the Ahmedabad Electric Motive Power and Light Users' Association and the Ahmedabad City Municipality.

(b) Government directed a conference to be held to discuss the question and there were present at that conference besides the District Magistrate, the Electrical Engineer to Government the representatives of the Municipality, etc., several members of the Ahmedabad Electric Motive Power and Light Users' Association. After the matter had been thoroughly discussed at the conference a joint report was submitted to Government by the District Magistrate and the Electrical Engineer to Government, and orders were issued in accordance with their recommendations.

Mr. J. C. SWAMINARAYAN: Will Government be pleased to place on the Council table the report of the Conference?

The Honourable Mr. J. L. RIEU: If the honourable member will give me notice, I will see if I can do so.

PRANTIJ MUNICIPALITY: SALARIED GOVERNMENT OFFICERS IN —

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

(a) whether Mr. M. S. Kadri, the doctor of Prantij dispensary, a salaried servant of Government, was allowed to contest the last municipal election to the municipality of that town in 1923;

(b) whether he was allowed to remain as a councillor on the said municipality though he was disabled from continuing as such under section 15 (2) (d) of Bombay District Municipal Act, 1901, on account of the proportion of salaried servants of Government prescribed in proviso of section 10 (1) of the said Act, being exceeded by the nomination of the Mamlatdar of Prantij Taluka as a Councillor in the said municipality ;

(c) on what grounds the proportion of salaried servants prescribed in the provision of section 10 (1) of Bombay District Municipal Act, 1901, was allowed to be exceeded ?

The Honourable Sir GHULAM HUSSAIN (a) Yes.

(b) and (c) As he is an elected member and not a nominated one, the proportion of salaried servants of Government is not affected.

(Mr. J. C. Swaminarayan asked a supplementary question which was inaudible.)

The Honourable Sir GHULAM HUSSAIN : He is not a nominated member.

Mr. H. D. SAHEBA : How does a salaried servant of Government become a non-salaried servant of Government by being elected ?

The Honourable Sir GHULAM HUSSAIN : There is no bar to salaried servants being elected to local boards under the Act.

Mr. J. C. SWAMINARAYAN : How does he get the right of non-salaried men ?

The Honourable Sir GHULAM HUSSAIN : There is no bar under any statute that a salaried Government servant cannot be elected to any local body.

Mr. H. D. SAHEBA : Does it not increase the proportion of salaried servants of Government ?

(The Honourable Sir Ghulam Hussain's reply was inaudible.)

Mr. H. D. SAHEBA : Does it not change the proportion of the salaried servants ?

The Honourable Sir GHULAM HUSSAIN : It is laid down that only a certain proportion of the few nominated members should be salaried servants. It has nothing to do with the elected members.

Mr. J. C. SWAMINARAYAN : But is it not true that, whether elected or appointed members, Government servants are not allowed to exceed the proportions prescribed by the Act ?

The Honourable Sir GHULAM HUSSAIN : I do not think so.

SURAT CITY CONSTITUENCY BYE-ELECTION—COUNTING OF VOTES

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

(a) whether it is a fact that in contravention of Regulation 3 of Part VI of the Bombay Electoral Regulations which requires the

opening of sealed ballot-boxes in the presence of candidates and their authorized agents, seals of ballot-boxes of the various polling stations in the bye-election held at Surat in the month of May 1926 were opened by the returning officer long before the time fixed for the counting of the votes and the contents of the boxes were placed in one big box ;

(b) whether it is a fact that objection was taken to the procedure of breaking the seals and opening the ballot-boxes in the absence of the candidates at the time of the counting of the votes ;

(c) if the answers to (a) and (b) are in the affirmative, what action Government propose to take in regard to the irregular procedure of the returning officer ?

The Honourable Mr. J. E. B. HOTSON : (a), (b) and (c) The attention of the honourable member is drawn to Rule 31 of the Bombay Electoral Rules according to which the validity of an election can be called in question only by an election petition. Government cannot take any action in the matter.

KEROSINE STORES, SANAND

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

(a) whether licenses have been issued by them to traders of Sanand town to store kerosine tins in shops, situated in the heart of the town in thickly populated areas ;

(b) whether, on account of the destructive fires that have taken place recently in Sanand town, the people living in streets adjoining the shops, used for storing kerosine tins, are greatly perturbed and have requested Government to isolate kerosine stores outside the town ;

(c) if so, what action Government have taken in the matter.

The Honourable Mr. COWASJI JEHangIR : (a) Information will be called for from the District Magistrate who issues such licenses.

(b) and (c) Government have not received any representations on the subject.

(Further consideration of Bill No. XXXI of 1925—A Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests—resumed)

Dr. M. B. VELKAR (Bombay City, South) : Mr. President, I rise to oppose the second reading of the bill, and I want to oppose it only for this reason that there is absolutely no demand on the part of the large section of the non-Brahmin community for the passage of this bill, and I wish my honourable friend Mr. Bole had seen his way to imitate the most noble example of my honourable friend Mr. Noor Mahomed and see his way to withdraw it, because we are passing at present through very critical times in the political history of the country. On one side, there are the vested interests of the bureaucracy and on the other side our country is rent at the present moment by communal dissensions and discord. At this time any such measure which would in the least savour of communal hatred ought not to be introduced in a House like this.

[Dr. M. B. Velkar]

Mr. President, there is a feeling—I do not say whether it is a right feeling or a wrong feeling—but there is a feeling that there is considerable Brahmin hatred abroad, and the effect of this bill would be to foment Brahmin communal hatred. Now, Sir, the honourable member Mr. Bole in moving the second reading told us that his object was to obtain freedom from spiritual slavery. Yesterday the Honourable Minister for Education told us that the Satya Shodhaks want to introduce the bill because they want to do away with that intermediary or *dalalki* of the priest between God and man. I want to ask him whether that is so. No, not in the least. While you are doing away with this class of priesthood, the honourable member Mr. Bole and his supporters want to create another class of priesthood, the priesthood of the Marathas. The Brahma Kshatriya Gurav actually exists at present, and they want to establish another Gurav of Kshatriya Vedic school. It is a fact, Sir. So they want to do away with one priesthood and want to introduce another priesthood. When this bill was before this Council, I was wondering why the Maratha classes, whose valour and bravery is written in letters of gold on the battlefield, and whose duty lies elsewhere, should come down upon the labour of a *Bhikshuk*! Behind this bill I see a spirit of “Down with the Brahmins”. I want to ask the honourable mover, in what way the Brahmins have got any supremacy. I mean special privileges. I am neither a Brahmin nor a non-Brahmin as the particular word is understood to mean. I want to ask as a dispassionate person, in what way the Brahmins enjoy special privileges? It is a special privilege of asking alms. If the Marathas want the privilege of saying “Give us alms”, then.....

Mr. B. K. DALVI : Then, why do you oppose ?

Dr. M. B. VELKAR : I oppose because the bill is deceptive. If you want to take away certain rights from the watandars, you must be ready to compensate them. You are not. The honourable member Mr. Bole asked the other day, only yesterday, if the income of these poor people the Joshis is dwindling—as was told by the honourable member Dr. Paranjpye, it comes to only Rs. 3 to Rs. 4,—why this particular class of people stick themselves to the villages? My answer is this: They believe in the sanctity of religion and they believe it is their religious duty to remain there and they want to remain on the particular estates of theirs. So long as you do not compensate them, you have no right to take away their property right from them. The honourable member Mr. Chaudhari said: “I admit the priests are there; but if a priest is a booby or a fool or incompetent and unable to perform the necessary service do you mean to say I should be a slave to him?” No, not in the least. There are rulings by the Bombay High Court, that if a priest is a booby or a fool, he cannot claim any emoluments. There are distinct rulings. I am told by my honourable friends that in 14, Bombay Law Reporter, and 41, Bombay Law Reporter, you can see the rulings. If the priest is a booby or a fool, he cannot claim anything.

I want to lay before this House that this particular system is a special aspect of the Hindu social structure. So long as the non-Brahmins

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want to be admitted as Hindus, so long as the non-Brahmins want to save their Hindu religion, they must follow the doctrines of Hinduism. Therefore, I say this Government and this House has no right to touch any religious belief of the people as such. Only this morning we have in our hands the speech of Lord Birkenhead. In that speech Lord Birkenhead has emphasized the policy that was underlying the Queen's (Queen Victoria's) Proclamation. For the information of the House, I will read it :

"The British policy with regard to them (communal disturbances) could not be better expressed than by Queen Victoria's proclamation of 1868, promising the equal and impartial protection of the law to all forms of religions and belief."

In the villages there is a majority of the section of non-Brahmins who believe in this particular class of religious ceremonies. It is a fact. Apart from the special watan, apart from the special *vritti*, I would tell this House that in villages there are village gods and goddesses. Every year they have to celebrate village festivals like Dussera, like Divali, and so many *utsavas*. These are the burdens that are laid on the priests, which they have to carry out. Therefore, unless and until you institute another class of services or compensate them, I do not think this bill will be acceptable to this House.

Now, Sir, another argument that has been trotted out was this, that liberty of conscience should be given to every one. Surely, there is that liberty of conscience, but the liberty of conscience does certainly not allow them to take away the rights of another. You must compensate these people if you want to take away any of their watan rights. If this bill is intended only against the Brahmin priests, it is not going to do that. There are Lingayat priests, for instance, who are called Jungams. This bill will affect them also.

Rao Bahadur S. T. KAMBLI : Certainly not.

Dr. M. B. VELKAR : If this bill is passed as it is, most certainly all the other priests will come under the operation of this Act. Therefore, if the mover of the bill wants to make that provision, he ought to withdraw this bill at this stage on that ground. Now, Sir, I oppose this bill on one other ground, namely, that no opportunity was given to the persons affected by this bill to represent their case before the select committee. The Honourable the Leader of the House the other day told us that when the honourable member from Dhulia (Mr. Dev) asked that the whole sitting of the select committee should be adjourned in order to give opportunity to all these priests to give their explanations and make their representations, he gave an opportunity to the honourable member Mr. Dev, that "we adjourn the sitting till the next day, when the priests could come and have their say". The honourable member from Dhulia Mr. Dev could not have brought in a representative the very next day. The honourable member Moulvi Rafiuddin said that he was in sympathy with the view of Mr. Dev that the representations of the Joshis should be heard and that he wanted to postpone the meeting for three or four days but that he had to agree to the argument of the Leader of the House who was the chairman of the

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select committee that the bill would not come up for discussion unless they sent the report to the press without any further delay. I ask why should there have been such a hurry. The bill will come into operation from 1st of August 1928. For all these reasons I oppose the bill.

One other reason I want to urge is that this is a fight among the Hindus only, and therefore I appeal to my Mahomedan friends to remain neutral on this question. I am sure that my Mahomedan friends would not tolerate the interference of Hindus on any question concerning Mahomedans. Side by side with that I appeal to members of Government to be neutral. The other day the Honourable the Leader of the House said that Government should be progressive in legislation with regard to social reform. But this is not a national Government. This is an alien government in which certain reforms have been given to us. Therefore the Government also should remain neutral and leave the whole question to be decided by Hindus themselves.

The Honourable the PRESIDENT: Honourable members are fully aware that this is the third day of discussion on this bill and still as soon as one honourable member concludes there are several honourable members on their legs. I do not wish to deprive them of the privilege of addressing the House. I do not think anything new can be urged in a discussion which has proceeded so long. I would therefore appeal to honourable members to be particularly brief: otherwise I will be forced to accept closure.

Mr. A. N. SURVE (Bombay City, North): Sir, we are considering a very momentous bill. It has been supposed by certain honourable members that the mover of the bill has been actuated by certain motives but they neglect to consider the other side of the question. The idea underlying the bill is an adjustment of the social relations which are the result of progress, awakening of consciousness and change of times.

The disagreement between the Brahmins and non-Brahmins is not of recent origin. I have heard and often wondered why they say that this conflict between Brahmins and non-Brahmins has come into existence since the inauguration of the Satyashodhak cult. I think that that statement is altogether false. History is repeating itself. These things have occurred not only since the Satyashodhak movement came into existence but even centuries before that. I will give you a similar instance which occurred about two centuries ago. I think if you look to that example it will throw a flood of light on this question, and also on the state of affairs at that time, and give us some guidance as to the mode we should adopt in coming to the right conclusion. Sir, exactly 203 years ago the same question arose in the town and the Island of Bombay. At that time a sanad was renewed in favour of a Palsikar Brahmin of that place. I may be permitted to read a short extract and to consider it in conjunction with the things that are taking place to-day. It will be interesting to know how the things came about. For that

[Mr. A. N. Surve]

purpose I am going to read the preamble of that patent or sanad. It is given in the Gazetteer of Bombay City and Island. It reads thus :

"Whereas various and sundry disputes have arisen concerning ye right of administering the rites and ceremonies of the Gentoos of this island and have continued a long time undetermined not only to the great prejudice of the person in whom the said right is vested, but also to the great detriment of this Island, by the unlimited license of Ye Brahmins resorting hither as well as drawing the money of the inhabitants as several other ill-practices tending to disturb the peace and good government thereof. It being absolutely necessary effectually to put a stop to this evil and the many inconveniences attending it."

At that time, Sir, some Brahmin interlopers came there and they were not Satyashodhaks. At that time the then inhabitants of Bombay discarded the watandar Brahmin priests and refused to go to them. This clearly shows that even at that remote time people wanted to have freedom of conscience. They wanted the liberty to call the priest they liked. Therefore the charge that has been brought against the honourable mover of the bill that he is actuated by some motives is thoroughly unfounded. This disturbance at that time also created fear of misgovernment and therefore Government had to intervene. If we are not cautious and prudent and if we do not provide for the future the same thing will recur because there is growing consciousness among the people. Therefore is it not prudent for us to make provision beforehand ?

There is another point. In the year 1723 the Peshwai was coming into existence and the relations between the "Bhaibands" of Peshwas and the Palsikar Brahmins were strained. The latter were considered by the former as belonging to the lower grade of Brahmins and it was contended that full-blooded Brahmins would administer religious rites in a better way.

I refer to this incidentally, simply because my honourable friend from Dhulia read those precious gems yesterday. He told the House that the *vritti* of a person should not be confiscated. Now, Sir, may I ask him why the Brahmins of 1723 interfered with the rights of the *Palasikar* Brahmins of Bombay ? Perhaps he might be able to give some explanation for that. Therefore, even the charge of confiscation of *vritti* does not arise. Mr. Bole's bill consisted of only four clauses. Clause 5, of which so much is spoken, was not of Mr. Bole's creation. Therefore, why should he be taken to task for a thing which was not of his creation ?

Now, I will read a short extract to show how the then Government brought about an arrangement, because some point was made about Government interference.

"In order thereto the pretensions of the several claimants having been impartially inquired into and twelve men, heads of their religion, four from each caste having been summoned and their opinion required under their hands whereby it is become their proper act and no objection can ever arise and they having unanimously given it as their opinion that the sole right of administering the said rites and ceremonies of their religion is vested in Shama Gharia Brahmin (exclusive of all others, both by right of succession and otherwise) and that the said Shama Gharia Brahmin is a person well affected to the English Government and every way duly qualified for the said office."

[Mr. A. N. Surve]

The honourable Brahmin members will excuse me for the word "*Gharia*", because I am reading it as it is in the patent, and I am sure the Chief Justice who used that word was not a *Satyashodhak* to address this Brahmin in indecorous fashion. When the patent was renewed it was an act of agreement between all parties. It was not an act of Government. This patent from which I have quoted was given by the Chief Justice of that time. He called all people; he examined them; he went into the respective rights of all; and with the consent of all parties—not as a matter of right or as a point of law, but as a matter of agreement made between the parties—this patent was given. Can we not make the same thing applicable to our present proceedings? Is it not of the same nature? There are representatives here of all classes and communities. The non-Brahmins who are mostly affected are present here by their representatives. The Government who are also interested in the matter are present. The representatives of the *joshis* are here. Why should we not try to come to some amicable settlement? Why should we try to throw out this bill? Why do they call it bad or say that it is brought forward with evil motives? Sir, if we go on levelling charges of that nature, we shall never come to any conclusion and establish good relations between ourselves. Therefore, in order to have good relations established between ourselves, it is absolutely necessary that we should put our heads together and see whether the bill will cause any unnecessary harm which can be avoided. That is the only way, and I think if we proceed in that direction, there is absolutely no reason why we should lose our temper and with its loss lose all chance of coming to an amicable settlement.

Then, the third point is this, and it is a very important one. This patent was renewed only on one ground and that ground was this:

"That the said *Shama Gharia* is a person well affected to the English Government and in every way duly qualified for the said office."

There are two things. One is that the patentee was well affected towards the Government. Sir, I would not ordinarily have gone into this, but it is my painful duty to point out that sometimes in the villages agitation is carried on wrong lines and that agitation is mainly engineered by some of the misguided Brahmins. (Mr. P. G. Joshi: Or non-Brahmins.)

The Honourable the PRESIDENT: I do not know what relevance that has to the present issue. Does the honourable member wish to contend that there are some agitators amongst the Brahmins in the villages and therefore this bill is proposed to be carried in order to deprive them of their rights? Is that his contention?

Mr. A. N. SURVE: It is relevant in this way. I am trying to be as brief as possible.

The Honourable the PRESIDENT: I wanted to know the relevance of the argument the honourable member was using.

Mr. A. N. SURVE: I will try to explain the relevance. Government is always interested in preserving law and order.

The Honourable the PRESIDENT: What is the relevance of that general sentiment to this bill?

Mr. A. N. SURVE: Sir, Government were attacked because they introduced clause 5, and I say that Government is interested in this matter in so far that there should be peace. Anyhow, I do not raise that point. I give it up.

Then, Sir, the real trouble is this. We non-Brahmins want that the rites should be administered according to *Vedokta* ritual. It is perhaps a very intricate matter, but my friend the previous speaker has referred to it, and that is why I am referring to it. This arrangement about the *kshatra jagad guru* had to be made because the Brahmins refused to administer the rites according to *Vedokta* ritual. It was for that reason that we had to establish a *kshatra jagad guru*. Take, for instance, Shivaji. At the time of the coronation of Shivaji the Brahmins of Maharashtra refused to perform the coronation ceremony, because, according to them he was a *shudra*, or at least a *samskara lupka Kshatriya*, that is, one who had lost his *kshatriya* tradition, and therefore he was not a fit person to be crowned. That is the point I am trying to make out. The point is the Brahmins will not perform the rites in the way in which we want them to be performed. If they are servants, we have the right to tell them in what manner the ceremonies shall be performed. But the priests refuse to perform in that way, and that is the real reason why the whole trouble has arisen. If the Brahmins consent to do the rites according to *Vedokta ritual*, I do not think there is any reason why we should choose the one as against the other. It may be due to their ignorance that they do not perform the ceremonies as we want them to do, but in order to cover up their ignorance they say "You are not entitled to have your rites performed according to *Vedokta* ceremony", meaning thereby that they are not only trying to injure us but they are trying to insult us. That is the thing against which we feel so much. If they say they are our servants, they must perform the rites according to the *Vedokta* doctrine.

Mr. P. G. JOSHI: The priest is not a servant; he is a priest.

Mr. A. N. SURVE: That is a matter of opinion. If he wants emoluments for rendering any service, he is a servant.

Mr. P. G. JOSHI: The Joshi has the watan for officiating as priest.

Mr. A. N. SURVE: Coming to the matter of compensation, of which so much is made, this patent conferred two rights. One right was of presiding at religious ceremonies, and the second right was for administering medicine. I shall read only a few lines to prove my point. It says:

"The former", that is the Palshikar Brahmins, "were granted by the East India Company the special privilege of presiding at the religious ceremonies of the Hindus of Bombay and of administering medicine to the sick, as is proved by the patent signed by Sir George."

Thus it is a twofold right, the right of administering medicine to the body and the right of administering solace to the soul. Now, as to the

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right of administering medicine, I would ask my honourable friend Dr. Velkar, would he consent to receive medical treatment from the descendant of this Palshikar Brahmin, who got this patent in the year 1723 ? I also ask my honourable friend Mr. Joshi, if he were to be a judge will he enforce this contractual right ? Will he tell the patentee—the Brahmin—who is *ex-hypothesi* a non-medical man that he should go and administer medicine to his *yajman* and claim his fees from him ? Sir, this is a very important thing. If you say this is a matter of compensation, then why are the descendants of Shama Gharia Brahmin not able to claim compensation for their *eritti* ? You must give me an answer to this question ; otherwise you will see to what an absurd length we are proceeding in this matter. Therefore, I think the matter of compensation must be left aside.

Then, coming to the main question, I have already shown you by means of this patent of 1723, that this strife is going on for over two centuries. According to this patent, the Hindu citizens of the town and island of Bombay are bound to call in the services of this particular gentleman. I think he has no descendants now, but I do not know for certain. So, if we people have remained in slavery for two centuries, for how many more centuries would you like us to remain in the same condition ? You are advocating that everything is quite ripe for Swaraj. I would ask the Swarajists, is this the way for Swaraj, that for a few coppers these priests should stand on their rights, and estrange the non-Brahmins from the Brahmins ? Sir, if we want Swaraj, let us all be united. The Brahmins should come forward and say "All right, we are ready to give up this right, and we will work hand in hand with you". That is the attitude which I would request this House to assume.

Mr. G. B. PRADHAN : Sir, I move for a closure.

The Honourable the PRESIDENT : I am afraid I must accept the closure. I appealed to honourable members to be brief, and the last speaker took 25 minutes. My appeal has fallen flat, and I am forced, therefore, to accept the closure. Two days and a half have been taken up for the second reading so far. Honourable members will have ample scope for further discussion when the amendments are moved. I must accept the closure. I call upon the honourable mover to reply.

Mr. S. K. BOLE : Sir, at the outset, I offer a cordial welcome to the members of the Swaraj party, for their walk-back into the Council. Whatever may be the fate of my bill, it has achieved this success, that it has made the members of the Swaraj party to walk back into the Council. I do not want to ask what was their mandate, but, Sir, I am satisfied that they have come to the Council and taken part in the discussion. (An Honourable Member : They have supported you.) Yes, some of them have supported me, but it has been half-hearted support. Some of them have given lip-sympathy, but these are not the days for lip-sympathy ; what is wanted is practical sympathy. But some of them have come forward and opposed the bill in toto. Sir, the honourable member the leader of the Swaraj party has said that his party

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has come here not to oppose this bill, but to take part in the discussion, and that he has given permission to the members to vote as they like. But from the attitude adopted by many of the members, it can be judged what sort of Swaraj they want.

Mr. P. G. JOSHI : Is it relevant, Sir, the question of Swaraj on this bill ? Swaraj is a political subject, and this is a religious subject which we are considering.

The Honourable the PRESIDENT : Swaraj means complete powers of administration and legislation.

Mr. P. G. JOSHI : We are not considering that subject now.

Mr. S. K. BOLE : My impression from their attitude is that they want Swaraj for themselves, for a certain section of a particular community. However, I shall leave the question alone. (An Honourable Member : Is it Swaraj for the Brahmins ?) I won't say that. If the cap fits them, let them take it in that way.

As regards the discussion, I would say that they have made, some of them at least, much confusion. They have based their arguments on misunderstandings and misrepresentations. Sir, some of them have made a direct attack and when they failed carried on guerilla warfare. Their object is by hook or crook to throw out this bill. Still, so far the bill has survived. I may ask the honourable members of this House not to be led away by such tactics. I would also submit that there is much cry in the country that the number of Hindus is being reduced and what is the cause of the reduction in the population of the Hindus ? It is the stubborn attitude of some of the members towards the backward classes. The Sangathan movement and the Hindu Maha Sabha want all Hindus to be united but there is no hope of our being united when the attitude of some of the members of the privileged classes is like this.

Sir, as regards the representations, I would say that these representations are not genuine. I have received a letter from the mofussil that the Joshis who are of course everywhere are going from place to place and from village to village and getting signatures. I have learnt also that the Brahmin school teachers are going from village to village and taking these signatures. In these circumstances I leave it to the House to consider what value to attach to these signatures. But if we take it for granted that these representations are genuine then those who oppose the bill need not be afraid as there will be many who will requisition the services of the hereditary priests. Then again they would not be much affected because this bill is optional. It is not compulsory. It does not compel the so called Sanatanists to discontinue the present custom. It only enables a man to have freedom of conscience if he wants it. Sir, I have not come across a case in which a man is paid for no services rendered. This is the only instance of the kind.

Then, as regards my honourable friend Mr. Dev I would say that he was present here at the first reading of the bill. He did not say a single word at that time. I am told that a public meeting was held at his

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place and at that public meeting he expressed the opinion in favour of the principle of the bill. After the select committee came into existence he gave notice in the vernacular papers and instigated people to send representations opposing the bill. He has referred to some Adnya Patra—I do not know whether it was genuine or not—and he tried to present one of the gems contained in the Adnya Patra to me. Had it been a genuine gem I am sure he would not have presented it to me. The Adnya Patra directs that nobody's *vr̥tti* should be deprived. This Adnya Patra was given by some of the descendents of Shri Shivaji Maharaja. But what does history say? It says that the *vr̥tti* of the Maratha Swaraj left by Shivaji Maharaja to his descendants was deprived of by the Brahmin Peshwas. And what is more, those who have read Maratha history are aware what sort of treatment the priestly classes gave to one of the descendents of the Shivaji Maharaja at Satara. He was not allowed to be educated; his mother used to give him education at midnight. He was subjected to all that sort of persecution. People know what sort of persecution not only the Marathas but the Kshatriya Prabhus were subjected to. If they wanted to perform religious ceremonies according to the Shastras the Brahmin Peshwas issued orders prohibiting these Kshatriya Prabhus from performing these ceremonies. They had to go to foreign territories for the purpose of performing these ceremonies.

Mr. C. M. SAPTARSHI: I rise to a point of order, Sir. The honourable mover of this bill has referred to certain doubtful historical facts which have absolutely no bearing on the present bill. I do not know, Mr. President, whether you were attentive, but it was absolute rubbish which had no relevancy to the bill before the House.

Mr. S. K. BOLE: That is not so. These are historical facts enumerated in a book called *Bhikshukshahiche Band*.

The Honourable the PRESIDENT: The point of order raised is what bearing these facts have on the present bill.

Mr. S. K. BOLE: The bearing is this. We have been told that this bill is not required by those who wanted to perform the religious ceremonies according to Hindu Shastras. But when people in this very town tried to perform these ceremonies according to the Hindu Shastras they were prohibited and so they were obliged to go to foreign territories for performing them. That was the social tyranny to which not only the Marathas and backward classes but also the Kshatriyas were subjected. That is a historical fact and it is not rubbish. What does this bill want? The bill wants to follow the precepts of the true Hindu religion. What is stated in the religion? It is stated in the religion that if a man wants to perform a puja he must do it himself or through some priest. But what is the definition of a priest? A priest is one who is learned and devoted to religious things. He should not take up *seva dharma*. But now they are the servants even of this so called satanic Government. Priests carry on all sorts of avocations and even objectionable professions. They want to earn both ways. This is not in accordance with the precepts

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of the true Hindu religion and religion is not in the least affected by this bill as alleged by some honourable members. What we want is perfect religious freedom. If these priests are put to the test, I am sure they will not pass it. I shall quote the *ex-principal* of the Fergusson College. He says :—

"Moreover, the number of Brahmin that depends upon these religious presents is very small, in fact most of those who have got intelligence in them generally give up their ancestral profession and pursue other walks of life. It is generally the fool of the family that elects to remain in this profession."

Are you going to force these fools upon us as priests? What we contend is that these fools should not be forced upon us.....

Mr. P. G. JOSHI : I rise to a point of order, whether it is permissible for the honourable member to characterise the whole community as fools. That is what he is aiming at and I certainly must protest against that expression. The class that officiates as priests ought properly to be taken as their Gurus.

The Honourable the PRESIDENT : I hope the honourable member will have due respect for his Gurus if he acknowledges them as such.

Mr. S. K. BOLE : Certainly I have much respect for those Gurus who take their stand not on the accident of birth but of qualification. The other thing that I wish to bring to the notice of the House is that the Brahmin priest is not satisfied with helping us to perform certain *puja* but he gets us to perform his *puja* also. The priests call themselves Bhudev, Gods on Earth. I do not say that all the priests are fools there are some fools. We are asked to perform the *puja* even of such men as priests and to wash his feet and that water.....

The Honourable the PRESIDENT : I do not know why the honourable mover is dilating upon this aspect of the question at that length.

Mr. S. K. BOLE : An appeal has been made to the non-Hindu members that this is a religious question and I am trying to explain what sort of religion it is.....

The Honourable the PRESIDENT : I do not say the honourable member is irrelevant. I am merely asking him whether it is desirable to prolong the debate by going into all these detailed aspects of the question. I have not ruled him out, but I am asking him whether it is desirable to prolong the debate in the manner in which he is doing especially when there is so much feeling on the subject.

Mr. S. K. BOLE : I was only going to answer the arguments that were raised in the debate. The priests were compared with the Bishops. The Bishops are learned men. They have to pass certain examinations.

The Honourable the PRESIDENT : Cannot the honourable member give a direct reply to some of the principal points that have been raised? He has already had fifteen minutes, and if he wishes to see the bill being discussed and decided upon one way or the other, let us get on with the work before the House.

Mr. S. K. BOLE : The object of my bill is only to have the freedom of conscience. When we do not want the services of priests, they should not be forced upon us and we should not be compelled to pay when no service is rendered. That is the sole object of my bill. With these words, I resume my seat.

The Honourable Sir CHUNILAL MEHTA : I do not wish to speak.

Bill read a second time. Question put and carried.

Bill read clause by clause

Clause 2 (Commencement).

This Act shall come into operation on the first day of April 1928.

Mr. G. A. THOMAS : Sir, the amendment which stands in my name runs as follows :—

For clause 2, substitute the following clause, namely :—

Extent and com- 2. (1) This Act shall apply to the whole of the Presidency of
mencement. Bombay.

(2) It shall come into operation on the first day of April 1928."

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Sir, I rise to a point of order. As regards clause 2, there is another amendment in the name of the honourable member Mr. Dev, and properly the amendment of the honourable member Mr. Thomas relates to sub-clause (1). Both these two clauses are put together as amendments and if that sort of an amendment is passed, then the amendment proposed to be moved by the honourable member Mr. Dev, will be negatived. Really Mr. Thomas's amendment is sub-clause (1), and so sub-clause (2), of the amendment should be deleted, namely, "it shall come into operation on the first day of April 1928".

The Honourable the PRESIDENT : The procedure that I should like to suggest to the honourable member, the Chief Secretary, would meet the case. He should move that in clause 2, the following should be inserted as sub-clause (1) :—

"This Act shall apply to the whole of the Presidency of Bombay and that the present clause, as it stands in the Bill, should be numbered sub-clause 2."

As regards the second part of this amendment, which is a part of the bill as it stands, the honourable member Mr. Dev can move his amendment.

Mr. G. A. THOMAS : The amendment which I now wish to move is as follows :—

"In clause 2, insert the following as sub-clause (1), namely :—

'This Act shall apply to the whole of the Presidency of Bombay and the present clause, as it stands in the Bill, should be numbered sub-clause (2)'

The Honourable the PRESIDENT : This is the amendment which is now before the House.

I will allow the honourable member Mr. Dev to move his amendment in regard to the second clause which is really the whole clause at present. If this is carried, that will become clause 2, and to that, I will allow Mr. Dev, to move his amendment.....

Mr. G. B. PRADHAN : The honourable member Mr. Joshi has also an amendment.

The Honourable the PRESIDENT : Yes ; he can move his amendment as an amendment to this amendment. Let us discuss both together. The honourable member Mr. Joshi can now move his amendment.

Mr. P. G. JOSHI (East Khandesh District) : I move, Sir, the following amendment :

Delete clause 2 and substitute the following in its place :—

" 2. This Act shall come into operation in a taluka or a peta, only on a demand in writing made in this behalf to the Collector of the district, by at least 60 per cent. of the Hindu electors on the Bombay Council Electoral Roll of that taluka or peta. The application of this Act to such taluka or peta will be notified by Government in the *Bombay Government Gazette*."

I propose, Sir, that this should be substituted for clause 2 and my reasons are these. My first reason is that this provincial legislature should not legislate and pass a bill and force it upon unwilling people. As I have mentioned, Sir, this bill is not at all necessary. The non-Brahmins, particularly the Sanatani non-Brahmins, do not require this bill. As I have said yesterday, Sir, the Satya Shodhaks are not in need of this bill. I therefore do not understand on whose behalf and in whose interest this legislation is being introduced. But supposing, for arguments sake, Sir, that a majority of the Hindu population requires this bill, then in my opinion the proper test would be that 60 per cent. of the Hindu electors on the electoral roll should express their desire to the Collector of the district, and after such an expression this Act should come into force. If it is true, Sir, that the provisions of this bill are required in the interests of the non-Brahmins, I do not think the non-Brahmin members should oppose this very reasonable amendment of mine.

Then, the second reason which I want to advance in support of my amendment is that, as the bill stands, clause 5 deprives the non-Brahmins particularly the Sanatani non-Brahmins, of their right to have the priest to officiate at religious ceremonies, because, Sir, you will see that as soon as this Act comes into operation the Joshis who have no land or cash allowances will be relieved of their obligation to perform this service, and, secondly those priests who have land or cash allowances will have the option of being relieved of their obligation to serve on paying certain assessment. I therefore think that the bill affects the rights of the Sanatani non-Brahmins in that they will not have in future the services of the watandar Joshis. Therefore, I say that they should be given the opportunity of declaring whether they are in need of this bill, and if they declare in writing to the Collector that they are in need of this Act, then this Act should be put into operation.

Then, the third point that I would like to advance in support of my amendment is this, that nobody should be deprived of his right without his consent. If the argument that I have advanced that Sanatani non-Brahmins....

The Honourable the PRESIDENT : I do not think I can allow any honourable member to go over the whole ground of the principles underlying the bill after the first and second readings have been carried. The

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opportunity to oppose the whole bill will arise on the motion for the third reading. Now we are considering the bill clause by clause and the honourable member must restrict himself to the particular clause under discussion and not deal with the whole principle of the bill which has already been more than amply discussed. I repeat that the right of the House to reject the bill on the third reading still remains. But beyond that, they cannot reopen the whole question of the principle underlying this bill on each amendment which they propose to move.

Mr. P. G. JOSHI : I take it that the House has accepted the principles underlying this bill. I want to bring to the notice of this House that even in that case that option which I have mentioned in my amendment should be given to the voters of the taluka or the peta.

The Honourable the PRESIDENT : I ruled the honourable member's amendment in order and I am allowing him to make a speech, but I do not want him to go back to the discussion which occupied two and a half days.

Mr. P. G. JOSHI : Then, the third reason is that nobody should be deprived of his substantive rights without his consent. That is the third point which I would like to advance in support of my amendment.

The fourth point is that it may not afterwards be said that it was the Joshis that had brought forward and helped the passing of this bill. It may be said—because political memories are very short—that the Joshis themselves had helped in the passing of this bill and desired it. I really want to suggest that after the passing of this bill the tension between the Brahmins and the non-Brahmins will be very keen and bitter (An Honourable Member : We don't care). If you don't care, so much the worse. But, Sir, it is for this House to consider whether such legislation should be passed.

Therefore, for all these four reasons, I propose that my amendment which is a very reasonable amendment and which gives option to the Hindu voters to consider the advisability of having this bill or not, should be passed by this House.

The Honourable the PRESIDENT : The House is, therefore, possessed of the amendment of the honourable member the Chief Secretary and the amendment to that amendment of the honourable member Mr. Joshi.

After recess

The Honourable the PRESIDENT : Order, order. Honourable members will remember that we decided to put off the question as to whether we should meet at all to-morrow, or whether we should meet at 10-30 and adjourn at 12-30. We decided to settle that point after ascertaining how long Government business would take. We then anticipated that Government business would take three days or a little longer. But Government business has been finished within two days

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and only one bill which has been referred to a select committee remains to be dealt with. Under these circumstances, the Council should not meet to-morrow. Even if three days had been taken up we had decided that Council should not meet on Saturday. As it has taken only two days I think you will all agree that the best course is not to meet to-morrow.

Then there is one further question which I wish to be decided and it is whether the time necessary for the remaining Government business should be provided for within the time of eight days allotted for non-official business or whether non-official members desire that they should get the full eight days. The reason why I raise the question is that in the event of non-official members agreeing to provide a part of the eight days for Government business, for the disposal of that one bill, then the Council session will conclude on Friday evening. If honourable members desire that they should get the full eight days which have been allotted to them the Council will have to meet on Saturday next. As originally arranged the intention was that the session should not extend beyond Saturday at the latest. I should like to know in view of subsequent developments what the wishes of the House are in regard to this matter.

Mr. R. G. PRADHAN (Nasik District): Sir, I do not agree to any curtailment of the time allotted for non-official business. This is the last session of the present Legislative Council. At the budget session of this year we had only two days allotted for non-official business. It is not therefore at all proper that there should be any reduction in the time that has been allotted for non-official business in this session. As you have pointed out, even if we do not agree to any curtailment of the time allotted for non-official business, this session is not at all likely to extend beyond Saturday after the next. Therefore it appears to me that it is proper that Government business should be conducted on Saturday or some other day without occupying any portion of the time allotted for non-official business.

The Honourable the PRESIDENT: There is one thing I would like to say. I am perfectly agreeable to whatever the wishes of the House may be. We will have to make some re-arrangement about time in view of the fact that I have invited honourable members to meet the Viceroy on the third. His Excellency is coming here at half-past four, and I have invited honourable members to be here at quarter past four. We may meet earlier on the third, but we may not have the full four and a half hours. There would be a loss of one hour or half an hour.

Mr. R. G. PRADHAN: If Government agree they can take up their business on that day. In that case we will have to meet on Saturday and take up the whole of that day.

Mr. B. G. PAHALAJANI: May I suggest on behalf of the non-official members, that it is very easy to adjust the whole thing without meeting on Saturday? I am told that Government business will not take up

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more than half an hour. It is only one section and it has been settled in the select committee.....

The Honourable the PRESIDENT: There are three dissenting minutes. That means there will be discussion.

Mr. B. G. PAHALAJANI: I do not think the whole matter will take more than an hour. For that one hour to take up the whole of Saturday would be rather hard, I think, on many of the Sind members, many of whom are here. They come from the mofussil and they are not near Bombay like Mr. Pradhan. I put it to you, Sir, that from Monday—except on the third—we might sit half an hour earlier, so that all the time may be made up and we can finish it on Friday. I put it to you for consideration, and I hope you will take into consideration the special case of the Sind members also.

The Honourable the PRESIDENT: I am perfectly agreeable, and I may say frankly that my sympathies are in favour of those non-officials who desire that there should be no curtailment of their time. At the same time, this is a matter of arrangement, and I should like to hear some further expression of opinion from the non-official benches in order to decide what is acceptable to the House as a whole. I should also like to know from the Government benches as to whether they are agreeable to the suggestion made by Mr. Pradhan. In that case, you will have to sit the whole of Saturday.

Mr. J. C. SWAMINARAYAN: Sir, it is not desirable that Government work should be taken up on a non-official day. There is a good deal of agitation in Bombay, as to the City of Bombay Police Act, and I have received many letters, as I hope other members will have received, of protest from Bombay. Protest meetings are being held there. Consequently Government business cannot be decided in a short time. We have to take into account public opinion, and if the bill is at all taken up, it should be taken up at a later stage. The report of the select committee is not yet printed, and therefore it must not be in the hands of the Bombay public as yet. It is desirable that more time, if possible, should be given before the bill is taken up. Therefore, Government should take up their bill on next Saturday. If Government are agreeable to drop the bill then no difficulty will arise.

The Honourable Sir CHUNILAL MEHTA: May I say a word? I see, Sir, that there is some difference of opinion. Several members are desirous of leaving Poona on Friday evening. That, I take it, is the view of many members of this House. Government are quite prepared to meet them in that regard. Government also desire not to curtail any time that may be available to the honourable members or to stand in the way of any private business. I was, therefore, just going to say that we might meet earlier on Thursday and take up the Government bill, but I am quite prepared to accept the suggestion made by the honourable the Deputy President to meet half an hour earlier from Monday. That will allow time to be allotted to Government business and also make up

[Sir Chunilal Mehta]

for the time required for the tea party on Tuesday evening. It seems to me that it will be a procedure convenient to everybody.

Mr. R. G. PRADHAN : Sir, the only thing I am anxious about is this : that on principle there should not be the least diminution of the time allotted for non-official business.

The Honourable the PRESIDENT : I have assured you about that.

Mr. R. G. PRADHAN : Subject to that, I am agreeable to any arrangement that may be made.

The Honourable the PRESIDENT : I should like to hear the views of other honourable members.

Mr. D. R. PATIL : Mr. President, the suggestion made by the Leader of the House is very reasonable and there is no objection to accepting it.

The Honourable the PRESIDENT : May I take it that no other member wishes to express his views ? I wish some more honourable members would get up and say that they agree with the Leader of the House.

Rao Bahadur S. T. KAMBLI : We all agree with the Leader of the House.

Mr. NOOR MAHOMED : On behalf of the Sind members, I rise to say that we all agree.

Mr. D. B. ADWANI : Sir, we agree.

The Honourable the PRESIDENT : I take it, then that it is the opinion of the House that we should not meet to-morrow ; that from Monday we should meet half an hour earlier ; that the extra time thus secured will make up the time for Government business in addition to the full eight days for non-official business ; and that the session should conclude on Friday evening. I take it that that is the general view of the House. Does anybody object ?

Mr. G. A. THOMAS : I suppose that the additional half an hour will make up for the time taken up by Government business.

The Honourable the PRESIDENT : Also for the time taken up for the Viceroy's party. What time will be taken up for that party, will depend upon when we propose to meet on Tuesday. It will be better if we decide that now. May I suggest that on that day we should meet at 12 and adjourn at half-past three to enable honourable members to go and get ready and be present here at 4-15. If you like we will meet at 11 and adjourn at 3.

Khan Saheb A. M. MANSURI : Yes, Sir.

The Honourable the PRESIDENT : I want to carry the whole House with me in deciding the matter. Eleven o'clock would be rather early.

Rao Bahadur S. T. KAMBLI : 11-30 will suit.

The Honourable the PRESIDENT : I understand that to make the requisite arrangements and alterations in the hall to receive the Viceroy,

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the House should adjourn not later than 3. So that if we meet at half-past eleven and adjourn at 3, there will be a loss of one hour. We will gain about 2 hours by meeting half an hour earlier from Monday. That will leave one hour for Government business. If a little more time is taken by Government business I hope honourable members will not mind.

The Honourable Sir CHUNILAL MEHTA : The feeling here is that we should meet at 12 o'clock on Tuesday and sit till 3.

The Honourable the PRESIDENT : That means a loss of $1\frac{1}{2}$ hours. If the House agrees I am perfectly agreeable to it.

Mr. C. M. SAPTARSHI : Then we have to provide for Government business also. We lose $1\frac{1}{2}$ hours and we gain only two hours.

The Honourable Sir CHUNILAL MEHTA : I thought that some of the honourable members did not like that we should meet at 11-30. They consider it rather early. I heard some voices to that effect, and we would prefer to meet at 12, if that were suitable, and meet their wishes.

The Honourable the PRESIDENT : I should like to know the views of honourable members. They should get up and express their views, so that we can finish off this matter.

Rao Bahadur S. T. KAMBLI : Twelve o'clock will be the most suitable time.

The Honourable the PRESIDENT : I want that no misunderstanding should remain. It means that the non-official business will get one hour less than the full eight days.

Mr. D. R. PATIL : There is no objection to that, Sir.

The Honourable the PRESIDENT : It is agreed then that we meet on Tuesday at 12 o'clock and adjourn at 3, and on Monday, Wednesday, Thursday and Friday we meet at half past one, and that if the Police Bill takes a little longer, then honourable members will give up that much time out of the eight days for non-official business. It is for the House to tell me what they desire. I am not forcing my views upon the House. The other alternative is to meet on Saturday. If the House does not want to meet on Saturday, then there is no other alternative but to agree to give up a little of the time for non-official business.

Mr. J. C. SWAMINARAYAN : We can meet on Saturday.

The Honourable the PRESIDENT : I should like to know how many are prepared to meet on Saturday.

(Four honourable members rose in their seats.)

The Honourable the PRESIDENT : I take it that the rest are against it. (Honourable Members : Yes, Sir.) Then the next question is to decide when we should meet on Tuesday. I would ask those honourable members who wish to meet at 11-30 to rise in their seats.

(Only two honourable members rose in their seats.)

The Honourable the PRESIDENT: The House will meet at 12 and adjourn at 3. The arrangement is clear. The House will not meet to-morrow. From Monday next the House will meet at 1-30, except on Tuesday when it will meet at 12 and adjourn at 3, and the session will conclude on Friday evening. Government will bring up their business when there has been sufficient circulation of the select committee's report. If as a result the full eight days are not secured for non-official business, the House is agreeable to it.

Mr. HOOSEINBHOY A. LALLJEE: It will be slight—half an hour or an hour.

The Honourable the PRESIDENT: It will depend entirely upon the time the non-official members will take in discussing the Government bill. Honourable members do not seem to realise—and the recent discussion during the last two days and a half has impressed it more upon my mind—the value of the vote as against the spoken word. They can exercise their privilege of decision by the vote far more effectively than by merely speaking at great length on all questions.

Mr. L. S. CHAUDHARI (East Khandesh District): Sir I oppose the amendment proposed by my honourable friend Mr. Joshi, on this ground that from the way in which the debate is carried on and the amendments are moved and the points of order are raised, it will appear that it is the earnest desire of my honourable friends to put off this question some way or other. It is useless to fix this limitation of 60 per cent. of the voters who should apply for the extension of this Act to their district. In the first place, all the voters are not brought on the list. Lists are defective. Besides, those who are brought on the list are uneducated and illiterate. They are under the thumb of the local talatis and kulkarnis. Besides, it will be very difficult for us to get the proper representation even of the 60 per cent. of the voters, because they do not know their interests, and they are misguided by these talatis. It has been here stated by the honourable mover of the bill that the applications and the representations are being engineered by the school-masters, who leave their schools and go from village to village to get these applications. That being the case, when the time will come for making request for the application of this bill to any particular petha or taluka, and when there will be preparations for submitting these applications, there would be a counter-movement undertaken by the talatis to submit applications requesting not to apply the Act with a view to nullify the effect, and the result will be that the illiterate voters who are on the list will not be free to submit their representations. My honourable friend Mr. Saptarshi has expressed his apprehension that when this bill will be turned into law and will be applied to all talukas, members of the Satya Shodhak Samaj will coerce the people into accepting the application of the Act. On the same ground, we have got more ground for fear that, the majority of the taluka officers and petha officers being from the priestly classes, when this bill is intended to be applied to a particular taluka, these officers of the taluka would ask the talatis to see that no representation from that taluka proceeds to the Government for the application of the Act.

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Besides, another defect in connection with this amendment is this, that the present voters' lists include voters belonging to different communities. At present, excepting the Mahomedans all voters are brought under one list. The Parsis, the Christians and other communities are also shown on the list, and it will be very difficult for such voters to exercise their discretion in making this application. Besides, the honourable mover of the amendment has not taken into consideration the talukas of the districts where the Lingayats and other communities are in the majority. For instance, take the Bijapur or Dharwar district, where the Sanathani Hindus are in a minority and the Jains and Lingayats are in the majority. The voters, consequently, in the majority, will be from these two communities who are not at all concerned with the application of this act. So, it will be very difficult in these two districts to get 60 per cent. of the Sanathani Hindu voters for the bill, and in this way the object sought by the amendment will not at all be achieved. Therefore, the amendment is impracticable, and cannot be given effect to in some of the districts such as Bijapur, Belgaum and Dharwar.

The second objection raised by my honourable friend is that the other Sanathani Hindus will be deprived of their right of getting their religious ceremonies performed at the hands of the priests. Now-a-days, the question of living has become so keen and difficult that everybody is in need of some means of livelihood, and if these priests are apprehensive of the deprivation of their means of livelihood, I think there will be a class who will make this kind of service, a profession and they will always stick to it, and there will be thus no occasion for the Sanathani Hindus to repent for the apprehended deprivation of the services of the priest. On the contrary, we shall see that there will be priests coming in numbers to the Sanathani Hindus, and they will ask them to engage their services on ceremonial occasions. Apprehensions on that score are quite imaginary, and there will be no occasion for the Sanathani Hindus to think that they are deprived of the right of being served by these priests.

The third objection is this. It has been stated that the tension between the Brahmins and the non-Brahmins will be carried to a greater length if this amendment is not accepted. As a matter of fact, from the discussion in which the Brahmins as well as the non-Brahmins have taken part and the way in which the debate has been carried on, during the last 3 or 4 days, it will be quite clear to the House that the tension between the two classes has gone to such a pitch that there is no room for its further extension, and if the honourable mover of the amendment genuinely desires that this tension must disappear, then it is for him to come forward and say that this right which is demanded by the representatives of the Sanathani Hindus in the form of the bill must be conceded at once. If my honourable friend will direct his attention to Japan, he will find that the Samorines or priestly class in Japan have given up this right voluntarily, and if the priestly class in Maharashtra will follow their example, I think the tension which is at present existing in a very keen form will disappear in no time. If the priestly

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classes in Maharashtra are also willing to do the same, the tension which has at present assumed a very acute shape will disappear in no time. For all these three or four reasons and especially for the first one I oppose the amendment.

Rao Bahadur S. T. KAMBLI (Dharwar District): I rise to oppose the amendment moved by my honourable friend from Khandesh. He seems to be afraid of certain supposed perversion of facts which he fears are likely to be placed before the country hereafter. I would assure my honourable friend from Khandesh that he need not be afraid of any perversion of facts because the debates of this House are faithfully recorded and published and I would assure this Council that this bill will be carried not with the support and sympathy of the Joshis, but in spite of their opposition not only within this Council but even outside it. Nobody need be afraid of any possibility of any currency being given to any supposed perversion of facts even though it be assumed that the political memories of the people are short, because the recorded proceedings of this House will give it a direct lie. The mover of the amendment has proposed a certain method and manner for bringing the provisions of this bill into operation. The suggestion is as novel as it is ridiculous. I do not know of any procedure either in this presidency or in any other presidency in India, or even in British Parliament where by the operation of any provisions of any legislative enactment is or was made to depend upon the result of voting taken outside the legislative bodies. If any legislation is of doubtful utility or is not necessary it should better be thrown out. But it is no use making the operation of the law dependant on the sweet will of those whose interest or benefit it is to oppose the bill. The very fact that this bill has been discussed on the floor of the Legislative Assembly and on the floor of this House for a long time is a notice and a sufficient notice to the public and the people affected thereby to put forward their views. No objections reasonable or sound have been forthcoming so far. I beg to submit, Sir, that since there has been no sufficient opposition to the main principles and provisions of the bill, the amendment proposed by the honourable member from Khandesh which aims to indirectly stultify the bill deserves to be thrown out in its entirety. I submit that this amendment is only a last fruitless attempt of a champion or advocate of some of these Joshis whose hopelessly unjust cause my honourable friend has taken up so vehemently in this Council. Sir, my honourable friend referred to communities other than Marathas in season and out of season whether relevant or irrelevant and said that they did not want the bill. For instance he referred to the Lingayats and pretended to champion their cause. He need not now pretend to care for the Lingayats, as he has not been caring for them uptill now during his lifetime. I assure him that the Lingayats have got their own representatives in this House who sufficiently guard their interests. I would make it clear to the honourable member that he would be better advised if he were to disburden himself of the gratuitous burden on his shoulders about the religious susceptibilities of other communities.

The DEPUTY PRESIDENT: I may remind the honourable member of the ruling which was given by the Honourable the President. He should direct his attention to the amendment before the House. He is discussing the principles of the bill and I will now request him to confine himself to the amendment.

Rao Bahadur S. T. KAMBLI: I am bound to obey the ruling. I was referring to the argument of the honourable mover of the amendment and was just about to close. I will now conclude by once more repeating that this amendment will paralyse the provisions of this salutory bill and I hope the House will unanimously throw out the amendment.

The DEPUTY PRESIDENT: There are two amendments before the House, one is from the honourable member Mr. Thomas and the other from the honourable member Mr. Joshi. Both have to be discussed together although I will put them separately to vote.

Sir VASANTRAO A. DABHOLKAR: Sir, I oppose the amendment of my honourable friend Mr. Joshi. His submission is that 60 per cent. of the voters should be consulted before this legislation is enacted. And that too in writing in every taluka in which the provisions of the bill should be applied. As regards expenditure that will have to be incurred in getting the consent in writing of 60 per cent. of the electors in each taluka he has said nothing. If this amendment is accepted it will create a precedent and for any legislation that we may pass hereafter the consent of the 60 per cent. of the electors will have to be obtained. We have about 26,000 Joshis against 150,000 non-Brahmins and are we going to incur that expenditure in obtaining the consent of 60 per cent. of the voters?

Then, Sir, the other argument advanced by the honourable member Mr. Joshi was that we should not deprive the right without compensating them. It is not a question of depriving the right as the honourable the Leader of the House assured us; we do not want to confiscate. Assuming that it is a question of depriving the Joshis of their right let us see what happens. When this House considered the extension of the Rent Act, were the landlords consulted? What was the attitude of the honourable member Mr. Joshi at that time? He straightaway wanted to extend the Rent Act. He did not ask that 60 per cent. of them should be consulted.

Mr. P. G. JOSHI: Is this a revenge for that?

Sir VASANTRAO A. DABHOLKAR: It is not a revenge, it is a most reasonable attitude which this House ought to take.

Coming furthermore to the excise policy, when prohibition was discussed no suggestion was made that Government should consult 60 per cent. of the voters. At the time when the council wanted total prohibition which would result in a loss of 4 lakhs to Government in their revenue it was not suggested that 60 per cent. of the voters should be consulted. The argument is brought forward by a certain minority and it is unworkable. No such precedent should be allowed by this House.

Mr. N. R. GUNJAL (Poona District) (Addressed the House Marathi): Sir, I support the amendment moved by my honourable friend Mr. Joshi. It is necessary to test the truth of the statement made by the honourable mover of the bill that his bill has received the support of the majority of his countrymen in Maharashtra, and we can arrive at the truth of this statement by adopting the amendment before the House. It is not true, as Mr. Bole said, that this bill has the support of Mr. Kelkar, editor of *Kesari*, the Editor of *Dnyan Prakash*, and other newspapers. The present bill has been looked upon with distinct disfavour by all Hindus who follow the Sanatan Dharma, and these Hindus form nearly 96 per cent. of the Hindu population, whereas the remainder 4 per cent. who have been more or less Christianised Awaidik Asanatani Nastik Hindoos, and followers of Jotiba Phule and who call themselves Satyashodhaks, have engineered this bill and brought it before the Council through the agency of the honourable member Mr. Bole. I assure the House that even if this bill is passed by this House, we, the Sanatanis, will make it impossible to work the bill in practice. I consider it my religious duty to support the amendment moved by the honourable member Mr. Joshi.

Mr. R. D. SHINDE (Nasik District): Sir, I submit that the amendment moved by my honourable friend Mr. Joshi is quite inconsistent with the principle which this House has already accepted in passing the first and second readings of this bill. That principle is that supposing there is one man whose liberty of conscience or of action is in danger by making it compulsory upon him to call a priest for whom he has lost all respect and whom he does not want to invite for performing his religious ceremonies then this bill is necessary and should be enacted into law in order to meet that difficulty. The question is not whether the liberty of conscience is of one individual or of a majority of individuals who will be affected. My honourable friend Mr. Joshi by his amendment asks this House to lay down that supposing there are a majority of persons who want that they should have liberty of conscience in this particular manner, then only this bill is necessary and not otherwise. As against that, my submission is that the principle which all reasonable supporters of this bill have accepted and which this House has accepted is that supposing, as has already been pointed out by the honourable member, the leader of the Swaraj party, if there is one man on the margin whose liberty of conscience is in danger, then it is necessary that this bill should be passed. I do not think that the point of view of the honourable mover of this amendment is correct in that way.

As regards the remarks made by the honourable member who has just sat down (Mr. Gunjal), we know what his opinions are in matters religious and social. Of course it is for him to see that any movement of reform in the Hindu religion may be called a christianised movement and he may cast unlimited abuse—as much of it as he can—on the heads of the reformers, but one thing he must recognise and it is this that if through efflux of time some tyranny or injustice has crept into religious ceremonies, that tyranny or injustice must be removed if we want people to have any respect for their religion. I submit, Sir, that the honourable

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member Mr. Gunjal, knowing as we do his opinions in religious and social questions, is bound to express the opinion he has done but we need not take him seriously in considering the amendment before us.

Dr. M. B. VELKAR (Bombay City, South) : Sir, I support the amendment moved by my honourable friend Mr. Joshi. It is a most reasonable amendment. We find that no hearing was given to the particular class of people or their representatives. None of their spokesmen were admitted by the select committee and this amendment gives us an opportunity of showing to the people likely to be affected that this House is acting fairly by them. It will be a sort of despotism that will be practised if this bill is brought into force by rejecting this amendment. We know that a very large section of the non-Brahmins themselves do not want this bill. Opinions differ on this particular point and for this reason we must pass the amendment in order to find out which portion of the community wants this bill and which not. Therefore I have pleasure in supporting the amendment before this House.

Mr. A. N. SURVE (Bombay City, North) : Sir, I rise to oppose the amendment on the ground that I do not understand how a member whose name is on the electoral roll can be a representative of a man whose name is not standing on that roll. I do not understand if only those persons who pay Rs. 32 as yearly land assessment have souls and those who do not have no souls. If that is the interpretation which the honourable mover of this amendment is proposing, then I think I shall have no objection, but, poor or rich, in religious matters both stand on an equal footing. The soul of a rich man is as valuable as that of a poor man, and so if the poor man wants the freedom of conscience, that should be allowed by his rich brother. Therefore, I only suggest that this amendment is misconceived, and I request the honourable mover to withdraw it because in practice it will be unworkable and harmful.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : Sir, the amendment moved by my honourable friend Mr. Joshi is really worth serious consideration. The bill has been brought forward by the Satyashodhaks and it has no support of the vast Hindu population who are Sanatanis.

The Sanatani non-Brahmins do not require such a bill. They do require the services of the watandar priests as well as other village Balutedars. It is only the Satyashodhaks, who do not want to have the *joshis*. They do not want to follow the Sanatani principles and they do not want to follow the Sanatani religious ceremonies. Hence they do not want the Sanatani priests or *joshis*, and they want to simply flatter and please the bureaucracy by bringing in such a bill. That is all they really want to do by bringing forward legislation like this, and there is nothing else in it.

Mr. D. R. PATIL (East Khandesh District) : Mr. President, if we look at the meaning of the amendment that is moved by my honourable friend Mr. Joshi, it means that unless 60 per cent. of the Hindu electors of a particular taluka or peta want this bill, there should be no necessity for it.

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But to that, I will give a reply in the words of the honourable member Dr. Paranjpye. He says in his minute of dissent thus :

" I have signed the report as I agree with the principle of the bill that there should be full liberty of conscience to every individual to perform his religious ceremonies in any way he likes."

So, if there is even one man who wants this liberty of conscience, then there is a necessity for this bill. Of course, we know that my honourable friend Mr. Joshi has tried from the beginning to put every sort of obstacle in the way of this bill. First he raised technical objections, which were over-ruled by the chair. Then, he has brought this amendment, the whole and sole object of which is to nullify the bill. Therefore, I think this amendment must be opposed very forcibly.

The DEPUTY PRESIDENT : The proposer of the amendment to the amendment has no right of reply. I will therefore call upon the honourable member the Chief Secretary to reply.

Mr. G. A. THOMAS : I have nothing to say, Sir. My proposal is simply a formal proposal to rectify an omission, the omission of a few words.

The DEPUTY PRESIDENT : Very well. Then, I will put the honourable member Mr. Joshi's amendment to the vote first.

Question put and lost.

The DEPUTY PRESIDENT : Now, I put the next amendment from the honourable member the Chief Secretary :

" That this Act shall apply to the whole of the Presidency of Bombay."

Question put and carried.

Mr. P. G. JOSHI : There is an amendment, Sir, to clause 2 by the honourable member Mr. Dev.

The DEPUTY PRESIDENT : I will put that amendment afterwards. The portion that I read out was the amendment as ruled by the Honourable the President himself, namely, that " This Act shall apply to the whole of the Presidency of Bombay ", and I declared that as carried. The next amendment is :

" It shall come into operation on the first day of April 1928."

Mr. P. G. JOSHI : There is Mr. Dev's amendment to it, " For ' 1928 ' substitute ' 1931 ' . "

The DEPUTY PRESIDENT : It is an independent amendment by itself in opposition to the select committee's report. The honourable member Mr. Dev may move his amendment.

Mr. S. S. DEV : I move my amendment, namely :

" In clause 2 for ' 1928 ' substitute ' 1931 ' . "

I propose to express my opinion in an emphatic vote rather than make any speech.

Mr. L. S. CHAUDHARI : I oppose the amendment moved by my honourable friend Mr. Dev.

Question put and lost.

The DEPUTY PRESIDENT : Therefore, clause 2, as amended, will read as follows :

- " 2. (1) This Act shall apply to the whole of the Presidency of Bombay.
(2) It shall come into operation on the first day of April 1928."

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

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

Clause 4 (*Right to claim ceremonial emoluments*).

No person shall be entitled to claim, as a matter of right, any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments.

Mr. S. S. DEV (West Khandesh District) : Sir, I move that—

In clause 4, after the words "No person" add "unless he is competent to perform the services required".

Question proposed.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Mr. President, I rise to oppose this amendment. The proposed amendment is intended to nullify the provisions of the whole bill. The word "competent" is not defined either in this particular bill, or in the General Clauses Act. Therefore, Sir, the introduction of words which are not defined and which are incapable of any definite interpretation will, I think, end in nullifying the provisions of this whole bill. Therefore, I oppose this amendment.

Mr. S. S. DEV (West Khandesh) : Sir, my amendment does not nullify the object of this bill. If a priest be competent he should have the right to the emoluments. We have often heard criticisms in this House from more than a dozen members that the priests are not competent men. But if they are competent to perform the religious ceremonies they ought to have the right. I have based this amendment on a similar law that exists in the Baroda State. Whether this amendment is agreeable or not I leave it to the House to decide.

The Honourable Sir CHUNILAL MEHTA : Sir, I would have ordinarily welcomed this amendment for the reasons that the honourable mover gave but the select committee has, by the addition of clause 5, made it clear that there is no liability on any priest to compulsorily perform any religious service. I do not know how we can consistently accept this amendment. Quite apart from that fact, the honourable member has not made any attempt at trying to define either what competent services are or mentioned any authority which can determine whether a priest is competent or not. Unfortunately there are no examinations in priesthood and to leave it to be decided by law courts will have the effect of opening up the door for litigation which is much to be deprecated. For these reasons I must oppose the amendment.

Question put and lost.

Mr. P. G. JOSHI (East Khandesh District) : Sir, I request the leave of the House to amend my amendment by substituting the word "Hindu" for the word "Mahratta". Because in my first amendment I put in the word "Mahratta", I inserted the word "Mahrtha" in this amendment also. As I did not move my first amendment I request that I may be allowed to amend my amendment by substituting the word "Hindu" for the word "Mahratta".

Question put and leave granted.

Mr. P. G. JOSHI: Sir, I move the following amendment:

" Add at the end of clause 4 the following :

' Such Hindu however for the purpose of being permanently relieved of his customary obligation to call in the Watandar Priest shall be liable to pay to the Priest Rs. 25 instead of such ceremonial emoluments as consolidated damages '."

This bill affects nearly 26,000 families in this presidency. You are aware that this bill came before the Council of State and it was thrown out because the question of compensation could not be gone into then. We have been told by the honourable mover of the bill that this bill was thrown out in the Council of State because the matter is local and confined to certain parts of the Bombay Presidency. On a reference to the debates I find that the principal objection raised in the Council of State was that there was no mention in the bill about compensation that ought to have been given to the party injured. I feel, Sir, that this Council should not allow, in its earlier stages, a bill to be passed for expropriating certain interests without compensation. It is simply just and equitable that the Joshies who have a property right in their *Vritti* should be compensated for the loss that they will sustain as a result of the passing of this bill. It has often been stated in the course of the debate that there is no loss entailed on the priests. Mr. Justice Miller speaking on the Hindu Ceremonial Emoluments Bill in the Council of State said that the proposition for its cynical immorality the House would find it difficult to beat. I submit that if this House wants to be fair to the Joshies it will adopt the attitude of giving compensation. There are Joshies who hold neither land nor cash allowance. As soon as this bill comes into operation these Joshies will be relieved of their obligation to render religious service to the community. Therefore it is absolutely necessary, just and proper that they should be given compensation, whatever may be the amount. On this point I should like to give the House the opinion of Mr. French who was the District Judge of Poona. He said that the bill as moved by Mr. Latthe required the addition of provisions to compensate persons affected by it. In 36, Bombay, Sir Narayan Chandavarkar has also held that if no compensation is allowed to the party injured it would be an act of spoliation. In the same way Justice Miller has made it clear that it was absolutely necessary to grant compensation to the aggrieved party. Mr. Miller is a retired judge of the Madras High Court. I therefore think that some compensation ought to be paid to the expropriated Joshies. I have put in Rs. 25 in my amendment which I think is a reasonable amount. I have taken it for granted that the income of a Joshi will be Rs. 20 or Rs. 25.

An Honourable MEMBER: Income from each individual?

Mr. P. G. JOSHI: No.

I want to make it clear that I do not want Government to pay this compensation. I want the party who will be benefitted by this Act to pay compensation to the party aggrieved. I do not want this amount of compensation to be paid out of Government treasury, because the party

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who wants to benefit by this legislation must really be made to pay the compensation to the aggrieved party. By this Act certain non-Brahmins want to be relieved of the obligation to call in the services of the Joshies. If they want this right by this bill I submit that they should be made to pay reasonable compensation, which according to me is Rs. 25, and which I consider to be very reasonable as consolidated damages for the right that the Joshi loses. The question of compensation has been considered very important even by Europeans like Justice Miller and I hope that my amendment will be accepted by this honourable House.

Question proposed.

The DEPUTY PRESIDENT : Before I allow discussion on this matter, I will ask the honourable member from West Khandesh (Mr. Dev) to move either of the two amendments. I cannot allow alternative amendments to be moved at one and the same time. He must make his option which to move first.

Mr. S. S. DEV : I can make an option between my amendment and the honourable member Mr. Joshi's. But my amendments are alternative amendments. Both of my amendments are necessary. They give the option to the Hindu.

The DEPUTY PRESIDENT : Then, you can move your first amendment.

Mr. S. S. DEV (West Khandesh District) : My amendment is on parallel lines to that of the honourable member Mr. Joshi. I move :

" At the end of clause 4, add the following proviso :—

' provided the Hindu is prepared to commute the watan by paying the watandar priest, once for all, a reasonable compensation '."

The honourable member Mr. Joshi puts the amount of Rs. 25 as a reasonable compensation. I leave it to be decided by the parties concerned. I urge that my amendment may be preferred to Mr. Joshi's.

Question proposed.

Dr. M. B. VELKAR (Bombay City, South) : Sir, I want to propose another amendment. I propose the following amendment to the honourable member Mr. Joshi's amendment.

" Instead of Rs. 25 substitute Re. 1."

In support of this amendment, I want to urge that as a matter of principle this House ought to provide for compensation when they are confiscating certain watandar rights. It is as a matter of principle whether it be Rs. 25 or Re. 1 does not matter. It is but just and equitable to the Joshis that they ought to be compensated. I hope as a question of principle this House will support the amendment.

Mr. P. G. JOSHI : Sir, I accept Dr. Velkar's amendment.

Mr. S. S. DEV : Then, I may be allowed to withdraw mine.

Question put and leave granted.

The DEPUTY PRESIDENT : Then, the only amendment before the House is the honourable member Dr. Velkar's amendment :

[The Deputy President]

"Such Hindu however for the purpose of being permanently relieved of his customary obligation to call in the watandar priest shall be liable to pay to the priest Re. 1 instead of such ceremonial emoluments as consolidated damages."

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to oppose the amendment. The cry of my honourable friend from East Khandesh about the confiscation of the emoluments of these *joshis*, has, I think, no meaning so far as this bill is concerned. He is an advocate of the *joshis*, he bears the name of Joshi and he is also a watandar *joshi*, and it is no wonder that he has been doing everything in his power to represent that this bill is not a fair or a just one. Sir, there are three kinds of *joshis*. The first are those who are given land in consideration of the services they are required to render to the village communities; the second are those who receive cash allowance from the Government in consideration of such services; and the third are those who have neither land nor cash allowances given by the State. In the case of the first two—that is, those who have either land or cash allowances—I do not think there is any confiscation of any sort at all. In the case of those who hold grants of land, it may be noted that the land was not given to them gratuitously or in consideration of past services, but as consideration for the future services they are required to render to the communities. If they want therefore to be relieved of the obligation to render services to any class or community whom they have served heretofore, I do not think they suffer any damage at all if their lands are proposed not to be confiscated but to be assessed in full to the land revenue. The same reasoning applies to those who receive cash allowances. The cash payment from the treasury is for services which they are required to render to the community. I do not see how any confiscation takes place in the case of these two classes of *joshis*. This argument about confiscation of *vritti* has been repeated on the floor of this House often times in order to mislead some members of this honourable House who have no accurate information of these emoluments. These *joshis* were not given the land or their cash allowances for nothing or for past services rendered to the State, but they were given to them on the express condition that they would be required to render services to the village communities in the future. Therefore, in the case of these two classes of *joshis*, there will be no confiscation and there will be no loss or damage to them, and therefore the House need not enquire into the alleged confiscation which has been brought forward by the honourable mover of the amendment. Then, Sir, there is the third class of *joshis*, who have neither land nor cash allowances. But the amendments proposes to give compensation to every class of *joshis*. The amendment says that every Hindu shall give compensation to a *joshi* in order to be relieved of his so-called customary obligation to call in the watandar priest. It will be quite unreasonable to call upon every Hindu, who wants to be relieved of his so-called unjust customary obligation, to pay compensation to the village *joshi* who has got either land or cash allowance from the Government treasury. So, I do not see any reason or justice in the argument advanced by the honourable mover of the amendment.

[Rao Bahadur S. T. Kambli]

Then, Sir, the argument about the customary obligations of a Hindu to call in a watandar priest is not a reasonable argument at all. For a certain time these people used to be called in by the village communities, but on that ground we cannot say that these priests have secured a hereditary right to serve these communities. I do not think, in this twentieth century, any man will be audacious enough to put forward a hereditary right to serve another man, and to say that if his services are not accepted they must compensate him for the imaginary loss. It appears to be a very unreasonable argument to put forward on the floor of this House.

Now, taking the amendment as it is, it provides that compensation should be given to every class of *joshis*, whether or not they are in possession of land or in receipt of cash allowances. As it is a comprehensive amendment which proposes to compensate every kind of Joshi, I beg to submit that it is unfair and unjust to the Hindus as a whole.

Then, as regards the amount of compensation, my honourable friend, the mover of the amendment says, that one rupee will be a very small sum, and that it is only in recognition of a principle. But as I have already pointed out, there is no principle involved in the proposed amendment at all. On the other hand, to lay down that every Hindu shall pay to the Joshis Re. 1 each, would mean that the Hindus who are nearly three-fourths out of a total population of about 2 crores of this Presidency would have to pay in the aggregate about Rs. 1½ crores to the Joshis. They want to get Rs. 1½ crores by one stroke of the pen; they want to become suddenly fabulously rich. (Mr. P. G. Joshi: And ride in a Rolls Royce). They may perhaps do so, i.e., ride in a rolls Royce. If this Council is pleased to pamper to the whims of these Joshis, they will go in for it or even a more luxurious car because they will get this enormous sum of money for nothing. Therefore, from any point of view, the claim made by the honourable mover of this amendment is not only unjust, but I think unreasonable to the extreme, and therefore it deserves to be thrown out by the unanimous vote of this Council.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the amendment, because the Joshi will appear very mean if he claims the sum of one rupee for his hereditary obligations. If this amendment is passed, it would be defeating the principle of the bill. The principle is that if a Joshi's services are required, they must be paid for; if the services are not required, then no question of payment arises. It would appear very mean on the part of the Joshis to accept one rupee against the will of any particular man. The provision, as it stands, is in the interest of the Joshis themselves.

Mr. P. G. JOSHI: Nothing has been said in this amendment of acceptance by the Joshis. The Joshi may or may not accept.

The Deputy PRESIDENT: That is not a point of order.

Mr. J. C. SWAMINARAYAN: I think, instead of the amendment being for the Joshis it is against them. The Joshis' friends are going against their interests by putting forward this amendment. In Gujarat

[Mr. J. C. Swaminarayan]

we have no such compulsion for any particular man to call in any particular priest. A man may call in any priest. The priests are there, and they are being much more respected in Gujarat than they are in Maharashtra. On our side in Gujarat, the priests are much more respected, and I think if this bill is passed, the Joshis will be much more honoured in this part of the country. Therefore, I think the honourable member Mr. Joshi is not really advocating the cause of the Joshis by bringing in such an amendment for the payment of a paltry sum of one rupee. Let not such an amendment come into this bill. Let there be liberty to the people to call in any priests they like. If a man calls in a priest, he will pay; otherwise not. Consequently, it will be better, instead of pressing such an amendment, to have it withdrawn.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I strongly oppose the amendment moved by my honourable friend Dr. Velkar. I know that some of the honourable members are very keen on the question of compensation, and during the discussion on this bill for the last two days enough has been said on the question of compensation. Even in the absence of this bill, if the Joshis were to go to court for demanding their fees, I think the courts would never allow anything more than mere compensation. If this question of compensation is agreed to, and if they are given compensation, I think the object of the bill would be completely frustrated. Even formerly, the decisions of the courts will clearly show that if the Joshis went to court, they would have certainly not obtained more than the paltry sum of one rupee or so. If this question of compensation is now brought up, and we concede their demand, that would mean that there is absolutely no necessity for the bill itself. I should, therefore, very strongly oppose the amendment.

Dr. M. B. VELKAR (Bombay City, South): Sir, my amendment is only a test amendment. I want to find out the real *bona fides* of the honourable mover of this bill and his supporters. It is not a question of payment at all. I want to know from the honourable and supporters of the bill whether they want to expropriate this compensation. The object of the bill which the honourable mover introduced at the first reading was a laudable one. But in the bill which is now before the House, the object to my mind is to break the heads of these Brahmin priests. My honourable friend Rao Bahadur Kambli stated that when the land is not confiscated, he could not understand why compensation should be given. But all these priests do not possess land. Some of them have got watan lands and some of them receive a cash allowance. I admit that no compensation need be given to them. But there is the third class of priests who have neither any land nor a cash allowance, but they have a vested interest, and if they are to be deprived of their vested interests, I think they ought to be reasonably compensated. Therefore, I hope the House will support my amendment, which is certainly a test amendment in the sense that the *bona fides* of the honourable mover will be found out.

The Honourable Sir CHUNILAL MEHTA : I have nothing to say.

Question put. House divided. Ayes, 17; Noes, 50.* Motion lost.

* This figure was subsequently corrected into 40, *vide* page 452 *post*.

Division No. 7.

Ayes.

ABDULPURKAR, Mr. N. A.
DEV, Mr. S. S.
GUNJAL, Mr. N. R.
JOU, Mr. V. N.
JOSHI, Mr. P. G.
MAVALANKAR, Mr. G. K.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.

PATEL, Mr. D. N.
POWAR, Mr. M. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKERSI, Mr.
SAPTARSHI, Mr. C. M.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
VELKAR, Dr. M. B.

Tellers for the Ayes : Dr. M. B. VELKAR and Mr. P. G. JOSHI

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Khan
Saheb.
ADAM, Mr. C. G.
ADDYMAN, Mr. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BOLE, Mr. S. K.
CHATTFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTHRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DALVI, Mr. B. K.
DENLAVI, the Honourable Mr. A. M. K.
DUGUID, Mr. A.
HAMID M. ABDUL ALI, Mr.
HATCH, Mr. G. W.
HOTSON, the Honourable Mr. J. E. B.

JADHAV, the Honourable Mr. B. V.
JEHANOIR, the Honourable Mr. COWASJI
KAMBLI, Rao Bahadur S. T.
LAGHARI, HAJI FAZUL MUHAMMAD KHAN
LOWSLEY, Mr. C. O.
MCKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
PATIL, Mr. D. R.
PRADHAN, Mr. G. B.
RIEU, the Honourable Mr. J. L.
SAHEBA, Mr. H. D.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. E. D.
SURVE, Mr. A. N.
SWAMINARAYAN, Mr. J. C.
THAKOR of Amod, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WEBB, Mr. M.
WOODS, Mr. E. E.

Tellers for the Noes : Mr. D. R. PATIL and Mr. R. D. SHINDE.

Mr. S. S. DEV (West Khandesh District): I beg to move that in clause 4 add the following :—

“ provided the Hindu makes each time, a nominal payment to the watandar priest.”
I move this amendment to give an opportunity to the supporters of the bill to prove their *bona fides*. By nominal payment I mean a payment of even a pie. I simply want to know whether the mover and the supporters of the bill are really acting in the interests of the cause which they profess to have at their hearts.

Rao Bahadur S. N. ANGADI: I rise to a point of order. Is the honourable member entitled to question the *bona fides* of the supporters of the bill?

The Deputy PRESIDENT: It is not a question of *bona fides*. I think we ought to have a thick skin in the matter and personalities seem to be the order of the day.

Mr. S. S. DEV: As far as I am concerned I believe I have not indulged in personalities. I want to bring to the notice of the supporters of the bill that in acquiring these watans which they in their hour of victory are going to confiscate, some of the priests had made payments to the

[Mr. S. S. Dev]

then Government to the extent of several thousands. This is an undoubted fact which cannot be denied nor challenged. I speak from authentic records. Now we want, in our pleasure, to deprive these priests of their watans without even giving them a nominal compensation. It has been asked "what loss are they going to suffer"? The loss is that they will be losing the right which they had paid for and which they had enjoyed so long. Even Government did not confiscate the kulkarni watans, but commuted them and gave the kulkarnis the option to accept annas 5/4. That was the offer made by Government to the kulkarnis. Here you are going to confiscate the watans of the priests. In the case of those priests who hold lands or get cash allowances you are going to deprive them of their watans because you are in power. By "you" I mean the supporters of the bill. They are going to confiscate the watans of the priests because they are in power.

My conception of Swaraj is, if it is ever to come to this unfortunate land, that in Swaraj every minority ought to feel confident that the Government of the land will protect its interests. Mr. Joshi representing the minority of the priests must feel confident that he may safely lay his head on the lap of Mr. Bole representing the party in power and may go into sleep and that nothing would happen to his life during the night. (Laughter). Unless such confidence is created in the minorities and unless there is absolute certainty that the interests of the numerically weak, will be protected, Swaraj will not come and if it comes will not last. We find to-day that because some people are in power—I make no secret of the Triple Alliance, a prototype of the Triple Alliance we once had in the history of the Marathas,—they feel that they can carry the day by the sheer force of their strength, but even in their moment of victory, the Kshatriyas as they are, they should extend to the vanquished at least a pie which he asks.

The Honourable Mr. B. V. JADHAV : Sir, I think I need not say much on this point, but the object of the honourable mover of this amendment appears to be to create a situation which will be rather intolerable and unbearable. How that one pie is to be recovered on each and every occasion and to be paid to the joshi is beyond my comprehension. In a suit for defamation, if the defendant is asked to pay even a pie in damages, the moral victory is said to lie with him and the plaintiff who gets that one pie is said to be disgraced. To me it appears that my honourable friend from Dhulia is hankering after that pie, but if this amendment is allowed, it will simply lead to a multiplicity of suits, because it is not provided as to who is to collect this amount of one pie on every occasion and pay it to the joshi? The whole thing will be a farce, and therefore I am constrained to say that this amendment has not been brought forward in a mood of seriousness, and so I oppose this amendment.

Mr. S. S. DEV : I have nothing to add.

Question put and lost.

Mr. R. G. PRADHAN (Nasik District) : Sir, the amendment I wish to move runs as follows :—

[Mr. R. G. Pradhan]

To clause 4, the following proviso shall be added :

" Nothing in this clause shall affect the rights of a watandar Hindu priest or an alienee from such a priest, except to the extent specified therein."

In moving my amendment, I feel embarrassed by the fact that it has been reached at the flag end of the sitting when the interest of the honourable House is naturally apt to flag. All the same, I would bespeak the careful attention of the honourable members of this House to the amendment which I have moved.

The object of the amendment is to confine the bill to the simple and single issue which the honourable mover of the bill has raised. The House knows that clause 5 was subsequently added by the select committee and the bill, as originally moved by my honourable friend Mr. Bole, raised this single issue, namely, that a watandar priest should not claim religious ceremonial emoluments as a matter of right if he has not rendered religious services. That was and that is the single and simple issue which Mr. Bole has raised, and I venture to say, Sir, that in spite of the heated discussion that has taken place to-day and yesterday, there will be a consensus of opinion on this single and simple issue. I therefore claim for my amendment that if it is accepted, there will be restored among the ranks of the Hindu community now ranged on opposite sides, sentiments of perfect peace and amity. What is that amendment? The amendment says that " nothing in this section shall affect the rights of a watandar Hindu priest or an alienee from such a priest, except to the extent specified therein ". That extent is obvious. That extent is that he cannot claim as a matter of right religious emoluments in connection with religious ceremonials which he has not performed. To that extent his right will be limited. At present he enjoys the right of claiming such emoluments even though he does not perform religious services. To that extent clause 4 does limit the existing right of the watandar priest. Such limitation to this extent was the very object of the honourable mover of the bill and it is an object which has appealed, I venture to say, to most of us. So, so far as that restriction of the existing rights and the interests of the watandar priests is concerned, there is practically no difference of opinion and no opposition and therefore, in order to prevent any other issue being raised, in order to prevent any complications from arising, in order to prevent any other consequences from being produced as a natural consequence, as an inevitable consequence, if clause 4 is enacted, I propose by my amendment that the rights of the watandars should be strictly limited to the extent which is specified in that clause.

Some fears have been expressed in certain quarters that, if this clause 4 is enacted, it may produce certain consequences detrimental to the interest of the watandar priests. Some fear is expressed that in consequence of clause 4, not only that particular consequence, namely, the deprivation of the claim of a watandar priest to ceremonial emoluments even though he may not perform the ceremony, but also certain other consequences may also ensue detrimental to the interests of the watandar priests.

[Mr. R. G. Pradhan]

Personally, I do not know what those consequences may be, how, in what other directions the clause 4 will be detrimental to the existing rights and privileges and the existing status of the watandar priests. But it may be, and it is just possible, that as we are not thoroughly informed of the exact incidents attaching to the status of the watandar Hindu priest, it is just possible that certain consequences which are not foreseen by us at the present moment, which may not be foreseen either by us or by the Government for some time to come, may follow. It is, therefore, desirable, and it is fair to the watandar priests that whatever those consequences may be, if any, those consequences should be guarded against. And, therefore, this amendment says that the result of this clause 4 would be strictly this,—and no other—that the watandar priest would be deprived of this particular and single privilege of obtaining ceremonial emoluments even though the religious ceremonies are not performed by him. That is the object of the bill. That was the original clause of the bill, and I feel confident that my honourable friend Mr. Bole had not, and, has not at the present moment, the least intention of going beyond the scope of his original bill. I therefore strongly hope that my amendment will be acceptable to the honourable author of the bill and it will be acceptable also to all my honourable colleagues. Let me mention in this connection that when a similar bill was introduced in 1921 or 1922 in the Legislative Assembly by Mr. Latthe, a select committee was appointed, which was presided over by that eminent Indian who was then the Law Member of the Government of India, Dr. Sapru,—the select committee was presided over by such an eminent Indian and such an eminent lawyer, I may add, as Dr. Sapru—and the bill as it was considered in the select committee and as it came out from the select committee was also confined to this particular single, simple issue, which the original bill of my honourable friend Mr. Bole has raised. I feel confident that in order to commend this amendment to the favourable consideration of the honourable House, no more language of mine is necessary. The fairness of the amendment, the moderation of the amendment, the sweet reasonableness of the amendment, are obvious. It will, I am sure, bring harmony and concord among the different classes which for the time being are ranged into hostile or at any rate different camps. I feel perfectly sure that if my amendment is accepted by the honourable House, it will have such beneficent results, and I positively assert that, if this bill is passed with clause 4 with the amendment which I have suggested and exclusive of the clause that will come next, I say I feel perfectly confident that in course of time, whatever opposition there may be to the bill will vanish, and all the different classes which are affected by this bill, even the priests whose interests and privileges are affected by this bill, will not show the opposition that they are at present showing.

Sir, a good deal has been said with regard to the priests. I come from a place which is a centre of Hindu priesthood. I have come into contact with several representatives of the priestly class. I have discussed this bill with some of them. Let me assure you that all priests are not so bad as some people try to make them out. I say it is extremely unfair

[Mr. R. G. Pradhan]

to say that all priests are bad or do not possess any qualifications. On the contrary, my experience of many priests is that they are excellent people and that they are perfectly prepared to adapt themselves to the new demands of the modern age and the modern civilisation, and some of them have even taken advantage of higher education. I know of one priestly family in the city of Nasik which has given to the Indian Civil Service a member, who is now posted, in the United Provinces. Therefore, I say, Sir, that even the priests will reconcile themselves to this bill if all these objectionable features are removed. With this safeguard, I venture to say that there would be no further discord between the Brahmins and the non-Brahmins on this matter.

I say, Sir, that in view of all these arguments which I have advanced in support of my amendment, the House will unanimously accept this amendment. And before I conclude, I venture to refer to one point, and that is the attitude of the Government with regard to this bill. Sir, I must frankly say that the attitude of Government with regard to this bill has been to me one of painful surprise. In 1921 when Mr. Latthe's bill was under the consideration of the Legislative Assembly, the Government said that they were neutral and permitted members of Government to vote as they liked. I expected the Leader of the House to take up the same attitude and declare that they would be neutral and permit the official members to vote as they liked. It is a painful surprise to me why the Government of Bombay should have taken up a different attitude, why they should have adopted a more or less partisan attitude on this bill, they should have maintained a more neutral and impartial attitude. With these words I commend my amendment to the acceptance of the House.

Question proposed..

Mr. C. M. SAPTARSHI (Ahmednagar District) : Sir, I rise to support this amendment. When this bill was under discussion at the time of the second reading I said, Sir, that the honourable mover of the bill should say then whether he was prepared to accept the amendment of my honourable friend Mr. R. G. Pradhan. The honourable mover had many bitter things to say about the Swaraj party, in spite of the fact that many members of that party, especially Brahmins, have supported the principle of this bill. The honourable member, the Leader of the Swaraj party, who is himself a Brahmin accepted the principle of the bill and gave to the members of his party the fullest freedom in the matter of voting. I expected from the honourable member Mr. Bole for whom I have the greatest respect the generosity to reciprocate the feeling of the Swaraj party. But, Sir, he in his reply was not generous enough to admit that some members of the Swaraj party stood for his bill and admitted its principle. He characterised all the members of the Swaraj party with the same expression. He condemned them all. The temptation to indulge in invectives was so great to him.....

An Honourable MEMBER : Mutual.

Mr. C. M. SAPTARSHI : Certainly not.

Mr. B. K. DALVI : Is it all relevant, Sir, to say that the honourable member Mr. Bole did not say certain things in reply.

The DEPUTY PRESIDENT : The point raised is whether it is all relevant. I can only determine that there is a distant relevancy to the matter. Though I cannot strictly rule it out I appeal to the honourable member, when the principle has been thrice admitted by this House, to consider that it is hardly fair that this opportunity should be taken by him, instead of seriously supporting the amendment, to return the invectives. At this stage of the bill he should not take advantage of the distant relevancy but should proceed to the issue before the House at once.

Mr. C. M. SAPTARSHI : I bow to your ruling, Sir.

I simply wanted to suggest that instead of replying to the various questions raised in the debate the honourable member Mr. Bole wanted to indulge in invectives. One of the points raised then was that he should, before the motion for the second reading was put to the vote, be in a position to say whether he was willing to accept the honourable member Mr. Pradhan's amendment or not. Though the honourable mover was reminded about it while he replied he did not reply to that particular point, which in fairness he should have done.

The DEPUTY PRESIDENT : Will the honourable member just proceed to the merits of the amendment ?

Mr. C. M. SAPTARSHI : I will, Sir. It has been stated that some members on this side accused Mr. Bole of bad motive in introducing this bill. (Interruption.) But I may say that Mr. Bole was actuated with the purest of motives. Here is an opportunity for him to testify to the purity of his motives.

Mr. S. K. BOLE : That is your view.

Mr. C. M. SAPTARSHI : I am not speaking your views. (Interruption.) I do not want to be interfered with.

The DEPUTY PRESIDENT : Even if the honourable member is interrupted he must appeal to the Chair and he has no right to reply direct.

Mr. C. M. SAPTARSHI : I will appeal to the Chair, Sir. Here is an opportunity for him to prove that he is actuated by the best of motives. When he introduced his original bill clause 5 was not in the bill. His purpose has been served by clause 4 and he has got the liberty of conscience for which he has so valiantly fought. What more does he want ? The amendment of my honourable friend from Nasik simply restricts the operation of this bill to clause 4. It has been stated by some honourable members that this amendment is redundant ; it is not necessary ; and it is not called for. But my reply is that if it is redundant why should you object to it ? They object to it because some honourable members have got in the back of their minds that this will perhaps be of some advantage in creating trouble for the Joshis. I submit that when we pass a legislation of this type we must see that there is no possibility of any trouble being created against the Joshis. I think that the principle of the bill has been achieved by clause 4. If we simply say that the

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operation of this bill will be restricted to clause 4 we are not doing any damage to the intentions of the mover. Under these circumstances, I appeal to him to accept the amendment. The honourable member Mr. Patil is interrupting me, Sir.

The DEPUTY PRESIDENT : I request honourable members not to interrupt him for the sake of time.

Mr. S. K. BOLE : The honourable member himself interrupted when others were speaking.

The DEPUTY PRESIDENT : The honourable member will proceed.

Mr. B. K. DALVI : Can an honourable member go near the speaker and tell him something ?

The DEPUTY PRESIDENT : I do not think any such point of order could be raised. I do not think I should be called upon to decide these petty points of order. Let us proceed.

Mr. C. M. SAPTARSHI : He having got all that he wanted, his liberty of conscience, he should be the first man to accede to the amendment of my honourable friend Mr. Pradhan. You know, Sir, that many of the sanads of the *joshis* contain a clause to the effect that so long as they continue to render services for the benefit of the village, their watan lands and cash allowances shall be continued in their families. Now, the Leader of the House assured us that the wording of the sanads was different. We have not got before us all the various kinds of wording with which the sanads are couched. It is possible, therefore, that if we pass clause 4, without the amendment of my honourable friend from Nasik, in some cases at least Government will be in a position to say to the *joshis* who have got inam lands or cash allowances : " Well, you are not now rendering services to all the *yajmans* to whom you used to render service when the cash allowances were given to you, and therefore we will levy the full assessment and stop your cash allowances." In order to prevent any interference by the executive, in order to prevent any possibility of mischief, this amendment has been suggested. As its effect is only to restrict the bill to its original scope and at the same time to prevent any possible mischief to the *joshis*, I hope this amendment will be carried by this House.

In this connection I appeal to the Government benches, especially to the Leader of the House. Sir, in connection with the voting of the Government benches, he stated yesterday that it is the duty of Government to vote on all social measures. May I ask him, Sir, how many socio-religious bills have been carried by the Bombay Legislative Council since the introduction of the reforms ? The Leader of the House gave liberty to officials to vote according to their conscience the other day. But this time, it seems that they are not to have such liberty. I appeal to him to consider this most important amendment of Mr. Pradhan, and see whether it is in the interest of Government not to accept it, and to see whether any purpose of Government is served by opposing this amendment. We are also going to have another amendment from

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Mr. Pradhan for omitting clause 5. That also, I hope, he will accept, and show that Government is above parties and is not interested either way. Government are not interested either in the *joshis* or in their opponents, and therefore they ought to adopt a very reasonable attitude and see that the bill is restricted to its original scope. I appeal to the Government benches, the mofussil members of the Council, and to other members to do justice to the *joshis* and restrict the operation of the bill to the original intentions of the mover. With these remarks I support the amendment of my honourable friend from Nasik.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the amendment of my honourable friend from Nasik. At the same time I rather view the silence of Government as ominous, because from the addition that has been made to this bill and from the somersault that Government took, I can just see that the clause succeeding clause 4 has got something to do with the attitude of Government.

In this connection I would like to point out that true liberty of conscience is allowed to everybody in England, but at the same time the Church is paid by Government. The payment there is not by a few rupees or annas here and there, but by thousands of pounds. There are a host of bishops, chaplains and archdeacons maintained by the State. Now, if Government want to take advantage directly or indirectly of the position that will be created by Mr. Bole's bill then I would not be a party to such a measure. I agree with Mr. Bole and other honourable members that true liberty of conscience must be allowed to everybody. At the same time I am not of opinion that we should deprive the priests of their watans especially as we have in clause 4 deprived them of other emoluments. They have come to the villages not of their own choice but at our request. As my honourable friend Dr. Paranjpye said, none of them sought this service. When the people first established villages in new areas they invited these people to reside amongst them to the benefit of the village. Therefore, we should not now drive them out although they may not be serving the same purpose that they used to serve before.

Then, I think, Sir, that my honourable friend the mover of the bill has no objection if the other rights or emoluments of the priests are continued to them, because no non-Brahmin or Brahmin stands to lose anything thereby. On the contrary they will have at least the consolation that they have struck to their original agreement to live amongst them. They can say to them: "We do not want to be served by you, but we do not send you away and take back from you the perquisites or watans that may have been allowed at the time of the original agreement."

Unfortunately now, there are signs that Government perhaps want to take advantage of our position and resume these watans. On our side these watans are out and out inams. The people there perhaps know the inconvenience and trouble which would arise in future if they were kept as service watans and whatever grants were made were out and out grants. They were not for rendering service. They were out

[Rao Saheb D. P. Desai]

and out alienations. Many of them have now sold or mortgaged these inams, and yet Government have never been requested to resume those original grants, because they were given as out and out grants. But somehow or other in the Deccan these watans are styled as service watans. In fact, I think that we should not take any advantage of this peculiarity in the grant. I therefore commend this amendment to my non-Brahmin friends. I think they should not object to it. As regards the members on the Government benches, I think it would not be fair on their part to object to this amendment. In this connection, I would remind them of one circumstance which might go a great way in influencing their decision. There was a committee on compulsory primary education. All the Indian members were in favour of the resumption of inams by Government, but only two European members wrote dissenting minutes, saying that they would be the last men to be a party to the resumption of what had been given in inam before. I would request the Government benches to consider their own position in this respect, and to follow the example set by their own members on the Education Committee. With these remarks, I commend this amendment to my non-Brahmin friends and the Government benches especially as we are legislating against the wishes of the priests concerned and their interests.

The DEPUTY PRESIDENT: There are only seven minutes to 7, and I would like to hear anybody who wants to oppose this amendment. If he can finish within seven minutes I will give him an opportunity to do so.

Mr. L. B. BHOPATKAR: Let us adjourn.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, I rise to support the amendment of the honourable member Mr. Pradhan. Member after member who has spoken on the amendment has stated that beyond the scope and object mentioned in the bill no further harm is intended to these priests. I simply say, here is an opportunity and chance for the Government just to minimise the mischief that has already been done in passing this bill.

The DEPUTY PRESIDENT: The House will now adjourn till 1-30 p.m., on Monday, the 2nd August 1926.

2 AUG. 1926]

Monday, the 2nd August 1926

The Council re-assembled at the Council Hall, Poona, at 1-30 p.m. on Monday, the 2nd August 1926, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
 ABDULPURKAR, Mr. N. A.
 ADAM, Mr. C. G.
 ADDYMAN, Mr. J.
 ADWANI, Mr. D. B.
 AHMAD, MOULVI RAFIUDDIN
 ANDERSON, Mr. F. G. H.
 ANGADI, Rao Bahadur S. N.
 BALAK RAM, Mr.
 BEDREKAR, Khan Bahadur I. M.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb SHER MAHOMED KHAN
 BOLE, Mr. S. K.
 BUNTER, Mr. J. P.
 CHATFIELD, Mr. G. E.
 CHAUDHARI, Mr. L. S.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. A. R.
 DALVI, Mr. B. K.
 DEHLAVI, the Honourable Mr. A. M. K.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 DUGUID, Mr. A.
 FERNANDEZ, Dr. COSMAS
 FRAMJI, Mr. K. S.
 GANDHI, Mr. C. M.
 GHULAM HUSSAIN, the Honourable Sir
 GUNJAL, Mr. N. R.
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HARRISON, Mr. R. T.
 HATCH, Mr. G. W.
 HOTSON, the Honourable Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.

JOSHI, Mr. P. G.
 KAMBLI, Rao Bahadur S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUHRO, Mr. M. S.
 KOTHARI, Mr. V. R.
 LAGHARI, HAJI FAZUL MUHAMMAD KHAN
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSEINBHOY A.
 LOWSLEY, Mr. C. O.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MCKEE, Mr. W. G.
 MEHTA, the Honourable Sir CHUNILAL
 MUJUMDAR, Sardar G. N.
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 OWEN, Mr. A. C.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, Dr. R. P.
 PATEL, Mr. A. E.
 PATEL, Mr. D. N.
 PATEL, Mr. G. I.
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PIR RASULBAKSH SHAH, Khan Saheb
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOSENALLY M.
 RIEU, the Honourable Mr. J. L.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SAYED GHULAM NABI SHAH
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Amod, the
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.

TURNER, Mr. C. W. A.

WEBB, Mr. M.

WINTERBOTHAM, Mr. G. L.

WOODS, Mr. E. E.

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

Mr. C. M. Gandhi and Mr. R. T. Harrison made the prescribed oath or affirmation of allegiance to His Majesty the King-Emperor and took their seats in the Council.

The Honourable the PRESIDENT: Questions.

POONA TRAINING COLLEGE

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

- (a) the total number of teachers in the Poona Training College;
- (b) how many of them are Brahmins and how many belong to the backward classes;
- (c) whether there are any separate boarding clubs in the College for vegetarian and non-vegetarian Hindus;
- (d) whether it is a fact that permission was refused to start a separate boarding club for non-vegetarian Hindus;
- (e) if the answer to (d) is in the affirmative, why such permission was refused?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

SCHOOLS FOR KATKARIS, KOLABA DISTRICT

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

- (a) the present number of schools for Katkaris in the Kolaba district;
- (b) whether the number is higher or lower than before;
- (c) the number of students attending these schools at present;
- (d) whether the number is higher or lower than before?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

EDUCATIONAL DEPARTMENT, KOLABA DISTRICT: CLERKS IN—

Mr. S. K. BOLE: Will Government be pleased to state the total number of clerks in the Educational Department in the Kolaba district and how many of them are Brahmins and how many belong to the backward classes.

The Honourable Mr. B. V. JADHAV: Information has been called for.

Dr. R. P. PARANJPYE: May I enquire when these questions were sent in?

The Honourable Mr. B. V. JADHAV: If the honourable member will give me notice, I will find out.

MISSION ACTIVITIES AMONG THE BHILS IN WEST KHANDESH

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) whether they are aware that the western parts of Pimpalner and Nandurbar talukas and the whole of Nawapur and Taloda talukas in West Khandesh are mostly populated by Bhils;

(b) whether they are aware that in these Bhil talukas several Christian missions have established their mission houses and opened schools;

(c) how many such schools are there under the control of these missions in these four talukas and at what places;

(d) whether they are aware that in these schools the teachers begin their work for the day with a prayer in chorus to Jesus Christ;

(e) whether they are aware that a book in Gujarathi entitled "Arunodaya" is appointed as a text-book in some of these schools and that the book treats of the life of Jesus Christ;

(f) whether they realise that such prayers and such text-books must work upon the minds of the children attending the schools in favour of the Christian religion by shaking their faith in their own religion;

(g) whether Government intend to take any steps in order that children attending public schools may be brought up in the religion of their birth and may not be affected by preaching of another faith;

(h) what help these missions and their schools are receiving from Government?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

ALIENATED VILLAGES IN POONA AND SATARA

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the names of alienated villages with the names of inamdars in each taluka of the Poona and Satara Districts;

(b) the number of alienated villages in the above two districts in which there are sharers and in which there are no sharers, separately?

The Honourable Mr. J. L. RIEU: (a) Two statements* giving the information required are placed on the Council table.

(b) The following statement gives the information asked for:—

Name of district.	Number of alienated villages in which	
	there are sharers.	there are no sharers.
Poona	78	120
Satara	192	194

* Kept in the Secretary's Office.

NEW PENSION RULE

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased—

(a) to state when the contemplated orders regarding the new pension rules are likely to be issued and why there has been so much delay in passing these orders;

(b) to place on Council table the proposals formulated by them in this connection?

The Honourable Sir CHUNILAL MEHTA : (a) Until recently it was understood from the Government of India that the revised pension rules were under the consideration of the Secretary of State. Since then the Secretary of State has issued the Civil Services (Governors' Provinces) Delegation Rules, 1926, which have been published in the *Bombay Government Gazette*, dated April 29th, 1926. Under these rules the power to make rules regulating the conditions of pensions of provincial and subordinate services and of officers holding special posts is delegated to the Local Government. Necessary action in the matter will be taken by Government as soon as a reply is received from the Government of India to a reference made by this Government inquiring whether the revised pension rules which were under the consideration of the Secretary of State are likely to be issued.

(b) In view of the reply to (a) no proposals have been formulated.

The Honourable Sir CHUNILAL MEHTA : I would only inform the honourable member that since giving the answer in the last part of (a), namely, that reference has been made by this Government inquiring when the revised pension rules which were under the consideration of the Secretary of State are likely to be issued, we have since been informed that the Government of India and the Secretary of State are not going to issue the rules and that they have delegated the power to the Bombay Government.

MOULVI RAFIUDDIN AHMAD : Will the Bombay Government issue the necessary rules?

The Honourable Sir CHUNILAL MEHTA : Yes.

MAMLATDAR'S KACHERI, AMALNER

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether they are aware that the Mamlatdar's kacheri at Amalner in East Khandesh is in a most dilapidated and miserable condition;

(b) whether they intend to take its reconstruction in hand, and if so, when?

The Honourable Mr. J. L. RIEU : (a) Government are aware that the building is very old and unsuited to present requirements;

(b) Yes; the question of provision of funds for the work will be considered by Government in next year's budget.

CERTAIN LAND STATISTICS

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to supply the following information for 1910—15 and 1920—25 for East Khandesh, West Khandesh, Nagar, Sholapur, Nasik, Satara and Poona Districts—

(a) number of land transfers owing to arrears and loans to (i) cultivators and (ii) non-cultivators;

(b) the per cent. of acreage cultivated by (i) owners, (ii) tenants;

(c) the average crop test yields of each of the staple crops, giving number of tests taken;

(d) limit of interest charged and average rate of interest on farm mortgages?

The Honourable Mr. J. L. RIEU: (a), (b) and (d) The collection of the information would involve expenditure of time and labour incommensurate with its value.

(c) Statements* showing the crop tests taken during the periods 1910—15 and 1920—22 are placed on the Council table. Similar information for the period 1923—25 is not available.

THE VIDYAWARDHAK SANGHA, DHARWAR

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

(a) whether the Vidyawardhak Sangha at Dharwar is in the receipt of a Government grant;

(b) if so, how much annually;

(c) and since when;

(d) if not, whether Government intend to give it a grant;

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

(b) Rs. 500.

(c) Since 1906.

(d) In view of the reply given to part (a) above this question does not arise.

LAND REVENUE COLLECTION, DHARWAR DISTRICT

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

(a) whether they have changed the dates of collection of revenue in the Dharwar district;

(b) if so, in what month or months of the year is the revenue collected?

The Honourable Mr. J. L. RIEU: (a) The change was effected by the local officers with effect from the revenue year 1925-26.

(b) A statement† containing the requisite information is placed on the Council table.

Dr. R. P. PARANJPYE: With regard to (a) when dates of collection, etc., were changed, was the change effected with the sanction of Government?

* Kept in the Secretary's Office.

† Vide Appendix No. 41.

The Honourable Mr. J. L. RIEU : No ; Government were not consulted. These changes are made by the Collector subject to the Commissioner's approval.

Rao Bhadur S. T. KAMBLI : May I know what the changed dates are ?

The Honourable Mr. J. L. RIEU : I have given them in the statement.

BRIDGES AND CAUSEWAYS IN DHARWAR DISTRICT

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

- (a) how many causeways there are in the Dharwar district ;
- (b) when was each built ;
- (c) what was the cost of each ;
- (d) how many nalas there are in the said district which have no bridges or causeways and which intersect provincial or district local board roads.

The Honourable Sir GHULAM HUSSAIN : (a), (b), (c) and (d) The accompanying statement* furnishes the information required.

COMPULSORY PRIMARY EDUCATION RESOLUTION

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

- (a) which of the district local boards and which of the municipalities that are declared local authorities have declared their intention to introduce compulsory education under the Primary Education Act ;
- (b) when (i.e., on what date or dates) each has passed a resolution to that effect ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

LARKANA CIVIL COURT CERTIFIED WRITERS

Khan Saheb A. M. MANSURI on behalf of Mr. M. S. KHUARO (Larkana District) : Will Government be pleased to state—

- (a) whether their attention has been drawn to the articles in the "New Times", Karachi, dated 7th May, the "Navroz", Larkana, dated 10th May, the "Muslim Advocate", Karachi, dated the 24th April, and other vernacular newspapers in Sind about the order issued by the Judicial Commissioner of Sind in connection with certified writers in the Larkana Court ;
- (b) whether it is a fact that the Judicial Commissioner's order by which certified writers in the Larkana Civil Court are restricted to writing plaints of money value of Rs. 100 and below has created discontent among the certified writers and caused inconvenience to the litigant public ;
- (c) whether it is a fact that the petition made by the certified writers for the removal of the above grievance was supported by the

* Vide Appendix No. 42.

First Class Sub-Judge and District Judge, Larkana, but the Judicial Commissioner declined to reconsider his order ;

(d) whether it is a fact that representations were made by the public, both Hindus and Moslems, for removal of this restriction ;

(e) whether they are aware that such a restriction has been placed on certified writers practising in the Larkana Civil Court only ;

(f) whether they are aware that by this order of the Judicial Commissioner the agricultural classes are chiefly affected as it makes it incumbent on them to engage the services of a pleader for each and every suit above the money value of Rs. 100 ;

(g) whether it is a fact that it was to relieve the distress caused to the agricultural class that in 1913-14, the then Judicial Commissioner, Sir Maurice Hayward, increased the number of certified writers from six to nine ;

(h) what action they intend to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The order of the Judicial Commissioner of Sind appears to have caused discontent among the certified writers, but there is no evidence to show that the litigating public has been inconvenienced.

(c) Yes.

(d) Two petitions were received.

(e) Yes.

(f) Yes.

(g) No. Sir Maurice Hayward on the contrary reduced the number of petition writers from 16 to 9.

(h) Government see no reason to interfere with the order of the Judicial Commissioner of Sind.

Mr. B. G. PAHALAJANI : With regard to (c), may I know if Government are aware that the public is very much inconvenienced by the restrictions placed on petition writers ?

The Honourable Mr. J. E. B. HOTSON : The Judicial Commissioner did not consider so and Government have accepted his opinion.

(Mr. B. G. Pahalajani asked a question which was inaudible.)

The Honourable Mr. J. E. B. HOTSON : That I think is a question of opinion.

SITTING ACCOMMODATION FOR VISITORS IN COURTS

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

(a) whether it is a fact that there is a notice put up in the City Magistrate's Court at Ahmedabad that none but pleaders should sit on the chairs provided for the purpose ;

(b) if so, why ;

(c) what is the sitting accommodation for visitors and others who visit these courts on business ?

The Honourable Mr. J. E. B. HOTSON : (a) Such a notice was put up sometime ago at the request of the pleaders, but it was removed more than a year ago.

(b) Does not arise.

(c) There is sitting accommodation for 75 to 100 visitors.

SUB-JUDGES

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

(a) the present scale of the pay of the post of a sub-judge ;

(b) when it was last revised ;

(c) what was the scale of pay before the revision ;

(d) the duties of a sub-judge ;

(e) his prospects in service ;

(f) the qualifications required for a sub-judge ?

The Honourable Mr. J. E. B. HOTSON : (a), (b) and (c) A note* furnishing the information is placed on the Council table.

(d) and (f) A reference is requested to sections 22, 24, 25, 27, 28, 28-A, 29 and 32 of the Bombay Civil Courts Act, 1869 (XIV of 1869).

(e) Subordinate Judges have prospects of promotion to Assistant Judgeships and to some of the five District Judgeships which have up to date been listed as open to persons other than members of the Indian Civil Service.

R. C. HIGH SCHOOL AND MIDDLE SCHOOL, AHMEDABAD :

REDUCTION OF CLASSES

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state why the number of classes in the R. C. High School and Middle School has been reduced when there is such a rush of students ?

The Honourable Mr. B. V. JADHAV : Government do not maintain separate middle schools anywhere except at Ahmedabad and Surat. At other places High and Middle School classes are maintained in one combined institution. In accordance with the recommendation of the Retrenchment Committee, it has been decided that a similar arrangement should be introduced at Ahmedabad and Surat also, the object being some measure of economy. This decision is also strictly in accordance with the established policy of Government in regard to secondary education which is to maintain one Government High School in a district with accommodation for a limited number of students to serve as a model to other secondary institutions. Government have never undertaken to provide facilities for all students who seek secondary education.

LLOYD BARRAGE OFFICERS

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state—

(a) how many Mussulmans and non-Mussulmans have been appointed as Assistant Engineers, Assistant Executive Engineers and Executive Engineers in the Lloyd Barrage after June 1925 ;

(b) how many Mussulmans have applied for the posts of Assistant Engineers and higher posts in the Lloyd Barrage, after June 1925, and how many of them have been taken up? Their places of residence and qualifications may also kindly be shown;

(c) how many non-Mussulman non-Sindhis have been taken up in the Lloyd Barrage service in the officers' grade after June 1925 and the pay each of them has been given? Their places of residence and qualifications may also kindly be shown;

(d) whether they are aware that non-Sindhi Mussulmans are not taken up in Lloyd Barrage service while non-Sindhi non-Mussulmans have been taken? If so, the reasons for this differentiation?

The Honourable Mr. COWASJI JEHangIR:

	Rank.	Mussulmans.	Non-Mussulmans.
(a)	Assistant Engineers ..	..	7
	Assistant Executive Engineers ..	..	3
	Executive Engineers ..	..	4

(b) 23. All the applicants, with the exception of 2, were from outside the Bombay Presidency. Of the 2 Presidency men, one Mr. A. R. Soudgar, B.E. (Poona), and resident of Surat was offered an appointment which he did not accept; the other Mr. J. M. Mutilbani, B.E. (Poona), and resident of Shikarpur, Sind, has been offered an appointment as (temporary) apprentice which he has accepted. He is expected to join early in August next.

(c) The attached statement* gives the required information.

(d) No. The distinction, if any, is kept between the Presidency and non-Presidency men and not between the non-Sindhi Mussulmans and non-Sindhi non-Mussulmans.

HEADQUARTERS OF SUPERINTENDING ENGINEER, EASTERN NARA CIRCLE

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) whether it is a fact that the jurisdiction of the Superintending Engineer, Eastern Nara Circle, runs from Rohri through the desert portion of Khairpur State up to Thar and Parkar district but his headquarters are at Karachi;

(b) if so, how many miles the headquarters are approximately from the nearest point of the Superintending Engineer's jurisdiction?

The Honourable Mr. COWASJI JEHangIR: (a) Yes.

(b) The nearest point of the Superintending Engineer's jurisdiction is Mirpurkhas. It is about 150 miles from Karachi.

Mr. NOOR MAHOMED: Does the Superintending Engineer carry out his duties from a distance of 150 miles?

The Honourable Mr. COWASJI JEHangIR: When he happens to be at his headquarters.

Mr. NOOR MAHOMED: Most of his time he is at his headquarters?

The Honourable Mr. COWASJI JEHangIR : No.

Mr. NOOR MAHOMED : How much time does he spend at the headquarters ?

The Honourable Mr. COWASJI JEHangIR : During the touring season which is lengthy in Sind he is constantly in Sind.

PRACTISING SCHOOLS : LADY TEACHERS

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that lady teachers were being awarded approved service certificates by the Education Department in the past ;

(b) whether lady teachers who have obtained such certificates will be given preference for appointments in the practising school of the Female Training College at Ahmedabad ?

The Honourable Mr. B. V. JADHAV : Information is being collected.

EDUCATION IN AHMEDABAD MUNICIPALITY

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that the Ahmedabad Municipality had declared its intention to introduce free and compulsory education within the municipal area by a resolution of 7th July 1925 and the complete scheme of compulsory education was submitted by the municipality to Government in October 1925 ;

(b) whether several reminders were addressed to them by the municipality and whether the matter has not yet been disposed of ;

(c) whether they would place on the Council table all correspondence that has so far passed between them and the municipality on this subject ?

The Honourable Mr. B. V. JADHAV : Inquiry is being made.

LEAVE RULES FOR PRIMARY TEACHERS AT AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) the date when the Ahmedabad Municipality submitted special leave rules for the primary teachers serving under the municipality to Government for sanction ;

(b) whether they have accorded their sanction to these leave rules ;

(c) if not, the reasons for not according sanction.

The Honourable Mr. B. V. JADHAV : Information has been called for.

MIDDLE SCHOOL, AHMEDABAD : REDUCTION OF CLASSES

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that two classes each of the first and second standards in the middle school at Ahmedabad are to be abolished

from 1926 and 1927 and that in 1928 there will be only one class maintained in each of the standards from first to third ;

(b) whether it is a fact that by reducing the long established accommodation in this Government School at Ahmedabad the progress of secondary education will be retarded ;

(c) whether similar steps for reducing the classes for secondary education have been taken in any other part of the Presidency ; if so, to place their details on the table ; if not, to give the reasons for taking such steps in Ahmedabad ?

The Honourable Mr. B. V. JADHAV : The attention of the honourable member is invited to the reply given by Government in the present session of the Legislative Council to a similar question on the subject put by him.

Mr. G. I. PATEL : Has the Honourable Minister for Education ever been to Gujarat to enquire into the subject ?

(No reply.)

Mr. G. I. PATEL : Does he now intend to visit Gujarat for the purpose before the expiry of his term of office ?

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

OUTPUT OF DREDGER "KALU"

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether the dredger "Kalu" has a guaranteed output of 1,500 cubic yards per hour ;

(b) whether on practical working the results obtained reveal an output of about 1/5th of the guaranteed quantity ;

(c) the figures of output for the working season of 1926 ;

(d) whether they have taken any steps to claim damages for such difference in the output from the makers or suppliers or sellers of the said dredger ?

The Honourable Mr. COWASJI JEHangIR : (a) The dredger "Kalu" was purchased second-hand from His Majesty's Government and no guarantee regarding its output was given to this Government.

(b) and (d) Do not arise.

(c) The output of the dredger "Kalu" during the season 1925-26 was 3,72,925 cubic yards giving an average of 406 cubic yards per hour, as measured by soundings in Back Bay.

Mr. G. B. PRADHAN : What were the expectations of Government as regards the output when the dredger was purchased ?

The Honourable Mr. COWASJI JEHangIR : The dredger was bought second-hand and I do not think that Government had any exact expectations of the output.

Mr. G. B. PRADHAN : Was the price settled without calculating the output of the dredger ?

The Honourable Mr. COWASJI JEHangIR : I must ask for notice.

Mr. G. I. PATEL : Did Government obtain the figures of the output of the dredger from the place from where it was last employed for dredging before purchasing it ?

The Honourable Mr. COWASJI JEHangIR : I must ask for notice of that question too.

Mr. G. I. PATEL : As regards answer to (c), will Government be pleased to state whether calculating on the basis of about 400 cubic yards per hour the actual cost will be increased by 400 per cent. in its working ?

The Honourable Mr. COWASJI JEHangIR : I think the honourable member's question has already been answered in the report of the advisory committee which has been placed on the Council table and a copy sent to every honourable member.

MOULVI RAFIUDDIN AHMAD : Did the then Government of Bombay ask for a guarantee of the output ?

The Honourable Mr. COWASJI JEHangIR : It was a second hand dredger and I am not in a position to say, without referring to past papers, whether the Government at the time asked for any guarantee.

Mr. G. B. PRADHAN : How was the purchase considered to be a profitable transaction without any such guarantee ?

The Honourable Mr. COWASJI JEHangIR : That is a question of opinion.

Mr. A. N. SURVE : Were the measurements in the Back Bay taken and also the measurements in the reclaimed area ?

The Honourable Mr. COWASJI JEHangIR : The measurements have been taken in both areas, but we have not yet got the figures of measurements on the land as checked by the Engineers' Committee.

Mr. G. B. PRADHAN : Who recommended the purchase of this dredger ?

The Honourable Mr. COWASJI JEHangIR : I think it was Sir George Buchanan.

Mr. P. G. JOSHI : Does not the wording in (a) mean that the guarantee was asked for by this Government but it was not given ?

The Honourable Mr. COWASJI JEHangIR : I cannot definitely answer that question and I must ask for notice.

Mr. G. I. PATEL : Before taking delivery of this dredger, was any trial taken ?

The Honourable Mr. COWASJI JEHangIR : It was working in Mesopotamia. I do not think any trial was taken.

Mr. G. I. PATEL : In the delivery papers was there any certificate or report as to the dredger's working showing the figures of its working in Mesopotamia ?

The Honourable Mr. COWASJI JEHangIR : If the honourable member will read the Committee's report, he will realise that after the

dredger was bought it had to be reconditioned as it was not in working condition when it was bought.

Mr. G. B. PRADHAN : Did the purchase carry any commission ?

The Honourable Mr. COWASJI JEHangIR : Yes.

Mr. G. B. PRADHAN : How much ?

The Honourable Mr. COWASJI JEHangIR : I would rather have notice of that question.

Mr. HOOSEINBHOY A. LALLJEE : Was the usual commission given to Sir George Buchanan on this purchase ?

The Honourable Mr. COWASJI JEHangIR : There was 2 per cent. commission allowed to Messrs. Meik and Buchanan and one per cent. commission on the dredger "Lloyd". Whether that one per cent. applied to the dredger "Kalu" also I cannot say without referring to the papers.

EDUCATION : THE HONOURABLE MR. JADHAV'S ADMINISTRATION

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will the Honourable Minister for Education be pleased to state—

(a) whether his attention has been drawn to the leading article under the heading "Discreditable Methods" published in the *Bombay Chronicle* of the 16th June ;

(b) whether he is responsible for not adopting the Sathe-Paranjpye scheme and for the delay caused in the consideration of the question ?

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

(b) No.

Mr. G. I. PATEL : With regard to (b), who was responsible ?

The Honourable Mr. B. V. JADHAV : The reply to (b) is in the negative. I do not say that responsibility can be exactly fixed on any particular officer.

Mr. G. I. PATEL : Was the Honourable Minister's predecessor responsible for it ?

The Honourable Mr. B. V. JADHAV : As I said, nobody in particular can be held responsible for it.

Rao Saheb D. P. DESAI : Will the honourable member, the Honourable Minister's predecessor (Dr. Paranjpye) say whether he is responsible for it ?

The Honourable the PRESIDENT : Order, order.

Mr. P. G. JOSHI : Is not the Honourable Minister for Education responsible for not giving effect to the Sathe-Paranjpye scheme ?

(No reply).

C. I. D. INSPECTOR, KAVISHVAR : SUSPENSION

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that the C. I. D. Inspector, Mr. Kavishvar, has been suspended from service ;

(b) whether they would give reasons for the suspension or other punishment awarded to him;

(c) whether they would place on the table copies of the papers of any inquiries conducted in this matter?

The Honourable Mr. J. E. B. HOTSON: (a) and (b) Acting Inspector, Kavishwar was suspended on the 17th June 1926 on a charge of endeavouring to obtain an illegal gratification from a person who was accused in a case which he was investigating. He was dismissed on the 30th June 1926.

(c) No.

Mr. G. I. PATEL: May I know the conclusions arrived at by Government with regard to this charge?

The Honourable Mr. J. E. B. HOTSON: He has been held guilty of having attempted to obtain an illegal gratification.

MOULVI RAFI UDDIN AHMAD: May I know why he was not prosecuted?

The Honourable Mr. J. E. B. HOTSON: It is only a matter of discretion whether to prosecute or not to prosecute.

CAUSEWAY OVER THE ULHAS RIVER

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state when the work of constructing a low level causeway across the river Ulhas at Badlapur will be commenced?

The Honourable Mr. J. L. RIEU: The question is under the consideration of Government.

Mr. G. B. PRADHAN: May I know when this question will be decided by Government?

The Honourable Mr. J. L. RIEU: I hope it will be settled soon. Government are making enquiries as to what exactly requires to be done in order to restore the *status quo ante*, in the matter. As soon as they are satisfied as to what should be done, they will take up with the Tata Co. the question of taking action accordingly.

SCHOOL FINAL AND MATRICULATE TRAINED TEACHERS

Mr. S. A. SARDESAI (Bijapur District): Will the Honourable Minister of Education be pleased to state—

(a) the number of trained teachers holding school final or matriculation certificates;

(b) if the number is small, whether Government propose to give them any special treatment and to make necessary provisions in the Primary Education Rules, so as to give preference to them when appointing them as supervisors?

The Honourable Mr. B. V. JADHAV: Information has been called for.

PROMOTION OF GRADUATES IN REVENUE DEPARTMENT

Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(a) whether at present a graduate who is admitted on Rs. 70 in the Revenue Department has to wait till all non-graduates with longer service are promoted before he can cross the efficiency bar at Rs. 85;

(b) whether under the orders of Government on this subject seniority in the time scale of pay is considered to be seniority according to pay or according to the total length of service?

The Honourable Mr. J. L. RIEU: (a) and (b) The promotion of graduates admitted as clerks on Rs. 70 per mensem in the Subordinate Revenue Service is not at present regulated by any uniform practice. In some districts such graduates are required to wait for promotion to the next higher grade till all non-graduates with longer service are promoted, while in other districts they take rank relatively to non-graduates according to their pay. Government are issuing orders laying down a uniform practice for regulating promotion of graduates in the Subordinate Revenue Service.

Mr. R. D. SHINDE: May I know whether this uniform practice is going to be based on seniority of service or pay?

The Honourable Mr. J. L. RIEU: The practice that will be adopted will make pay the basis of seniority, subject to certain qualification. That is to say graduates before receiving promotion will be required to have passed the subordinate revenue service departmental examination, while both graduates and non-graduates will be required to satisfy their superiors that they are fit for promotion.

THE REGISTRATION DEPARTMENT

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

(a) the policy of Government with regard to the Registration Department;

(b) whether the scale of fees which the public have to pay is fixed so as to bring revenue which is just sufficient to cover the expense of the department;

(c) whether the Government of India have passed any orders or laid down any policy as regards the scale of fees to be levied for registration of documents;

(d) what becomes of the surplus of revenue over expenditure of the Registration Department;

(e) how the scale of sub-registrar's pay in the Bombay Presidency compares with the scale of pay in other provinces;

(f) what are the special reasons for giving less pay to sub-registrars in this presidency than they get in some other provinces?

The Honourable Mr. A. M. K. DEHLAVI: (a) The Registration Department has been treated as a revenue producing department;

(b) and (c) No.

- (d) It is added to the General Revenues ;
- (e) Government have no official information of the scale of pay obtaining in other provinces ;
- (f) Does not arise.

Mr. H. B. SHIVDASANI : Have Government got any unofficial information ?

The Honourable Mr. A. M. K. DEHLAVI : Not that I am aware of.

Mr. H. B. SHIVDASANI : Do Government intend to get such information ?

The Honourable Mr. A. M. K. DEHLAVI : Government do not find themselves under the necessity to get such information.

Mr. H. B. SHIVDASANI : Is it not necessary to know the scale in other provinces ?

The Honourable Mr. A. M. K. DEHLAVI : Not necessarily.

SCALE OF FEES FOR CUTTING CERTAIN TREES

Mr. S. S. DEV on behalf of Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state—

(a) to place on the Council table a copy of the revised rules under which fees are levied from the owners of Rayatava fields for permitting them to cut or remove sandalwood, teak and such kind of trees ;

(b) to state whether it is a fact that some years ago the fees thus levied did not exceed a rupee or two, while under the revised scale the fee is levied at a rate something like Rs. 15 to Rs. 25 per tree ;

(c) to state whether it is a fact that in the village of Shirale in the Walwa Taluka of the Satara District in the year 1922 some owners of Rayatava lands had to pay about Rs. 995 for about fifty sandalwood trees under the revised scale ;

(d) to state whether they intend to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (a) The orders regarding the fees to be charged on the disposal of reserved trees in occupied survey numbers are summarised in Articles 226 and 227 of the Bombay Forest Manual, Volume II. The rate of royalty has been increased from Re. 1 to Re. 1-8-0 in respect to teak trees in occupied survey numbers coming within the demarcation line in certain talukas of the Poona and Satara Divisions.

(b) No. The increase under the revised scale is one of only 50 per cent. and that too only in a very limited area. Elsewhere the scale is unchanged.

(c) Rs. 926-8-0 were paid by a certain occupant as the price of 52 sandalwood trees standing in his survey number in the village of Shirale (not Shirala) in Walwa Taluka. Sandalwood trees, under Article 227 of the Forest Manual, Volume II, are not given to the occupants at a fixed rate per tree, but are either cut and sold departmentally or sold as they stand by public auction.

(d) No.

HIMAYAT ASSESSMENT : KUMARKHAN LAKE

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

(a) whether it is a fact that there was no water in the lake of Kumarkhan, a village of the Viramgam Taluka of the Ahmedabad

District, during the years 1925 and 1926 and no water could be supplied from the lake to the rice fields of the village ;

(b) whether it is a fact that there was no crop in the rice fields of the said village in those years ;

(c) whether it is a fact that they have recovered himayat assessment from the cultivators though rice crop had completely failed during those years ;

(d) if the answer to (c) is in the affirmative, the grounds on which the recovery has been made ;

(e) whether it is a fact that they used to remit himayat assessment in the previous years when water could not be supplied from the lake to the rice fields and there was a failure of rice crop ;

(f) whether the village people of Kumarkhan have applied to the Government authorities, requesting the refund of the himayat assessment recovered from them ;

(g) if so, what action they have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) There are six small irrigation tanks within the limits of the village of Kumarkhan, taluka Viramgam. There was water in these tanks during the years 1925 and 1926, but the cultivators did not make full use of it.

(b) No.

(c) and (d) The rice crop grown in both these years was valued at over 9 annas. The himayat assessment was therefore recovered in full in the year 1925 and will similarly be recovered during 1926.

(e) Yes.

(f) No.

(g) Does not arise.

SARKHEJ-BAVLA ROAD

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

(a) the total sum of money sanctioned for metalling the Sarkhej-Bavla road ;

(b) the amount of money spent in the official year 1925-26 and the number of miles of the road metalled in that year ;

(c) the amount of money proposed to be spent in the current official year 1926-27 and the number of miles of road proposed to be metalled during this year ;

(d) when the metalling of the whole road will be completed ?

The Honourable Sir GHULAM HUSSAIN : (a) Rs. 3,16,217.

(b) Rs. 59,501 in collecting metal only ; no metalling could be done during the year 1925-26.

(c) Rs. 60,000 ; four miles are expected to be metalled if the rains are favourable ;

(d) It is expected to be completed by about 1929-30 if the requisite funds are made available.

NATIVE INSTITUTION, AHMEDABAD : BUILDING GRANT

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

(a) whether they gave a building Grant to the Native Institution, Ahmedabad;

(b) if so, the amount of the grant and the year or years in which it was paid;

(c) whether they are aware that the Native Institution has been closed since long and the building is not used for educational purposes;

(d) if the answer to (c) is in the affirmative whether they have taken any steps to recover the building grant paid?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

BRIDGE OVER THE NARBADA

The THAKOR OF KERWADA (Gujarat Sardars and Inamdars): Will Government be pleased to state whether they are aware that for want of a bridge over the river Narbada near Broach the district is divided by the said river and no cart traffic can be maintained between the talukas of Broach and Ankleshwar of the same district?

The Honourable Sir GHULAM HUSSAIN: Yes. The communication between the talukas of Broach and Ankleshwar is however maintained by the existing ferry with jetties on the banks or the river as well as by the Railway service.

EDUCATIONAL SERVICE : PROMOTION TO SELECTION GRADE

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

(a) since how long they have stopped the promotion of graduates and undergraduates to the selection grade and if so, why;

(b) how many posts in the selection grade for graduates and undergraduates are vacant and when they propose to fill them up from graduates and undergraduates?

The Honourable Mr. B. V. JADHAV: (a) On the presumption that the honourable member for Sholapur City requires information in regard to the Subordinate Educational Service only, it may be stated that the promotion of graduates and undergraduates to the selection grades in this service has not been stopped.

(b) Four—(i) Two graduates in the Teaching Branch (Women) in the Presidency proper and Sind and (ii) two for undergraduates in the Inspecting Branch in Presidency proper.

(i) have been kept vacant for want of suitable lady graduate teachers and because of the large proportion of higher appointments for women teachers, (ii) have been kept vacant owing to the uncertainty which at present exists owing to the transfer of control of primary education to the district local boards as to what will be the strength of the cadre in future.

AIDED SCHOOLS AND MISSION SCHOOLS AT SHOLAPUR : GRANTS

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

- (a) the names of the Mission schools and other educational institutions in Sholapur to which grants were given in 1924-25 and 1925-26 ;
- (b) the amounts given as grants to each of them in said years ;
- (c) the incidence of the grants per pupil in each school and institution.

The Honourable Mr. B. V. JADHAV : Information is being obtained.

PATENT MEDICINES AND DRUGS

Mr. S. K. BOLE : Will Government be pleased to state whether they intend to keep any control over patent medicines and drugs with a view to protect the public from injurious stuffs ?

The Honourable Mr. B. V. JADHAV : It is presumed that the words " patent medicines and drugs " are used to mean " secret proprietary medicines ". If so, the question of dealing with such medicines is under consideration.

Dr. R. P. PARANJPYE : Do Government intend to accept the recommendations of the Taxation Inquiry Committee regarding the taxation of patent medicines ?

(The Honourable Mr. B. V. Jadhav's reply was inaudible.)

Mr. R. D. SHINDE : May I know whether Government take steps to analyse patent medicines from time to time ?

The Honourable Mr. B. V. JADHAV : That question is under the consideration of Government.

Mr. S. K. BOLE : Do Government intend to keep under control non-patent medicines also ?

The Honourable Mr. B. JADHAV : No.

SALARIES OF GOVERNMENT PEONS AND MENIALS

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

(a) whether they have given effect to the resolution passed by this Council last year regarding the salaries of peons and menials in Government service in the City of Bombay ;

(b) if not, when they intend to give effect to it ?

The Honourable Sir CHUNILAL MEHTA : Orders consolidating the temporary and provisional allowances of the menials in Government service in the City of Bombay with their substantive pay have already been issued. The question of further revising their pay is postponed pending the revision of the pension rules and the recommendations of the Retrenchment Officer.

Mr. P. G. JOSHI : May I know whether these orders have been issued after the passing of the resolution by this Council ?

The Honourable Sir CHUNILAL MEHTA : Yes.

Mr. P. G. JOSHI : We want to know whether the resolution has been given effect to ?

The Honourable Sir CHUNILAL MEHTA : These orders were issued after the resolution was passed.

Mr. B. K. DALVI : Are peons included among the menials ?

The Honourable Sir CHUNILAL MEHTA : Yes.

BRIDGE OVER SURYA RIVER

Dr. K. E. DADACHANJI (Bombay City, South) : Will Government be pleased to state—

(a) whether their attention has been drawn to the unbridged condition of the Surya river between Palghar station and Manor in the Thana district causing great inconvenience to trade and the transit of various kinds of forest produce for nearly six months in the year ;

(b) whether they intend to construct a bridge over the river in the near future, and if not, why not ;

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The preliminary plans and estimate for constructing a vented causeway over the Surya river are under preparation by local officers and the question of construction will be considered when funds become available.

EDUCATIONAL EXPENDITURE IN AHMEDABAD DISTRICT

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

(a) whether the statement made by the Ahmedabad District Local Board in their address to His Excellency that Government have curtailed the educational expenditure in that district of late, is true ;

(b) if the reply be in the affirmative, the reasons for such curtailment ;

(c) if the reply be in the negative, what steps they have taken to prevent such wrong statements ;

(d) the number of primary schools in the Ahmedabad district in 1920-21 and in the year 1924-25 and the number of teachers in these schools during these years ?

The Honourable Mr. B. V. JADHAV : (a) No ; on the other hand expenditure from Provincial Revenues on Local Board Primary Institutions in the Ahmedabad District has been steadily increasing from year to year since 1922-23 as will be seen from the following figures :—

Year	Amount of Provincial Grant		
	Rs.		
1922-23 3,50,549
1923-24 3,82,143
1924-25 3,91,282

- (b) The question does not arise.
- (c) None.
- (d) The accompanying statement* gives the information required.

PENSIONERS' COMPLAINT FROM NASIK DISTRICT

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) whether they are aware that the treasury officer, Nasik, has fixed certain dates between the third and eighth of every month on which pensioners drawing pensions up to a certain limit are to present their bills for payment ;

(b) under what article of the Civil Service Regulations or of the Civil Account Code the treasury officer has fixed such dates ;

(c) whether they are aware that in some cases the treasury officer orders payment of pension bills on the first or the second working day of a month on special grounds ;

(d) under what article of the said Regulations or Code the treasury officer allows such special cases ;

(e) whether they have received any memorial from the pensioners in the district, complaining that the orders of the treasury officer cause great inconvenience to them as those orders deprive the pensioners of their option to present their bills for payment on the first working day or on any day after the first of the month following that to which the claim for pension relates ?

The Honourable Sir CHUNILAL MEHTA : (a) Yes.

(b) The dates are fixed under Article 943 of the Civil Service Regulations and Government Resolution, Financial Department, No. 676 dated 21st February 1884 (copy placed on the Council table)†.

(c) Yes.

(d) Under Article 943, Civil Service Regulations.

(e) Yes. A memorial from certain pensioners in the Nasik District was received by Government in December 1925 and after making careful inquiries Government came to the conclusion that the present system of payment of pensions followed in the Nasik District was the only practicable way of arranging the work of the treasury office and avoiding congestion and delays, which would entail greater hardship than any experienced by pensioners at present.

WAHIWATDARS

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they are aware that there are other sharers in almost all the alienated villages of the Presidency, than those whose names are shown in the village form concerned, and who receive their share of the village revenue directly from the village officers according to "Wahiwat" ;

*Vide Appendix No. 45.

† Vide Appendix No. 46.

(b) whether they have any accurate information of these Wahiwar sharers of the revenue of alienated villages and if so from what village form ;

(c) whether they are aware that this anomaly often creates disputes amongst sub-sharers and Government have no means to give them justice in the Revenue Department ?

The Honourable Mr. J. L. RIEU : (a) Yes. But such sharers occasionally receive their share of the village revenue directly under instructions issued to the village officers by the registered holder.

(b) No. In the inam villages in which the Record of Rights has been introduced the names of sub-sharers have been shown as kabjedars in village Form No. VI whenever they have been ascertained from the information supplied by the holder of the inam village or by the sub-sharer himself.

(c) Disputes sometimes arise between sub-sharers. The only remedy lies in the Civil Court.

SIND EDUCATIONAL CLERKS' ASSOCIATION

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City) : Will Government be pleased to state—

(a) whether the Sind Educational Clerks' Association is recognised by them ;

(b) whether it is a fact that the Director of Public Instruction informed this association that Government are not prepared to take any action on the representations made by the association ;

(c) if so, what are the reasons for not complying with the requests contained in the representation, submitted by the association to Government ?

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

(b) and (c) The requests contained in the representations of the Association were duly considered by Government who decided that no action was called for with regard to any of them. This decision was communicated to the Director of Public Instruction, who was requested to give a suitable reply to the Association. Government do not consider that any useful purpose will be served by a discussion of the propriety of the grounds on which it was decided not to take any action.

NON-BRAHMIN TALATIS APPOINTED IN 1925

Mr. S. K. BOLE on behalf Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) the number of permanent vacancies of talatis in the Poona district with names of villages and how many of them were given to non-Brahmins, with names of villages, during the last year (1925) ;

(b) the number of acting vacancies of talatis in Poona district and how many of them were given to non-Brahmins, with names of villages during last year (1925) ?

The Honourable Mr. J. L. RIEU : A statement* furnishing the information is put up on the Council Table.

* Vide Appendix No. 47.

Mr. B. K. DALVI : On page 20 it is stated that no talati's post was given to non-Brahmins in 1925. May I know the reason why ?

The Honourable Mr. J. L. RIEU : As explained to another honourable member in reply to a previous question, there is a limitation imposed on the appointment of non-Brahmins in the Poona district owing to the fact that a large number of these appointments were originally held by watandar kulkarnis, whose commutation took place subject to a condition in the agreement between Government and watandar kulkarnis, in accordance with which appointments of talatis are so far as possible to be made from among the watandar families. That is why no non-Brahmin has been given an appointment.

MOULVI RAFIUDDIN AHMAD : Does the word 'non-Brahmins' include Mahomedans also ?

The Honourable Mr. J. L. RIEU : Presumably it does.

MOULVI RAFIUDDIN AHMAD : Is there any doubt ?

The Honourable Mr. J. L. RIEU : No, but there are, I imagine, very few candidates from among Mahomedans for these appointments.

FORDING OF THE INDRAYANI

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) whether they are aware that the water level of the Indarayni river has been increased owing to the construction of two tanks by the Tata Company on two tributaries of the river ;

(b) whether it is a fact that owing to that increase of water level the Khadakwasla (Khadkala ?) Govitri road is unpassable by the public for the greater part of the year, causing inconvenience to them ;

(c) what action they propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) Yes.

(c) The question of constructing a causeway is under consideration.

RAILWAY MAIL : FOOD SOLD ON M. S. M. Ry.

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

(a) whether they are aware of the fact that stale food or stale refreshments nearly two or three days old are sold or served by the Indian refreshment car between Belgaum and Alnavar on the Madras and Southern Mahratta railway line by mail ?

(b) If so, whether they intend to take any steps in the matter ?

The Honourable Mr. J. L. RIEU : (a) The Agent, Madras and Southern Mahratta Railway Company, reports that such is not the case. The only complaint received this year in regard to the quality of refreshments sold on Indian refreshment cars run between Bangalore and Poona is reported to have been enquired into by the Company and dealt with suitably.

(b) Does not arise.

Mr. S. N. ANGADI: May I know whether the M. & S. M. Railway company has made the report after investigation?

The Honourable Mr. J. L. RIEU: The answer states: "is reported to have been inquired into." So, the answer is in the affirmative.

Mr. R. S. NEKALJAY: May I know whether there are any food inspectors appointed on this line?

The Honourable Mr. J. L. RIEU: I am not aware.

HUBLI CO-OPERATIVE HOSPITAL: APPLICATION FOR GRANT

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

(a) whether the Hubli Co-operative Hospital has applied for a grant from Government, and, if so, to place a copy of such application on the Council table;

(b) when such application was made;

(c) whether any orders have been passed on the said application:

(d) if so, what orders have been passed.

The Honourable Mr. B. V. JADHAV: (a) Yes. Copies* of the two applications mentioned in the reply to clause (b) below are placed on the Council table.

(b) Two applications were made by the President of the Co-operative Hospital Society, Hubli, one in January 1926 addressed to His Excellency the Governor, and the other, dated the 21st March 1926, to the Honourable Mr. Jadhav, Minister of Education, and they were received by Government on 23rd April 1926 and the 25th March 1926, respectively.

(c) Yes.

(d) A copy* of Government letter no. 6687-7200-B, dated the 17th June 1926, is placed on the Council table.

BACK BAY SCHEME: PAYMENTS TO SIR GEORGE BUCHANAN

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

(a) what was the amount, if any, paid to Sir George Buchanan for his advice in respect of the Back Bay Scheme;

(b) what is the amount paid in all to Messrs. M. Buchanan & Co. in respect of the Back Bay Scheme till now?

The Honourable Mr. COWASJI JEHangIR: (a) A sum of Rs. 20,000 for professional fees for preparing a report on the Back Bay Reclamation Scheme and a sum of Rs. 364-8-0 for travelling expenses were paid to Sir George Buchanan.

(b) Rs. 6,56,711.

Mr. G. B. PRADHAN: Is the sum mentioned in reply to (b) in addition to the sum mentioned in answer to (a)?

The Honourable Mr. COWASJI JEHangIR: The first in (a) is in addition to the sum mentioned in (b).

Mr. G. I. PATEL : When was the first amount (Rs. 20,000) paid ?

The Honourable Mr. COWASJI JEHangIR : When the report was received in 1919.

Mr. G. I. PATEL : Was the travelling allowance paid prior to his work in 1919 or after 1919 ?

The Honourable Mr. COWASJI JEHangIR : The travelling allowances were paid in connection with the report.

Mr. G. B. PRADHAN : Why was the amount mentioned in (a) not included in the total amount ?

The Honourable Mr. COWASJI JEHangIR : Sir George Buchanan was first asked to report on the reclamation scheme, before the decision to carry out that project was arrived at. Therefore, there was no connection between the payment of Rs. 20,000 to Sir George Buchanan to give a report and the amount paid to the firm of Meik and Buchanan.

Mr. G. B. PRADHAN : Was he not a partner of the firm of Messrs. Meik and Buchanan ?

The Honourable Mr. COWASJI JEHangIR : He was.

Mr. G. B. PRADHAN : Then, why was not this sum of Rs. 20,000 included in the total amount ?

The Honourable Mr. COWASJI JEHangIR : Mr. President, I can only repeat my answer. Sir George Buchanan was first asked to advise on the Back Bay Reclamation, and his advice was in the shape of a report, and he was given Rs. 20,000 for that report. On the strength of that report Government came to the decision that the project should be undertaken, and his firm were then appointed consulting engineers. Well, therefore, there was no connection between the money paid for the report and the fees paid to his firm in the capacity of consulting engineers.

Mr. HOOSEINBHOY A. LALLJEE : May I know whether the sum of Rs. 20,000, the fee for his report, was fixed before he made the report ?

The Honourable Mr. COWASJI JEHangIR : It was fixed before he made the report.

COMPULSORY PRIMARY EDUCATION SCHEMES

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

(a) which of the local authorities in the presidency have formulated schemes for the introduction of compulsory education within their areas and when ?

(b) whether any such schemes have been submitted to Government for sanction ?

The Honourable Mr. B. V. JADHAV : (a) The information is being collected.

(b) Yes, two.

RAILWAY STATION AT AHMEDABAD

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

(a) whether they are aware that hawkers who sell tea on the platform at Ahmedabad station carry charcoal burning *shighdis* which are likely to cause serious accidents to the lives and property of passengers;

(b) what steps they propose to take in the matter?

The Honourable Mr. J. L. RIEU: (a) and (b) It is a fact that hawkers use *shighdis* for making tea on the platform. There seems no reason, however, to assume that any danger to the travelling public is occasioned thereby. On the contrary, the arrangement is in the interest of passengers, since it admits of the tea being served hot and fresh.

Mr. G. I. PATEL: If, as Government believe, the arrangement is in the interests of the passengers, do Government intend to introduce the same system on all the stations?

The Honourable Mr. J. L. RIEU: That is a matter primarily for the railway administrations concerned and not one that directly concerns Government.

Khan Saheb A. M. MANSURI: Are Government aware that my question is not concerned with Government allowing them to make tea on the platform, but is about burning *shighdis* on the platform? May I know from the Honourable Member whether this is injurious to passengers' lives?

The Honourable Mr. J. L. RIEU: Government have no reason to believe it to be injurious.

Khan Saheb A. M. MANSURI: Has the Honourable Member made personal enquiries into it?

The Honourable Mr. J. L. RIEU: I regret I have not made personal enquiries.

GOVERNMENT HIGH SCHOOL AND MIDDLE SCHOOL, AHMEDABAD

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

(a) how many students applied for admission to the Government R. C. High School and Middle School, Ahmedabad;

(b) how many students were admitted in each case and how many were refused;

(c) how many students from the R. C. High School appeared at the matriculation examination this year and how many of them passed;

(d) how many of those who failed applied for re-admission and how many of those were refused admission for want of accommodation;

(e) how many of the failed students getting exemption applied for admission and how many of them were refused admission in the R. C. High School?

The Honourable Mr. B. V. JADHAV : Information is being collected.

Khan Saheb A. M. MANSURI : May I know from the Honourable Minister what time it takes generally to get such information ?

The Honourable Mr. B. V. JADHAV : The information will be ready in a few days, and it will be given before this Council is prorogued.

Khan Saheb A. M. MANSURI : Is the Honourable Minister aware that it is more than a month since I sent in this question ?

The Honourable Mr. B. V. JADHAV : Yes : I am aware of that.

Khan Saheb A. M. MANSURI : When will the information be supplied ? After the Council is prorogued ?

The Honourable Mr. B. V. JADHAV : Before this Council is prorogued.

URDU TEXT BOOKS

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

(a) whether they are aware that the Urdu Text-Book Translation Board had submitted to the Director of Public Instruction Urdu Lesson Books in 1923 for printing and publication ;

(b) why they have not been printed and published as yet ;

(c) whether they are aware of the great inconvenience experienced by Urdu teachers owing to these books not having been printed and published by them ?

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

(b) Tenders were called for for the printing and publication of the books ; but only one tender was received, and the terms offered by the tenderer were found to be unacceptable. The question of calling for fresh tenders is under consideration.

(c) Government have received no complaints in the matter.

Khan Saheb A. M. MANSURI : Will the Honourable Minister be pleased to state what time it takes generally to invite a tender ?

(The Honourable Mr. B. V. JADHAV's reply was inaudible).

Khan Saheb A. M. MANSURI : Does the Honourable Minister think that three years' time is sufficient only to invite tender once ?

(No reply).

Khan Saheb A. M. MANSURI : Will the Honourable Minister be pleased to state whether he has at heart the interests of Mahomedan education ? If so, why did he take three years to publish the books which were recommended by the Text Books Committee ?

The Honourable Mr. B. V. JADHAV : The reply is already given. Only one tender was received, and it could not be accepted, and we have under consideration the calling of fresh tenders.

Khan Saheb A. M. MANSURI : I repeat my question, whether three years was sufficient time only to call for one tender ?

The Honourable Mr. B. V. JADHAV : If the honourable member will be pleased himself to submit a tender it will be considered.

The Honourable the PRESIDENT : Order, order.

Khan Saheb A. M. MANSURI: Will the Honourable Minister be pleased to state whether it was the same policy that he used to adopt when he was a member?

(No reply).

MOULVI RAFIUDDIN AHMAD: The Honourable Minister says in his reply "The question of calling for fresh tenders is under consideration". Over three years have passed, and during this period tender has been called for only once. Only one tender was received and that was not acceptable, and the matter is stated to be still under consideration. May I ask when was the last tender called and when was it received?

The Honourable Mr. B. V. JADHAV: If notice is given I shall find it out.

MOULVI RAFIUDDIN AHMAD: I think sufficient notice has been given. Three years have passed, and the Minister says that the matter is still under consideration. I do not know what is under consideration. Is it the question of calling for fresh tenders?

The Honourable Mr. B. V. JADHAV: I am sorry I cannot remember the details.

Khan Saheb A. M. MANSURI: I want to know from the Honourable Minister what he does remember?

The Honourable the PRESIDENT: Order, order. Such a question cannot be allowed.

Mr. NOOR MAHOMED: Does Government realise the necessity of calling for fresh tenders immediately?

The Honourable Mr. B. V. JADHAV: No complaints having been received, the matter will be attended to in due course.

Mr. NOOR MAHOMED: My question is quite different. Does Government realise the necessity of calling for fresh tenders immediately? What has that to do with the matter of consideration?

(No reply).

MOULVI RAFIUDDIN AHMAD: With regard to (c), it is stated that Government have received no complaints in the matter. Does it mean complaints from the public or complaints from the school teachers? During the last three years, the school teachers have been expecting these books. I want to know whether the inconvenience of the school teachers was or was not brought to the notice of the Honourable Minister?

The Honourable Mr. B. V. JADHAV: Presumably, it was not.

MOULVI RAFIUDDIN AHMAD: May I ask whether it was not the duty of the Honourable Minister to enquire into it when three years had elapsed?

(No reply.)

SCHOLARSHIPS: RESERVED — FOR DEPRESSED CLASSES

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(a) whether all the scholarships reserved for the children of depressed classes have so far been taken benefit of;

(b) if not, what are the reasons therefor ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

LLOYD BARRAGE : MUSSULMAN OFFICERS

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state how many Mussulman officers have left the Lloyd Barrage service after June 1925 ?

The Honourable Mr. COWASJI JEHangIR : No such officer has left the Barrage service since June 1925.

PUBLIC WORKS DEPARTMENT ESTABLISHMENT : UPPER AND LOWER SUBORDINATES

Dr. R. P. PARANJPYE (Bombay University) : Will Government be pleased—

(a) to place on the table the various orders passed since 1920 as regards the revision of the scales of pay of the Upper and Lower subordinate establishments in the Public Works Department ;

(b) to state whether these revisions have been based on the orders of the Government of India regarding the revision of ministerial establishments ;

(c) to state whether it is a fact that these establishments have always been regarded by Government as non-ministerial ;

(d) if so, to state why the ministerial scale of revision has been applied to the lower subordinate establishment ?

The Honourable Mr. COWASJI JEHangIR : (a) Copies of the following Government Orders and Resolutions* are placed on the Council Table :—

(1) Government Order, Public Works Department, No. E-1051, dated the 19th January 1921.

(2) Government Order, Financial Department, No. 981, dated the 24th December 1921.

(3) Government Resolution, Public Works Department, No. 3909, dated the 19th April 1923.

(4) Government Resolution, Public Works Department, No. 1243, dated the 26th March 1926.

(b) No.

(c) Yes.

(d) The pay of Government servants does not depend on whether they are classified as ministerial or non-ministerial.

Dr. R. P. PARANJPYE : With regard to part (b) of the reply, why were not the orders of the Government of India followed in this case ?

The Honourable Mr. COWASJI JEHangIR : I should like to ask for notice of the question. I am not quite certain whether orders were ever issued. If the honourable member gives notice, I will obtain the information.

* Kept in the Secretary's office.

PRACTISING SCHOOLS : LADY HEAD TEACHERS

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to give—

(a) the number of lady teachers who hold approved service certificates from the Education Department in the Northern Division ;

(b) the reason for not selecting such lady teachers as heads in the practising schools ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

EDUCATION IN AHMEDABAD MUNICIPALITY

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether it is a fact that free and compulsory education in Ahmedabad has not been introduced from the beginning of the year 1926-27 though a complete scheme was submitted to them by the municipality in October 1925 ;

(b) whether Government have failed to sanction the scheme for about a year and delayed the introduction of free and compulsory education in Ahmedabad ;

(c) whether important correspondence with Government in regard to this subject has remained undisposed of for several months ; if so, to give reasons for the same.

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

RULES UNDER THE PRIMARY EDUCATION ACT AT AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether it is a fact that the Ahmedabad Municipality has submitted to Government for sanction the rules and regulations framed by it under the Bombay Primary Education Act and the rules made by Government thereunder. If so, to give the date on which they received this letter ;

(b) whether they have accorded their sanction to these rules and regulations ;

(c) if not, the reasons for not according sanction.

The Honourable Mr. B. V. JADHAV : Information is being obtained.

MIDDLE SCHOOL, AHMEDABAD : REDUCTION OF CLASSES

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to place on the table a statement containing the details of the proposals to reduce the classes in the middle school at Ahmedabad in 1926 and 1927 ;

(b) to give the name of the officer who first initiated this proposal and to place on the table copies of all papers on the subject ;

(c) to state why similar proposals have not been made for other centres in the Presidency ;

(d) to state if the Minister for Education and the Director of Public Instruction have been responsible for reducing the facilities for secondary education in the Government Middle School at Ahmedabad?

The Honourable Mr. B. V. JADHAV : (a) No details are now available but detailed proposals for the application of a decision to abolish gradually the existing additional classes in the Middle school have been called for by Government and are awaited.

(b) Government regret that they are unable to comply with the request of the honourable member.

(c) There are no Government High Schools in the Ahmednagar, Kolaba, Upper Sind Frontier, and Bombay Suburban Districts. In Kanara and Ratnagiri Districts, there are no Government Middle schools. Out of the remaining 21 districts separate Government Middle schools are maintained in Surat and Ahmedabad only ; while in the other 19 districts, High and Middle school classes are maintained as one combined institution. It has been decided that a similar arrangement should be introduced at Surat and Ahmedabad also, the object being some measure of economy.

(d) The responsibility for any action taken or that may be taken lies on Government in the Transferred Departments.

Mr. G. I. PATEL : With regard to (a), may I know how, in the absence of these details, the reduction has been already effected ?

The Honourable Mr. B. V. JADHAV : No details were necessary for effecting the reduction.

Mr. J. C. SWAMINARAYAN : Did the Honourable Minister receive a protest from the Ahmedabad public, as regards the abolition of the classes in the Middle School of Ahmedabad ?

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

Mr. J. C. SWAMINARAYAN : What action has he taken on the protest ?

The Honourable Mr. B. V. JADHAV : None.

The THAKOR of KERWADA : May I know why the Honourable Minister took no notice of the protest made by the Ahmedabad public ?

The Honourable Mr. B. V. JADHAV : The policy of Government has been laid down, and it is being followed.

Mr. G. I. PATEL : In regard to (b), may I know the name of the officer who first initiated the proposal ? May I know whether it was Mr. Lory, the Director of Public Instruction who initiated this proposal, and who is not responsible to the Honourable Minister, being appointed by the Secretary of State ?

The Honourable Mr. B. V. JADHAV : I am not prepared to give any more information than what has been given in part (b) of the reply.

Mr. G. I. PATEL : May I know whether the Honourable Minister accepts responsibility for it ?

(No reply.)

Mr. G. I. PATEL : May I know if the Honourable Minister thinks that education has increased to such an extent in this Presidency that economy is required in the expenditure on the education of the children of the soil ?

The Honourable Mr. B. V. JADHAV : The policy of Government in regard to secondary education has been explained to this Council in the replies to several questions, and in pursuance of that policy Government have abolished the middle schools at Ahmedabad and Surat.

Mr. G. I. PATEL : In regard to (d), who is the head of these transferred departments ?

The Honourable Mr. B. V. JADHAV : The Minister in charge " Your humble Servant "!

BACK BAY SCHEME : TENDERS FOR DRY FILLING

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether they have called for tenders for a contract for dry filling in the Back Bay. If so, to place the details on the table ;

(b) whether they have finally decided to accept any tenders. If so, for what time and on what terms of payment ?

The Honourable Mr. COWASJI JEHangIR (a) Yes, a copy* of the specifications, etc., is placed on the table.

(b) No.

Mr. G. B. PRADHAN : Will the honourable member say whether the dry filling in block 8 is done departmentally ?

The Honourable Mr. COWASJI JEHangIR : No, by sub-contracts.

Mr. G. B. PRADHAN : For these sub-contracts were tenders invited and accepted ?

The Honourable Mr. COWASJI JEHangIR : The work is going on and tenders were invited.

GUJARAT COLLEGE : APPOINTMENT OF PRINCIPAL

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) the period of service in the Educational Department put in by Mr. Divatia, the Acting Principal of the Gujarat College, and Mr. Shirras in this Presidency ;

(b) whether Mr. Shirras belongs to the Bengal Educational Service ;

(c) whether he could be reverted to Bengal from which province he had come to Bombay ;

(d) the reasons why Mr. Shirras, who has not served a single day in the Educational Service of this province was appointed as Principal of the Gujarat College, overriding the claims of Mr. Divatia who had already held that post with credit and satisfaction ?

The Honourable Mr. B. V. JADHAV : (a) On 16th July 1926 Mr. Divatia's total service in the Government Educational Department

* Kept in the Secretary's office.

will be 14 years. Mr. G. Findlay Shirras's service in the same Department in this Presidency and on the same date will be 4 months and 15 days.

(b) He belonged to the Bengal Educational Service prior to his transfer as Director, Labour Office.

(c) The answer is in the negative.

(d) Mr. Shirras having joined the Indian Educational Service in 1909 and Mr. Divatia having been appointed to that service in 1920, the appointment of Mr. Shirras as Principal of the Gujarat College does not in any way override the claims of Mr. Divatia.

Mr. G. I. PATEL : May I know why Mr. Shirras is not to be sent back to the Bengal Educational Service ? Was he not brought here from the Bengal Educational Service first ?

The Honourable Mr. B. V. JADHAV : From the Government of India.

Mr. C. M. SAPTARSHI : Is the Honourable Minister aware that Mr. Shirras has been contributing political articles to the press in America ?

The Honourable Mr. B. V. JADHAV : He is aware of it.

Mr. C. M. SAPTARSHI : Is it in consonance with the Government Servants' Conduct Rules ?

The Honourable Mr. B. V. JADHAV : No.

Mr. C. M. SAPTARSHI : Does the Honourable Minister contemplate taking any action in the matter ?

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

Dr. R. P. PARANJPYE : May I know whether Mr. Shirras, when he was appointed as Director of the Labour Office, was told that if he was not wanted for the job, he would be transferred to the educational service of this Presidency ?

The Honourable Mr. B. V. JADHAV : There was no such understanding.

Dr. R. P. PARANJPYE : Why was he then immediately pitchforked into the Bombay Educational Service over the heads of so many senior officers in the Bombay Educational Service ?

The Honourable Mr. B. V. JADHAV : Not over the heads of senior men.

Dr. R. P. PARANJPYE : Has he not been placed over the head of a man who has rendered 14 years service in the department ? Has not such a man been superseded by a man who is absolutely new to the Bombay Educational Service ? Is not that pitchforking the man over the heads of so many other senior officers ?

The Honourable Mr. B. V. JADHAV : He has been in the Indian Educational Service since 1909.

Dr. R. P. PARANJPYE : May I know whether, when he was taken into the Bombay Service as Director of the Labour Office he was told that because he was senior in the Indian Educational Service therefore he would be considered as senior in the Bombay Presidency ?

The Honourable Mr. B. V. JADHAV : The Secretary of State decided that his service in the Educational Department should be counted from the year 1909.

The THAKOR of KERWADA : Was not Mr. Divatia acting as the Principal of the Gujarat College ?

The Honourable Mr. B. V. JADHAV : Yes, he was.

The THAKOR of KERWADA : Why then was he not confirmed in the appointment ?

The Honourable Mr. B. V. JADHAV : Because he was junior.

Mr. G. I. PATEL : In regard to (d), is it a fact that the services of Mr. Shirras in the Educational Department were first considered to be from the year 1926, but at a later stage Government decided that it should be from 1909 ? Is it a fact that there was another resolution of Government recently deciding that his services should be considered as from 1909 ?

The Honourable Mr. B. V. JADHAV : That is not so. He was considered to have been in the Bombay Educational Service from 1926, but taking into consideration the fact that he was already in the Indian Educational Service from 1909, he has been posted to this appointment.

Mr. G. I. PATEL : When was the first decision of his being considered to be in the service from 1909 taken ?

(No reply.)

Dr. R. P. PARANJPYE : Are appointments in the Bombay Educational Service to be based on the seniority of members in the Educational Department of all the provinces put together, and the most senior man in the whole of India is to be given the appointment before the claims of the Bombay men are considered ?

The Honourable Mr. B. V. JADHAV : He was already in the service, and the total aggregate service of people already in service has to be considered.

Mr. G. B. PRADHAN : Was he appointed to this post to make provision for him after the abolition of the Labour Office ?

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

Mr. G. I. PATEL : In view of what the Honourable Minister has just stated, may I know whether Government intend to again send him back to the Government of India or to some other post, in order to safeguard the interests of the rest of the claimants in the department ?

The Honourable Mr. B. V. JADHAV : The Government of India are not going to take him back.

Dr. R. P. PARANJPYE : May I ask if it is not the policy, as settled on the recommendations of the Lee Commission, that no further appointments in the Indian Educational Service are to be made, and that any new appointments of outsiders are to be made only on contract terms for a fixed period ?

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

Khan Sahib A. M. MANSURI : Are Government aware that Mr. Shirras has been a loser by his services being transferred to the Educational Department ?

The Honourable the PRESIDENT : Order, order. I cannot allow this thing to go on. Next question, please. It only requires ten minute to complete the question hour, and there are so many questions.

COMPULSORY EDUCATION IN GUJARAT

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that educational schemes for Gujarat have remained long unattended to by him;

(b) the reasons for the delay caused in setting the question of compulsory primary education in Gujarat?

The Honourable Mr. B. V. JADHAV: (a) and (b) If the Honourable Member will specify the schemes to which he alludes it may be possible to reply.

ROYALTY TREES IN THANA: FULL OWNERSHIP RIGHTS

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state whether they intend allowing full rights of ownership over teak and other royalty trees to occupants in the Thana District in order to encourage new plantation?

The Honourable Mr. J. L. RIEU: No.

Mr. G. B. PRADHAN: Do not Government think that the vesting of the ownership of the royalty trees in the occupants will encourage the growth of these trees?

The Honourable Mr. J. L. RIEU: That might be the case but Government consider that the existing concessions are sufficient for the purpose.

Mr. G. B. PRADHAN: Is not such ownership transferred to the occupants in other districts?

The Honourable Mr. J. L. RIEU: I must ask for notice of that, but I do not think it is.

PRIMARY TEACHERS: REVISION OF PAY

Mr. S. A. SARDESAI (Bijapur District): Will the Honourable Minister of Education be pleased to state whether he is aware that the primary teachers are very discontented at not getting any revision of their pay though the question has been pending before Government for nearly five or six years?

The Honourable Mr. B. V. JADHAV: I have no means of answering the first part of the question. The statement made in the latter part of the question that the pay of primary teachers has not been revised during the last five or six years is incorrect as will be seen from the following Press Notes:—

(1) Educational Department Press Note No. 560, dated the 3rd December 1923.

(2) Educational Department Press Note No. 560, dated the 24th March 1924.

(3) Director of Information's Press Note No. P.-122, dated the 2nd June 1926.

COUNCIL ELECTIONS: POLLING STATIONS FOR — IN MANDVI TALUKA

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

(a) the number of villages in the Mandvi Taluka of the Surat District;

- (b) the number of Polling Stations for Council elections :—
 (c) the number of villages in each voting group ;
 (d) in what groups the following villages are included ;
 (1) Patal, (2) Taked, (3) Chudel, (4) Dharampur, (5) Kamlasoti,
 (6) Borigala, (7) Kolsana, (8) Kolakui, (9) Modharkui and (10)
 Antroli ;
 (e) what is the distance of each of these villages,
 (a) from the present polling station,
 (b) from Tadkeshwar which is also a polling station ;
 (f) what are the special reasons for including the above villages
 in the present group instead of including them in the Tadkeshwar
 group ;
 (g) whether they intend to provide more polling stations and to
 rearrange the villages in each group in this taluka and in other talukas
 of the Surat District so that the voters may not be compelled to travel
 long distances to record their vote ?

The Honourable Mr. J. E. B. HOTSON : (a) 135.

(b) 3.

(c) 41, 67 and 27 villages respectively under each of the 3 polling
 stations at Andhatri, Devgad and Tadkeshwar.

(d) The villages of (1) Patal, (2) Taked, (3) Chudel and (9) Modharkui
 are included in the Devgad group ; (4) Dharampur, (5) Kamlasoti,
 (6) Borigala, (7) Kolsana, (8) Kolakui and (10) Antroli are included in the
 Tadkeshwar group.

(e) The distance of each of the villages from Devgad and Tadkeshwar
 is given below :—

Village				Devgadh miles	Tadkeshwar miles
1	Patal	..	..	9	11
2	Taked	..	..	11	8
3	Chudel	..	..	10	10
4	Dharampur	..	..	14	5
5	Kamlasoti	..	..	12	7
6	Borigala	..	..	12	7
7	Kolsana	..	..	11	8
8	Kolakui	..	..	13	5
9	Modarkui	..	..	10	10
10	Antroli	..	..	12	8

(f) Most of the villages are nearer the polling station under which
 they are grouped at present. There are no special reasons.

(g) The question of a redistribution of villages for the greater conve-
 nience of the voters is at present under consideration.

BOMBAY LEGISLATIVE COUNCIL : STATISTICS BY TALUKAS

Mr. H. B. SHIVDASANI (Surat District) : Will Government
 be pleased to supply taluka by taluka the following information for the
 Thar and Parkar District :—

(a) The Muhammadan population of the taluka.

(b) The number of Muhammadan voters for the Bombay Legislative Council.

(c) What is the percentage of voters to population.

(d) Payment of what assessment entitles a person to a vote.

(e) The Non-Muhammadan population of the taluka.

(f) The number of Non-Muhammadan voters for the Bombay Legislative Council.

(g) What is the percentage of voters to population.

(h) Do Government intend to take any steps in the direction of lowering the qualification required for the vote in view of the small nest of voters.

(i) If so, what steps do they intend to take?

The Honourable Mr. J. E. B. HOTSON: (a) to (g) The information required is given in the statement laid on the Council table*.

(h) No.

Mr. H. B. SHIVDASANI: There is no reply to (i) of my question, in which I ask what steps do Government intend to take?

The Honourable Mr. J. E. B. HOTSON: Obviously since Government do not intend to take any steps, they cannot say what steps they intend to take.

Mr. H. B. SHIVDASANI: Will the honourable member look at the statement supplied in the appendix? Do Government consider the number of voters viz. 84 voters from a population of 40,000 shown there as adequate representation considering the total population mentioned?

The Honourable Mr. J. E. B. HOTSON: The whole subject will be considered in due course.

Mr. H. B. SHIVDASANI: Are not Government in a position to consider it now?

The Honourable Mr. J. E. B. HOTSON: Not at the present time.

Mr. H. B. SHIVDASANI: What do Government mean by "due course"? Next revision?

P. W. D. SECRETARIAT ESTABLISHMENT: LEAVE AFTER SUPERANNUATION

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased—

(a) to state whether there is any rule prescribing six months' leave after superannuation under the Fundamental Rules;

(b) if so, to place a copy of the said rule on the Table;

(c) to state whether all ministerial servants are entitled to such leave, and whether such leave is granted to them as a matter of course?

The Honourable Sir CHUNILAL MEHTA: (a) The honourable member is referred to Fundamental Rule 86.

(b) A copy of the Fundamental Rules is placed on the Council table*.

(c) The rule applies to all Government servants. Such leave is not granted as a matter of course, but only when a Government servant with leave due to him has applied for it in sufficient time before the date of retirement and his application for it has been refused owing to the exigencies of the public service.

Mr. A. N. SURVE: With regard to part (b), may I enquire how long is that rule No. 86? That is, two lines, six lines or ten lines?

The Honourable Sir CHUNILAL MEHTA: Four or five lines so far as my remembrance goes.

Mr. A. N. SURVE: If it is so short, why is it not published?

The Honourable Sir CHUNILAL MEHTA: Government are not responsible for keeping it in the Secretary's office.

Mr. A. N. SURVE: I wanted to see rule No. 86. If it is not supplied, how am I to refer to it?

The Honourable Sir CHUNILAL MEHTA: It is placed on the table. I take it that "keeping in the Secretary's office" is tantamount to being placed on the Council table.

Mr. A. N. SURVE: It is in the Secretary's office, and not on the table of the Council.

The Honourable the PRESIDENT: Honourable members seem to forget.....

Mr. G. I. PATEL: The difficulty, Sir, is that these lists have come to our hands only a short time back and we have had no time to go through them.

The Honourable the PRESIDENT: If honourable members will draw my attention to the fact that papers which are important and should be available to them, are not available when they apply to the Secretary or the head clerk in charge of the administrative office, I will see that they are made available. My information is that they are always available.

Mr. G. I. PATEL: My question was that when we got these lists to-day on our seats only a few minutes ago, it is not possible for us to go through them and obtain information and then ask supplementary questions. We can obtain the information afterwards, but not at the time when we are asking questions.

The Honourable the PRESIDENT: That would mean that every paper which deals with replies must be printed, and if that is the honourable member's desire, he should bring forward a resolution calling upon Government to provide the funds for it. In that case every paper, however bulky, will be printed if the Council sanctions the expenditure.

* Kept in the Secretary's office.

Sir VASANTRAO A. DABHOLKAR : Sir, it can be kept on the Council table instead of in the Secretary's office.

The Honourable the PRESIDENT : I am informed that bulky files are sometimes sent up by Government and they cannot be laid on this table (Council table) because they might get lost. If honourable members are keen about it, these printed lists are in their hands some time before the Council assembles (An Honourable Member : Only ten minutes)—even though it be ten minutes, and if there is any complaint as regards their not being available to any honourable member, I shall see that the honourable members' reasonable requirements are fully met. They cannot expect me to do more than that.

KHARAGHODA CUSTOMS LINES : OPENING OF GATES

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

(a) whether it is a fact that the authorities of the Kharaghoda customs line open the gates late in the morning and thus deprive the cultivators of contiguous villages who have to cross the customs line to go to their fields with their ploughs and bullocks, of the precious labour hours of the early morning ;

(b) whether it is a fact that in former times, the said authorities used to open the gates very early in the morning to afford convenience to cultivators who had to cross the customs line for going to work in their fields ;

(c) whether it is a fact that the object of the customs line is to prevent objectionable traffic in prohibited goods and not to place handicaps and impediments in the way of the honest work of cultivators of contiguous villages ;

(d) if so, what steps Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) No ; the gates are opened at day-break ;

(b) Yes ; the practice still continues ;

(c) Yes ;

(d) No steps are necessary.

Mr. J. C. SWAMINARAYAN : Is the honourable member aware that the cultivators go to their fields very much earlier than day-break ?

The Honourable Mr. J. L. RIEU : The practice is the same as it was before. There was no complaint in the past, and no reason appears to exist for complaint now. So far as I am aware, the gates were never opened before day-break. They were opened at day-break, and that practice is in force now.

Mr. J. C. SWAMINARAYAN : Is not the Honourable Member aware that the cultivators of this province have to go two or three miles from their homes before they can reach their fields and they have to start much earlier than day-break, otherwise they will lose precious morning time ?

The Honourable Mr. J. L. RIEU : This question does not really arise out of the honourable member's question. The question was

whether formerly the practice was to open these gates at day-break and whether there has been any departure now. My reply is there has been no departure. If the honourable member wishes to raise the question of the gates being opened before day-break, he should give a notice of that question to me and I will see whether anything can be done.

Mr. J. C. SWAMINARAYAN : My point is that the gates were opened formerly much earlier than day-break.

The Honourable Mr. J. L. RIEU : I have already informed the honourable member that there has been no change in the practice.

Mr. H. D. SAHEBA : Now that the attention of the Government has been drawn to this grievance, will Government take the necessary action ?

The Honourable Mr. J. L. RIEU : No ; I must require notice of the question, or it is open to the honourable member to propose a resolution.

POLLING STATIONS : SURAT CITY CONSTITUENCY BYE-ELECTION

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

(a) whether, in the Council elections held in Surat city in 1920 and 1923, there was one central polling station where all the voters of the city voted ;

(b) whether the practice mentioned in (a) was abandoned and more polling stations were created during the recent bye-election held in Surat City in the month of May 1926 ;

(c) whether it is a fact that the allocation of various wards to polling stations was geographically ill-suited and inconvenient to voters who experienced great difficulty in finding out the polling stations where they had to vote ;

(d) whether it is a fact that the time of voting was fixed at 9 a.m. instead of at 8 a.m. as in the previous elections and was found inconvenient by workers and traders who engage in their work early in the morning ;

(e) whether it is a fact that the date and hours of election and the names of candidates were not notified in any local paper and were not published even at the polling stations as usual ;

(f) whether they are aware that the voting was hardly 25 per cent. on account of the above-mentioned inconvenience ?

The Honourable Mr. J. E. B. HOTSON : (a) No. There were many polling stations though they were all located on the Castle Maidan.

(b) Yes.

(c) No. No complaints were made by any of the voters.

(d) The time was fixed by Government under regulation IV, (1) of the Bombay Electoral Regulations in consultation with the Returning Officer. No complaint was received from workers or traders that it was inconvenient.

(e) No.

(f) It is true that hardly 25 per cent. voted; this was not however due to the cause alleged.

PRANTIJ MUNICIPAL MEDICAL OFFICER

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

(a) whether it is a fact that the sanitary committee, Prantij Municipality, passed a resolution on 21-2-24 to write to the Surgeon-General to transfer the Medical Officer of Prantij Municipality on the complaint of the citizens of Prantij about the inconveniences suffered by them in the municipal dispensary;

(b) whether the said resolution was received by the Surgeon-General;

(c) whether the Surgeon-General replied to the chairman of the sanitary committee of the Prantij Municipality that the medical officer would be transferred in due course;

(d) if the answer to (c) is in the affirmative, the reasons why the said officer has not yet been transferred though more than two years have passed since the above correspondence took place?

The Honourable Mr. B. V. JADHAV: Inquiries are being made.

DISTRICT LOCAL BOARD, AHMEDABAD: SANAND ROAD, LEASE TO TRAMWAY COMPANY

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

(a) whether it is a fact that the District Local Board of Ahmedabad District has given one side of the road between Sanand town and Sanand railway station to a tramway company and is receiving rent for it;

(b) whether the other side of the said road is subjected to double wear and tear on account of the whole traffic being diverted to it;

(c) whether it is a fact that the District Local Board did not repair that road during the last two years though it was considerably damaged and complaints had been made by the people of Sanand;

(d) if the answer to (c) is in the affirmative, why the income derived by renting one side of the road was diverted to other purposes.

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

LOCAL FUND CESS PAID BY THE TALUKDARS OF GUJARAT

The THAKOR of KERWADA (Gujarat Sardars and Inamdars): Will Government be pleased to state—

(a) whether it is a fact that the local fund cess paid by the Talukdars of Gujarat was levied on the actual amount of Jama paid by the talukdars since the first introduction of the Bombay Local Boards Act, I of 1884;

(b) whether it is a fact that in respect of certain talukdari estates in the district of Ahmedabad the local fund cess was fixed by private settlement without any reference to the Jama paid by these talukdars and on an arbitrary basis?

(c) Will Government be pleased to state on what principles the above settlement was made?

The Honourable Sir GHULAM HUSSAIN :

(a) Yes.

(b) Yes in the case of villages held by the Thakor Saheb of Limdi.

(c) The settlement was made in pursuance of an agreement arrived at in 1865 between Government and the Thakor Saheb of Limdi.

The THAKOR of KERWADA : With regard to (a), may I ask whether there is any change in the manner in which the total assessment has been calculated? Under the provisions contained in the present Act regarding all calculations in talukdari estates, has there been any change in the manner in which these cesses are to be collected? There is no change made in the new Act with regard to the collection of the local fund cess?

The Honourable Sir GHULAM HUSSAIN : The collections are made under the Local Boards Act of 1884 as altered in 1923.

The THAKOR of KERWADA : I want to ask whether the local fund cess is still calculated on the actual amount paid by the talukdar.

The Honourable Sir GHULAM HUSSAIN : The whole question is under the consideration of Government.

Dr. R. P. PARANJPYE (Bombay University) : Before we proceed, I wish to bring to your notice that I had given private notice to the Honourable the Home Member that I would ask what steps are now being taken to bring the Bombay Children Act into operation in this Presidency. He has promised to answer that question. Therefore I am asking that question.

The Honourable Mr. J. E. B. HOTSON : Sir, I did not get previous notice of that question and my answer must therefore be brief. I cannot make it inclusive of all the points under consideration. The present intention is to follow the example of other Governments and to introduce the Act by degrees, that is, one or more parts at a time. We are now hoping shortly to bring parts 2 and 3 into operation and for that purpose rules have been drafted and circulated to several societies and persons interested in the matter. One of the difficulties mentioned the other day is that a number of societies which have homes which could be used as places of safety and certified as schools under the Act, are somewhat afraid of the class of child that they may get in. So they are reluctant that their homes should be certified under the Act.

Another difficulty is, very few of these societies are willing to take the children unless Government will pay at least a capitation grant for each child admitted. In the present financial situation of Government no money is available for these charges. I had the pleasure of a short conversation with Mr. Kanji Dwarkadas the other day. He and some of his friends think it desirable to have a conference to discuss the whole subject. He thinks that if such a conference were held it would be possible to appeal to the charitable public in Bombay and get some money for the purpose. I have not yet considered the matter fully, but, on the face of it, I see no objection to the holding of such a conference.

[Mr. J. E. B. Hotson]

The parts which it is proposed now to introduce relate to places of safety for small children and to schools. Later on we hope to be able to deal with the parts of the Act which prescribes the establishment of juvenile courts, and other matters.

MOULVI RAFIUDDIN AHMAD (Central Division): I rise to a point of order. I do not know whether there is any provision in existence in our rules and regulations for giving private notice and receiving private replies from honourable members, though I know such a practice prevails in the House of Commons.

The Honourable the **PRESIDENT**: The honourable member's attention is drawn to Standing Order XII (7) which says

"The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing Orders."

and within the power vesting in me I allowed the honourable member to put the question without notice on condition that Government were prepared to answer it. These discretionary powers are vesting in your President and you may rely upon their being exercised with discretion.

I should like to bring to the notice of honourable members that a mistake has been discovered in the total of votes recorded at a division which took place in connection with Dr. Velkar's amendment to Mr. Joshi's amendment on the bill which is now under consideration. The tellers reported that the amendment had seventeen votes recorded for it and fifty against. The lists have been scrutinised in the Council office and it has been discovered that in adding the number of votes against the amendment a mistake was made and that the number of votes recorded against the amendment was forty and not fifty. The records will have to be corrected and I bring to the notice of honourable members that such corrections will be made. This does not affect the result.

The Honourable Sir **CHUNILAL MEHTA**: Mr. President, since the last election by the honourable non-official members for the representatives on the Public Accounts Committee was held one honourable member who was elected to that Committee has resigned his seat on the Council so that there are now seven members elected by the Council to the Public Accounts Committee. Rule 33 of the Legislative Council Rules provides that the number of members elected by the non-official members should be two-thirds of the total number of members on the Public Accounts Committee. As there are four nominated members of the Public Accounts Committee the Council will have to proceed to elect one additional member in the place of Mr. M. M. Mehta who has resigned. The Public Accounts Committee has been asked to meet on the 4th of this month and I request that the non-official members should please arrange to elect their representative on that Committee.

The Honourable the **PRESIDENT**: In view of the statement made by the Honourable the Leader of the House I should like to ascertain when the Council proposes to hold the election. The best course in my opinion would be to ask for the nominations to be sent in before 7 p.m. to-day and to hold the election after question hour to-morrow. If that is accepted

[The President]

then that procedure will be followed. I take it that there is no objection to that procedure being followed. (After a pause.) That is agreed to.

(*Clause by clause reading of the Invalidation of Hindu Ceremonial Emoluments Bill resumed.*)

The Honourable the PRESIDENT : The present amendment of which the House is possessed is as follows :

To clause 4, the following proviso shall be added :

" Nothing in this clause shall affect the rights of a watandar Hindu priest or an alienee from such priest, except to the extent specified therein."

The honourable member Mr. G. B. Pradhan wants to move an amendment which is as follows :

Between the words " from such a priest " and " except to the extent specified there " add the following words :—

" As regards any inam land or cash allowances attached to such office as regards the performance of any service pertaining to it."

Mr. G. B. PRADHAN : Mr. President, I rise to support the amendment moved by my honourable friend Mr. R. G. Pradhan. I wish to make it clear that by the passing of this bill the rights which are given to the hereditary priests as regards watan land and as regards their emoluments would not be interfered with. The amendment as proposed is rather vague and my object in moving my amendment to the original amendment is this. If you will please refer to the Bombay Act XI of 1852, you will find that an Inam Commission was appointed. In that Act rules are laid down as to what rights should be recognised and what rights should not be recognised. To that Act there is a schedule attached, schedule B, and in that schedule B there is section 8 which runs thus :

" All lands authorizedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore even though there be no sanads declaring it to be so, for instance, inams which form the authorized emoluments of any hereditary office, as of kazis, village joshis, etc., and are not merely personal, are to be continued permanently."

That was the direction laid down. Even then any land or emolument attached to the offices of kazis or village joshis was declared to be permanent. There is also another provision No. 4 under this same section 8 which runs as under :—

" When there is no proof forthcoming to show whether or not an inam, coming under the provisions of this rule, was granted or even specifically recognised by competent authority, still, if it has been undisputedly enjoyed as an official, and not merely personal, holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper."

So these were continued to be the official emoluments.

The passing of this bill might perhaps be construed into meaning that the official position of the hereditary joshi is no longer to be recognised because there is an option given to certain persons to call in the services of the joshi or not. In order that the hereditary joshi may not be deprived of his land or emoluments which were guaranteed to him by Act XI of 1852, my honourable friend Mr. R. G. Pradhan has introduced

[Mr. G. B. Pradhan]

his amendment. In order to make it absolutely clear that by passing of this bill the rights which are vested in the watan properties will not be affected, I seek to put in the words suggested by me between the word "priest" and the word "except". My reason for inserting those words is this. During the discussion on the second reading, I found that many of the honourable members objected to clause 5 which they did not want because they perhaps thought that this option which was given would not be an option of their choice but an option which would be forced upon the hereditary priests and that it might be thought that simply because a *yajman* does not call in the priest's services and simply because the priest may not be paid his emoluments in that event, it may be considered that the hereditary priest ceases to be a hereditary priest and loses his watan land or his watan emoluments. Those lands and emoluments were guaranteed to the hereditary priests by Act XI of 1852 and I want them to be continued to the hereditary priests whether their services are or are not taken. That is my only object in moving my amendment which reads thus :—

Between the words "from such a priest" and the words "except to the extent specified therein", add the following words :—

"as regards any inam lands or cash allowance attached to such office as regards the performance of any service pertaining to it."

The Honourable the PRESIDENT: The amendment proposed by the honourable member Mr. R. G. Pradhan will, when amended by the amendment moved by the honourable member Mr. G. B. Pradhan, read as follows :—

"Nothing in this clause shall affect the rights of a watandar Hindu priest or an alience from such priest as regards any inam lands or cash allowance attached to such office as regards the performance of any service pertaining to it except to the extent specified therein."

Question proposed.

Mr. V. N. JOG (Dharwar District): Sir, I rise to support the amendment as moved by my honourable friend Mr. G. B. Pradhan. The House knows that during the first reading of this bill it was only confined to the right which the watandar Joshis claim to recover emoluments through courts and it was not then made clear that that was to extend to the watan lands or other emoluments such as cash allowances. There was therefore practically no opposition during the first reading, but after the first reading was over, the Joshis became nervous as regards their other rights and it is on account of their nervousness that their rights in the lands or cash allowances would be affected, this amendment was thought necessary to be introduced.

Mr. R. D. SHINDE: I rise to a point of order, Sir. It is this, that the amendment of my honourable friend Mr. G. B. Pradhan cannot be an amendment to clause 4, because clause 4 speaks of taking away the right of watandar priests as regards their customary emoluments, while this amendment goes outside the scope of that clause. I submit that this amendment as a whole goes out of the scope of clause 4. If it can be an amendment, it can be an amendment to clause 5 and not to clause 4.

The Honourable the PRESIDENT: I should like some honourable member to speak on the point of order raised, but it appears to me that the clause provides that no person shall be entitled to claim as a matter of right, that is to say, he could not file a suit for the recovery of this emolument because he would have no longer any right to do so. The amendment proposed is "That nothing in this clause shall affect the right of watandar Hindu priest or an alienee from such priest as regards inam lands or cash allowances attached to such office as regards the performance of any service pertaining to it." It appears to me quite in order from the point of view that the right to enforce payment is being taken away. But I do not think that it is the intention of the bill to take away the rights of the watandar priest to his watan or to his other rights except this one. This amendment proposes to specifically state it in the body of the Act in order to remove any possibility of misunderstanding. I hold that it is quite in order.

Mr. V. N. JOG: There is freedom of conscience now in that the *yajmans* are free to call in the services of any one whom they choose for ministrations of services they require and they may not pay the watandar priest who has not served them. The *yajmans* having got their freedom, there should be no objection to accept this amendment. I hope therefore that there will be no objection to accept this amendment. With these words I support the amendment.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, the amendment proposed by the honourable mover of the amendment and the amendment which has been brought forward to amend the said amendment are both of them, in my opinion, neither sound nor reasonable, looking especially to the fact that this whole subject has been dealt with in the subsequent section of this bill. Reading clause 4 and also clause 5 of this bill, in which this question has been dealt with, it will be seen that clause 4 gives the liberty of action for any villager to call in, or abstain from calling, the services of a watandar priest. In case he does not call in the services of a village Joshi, by clause 4 he is not compelled to pay him any damage. That is what is enacted by clause 4. Clause 5 contains a corollary to clause 4. When this bill will be brought into operation, liberty of action will be given to the villager. Certainly in that case a necessary corollary is necessary in respect of the Joshi and that corollary is contained in the provisions of section or clause 5 of the bill. By clause 5, a Joshi who holds neither cash allowances nor inam lands is relieved of his obligation to render these services to the community whenever he is called upon to do so. In clause 5 (2) there is another corollary stated to the effect that if a Joshi does not want to be in such a state in which he will be brought under the provisions of this bill, he is given a corresponding liberty of action to free himself from such liability under certain conditions. This is with regard to particular Joshis who hold inam lands or cash allowances. Clause 5 deals fairly and justly with the question which is involved in the amendments before the House. If these two amendments are inserted in the bill in the forms proposed the result will be this: The village priest will not be empowered to compel the

[Rao Bahadur S. T. Kambli]

employment of his services by a villager and on the other hand his lands and cash allowances will be continued without the restrictions, limitations and concessions created for him by clause 5. I submit that clauses 4 and 5 taken together and read together result in fairness and justice to these Joshis—these two clauses give liberty of action not only to one class but such liberty is ensured to the other class of persons affected as well. Therefore there is no defect of one-sidedness in the provisions of the bill. I do not think there is any necessity to have any of these two amendments. I therefore oppose them.

Mr. R. D. SHINDE (Nasik District): Sir, I submit that the amendment is perfectly unnecessary and redundant. You will see, Sir, that the watandar Joshi has rights and liabilities, some of them have either watan lands or cash allowances given to them under the grant. What clause 4 intends to do is to affect the rights of the watandar Joshi in a limited manner. As regards those persons who do not require his services, he will be under a disability to make a claim in a civil court for hereditary emoluments. To that extent only the rights of the watandar priest will be affected. The amendment only reiterates the same thing in other words, so that his other rights under the grant will not be affected. My submission is that the amendment as at present worded is redundant. While his other rights are recognised by the usual rules of interpretation I do not see any force in having this amendment to clause 4. Clause 5 disposes of in a particular manner these lands and cash emoluments and when that clause comes up for discussion this question raised by the amendment can be discussed.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I oppose the amendment and I hope I will not be misunderstood, because whenever a non-Brahmin rises to speak he is entirely apt to be misunderstood, and it is stated that all these non-Brahmins are out to exterminate the Brahmins as a class. I want to assure my honourable friends that at least so far as I am concerned I have no such intention. I am not a hater of Brahmins at all but on the other hand I am an admirer of Brahmins, because we are indebted to them in many respects, because they are custodians of Indian culture and all that is best in the civilisation of India. I consider that no sensible Indian will entertain feelings of enmity towards that community.

As regards the amendment I endorse the views of my honourable friend Rao Bahadur Kambli. I must tell this House that this clause has been introduced by no less a person than the honourable member Dr. Paranjpye, whose extraordinary abilities cannot be questioned at all. This honourable House will remember how he supported the interests of the watandar Joshis on the floor of this House. When the fact is taken into consideration that he is a man of long experience in public life I do not think any honourable member will have any grounds to suspect the *bona fide* of the honourable member Dr. Paranjpye. And when it is also further considered that Dr. Paranjpye has at his heart the interests of the Joshis as much as my honourable friend Mr. Joshi

[Rao Bahadur S. N. Angadi]

himself, there is absolutely no reason why any suspicion should be entertained. I therefore oppose the amendment.

Dr. R. P. PARANJPYE (Bombay University): Mr. President, as it appears that this amendment will have a certain reaction upon the subject of clause 5, I would say that personally I have no objection to the acceptance of this amendment. The only objection, so far as I can see, was the one raised by the honourable member for Nasik (Mr. Shinde) that it is redundant. Now, I quite agree with him that in drafting our legislation we should be as brief as possible and that we should not have clauses which are obviously redundant. But there is also another object in passing legislation, and that is to see that nobody fears anything needlessly from it. And if the object of having an additional redundant clause is to set the mind of some people at rest, I do not think the Council need object to it. If the objection to such a clause is that it is positively harmful, then of course those members who hold such a view could certainly vote against it. But if the objection is only that it is redundant, I think that objection should be waived in favour of those who fear the clause as it is. Personally, I believe that clause 5 gives us everything that is wanted. But there is the fact that there is a fear, whether rightly or wrongly entertained I do not know, because I am not a legal draftsman or a lawyer—there is a fear that if there is no such proviso to this clause an interpretation may be put upon the sanads granting these lands to the hereditary priests that because they do not serve as hereditary priests to certain people, therefore the condition of the grant of the land is not fulfilled, and *ipso facto* Government should be able to take away their lands. I do not say that it is a correct interpretation. Personally I do not consider that any legal luminary will accept that. But all the same, if there is the fear, reasonably entertained by certain people, I do not believe that much harm would be done by accepting this amendment. I think the acceptance of a proviso like this will make the passing of the bill a little easier, as the bill will be accepted with more readiness with the proviso than without it. I hope the Council will be well advised to accept the clause.

Mr. H. D. SAHEBA (Ahmedabad District): Sir, I do not understand the attitude of the non-Brahmin party. First of all they opposed the emoluments of the *Joshi*. Now, they want to take care of his interests. I think the best thing will be to leave the *Joshi* to the care of Heaven. If this amendment is redundant, I do not think that by passing it we will lose anything, nor will the honourable member, Mr. Shinde, lose the confidence of his party. He should not mind it. The only thing to consider is whether it sets the mind of people at rest or not. The ominous silence of the honourable member Mr. Bole makes me suspicious that there is something behind in not accepting this reasonable amendment.

Mr. B. K. DALVI (Belgaum District): Sir, I rise to oppose the amendment of my honourable friend Mr. Pradhan. I oppose it on two grounds. One has already been dealt with by my honourable friend Mr. Shinde, namely that it is a redundant clause, a clause which, as a

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matter of fact, is not necessary at all. The other ground on which I oppose it is this. At present the *Joshi* has a right over, as well as an obligation to, the village community for which he acts as a priest. His right is to officiate as a *Joshi* at the time of religious ceremonies in the families of Hindus and when he thus officiates to demand emoluments for the same. But he has also a corresponding obligation to officiate as *Joshi*, when he is called on to do so. Now this bill seeks to take away his right to demand emoluments when his services are not needed by the Hindus. That is perfectly reasonable. By this amendment, another right is tried to be given to the *Joshi*, inasmuch as taking shelter under it he can defy the villagers and say that even if his services are required by them he is not willing to render the same.

Mr. P. G. JOSHI : How does it arise ?

Mr. B. K. DALVI : It does arise in this way. It is the duty of the *Joshi* to perform services to the villagers whenever they demand. Now, the villagers demand his services, but the *Joshi* refuses. Then, in that case, all that the villagers will be able to do will be to sue for damages. Suppose, in spite of such a suit, the *Joshi* goes on defying the villagers. Then, the villagers have a good case to go to Government and say : "This man is persistently refusing to perform his duties, and therefore the lands and cash allowances which he holds by the *sanad* should be forfeited to Government". This bill has been brought forward only to take away his right to demand emoluments when his services are not needed. Now, by this amendment you are giving him a right, which he never had, because the rights he has under the *sanad* are limited. He can continue to hold his land and receive his cash allowances only so long as he continues to give his services to the community. Now, by this amendment even if he refuses to render services, you cannot deprive him of the land and the cash allowances. That is the object of this amendment, and by this amendment you are giving him rights which he is not entitled to at all.

Up till now, I was much interested in listening to the arguments of the opponents of this bill, inasmuch as they said that they were all actuated by the motive of looking to the spiritual welfare of the villagers and the non-Brahmin masses. But now, under this amendment, the *Joshi* can refuse them that spiritual welfare to which they are entitled, and he can say "I won't serve", because under the amendment he won't have the fear of losing his land or cash allowances. Therefore, I am opposed to this amendment. The only solution will be clause 5. If we support clause 5 all the reasonable requirements of the village priest will be satisfied. If this amendment is passed, he will be given more rights than he is entitled to.

Another difficulty, if we pass this amendment, would be that, we shall have to give a go-bye to clause 5, because by this amendment the *Joshi* will not only be given more than what he has under the existing law but clause 5 which curtails his rights to some extent will have no meaning. Thus the reasonable amendment proposed by Dr. Paranjpye

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in clause 5 will have to be voted down if this amendment is passed. Therefore, on these grounds I am opposed to the amendment.

Mr. L. B. BHOPATKAR (Poona City) : Sir, while we are discussing clause 4, we should not lose sight of the two principles which we have already accepted, namely, the principle of the freedom of conscience and worship, and the principle of not giving any compensation to the Joshis. The object in proposing this amendment is to ask the House one question in very clear terms, and it is as to whether this House is prepared or not to permit the Gramjoshis to retain what they have got. I am really surprised at the attitude taken up by the two honourable members who spoke last, one suggesting that the amendment as proposed is unnecessary, and another suggesting that it would be putting an additional right into the hands of the Joshis. If this House is of the opinion that all the lands or cash allowances which are attached to the office of the Joshi should be confiscated, let the House take up that attitude deliberately and definitely. But if the House really intends to grant freedom of conscience to the advocates of this bill, but at the same time does not wish to despoil the Joshis of their watans or cash allowances, then it has got to accept the amendment that is under discussion. It has been suggested by one honourable member that this amendment is unnecessary, because there is clause 5. But I really do not see any peculiar charm in clause 5. If we accept this amendment, then we can very well delete clause 5, and confine the bill only to the first four clauses. Whether we accept the amendment now or whether we accept clause 5 is quite immaterial so far as the main question is concerned. It will only alter the number of clauses in the bill. But if really it is thought that the purpose of the two clauses is the same, then whether we accept it by way of amendment to clause 4 or accept it as a separate and independent clause 5 matters very little. I do think that, in order to safeguard the interests of the Joshis, and particularly to set their minds at rest, it is absolutely necessary for this honourable House to accept the amendment proposed by my honourable friend Mr. G. B. Pradhan.

Then, it is also suggested by the previous speaker that it is putting an additional power into the hands of the Joshis. I am afraid that my honourable friend has not yet read the amendment as it is proposed. It says :

" Nothing in this clause shall affect the rights of a watandar Hindu priest or an alienee from such priest as regards Inam lands or cash allowances attached to such office as regards the performance of any service appertaining to it except to the extent specified therein."

The amendment only asserts one principle, namely that nothing suggested or provided for in clause 4 shall affect in any way the watan rights or the cash emoluments of the Joshis. Now, putting the only possible construction on the wording, it could not mean that any additional right is conceded to the Joshis. It only asserts that, even though some of the villagers refuse to take the services of the Joshi, that mere fact by itself and in itself will not justify any party to complain about

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the retention of the lands by the Joshi or the payment of the cash allowances to the Joshi. If there are any *sanad*, which make the holding of the lands or the receipt of the cash allowances dependent upon the performance of the services, certainly that matter will be entirely guided by the terms and conditions of the *sanad*. The amendment only asserts and declares that the mere fact that a few villagers do not accept the services of the Gramjoshi will not by itself affect the watan rights or the cash allowances that are granted to the Joshi. If we read the amendment as I have suggested, and if we do not accept the attitude that while we are on clause 4 we are to say that clause 5 is all right, and while we are on clause 5 we are to say that clause 4 is already passed and is all right, if we are not to adopt this queer attitude, but we intend to decide the question straight and in a fair manner, and if we really intend to allow the Joshis to retain their watan lands or cash allowances, then the only course is to accept the amendment, which only gives an assurance to the Joshis concerned that the mere fact that some villagers do not call in their services as Gramjoshis will not by itself weigh with the Government or the authorities concerned in dispoiling them of their watan lands or cash allowances. That being the simple object and purpose of this amendment, I should certainly submit that it should be accepted unanimously by the House.

Mr. R. G. SOMAN (Satara District): Sir, I rise to a point of order again. One point of order was raised by my honourable friend Mr. Shinde.

The Honourable the PRESIDENT: Is it the same point of order?

Mr. R. G. SOMAN: It is not the same. You will remember, Sir, that when the bill was first taken up for second reading, I raised a point of order as to whether any reference to the watan lands or cash allowances in this bill as contained in clause 5 can be considered as an amendment to the original bill, which consisted of only 4 clauses, and which related particularly to the amendment of the existing law in a particular respect, and I objected to this report of the select committee submitted on all the clauses together by adding clause 5 to the original bill. I wish, Sir, that you will be pleased to give a ruling as to whether any reference to any property, either contained in the present amendment or in clause 5, is within the scope of the original bill. The original bill wanted to amend the law as it exists now in a particular respect, namely, it wanted to take away the right of the Joshi to bring a suit in a court of law for fees, though his services were not requisitioned by a Hindu of the village. In that respect only the honourable mover of the bill wants to amend the law. So, I wish that you may be pleased to give a ruling as to whether the amendment effected by the select committee by inserting clause 5, which relates to watan lands or cash allowances, forms part of the original bill, or whether it is within the scope of the original bill. I want your ruling, Sir, whether the select committee had jurisdiction to incorporate that clause in the original bill. I raise this point at this stage, because I find that the present discussion relates to the question as to what provision

[Mr. R. G. Soman]

should be made to exempt the Joshi from being affected in respect of his rights to property, namely, in respect of his rights to watan land or cash allowances. So, I would ask for a ruling on this point.

The Honourable the PRESIDENT: I understood the honourable member to say, when he started, that he had raised that point of order on the motion for the second reading?

Mr. R. G. SOMAN: Yes.

The Honourable the PRESIDENT: Did he get a ruling? My regret is that on account of ill-health I was not able to be present on all the days when the second reading was being discussed. Therefore, I should like to know whether a point of order was raised and whether the honourable member the Deputy President decided that point.

Mr. R. G. SOMAN: The point of order was raised before the honourable the Deputy President, and he decided that this point would be considered when we come to the consideration of the subject matter of clause 5. But I find that the subject matter of clause 5 is now being discussed in the form of an amendment to clause 4.

The Honourable the PRESIDENT: Therefore, the honourable member raises the point of order now.

Mr. R. G. SOMAN: Yes. If you think that it is not necessary to raise it at this time, then I may be allowed to raise it at the next moment, namely, when we come to clause 5. But it would be better if it is allowed to be raised now.

The Honourable the PRESIDENT: Honourable members are entitled to raise points of order at any time provided those points of order are relevant to the issue then before the House, and the honourable member is perfectly entitled to raise that point now or at any stage in the consideration of this bill.

The question is whether the provision which has been added by the select committee as clause 5, and with reference to which addition the present amendments have been proposed, is in order on the ground as to whether it is within the scope of the bill. My attention was drawn to a possibility of such a question being raised, and I have considered it very carefully. My conclusion is that both the amendments and clause 5 are within the scope of the bill and are quite in order, and I will tell the honourable House why I have come to that conclusion. The bill deals with the ceremonial emoluments of watandar priests. Clause 4 says:

"No person shall be entitled to claim, as a matter of right, any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments."

The bill affects, as I understand it, the village economy of this province. In former days when transport was difficult, a village was practically a self-contained unit and the various services were performed by hereditary watandars to the village community. A watandar priest is only one

[The President]

of those officials who received watans for the purpose of discharging specific duties. The Maharki watan, the Kulkarni watan, and all other watans are on the same basis. A watandar priest, with whom we are now dealing, had been given his watan on the same principle. That gave him a certain income. In other cases, cash allowances were given instead of watans. These watans and cash allowances were given for the purpose of rendering service to the village community. In addition to that, the watandar priests were entitled to claim certain further emoluments enforceable in a court of law for performing those ceremonies. A contention has been raised that they have a right to such ceremonial emoluments even though they do not actually perform the ceremonies. Now, this bill takes away from the watandar priest a part of his income for discharging those duties. The other parts remain with him, and clause 5 does not affect, as I read it, his right to retain the other parts of his income derived from his watan or his cash allowances. The question, therefore, was whether in view of this bill depriving the watandar priest of one of his sources of income, he should be compelled to render those services and the select committee has inserted this clause in order to protect him against being compelled to render the same amount of service with reduced emoluments. The bill, therefore, in clause 5 gives him the option of saying whether he will continue to render those services. Clause 5 inserted by the select committee gives him the option of saying: "Very well, in the altered circumstances, I shall not serve as a hereditary watandar priest". Whether the House accepts the clause or rejects it, it is for the House to decide. Honourable members may be informed that all these additions which are made by the select committee are recognised in all constitutional practice to be recommendations for the consideration of the House, but such recommendations should be, I admit, within the scope of the bill and relevant to it. I have tried to explain at some length how I consider these additions are within the scope of the bill, because they are either tantamount to or may be regarded as consequential upon the rights of the watandar priests which are being taken away. From both these points of view, I hold that the additions are within the scope of the bill and both the amendments and clause 5 are in order.

Mr. P. G. JOSHI : Will you, Sir, permit me to bring to your notice clause (i) of clause 5 ? This sub-clause, as soon as the Act comes into operation, deprives those Joshis who have no land or receive no cash allowance of their *vritti*.

The Honourable the PRESIDENT : I do not see that that is a point of order at all. I have explained at considerable length what I understand to be the village economy in this presidency. Where the priest does not receive any income either in the shape of land or cash allowance he should be held to be a free individual and what the clause provides is that he shall not be bound to render any service. How that is outside the scope of the bill, I cannot understand.

[The President]

I therefore hold that both the amendments as well as clause 5 are in order.

Mr. R. G. SOMAN (Satara District) : I bow to your ruling, but I may be permitted to speak on the amendment. Now that you have given a ruling that the amendment proposed by the honourable member Mr. G. B. Pradhan is in order even from the point of view that it affects the watan lands and cash allowances, I submit, Sir, that the question of perquisites or fees that does arise is only as between individual and individual, while the right of watan lands and cash allowances rests as between Government and the watandar under the terms of the sanad. Hence it is that when once it is laid down in this legislation that the Joshi is not entitled to recover his fees from persons who do not requisition his services it may perhaps happen that all the villagers would refuse to requisition his services ; then what would be the consequence ? The consequence would be that the Joshi would have to relinquish his watan land. In these circumstances Government will very naturally step in and say that the land that was held by the Joshi was not now required to be continued in that family either because the villagers do not require these services or because the Joshi has refused to perform those services though requisitioned. Anyhow the consequences laid down by the terms of the sanad will follow. In one case the consequences come through no fault of his own and in the other the consequences will follow if he purposely refused to perform the services of any villager. From these points of view it is but necessary that the amendment of my honourable friend Mr. G. B. Pradhan ought to be supported by all. If you want to do justice to both, the villagers as well as the Joshi, give him the freedom to enjoy the property even if he does not perform the services on account of the fact that his services are not requisitioned. In the latter case his lands should not be fully assessed nor should his land be confiscated, nor his cash allowance. If Government want to step in at that stage that right should not vest in Government. It is with that cautious eye that this amendment has been brought forward by my honourable friend Mr. G. B. Pradhan and if this cautious step is thought to be redundant by some members I do not understand what they would lose by inserting this amendment. Does it give any additional right as my honourable friend Mr. Dalvi said ? What does the amendment say ? It does not give any additional right. It only says that his other rights should not be affected. What those rights are, is laid down in the terms of the sanad. By saying 'other rights' we are not giving any additional rights. So, I submit that this House will be well advised in accepting the amendment of my honourable friend Mr. G. B. Pradhan. The rights of the Joshis should be safeguarded just as the rights of the villagers are safeguarded. I submit that this House should unanimously accept the amendment proposed by my honourable friend Mr. G. B. Pradhan.

Mr. C. M. GANDHI (Surat City) : Sir, I accept the principle of the amendment moved by my honourable friend Mr. G. B. Pradhan,

[Mr. C. M. Gandhi]

but I certainly think that it is unnecessary in view of the definition of "ceremonial emoluments" in clause 3. Clause 3 defines that "ceremonial emoluments" means all perquisites, fees and any other dues claimable by any person for religious ceremonials, on account of his being a watandar priest. In addition to his right to the watan as a watandar priest he claims certain emoluments and clause 4 lays down when the emoluments cannot be claimed. I submit that it is unnecessary to have the amendment. Therefore I say that the amendment is redundant while I certainly accept the principle.

Mr. D. R. PATIL (East Khandesh District) : Mr. President, I cannot accept the amendment in its present form. Because my difficulty is that if the amendment of my honourable friend is accepted the result will be that there will be no liability on the joshi to perform his services and he can retain lands and cash allowances. Either he must withdraw his amendment because it is redundant or if that amendment is to remain there, he will have to accept my amendment which will be as follows :—

Add at the end.....

The Honourable the PRESIDENT : The honourable member must remember that if he wishes to move another amendment I will have to put the amendment of the honourable member Mr. G. B. Pradhan to vote first and to whichever of the two remains I will allow him to move his amendment. I cannot allow more than one amendment to an amendment.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : May I make a request, Sir ? If you could hold over clause 5 we shall have a talk and then decide whether there should be a clause 6. Certain difficulties were pointed out by the Honourable the Leader of the House and the Remembrancer of Legal Affairs and both are of opinion that if we could talk the matter over we could arrive at some clause which could be clause 6. If you will postpone this question till after the recess that will give us some convenience.

The Honourable the PRESIDENT : I would personally be very glad if this bill which is being discussed at such length should be satisfactorily disposed of. If that is the general feeling I will have no objection to put off the further consideration of this bill till we meet after the tea interval. I hope honourable members are aware that it is proposed to take a photograph at 4 p.m. to-day. When we re-assemble we will deal with the further provisions of the bill.

An Honourable MEMBER : Will we get only half an hour ?

The Honourable the PRESIDENT : If the House desires I am perfectly willing to put off the bill till to-morrow. If the House wishes to come to an arrangement by which this bill can be disposed of without further prolonged discussion which must be tiring to many honourable members I would be very glad to help in every way I can. If the Honourable the Leader of the House and honourable members on the other side are agreeable to that course I am perfectly willing to put it off till to-morrow.

Mr. R. G. PRADHAN : May I just say a few words ? The difficulty with some honourable members is that even though considerable discussion has taken place absolutely no indication whatever has been given of the attitude of Government either with regard to this clause or with regard to clause 5 or in regard to the amendments proposed by the Hon'ble the Leader of the House. No doubt, Sir, there have been some conversations.....

The Honourable the PRESIDENT : I am sorry to interrupt, but I do not want a long speech. We have had enough of it. The question is that Mr. G. B. Pradhan has stated on the authority of the Honourable the Leader of the House that there is a possibility of a compromise which would be satisfactory to the whole House and requested me to give him time to bring about that compromise. I am perfectly willing to meet the wishes of the honourable member and to give him time. Honourable members have sufficient time still for non-official business and therefore, if the result of these negotiations does not prove fruitful, then we can proceed with the further discussion of the bill. If the House does not want me to postpone but wants to proceed with the bill, then I will allow that to be done. I merely want to know, in a brief statement, if any honourable member wishes to address the House, whether he desires that the bill should be postponed or whether the discussion should proceed, and nothing more.

Mr. D. B. ADWANI : I suggest, Sir, that clause 5 may be gone on with now and after it is finished clause 4 may be taken up and thus the whole business of this bill can be completed to-day.

The Honourable the PRESIDENT : One alternative is to have the bill discussed in open Council and to get it decided by the vote of the House. The other alternative is a compromise which will affect only the amendments which have been proposed and clause 5. I do not see why the time of the House should be spent in a discussion of clause 5 when a compromise is going to be attempted. I would personally postpone it till to-morrow or if the general consensus of opinion in the House is that I should postpone it till after tea time, I am quite agreeable. If it is to be a compromise I do not want a single minute of the time of the House to be spent unnecessarily.

I will postpone the further consideration of this bill till after tea time. If honourable members are not ready by the time and want further postponement, I will then postpone it till to-morrow.

Further consideration of this bill is postponed till after tea time.

**BILL No. XXX OF 1925 (A BILL FURTHER TO AMEND THE BOMBAY
MAMLATDARS' COURTS ACT II OF 1906) FIRST READING**

Mr. D. R. PATIL (East Khandesh District) : Sir, I beg to move that
First Reading. Bill No. XXX* of 1925 (A Bill further to amend

[Mr. D. R. Patil]

the Bombay Mamlatdars' Courts Act II of 1906) be read for the first time.

My object in moving this bill is that under the present law a mamlatdar is the final judge of facts. Whenever he has to hear any possessory suits in his court, he has in majority of cases to decide them on facts and very rarely on points of law. So far as the present law goes, the Collector has power to set aside the mamlatdar's decision if that mamlatdar is wrong on law, but so far as the cases dealing with facts are concerned, whether the Mamlatdar decides them rightly or wrongly his decisions therein cannot be set aside either by the Collector or even by the High Court in revision. That is why I say the mamlatdar is a final judge of facts. Many a time it has happened that the mamlatdar wrongly decides cases on facts and injustice is caused to litigants. Therefore my object is that the Collector should be invested with the power of appeal which is not allowed to him under the present law and that further that the Collector should have the power to set aside the decision of the mamlatdar even on facts if he finds that the decision of the mamlatdar in any particular suit is wrong on facts. In short, what I want is that there ought to be some sort of check upon mamlatdars in deciding the possessory suits or other suits in their courts whenever the decision depends upon facts, *i.e.*, appreciation of evidence; that is the only object with which I move the first reading of this bill.

Question proposed.

The Honourable Mr. J. E. B. HOTSON: Sir, Government fully appreciate the object with which the honourable member has brought forward this bill but they consider that the means which he desires to adopt are the wrong means and that instead of promoting the object which he has at heart, they would go against it. The fact is that mamlatdars' decisions are merely as regards possession and there is the right of immediate recourse to the civil courts as soon as the mamlatdar has given his decision. The proposal brought forward in this bill would merely result in still further delay, in appeals which would be made in very many cases, and which would certainly be made in almost every case in which the mamlatdar's decision was favourable to the agriculturists. Extra expense would be caused to the agriculturists and the final decision of the case would be delayed. Government so far appreciate the honourable member's motives that they are quite prepared to bring what he has said to-day to the notice of their district officers and to ask them to do everything in their power to see that justice is not delayed and to interfere, to the extent of the powers which they possess under the present law, if injustice is brought to their notice. If the honourable member will be satisfied with this declaration, the action promised will be taken at once.

Mr. D. R. PATIL (East Khandesh District): Sir, although I do not fully agree with the Honourable the Home Member, still I think a sufficient check will be maintained as a result of the assurance given to me just now and that my object will be fulfilled. Let us wait for some time

[Mr. D. R. Patil]

more to see whether the assurance given will secure any check upon mamlatdars as desired by me and therefore, in view of the assurance given by the Honourable the Home Member, I beg leave of the House to withdraw this bill.

Question put and leave granted.

**BILL No. IX OF 1926 (A BILL TO AMEND THE CITY OF BOMBAY
POLICE ACT, 1902) FIRST READING**

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move that Bill
First reading. No. IX* of 1926 (A Bill further to amend the City
of Bombay Police Act, 1902), be read for the first time.

The amendments which I propose to move refer to sections 45 and 46 of the Bombay City Police Act. Those sections refer to awarding compensation to those persons who suffer damage to person or property in consequence of acts of an unlawful assembly, for instance, a riot. The procedure is laid down in section 45. The Chief Presidency Magistrate is to hold an enquiry and is to declare compensation which is to be given to a sufferer. The second part of his duty is to ask the Municipal Commissioner to levy the amount which he orders as a general tax on the citizens of Bombay. What I seek to do is that this duty which is cast upon the Municipal Commissioner should be transferred from that officer to a Government officer, say, the Collector of Bombay. With that object I have introduced this bill.

The reasons that prompted me to adopt this course are shortly as follows. You know, Sir, that a riot took place in 1921. As a consequence of that about 6½ lakhs of rupees were awarded as damages to a few sufferers. One of the sufferers was an English lady whose husband was killed. There are other small sufferers. We are now in 1926 and still the full compensation has not yet been paid. The procedure adopted is that when the Municipal Commissioner collects the amount of this punitive levy he hands it over to the Chief Presidency Magistrate and he had declared that he would pay it up in five instalments of 2 as. and some pies each in a rupee. Up to this time four instalments have been paid and the last has not yet been paid, though we are in 1926. These persons who are sufferers are required to wait for so many years. That English lady's husband was killed and still she has been made to wait so long to receive the compensation. There is one merchant whose house was burnt down and he has to re-build his house and he has been made to wait for five years. He has not as yet fully received his compensation. For these reasons I suggest that it is absolutely necessary that we should devise some means by which this compensation can be paid quickly. If you go to examine the clauses of the Bombay City Municipal Act you will find that the powers which the Municipal Commissioner has are very narrow; whereas if you entrust the Collector of Bombay with the duty of collecting the compensation you will find that he has got very summary powers under an Act which I shall mention later on. So I

[Mr. A. N. Surve]

shall not discuss the powers of the Municipal Commissioner and Collector of Bombay.

The Honourable the PRESIDENT : Order, order. I should like to know how long the honourable member will take.

Mr. A. N. SURVE : I will take at least 15 minutes.

The Honourable the PRESIDENT : We will adjourn till 4-50.

After recess

PRESENTATION OF PETITIONS

Khan Bahadur I. M. BEDREKAR (Southern Division) : Sir, with your permission I present this application from the residents of Uran in the Kolaba district for the much needed erection of a wharf at Uran and also the two resolutions passed by a public meeting held in Uran on 13th March last.....

The Honourable the PRESIDENT : The honourable member can only present the petition.

Khan Bahadur I. M. BEDREKAR : I hope and trust that honourable members on Government benches and other honourable members of this House will give their earnest and favourable consideration to it.

(Debate on the first reading of the Bombay City Police Act Amendment Bill resumed)

Mr. A. N. SURVE (Bombay City, North) : Mr. President, I was speaking about the respective powers of the Municipal Commissioner and the Collector of Bombay. Under the City of Bombay Municipal Act, section 200, the first thing to be complied with is the presentation of the bill. This bill has to be presented in person to the person liable to pay the tax. Then, the second stage is a notice of demand. And then the third stage, under section 203, is distress and sale of goods and chattels. The mere fact that five years and more have elapsed and recovery is not made speaks volumes against the efficiency of these powers. Now, let us see the powers which the Collector of Bombay possesses under the Bombay City Land Revenue Act of 1876. Under that Act, what he has to do is only to issue a notice, and that notice has to state the place, time and to whom the amount demanded has to be paid. Then, under section 13, if this demand is not complied with, a notice of demand has to be sent and a few more days' time is given. If even this is not heeded to, then the next course is attachment and sale of the land in regard to which the claim is made, and in addition to the sale of land goods and chattels may be sold. Now, see the points of difference. In the first, the Municipal Commissioner has to send a man to the person against whom the demand is made. The Collector has only to send a demand by post, and whether the addressee receives it or not is not the concern of the Collector. In this way the powers under the City Land Revenue Act are very effective. The strongest point is this. Under the City of Bombay Municipal Act it is only the moveables that can be attached, but under the City Land Revenue Act, the land itself can be attached and sold. If the moveables are attached bogus claims

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could be put forward, and the claim could be evaded. In this way the municipality has been found incapable of collecting the levy expeditiously.

But apart from the efficiency of the powers, let us consider the points that are involved in my bill. The point is, do the Government, whose duty the municipality is performing, pay for this work? You will see, Sir, that this is nothing less than statutory impressment. The Chief Presidency Magistrate issues his order that the Municipal Commissioner shall collect so much. Whether the Corporation, whose servant the Municipal Commissioner is, is consulted or not is never cared for. The second thing is the municipality is not paid for this work: it is gratuitous. Certainly many of the employees of the municipality are employed on this work, and still nothing is paid to the municipality. Then, the third point is, that the procedure creates a lot of complications. I shall read from the proceedings of the Municipal Corporation dated the 7th September 1920. The complainant in this case is Mr. Hargovandas Jamnadas Ramji, who had written a letter to the Corporation

"Stating with reference to the notice of motion given by Mr. B. N. Motivala, in respect of the additional general tax levied upon Mahomedan rate-payers of B Ward and upon Baniya rate-payers of C and D Wards that in his opinion the order of the Chief Presidency Magistrate, if strictly observed, will cost the Municipality a very large sum for recovering Rs. 4,000.

That is on account of the complication in collecting it.

"that in the interests of the rate-payers the Corporation should ask for a report from the Commissioner as to the basis on which he is levying the additional tax and obtain a correct list of Mahomedan landlords of B Ward and of Baniyas in C and D Wards on whom the additional tax is to be levied.

This difficulty arose because of section 45 of the Police Act under which the Chief Presidency Magistrate has been given power to exempt certain persons. These exemptions create a great deal of heartburning.

"giving some instances of individual cases to show the arbitrary and apparently wrong action of the Assessment Department and stating that no fixed principle is observed in levying the tax; that the tax itself and the arbitrary mode of recovering it have brought the Municipality into great disfavour; that some persons have been charged more than once when they ought to have been charged only once and that some are not charged at all when they ought to have been charged. Requesting that the Corporation should see that justice is meted out to all rate-payers at the hands of the Municipal Commissioner."

So, you will see that, as a matter of fact, in practice this procedure creates a lot of complications on account of exemptions which the Chief Presidency Magistrate is empowered to make.

Then, come to the next point. I might just point out what is the attitude of the Corporation. A committee was appointed by the Municipal Corporation and they submitted their report. That report is to the following effect:

"After careful consideration of the question, in consultation with the Commissioner, the Committee are of opinion that the method of recovery of such odious taxes with which the Municipality has nothing to do is very unfair to the Municipality and is hardly justifiable. The Committee, therefore, beg to recommend that Government be approached with a request to undertake legislation to repeal clause 1 (b) of Section 45 of the Bombay City Police Act, 1902, under which the Commissioner is required to recover such taxes."

This report has been adopted by the Corporation, and it shows the attitude which the Corporation has taken. It of course stands to reason

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that the Municipality should ask why their servants should be asked to collect these odious taxes without their consent. It hurts their self-respect and autonomy.

Then, if this is the attitude, perhaps the next step might be that the municipality might refuse to perform this duty. There has been an instance of that nature during the past few years. During the Satyagraha riots in Ahmedabad in 1919, the municipality flatly refused to recover the punitive levy which the Collector of the district had asked the municipality to do. (Mr. G. I. Patel: What was the result?) The result was that only a part of it was recovered.

MR. G. I. PATEL: All the compensation was paid, but the people were not asked to pay.

MR. A. N. SURVE: To a certain extent the municipality collected the levy, but later on they refused to do so. Those who had suffered from injury were paid compensation, but the municipality did not get the compensation for the damage it suffered and to which it was entitled, on account of its refusal, that was the result. So, Sir, taking into account this state of affairs, when I had moved my bill last year in this Council to amend the District Police Act, the then Leader of the House, Sir Maurice Hayward, very wisely accepted an amendment to my bill, and the municipalities in the mofussil are now exempted from collecting this kind of punitive levy. I think the bill which I am now moving is a corollary of the principle which this Council has already accepted.

Perhaps, Government may not like to accept this suggestion of mine. But let me respectfully ask them whether they are fulfilling their duty towards the citizens of Bombay. Sir, in the year 1921 or thereabout a resolution was moved in this House, recommending to Government that the police force in the city of Bombay should be brought up to the sanctioned strength. At the time, the police force was much below the sanctioned strength. Though over four years have elapsed, still Government have done very little towards improving the situation. Even to-day the police strength in Bombay city is much below the sanctioned strength. I shall give a few figures and show to the House how far the present strength is below the sanctioned strength. (Moulvi Rafiuddin Ahmad: Do you want more police?) The sanctioned strength of officers is 239, whereas the actual strength, according to the latest Administration Report on the Police of the city of Bombay, is 226; that is to say, 13 less than the sanctioned strength. As regards the men, the sanctioned strength is 3,578, whereas the actual number is 3,474. Thus, you will see, Sir, that the police force in Bombay city is below its sanctioned strength. The natural consequence of that is that whenever riots take place, in the initial stages at least, the police are faced with very great difficulties in arresting the initial stages of a riot. Later on of course they do their best with what they possess, but my submission is that as the actual strength of the police is much less than the sanctioned strength, naturally the police are not able to discharge the duty which is cast upon them. Therefore, it is the fault of the system that is at work and not

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the fault of the police force. Therefore, if Government do not discharge their own duty, I do not see why they should ask the citizens of Bombay to pay any compensation. But that is not the stand which I am taking to-day. My stand is only this. I maintain that the sufferers do not get the compensation to which they are entitled quickly, and therefore it is absolutely necessary that there should be some change in the existing machinery. For this reason, I have moved the first reading of my bill, and I hope the House will accept it.

Question proposed.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I rise to oppose the first reading of the bill. The arguments which have been advanced by my honourable friend are quite strange and will not, I hope, appeal to the good sense of the House. In the first place, he will find that there are sufficient powers already placed in the hands of the executive, and there is no necessity for arming them with further powers, so that we may be afraid of any misuse being made of those powers.

The honourable mover has stated some cases with regard to the giving of compensation. I may point out to him that in a few cases there may have been some delay in the payment of compensation, but ultimately the compensation has been paid. If there are some hard cases, I do not think that the whole law should be amended for that purpose.

In regard to the subject matter of Ahmedabad to which he made a reference, I can draw his attention to the patent fact that the Ahmedabad people were placed in a position to recover a certain amount, but the representatives of the people considered the whole question very carefully from the standpoint of the people who had to pay as well as from the standpoint of those people who actually suffered and ultimately, after long discussion, Government were convinced of the equity of the view of the municipality of Ahmedabad in the matter, and the whole question was solved amicably. Thus if sufficient time is given, and if the representatives of the people are allowed to have their say directly or indirectly in such matters, ways and means could be found out to avoid the bitterness that is likely to be created in such cases.

Further, the honourable member Mr. Surve simply says that this is nothing else but a transfer of the power from the Municipal Commissioner to the Collector. Now, what we want is that any power that has been delegated to, or vested in, a local authority should not be transferred back to any executive officer of Government. From a democratic point of view, one would not like to see that such powers are taken away from a municipality or local body and transferred again to the Collector or to any Government officer who has got the independent discretion to do anything he likes in such matters.

On these grounds, I oppose the first reading of the bill, and I hope that the House will feel justified in joining their hands with me.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I rise to support the first reading of the bill that has been moved by my honourable friend Mr. Surve. I do not understand the argument of my

[Mr. Hooseinbhoy A. Lalljee]

honourable friend Mr. G. I. Patel, when he says that the municipality has got any voice in discharging the duties connected with such affairs. Sir, under the Act, compensation is awarded by the magistrate, and an order is passed to the Municipal Commissioner to collect such and such an amount from such and such persons, and he has to carry the order out. Therefore, there is no question whatsoever arising as regards the rights of the municipality or the rights of the people. The Corporation has got no voice whatsoever. We have often found that the municipal executive officers are over-burdened with this sort of work, and we have also found that although the municipal executive officers do their level best to collect these levies, they are blamed by all the parties concerned.

Our relations with the people of Bombay are always very, very cordial and when we are compelled to collect these taxes for Government, it often happens that our officers are not liked by the people. And, on the other hand, we always have complaints from interested persons that we do not collect their funds in time. But the most important thing is, Sir, that the municipal administration ought not to be burdened with this sort of work. Many a time the administration of our Collection Department has got to bring forward as a grievance that they have to work for this kind of work as well. Under the circumstances, the corporation are desirous that they should be freed from this liability and I hope, Sir, that this bill will be accepted and this liability will be removed.

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to support the first reading of the bill. My honourable friend from Ahmedabad has not understood the motive of the honourable mover of the bill in introducing this bill. The motive is not a question of transferring the power to the executive.....

Mr. G. I. PATEL: That is what he says.

Sir VASANTRAO A. DABHOLKAR: No; what he wants to say is this, that when this tax is collected for Government, why should this burden be thrown upon the municipality? Government has got its own department, namely, the Collector of Bombay, and why should not the Collector of Bombay collect this tax for the Government? Moreover, Sir, when this matter was discussed in the committee of the Bombay Municipal Corporation, it was ascertained that the bills of the riot tax number 24,000 and it was an additional strain on the Assessment and Collection Department. We could not engage any more hands to collect the riot tax because the Government do not pay us. Government wanted all this recovered without any cost. Thus, where the question of democracy comes in as expressed by the honourable member Mr. Patel, why in these days of democracy should the municipality work for Government without getting anything from Government? It is the duty of the Government itself and Government must recover. I do not agree with the honourable mover of the bill when he says that the municipality was not capable to do this collection work for Government. It is not a

[Sir Vasantao A. Dabholkar]

question of the ability of the municipality. But on account of the Rent Act any additional taxation has to be recovered from the tenants and they delay the payment to the landlords, and it makes matters more difficult for the municipality to recover the taxes. And in this connection, Sir, I can point out that in the report of our retrenchment officer, as far as the municipality is concerned, he has often told us that the department is so much overworked that it requires to be enlarged. And we have not yet enlarged it, but for Government the municipality is forced to collect the riot tax under the present Police Act.

I quite agree that when Government have failed to strengthen the police force, we should not do this kind of work for them. If they were to do their duty, the municipality would not grudge. Furthermore, we have got one complaint against Government. It is this, that whenever the Bombay Municipal Corporation approaches Government to establish new police stations in such parts of the city which have always been regarded as open to danger from thieves and robbers—I mean places like Worli, where Government actually contracted to purchase land for the police station but Government has backed out on the ground of financial stringency—and so the Improvement Trust is not able to sell any land which it had developed on this estate, viz., Worli; because nobody likes to go and stay at such places where there are no police stations and so no police protection available. If Government would do its duty properly, then I think the municipality would not grudge to oblige them. I do not think the municipality should do any work for Government without receiving any compensation. On this ground, I beg to support the first reading of this bill.

Mr. C. G. ADAM: Sir, I rise to oppose the first reading of the bill. I am sure Government fully sympathise with the desire of the honourable mover of the bill that compensation should be recovered as quickly as possible and should be paid to the persons concerned. But I should like to point out, Sir, that the bill which the honourable mover desires to be read for the first time will not, I think, effect that desire or object. In fact, I think it is very questionable whether the recovery of the compensation would not be slower, because there are very grave administrative difficulties in the way. The honourable mover of the bill has said, Sir, that the bill seeks in the first place to substitute assesses to the land revenue for assesses to the general tax. The actual fact is, Sir, that assesses to the land revenue are comparatively few in number, compared with assesses to the general tax, and compensations which may be awarded in any given area may be very large and the number of assesses to the land revenue in that area may be very small. Supposing that some of the assesses to land revenue claim and secure exemption which they may do, the addition to the money which may have to be levied from the other assesses would be very unfairly disproportionate. It may happen that a very few people may have to pay a very very large sum.

Then, Sir, as the position is at present, the assesses to the general tax can pass on the liability of their payment to their tenants and sub-tenants

[Mr. C. G. Adam]

There is no legal authority, especially when section 46, clause (2), of the Act is repealed by this bill, there will be no legal authority by which the assessee to land revenue can pass on the burden of payment. It will be very heavy and will fall entirely upon the assessee to land revenue alone. To put an extreme case, Sir, it might occur that an area may be assessed to heavy damages. The assessee in that area might, all or some of them, have a just claim to and receive exemption from the Chief Presidency Magistrate by order, and the sufferers in the riots, to whom compensation is justly due, might have no money at all because there would be no legal possibility of any collection being made.

Lastly, Sir, the bill seeks to throw the responsibility on the Collector. The honourable members for Bombay city have supported that view very strongly. I think, Sir, because they wish the burden to be removed from the municipality; not because they have considered what the effect would be if the responsibility is thrown upon the Collector. The Municipal Commissioner has got a large staff for the collection of taxes, which are to be regularly collected, while the Collector of Bombay has not got a staff at all. Many of the assessee to land revenue come to his office and make their payments in person. I do not think, Sir, that with the experience of the last few years in the endeavour to collect compensation before us, and in the circumstances that I have described, it will be possible for anybody to hope that all those persons who may be assessed to pay compensation for damages would go to the Collector's office to make payment in person there. If the honourable mover of the bill seriously thinks about these matters, he will realise and appreciate, I think, that it will not be possible to do so. It would happen, therefore, that if the bill were passed and the difficulties I mentioned were overcome, the Collector would either have to maintain a very large and additional staff permanently, which would be paid for by the taxpayer and we may not have occasion to recover compensation for many years and I think that staff may have no work at all to do of any kind (An Honourable Member: Engage temporary staff), or else, Sir, he would have to entertain a temporary staff as the occasion arises, which would be inexperienced and, therefore, probably inefficient. Sir, it is extremely unlikely that the compensation would be collected any more quickly than it is at present. I do not think, Sir, that the honourable mover of the bill is justified really in desiring to pass this bill at the last session, at the end of the life of this Council. That, I think, would be a justifiable course only if we feared that further riots were likely to occur in the near future in Bombay. I think all honourable members will probably agree that the citizens of Bombay, even in the very difficult times through which we are passing at present, have given no justification at all for an unfavourable assumption of that nature. I consider, Sir, that I have said enough to convince the House that it is most undesirable and unwise to bring a contingency such as I have described within the bounds of possibility.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, after the very lucid arguments that have been advanced by the honourable the Home Secretary I find it difficult to support the bill of my honourable friend on my left (Mr. A. N. Surve). Sir, everything eventually turns upon money and I believe that the real object of the members of the Corporation who have spoken here is to obtain some compensation for the work that the corporation is doing for Government. If therefore the Government will be prepared to allow the Corporation a fixed sum in lieu of the work the members of the corporation will be perfectly satisfied.

An Honourable MEMBER: No, no.

MOULVI RAFIUDDIN AHMAD: If they are not satisfied they are too ambitious. As has been pointed out by my honourable friend from Ahmedabad it is really going against democratic principles. Such a practice obtains in the case of municipalities and local boards and the same should not be departed from so far as the Bombay Corporation is concerned. If we accept the bill we will have to employ a very large staff and that would be unnecessary waste of public money. If on the other hand as has been pointed out Government increase the strength of the police in the city of Bombay let me tell you that increasing slightly its strength does not necessarily mean strengthening its efficiency. We are all against spending too much money on the Police Department and when the Home Member comes forward with proposals for increasing the staff or increasing the pay of the staff, we are up in arms against his proposals. I do not see really why when Government does not think it necessary to ask for any increase that we should suggest to them such a course. The Commissioner of Police knows his duty and he does not ask for any more police.

Sir VASANTRAO A. DABHOLKAR: Question.

MOULVI RAFIUDDIN AHMAD: If he does let him come forward to us through the Home Department, but let us not anticipate his demands. I do however admit that it is a little hard for the corporation to do this work for nothing. If Government in their wisdom will come forward to make some compensation this matter will smoothly end. I shall therefore oppose the first reading of this bill.

Dr. K. E. DADACHANJI (Bombay City, South): No doubt the Municipal Assessment Department is over-worked and whenever a riot tax is levied the municipal assessment bills remain unpaid and much confusion results. People do not pay ordinary assessment bills because they mix up the two things and say "why have you brought this heavy assessment instead of the usual bill". They cannot make out and so some delay is caused. Even last time when the Chief Presidency Magistrate levied this tax half the municipal bills, I understand, have remained unpaid. Therefore in season and out of season member after member in the corporation brings forward this riot tax resolution and discusses the matter and says why this burden should be thrown upon them. If consequently Government will create another Assessment Department for themselves I do not think people affected would get any compensation.

[Dr. K. E. Dadachanji]

The whole collection will be swallowed by the department. But it is not easy to collect this tax if men are appointed here and there for this purpose; they must know the places and persons, etc. That is a difficult task. If Government could give extra staff and some compensation of course, the municipality will perhaps take up this work. Now the corporation have before them a proposal of their small Retrenchment Advisory Committee for the re-organization of the assessment and collection department. The Committee have suggested various means to separate this assessment department and collection department. If Government would sanction some compensation when this riot tax is to be levied, I think the corporation will take that into consideration and save Government from creating a big assessment department.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I am astonished to hear the last speaker's arguments. I do not know what authority he has from the Bombay Municipality to say what he has said.....

Dr. K. E. DADACHANJI: Those remarks were made by me on my own initiative.

Mr. HOOSENALLY M. RAHIMTOOLA: In the Bombay Corporation a proposal was brought by some of the members that Government should be requested to relieve the corporation of the odious duty of collecting the riot tax. At first the Commissioner opposed it and so the proposal was thrown out. Later on the Commissioner himself brought the proposal before the corporation to the effect that the corporation should approach Government asking them to relieve the corporation of the odious duty of collecting the riot tax, and then the corporation made a request to Government to accept the recommendation made by the Commissioner. Government did not accept that recommendation. The fact is that under the Police Act the duty of collecting this tax has been thrown upon the corporation although they are in no way concerned with this matter. It is the duty of the police to keep peace and order in the city of Bombay, and not that of the corporation. The corporation said that it was immaterial to them how Government collected the tax, whether through the Collector or through some other agency but they wanted to be relieved of this odious duty.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the first reading of this bill. In the first place it is clear that it is not part of the duty of the Bombay municipality to collect this tax or to assess the amount of compensation for injury, loss or damage caused by an unlawful assembly. It is the primary and first duty of Government to maintain law and order and if law and order is broken, it is for Government to assess the damages and to recover the damage from whomsoever they find responsible for the riots. The Chief Presidency Magistrate does the duty of determining or fixing and of awarding compensation in such cases and it is he who determines also the person or persons who are liable to pay the said compensation and it is but right and just that some other Government agency must do the work of collecting the amount

[Rao Bahadur S. T. Kambli]

of money as ordered by the Chief Presidency Magistrate. The Government have unjustly thrown this duty upon the Bombay municipality and that municipality therefore legitimately complains that it should be relieved of that duty.

The object of the honourable mover of this bill is to rid the Bombay municipality of this odious duty. The Collector of Bombay has already an experienced staff whereas the Bombay municipal staff is already overworked and cannot bear this additional burden. Certain administrative difficulties of course there will be but I submit that it will not be very difficult for Government to overcome such difficulties. Government collect various taxes in various places in a very efficient way through their own agency and similarly they can easily arrange to collect money from particular persons who are ordered to pay certain amounts of money as damages in such cases. In a city like Bombay such a task would be comparatively easy. This burden thrown on the Bombay municipality is certainly unjust and Government should in my opinion take it upon themselves to collect this tax either through the Collector of Bombay or through some other officials. The use of temporary establishments for special purposes is not new to Government. I know it has been said on behalf of Government that such temporary establishments would lack experience, but I cannot agree there. Government have clerks and other staff experienced in the work of collecting taxes and by giving such staff an additional allowance such a difficulty can be easily overcome. In any case this is a matter of detail which can be easily solved by Government. The bill before the House is a simple piece of legislation which seeks to do justice and fairness to the Bombay corporation and I therefore hope Government will accept it. I therefore support the first reading of this bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the first reading of this bill. The Collector is to be armed with a power which has been given to a local body and on principle therefore I oppose this measure. We know how powers vested in Collectors for recovery of land revenue are exercised and the harshness which accompanies such recovery. We also know how, as soon as such powers are put into operation, there are attachments in season and out of season, causing great annoyance and trouble to the people. If a popular body were to exercise such powers, it would do the work without causing injury or hardship and people would suffer less. Therefore it is undesirable that a power which is given to a local body should be handed back to the executive Government. I know what happened in Ahmedabad and Viramgam riots. There was a lot of difference between the harsh way in which the Collector would have carried on that work and the almost kind and considerate manner in which the municipality did it. The result was that Government saw that the tax was unjust and remitted a portion of it. In Viramgam also the same thing happened. Government remitted about Rs. 25,000 of this tax. A municipality means the combined authority of the people themselves and so a municipality would be more considerate to the people from whom the tax is to be collected.

[Mr. J. C. Swaminarayan]

than Government officials. Therefore, I oppose the first reading of the bill.

Mr. S. A. SARDESAI (Bijapur District): Sir, I support the first reading of the bill. It is so simple that I am wondering how Government and non-official members oppose it. The honourable member the Home Secretary says that if this work is entrusted to Government, Government will have to employ a large staff. If a large staff is necessary, it must be employed and the work must be done. Some of the non-official opponents of the bill say that to accept the bill would mean a transference of power given to a democratic body back to the Government. That is a fallacious notion. A complaint has been made that the Government officials use their power of collection rather harshly. I have been told by experienced people who work in the Bombay corporation that out of a hundred cases there is hardly one case in which coercive measures have had to be adopted such as attachments, etc. The mofussil conditions cannot be compared with those of a city like Bombay. In the present case what we have to decide is what is the duty and whose duty it is to perform it. In a reformed Council, at the present stage, I am wonder struck to hear the Home Secretary saying that this power should not be given to the Collector. Why? Because in a constitutional Government every action of Government has to come under a particular section of a particular Act. I could not therefore understand how the Home Secretary could put forward his argument against the bill. The bill is so simple that even a child can understand it. I think the House should not be misled by the Home Secretary's arguments that the Collector would be overburdened with this sort of duty. This is a work rightly and properly belonging to Government and they should not thrust it upon the municipality. With these remarks I support the first reading of the bill.

Mr. A. N. SURVE (Bombay City, North): Sir, the motive underlying this bill is a question of sympathy for the sufferers. It is not about anything else. In the year 1922, I think it was in the case of Malegaon riots this House went out of its way and made an advance to Government so that the sufferers might be paid the compensation at once and Government undertook the duty of collecting the levy in due course. In spite of the technical objections that were raised, the House by a large majority declared that it was a question of humanity and a question of giving relief to the needy and the sufferers. The mere fact that more than five years have elapsed and the sufferers have not received the whole amount of compensation is a sufficient condemnation of the existing machinery. Moreover, in Bombay the relations between the corporation and Government are quite different. You, Sir, are very well aware that formerly the municipality was made to bear police charges. At that time various disputes arose and Government finally said they would pay the police charges and the municipality should bear the cost of maintaining hospitals, etc. But, what do we find? We find that though the Government have undertaken the duty of keeping law and order, they have neglected their duty and in spite of a resolution of this House

[Mr. A. N. Surve]

they have continued to neglect their obvious duty. In consequence of the negligence by Government of their primary duty riots occurred doing immense harm and loss of property of the poor citizens. Every citizen was not a rioter and yet the tax was levied on all although the mischief was done by a few hooligans.

I wish Government to revise this state of things as early as possible. The several points that were raised by the honourable member Mr. Patil and the honourable member Mr. Swaminarayan are the outcome of misconceptions. We are not going to empower the Government with any extra power. As a matter of fact we want Government to take upon themselves their own duty which they have shoved on the corporation. Moreover if Government are willing to accept the principle of this bill I shall not hasten all the readings during the present session because several interests are concerned which are going to be affected, therefore, if the first reading of the bill is passed, I will move that the bill be published for eliciting opinions on it. Now to give a reply to the points raised by the honourable member the Home Secretary. First of all he says that extra money will be required for the additional staff that will have to be maintained. Because extra money for the additional staff will be required are Government justified in shirking their own duty and imposing it on the municipality. Why should this duty be cast on the municipality? The municipality has got its own duties to look to. It was also stated that the Collector would not be able to do this duty as well as the municipality, because he did not know the requisite information which the municipality possesses. If he wants the name of any landlord he can refer for it to the municipality who will be generous enough to give any information he wants. Even income tax officers get all such information about property-holders from the municipality and similarly Collector can do the same. This is a point in which human sympathy for a sufferer is concerned and I request the House to accept the first reading of my bill.

The Honourable Mr. J. E. B. HOTSON: Sir, I regret that it is impossible to accept the principle of this bill or to agree to its first reading and its being published as proposed by the honourable mover. Many of the honourable members who have spoken on this bill, including the mover himself, seem to be under the impression that the compensation which is under consideration is a tax collected by Government, apparently for the pocket of Government. You are well aware, Sir, that this is a wrong view of the facts. This money is collected for payment to the sufferers or the survivors of the sufferers; and Government does not get one anna out of it. Its collection is not Government work. The trouble is caused by the local people and it is only right that the local people should have the trouble of putting it right. It has been asked why the servants of the municipality should do this duty, and make themselves odious to the people by the collection of this tax. It would be equally fair to ask why Government servants should make themselves odious by the collection of this tax.

Sir VASANTRAO A. DABHOLKAR : Are not the citizens of Bombay subjects of the British Government ? Are they subjects of the corporation ?

The Honourable Mr. J. E. B. HOTSON : Certainly they are British subjects. But in the first place, they are inhabitants of the municipality ; they caused the trouble, and the municipality should put right the trouble as far as it can.

If Government take upon themselves this duty, and lift it from the shoulders of the municipality, I ask all honourable members to recognise that the result will be that the burden will be transferred to the shoulders of the general taxpayers. It is not right to speak as though Government have a large store of money which comes from nowhere, and can be used at their pleasure. Everything that Government spend comes out of the pockets of the taxpayers. It is not fair to expect the people of Poona, Sholapur, Ahmedabad or Hyderabad to pay a tax, because the people of Bombay caused a riot. If their representatives think it is fair, it seems to me rather surprising ; it is certainly not according to our ordinary idea of human nature. It is quite a wrong view to take that the general taxpayer should be burdened because of the faults of the people of one locality.

The next point is that Government is the cause of all these riots because they have not strengthened the police. Government would very much like to do a great deal in that direction, by way of providing additional police and building police stations in different parts of the town. They regret very much the limitations which have been imposed upon them by the financial situation of the presidency, and have made it necessary to give up many schemes which they consider very desirable. This very year the Legislative Council has made large reductions in the budget of the Bombay city police. I am reminded by my honourable friend that the reduction is two lakhs. If the House considers that our schemes should not be curtailed let it give back these two lakhs.

An Honourable MEMBER : Starve the mofussil.

The Honourable Mr. J. E. B. HOTSON : No. Let the House grant additional taxation, if that is its pleasure. At all events the police are as good as we can make them with the money at our disposal ; and we have distributed them among the different parts of the town with due regard to the requirements of each.

One honourable member has stated, I think the honourable mover, that the present system of collection leads to a number of mistakes. That brings me to the question of staff. The municipality has its own collecting staff. The collection of this compensation can be done cheaply and without any great addition to the labour of that staff, just as the revenue staff in the districts collects the local fund cess in addition to the land revenue without any great additional labour being imposed on it, so this additional tax can be collected by the municipal staff together with the general tax without any great extra labour. If the Collector were made to do it, as my honourable friend the Home Secretary stated, extra additional staff would have to be recruited from time to time, and that staff would

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be extremely expensive, would be inefficient and would probably be corrupt. I am afraid that it is the general experience everywhere that any staff gathered hastily in this way for the collection of money is both inefficient and corrupt. This is a fact which is known all over the world. The honourable mover stated that in the collections many mistakes are made. If the Municipal Commissioner with the help of his staff, which is engaged in this business all the year and knows all the streets and the names of the inhabitants, makes mistakes, the Collector would certainly commit a thousand times more mistakes with an inexperienced and inefficient staff.

One honourable member stated that Government should have acceded to the request of the municipality that Government should undertake this work. As far as I am aware, I do not know of any such request having been made to Government by the municipality. Perhaps my honourable friend is under a misapprehension.

Then, we have also been reminded of the fact that there are certain exemptions given under the Act, such as those of all persons who are justices of the peace, all persons who are title-holders, all persons who are Government or Municipal servants, and all persons who have themselves been awarded compensation under the order of the Chief Presidency Magistrate. Now, as the honourable the Home Secretary has already said, there are many persons who are assessed to the General Tax and there are few persons assessed to Land Revenue in the City of Bombay. If it so happens that one of the few who pay the land revenue is a title-holder or a justice of the peace, or the like, then he would not under this bill, pay any assessment. But under the law as it stands although such a person is himself exempted as regards the particular part of his property on which he pays a general tax, other people who are in occupation of other parts of that property, and pay general tax in respect of those parts, would not be exempted—they would have to pay. Therefore, under the present system the burden is far more equitably distributed than it would be under the proposed system.

Then, again, a very important point is that, as the Home Secretary pointed out, the proposal now made gives no power whatever to the superior holders to transfer any part of the burden to their inferior holders. Therefore, the new proposal would hit the superior holders so hard that some of them might conceivably be reduced to bankruptcy.

Altogether, I am sorry that my honourable friend has not been able to give a little more time to the careful consideration of his bill, or to show more regard for the administrative difficulties that are involved in it. As the bill stands it is entirely unworkable, Government must oppose it, and I trust that the House will not give it a first reading.

Question put and lost.

(*Clause by clause reading of Bill No. XXXI of 1925, a Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests resumed.*)

Mr. G. B. PRADHAN : Sir, if we cannot postpone it till to-morrow—which will be better—I will move an amendment to introduce a new clause 6.

The Honourable the PRESIDENT : It cannot be done now. If a compromise has been arrived at, then the procedure should be that the two amendments to clause 4 should be withdrawn. Then, clause 4 should be allowed to stand part of the bill. Then, clause 5 will have to be carried. Then, I will be glad to allow an amendment, without notice, to move an additional clause 6.

Mr. G. B. PRADHAN : That is exactly what I want.

The Honourable the PRESIDENT : If that is the general feeling in the House, the procedure I have indicated will be followed.

Mr. R. G. PRADHAN : I beg leave of the House to withdraw my amendment.

Question put and leave granted.

Mr. G. B. PRADHAN : Sir, I beg leave of the House to withdraw the amendment I moved to the honourable member Mr. R. G. Pradhan's amendment.

Question put and leave granted.

Clause 4 ordered to stand part of the bill.

Clause 5 (*Hereditary priest may be relieved of his duties to perform services*).

After this Act comes into operation

(i) Every hereditary priest who holds no inam land or receives no cash allowance as remuneration for the performance of his services to the village shall be deemed to be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village.

(ii) A hereditary priest who holds inam lands or receives a cash allowance as remuneration for the performance of his services shall, at his option, on written application to the Collector, be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village if he agrees to pay full revenue assessment on his inam lands or, as the case may be, to forego his cash allowance; provided that such option shall be allowed to be exercised once only in the case of each Inam grant.

The Honourable the PRESIDENT : I thought the arrangement was that clause 5 was to be allowed to be carried.

Mr. G. B. PRADHAN : No, Sir. It has to be discussed on its merits.

Mr. R. G. PRADHAN (Nasik District) : Sir, I beg to move

that clause 5 be deleted.

The House knows that this is a new clause inserted by a majority of the select committee. This clause raises important issues. Those issues were never before the general public, and we have had no expression of opinion on this clause from the people who are affected by this bill and who may be affected by this clause. Clause 4 is the main clause, and it might be said with some degree of reason that it has for several years been before the public and we have had expressions of opinion on the main principle involved in clause 4 of the bill. But the country has been absolutely taken by surprise by this new clause 5. In the select

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committee itself when this amendment was moved by my honourable friend Dr. Paranjpye at the first meeting, some of us were taken so much by surprise that even the chairman of the committee was not able to come to a definite conclusion as to the merits of that clause, and the clause was postponed for further consideration in order to consult the legal authorities on that clause. It was only at the next meeting, the final meeting of the select committee, that the Chairman of the committee seemed to have formed his view on that clause, and the clause commended itself to the acceptance of the majority of the select committee. But the fact remains that the country as a whole, and the Joshis who are affected by this bill have had absolutely no opportunity given to them to express their considered view on this clause. So my first argument against the inclusion of this clause in the bill is that we shall not be discharging our responsibility as members of this Legislative Council, that we shall be legislating in a hurry on such important issues as this clause raises, without giving the people affected by it an opportunity of expressing what they have got to say on the matter and of ascertaining their considered views and their feelings on the questions involved in this clause. That is my first argument against this clause. My second argument is that the necessity for this clause has not at all been established. No doubt, in the speech which the Honourable the Leader of the House made, he expressed his opinion that this clause was intended for the protection of the priests themselves, that it would safeguard the interests of the priests themselves, and that therefore it should be included in the bill. I regret, Sir, however, that though he advanced that argument, he did not explain how it would be to the interests of the priests themselves. He referred to some *sanads*, but I must say, as my considered and emphatic opinion, that beyond a categorical statement on his part that this clause was intended to protect the interests of the watandar priests, there was absolutely no argument whatever in support of it. It appeared to me, when he expressed that view, that the Government were not placing all their cards on the table, that there was something which the Government were withholding from the Council. If this clause is really to the interests of the priests concerned, I ask the Honourable the Leader of the House to show that it was really to the interests of the priests concerned. The Honourable Leader of the House says that I should ask my honourable friend to my right. No doubt, my honourable friend to my right will speak on this clause, and I have no doubt that he will explain his position, but I have listened to his arguments and I have also had some discussion with him in other places, and I must say that I still remain unconvinced of the necessity of this clause. I still remain unconvinced of the soundness of the argument that this clause is really to the interests of the priests concerned. Then, Sir, let me go somewhat more deeply into this clause. Part (i) of clause 5 says :

" Every hereditary priest who holds no inam land or receives no cash allowance as remuneration for the performance of his services to the village shall be deemed to be relieved of his obligation to perform such services when required by any villager, to officiate or to provide a substitute to officiate at any religious ceremony in the village."

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On the face of it, this clause looks innocent enough. But the effect of this clause will be that, as soon as the bill is passed into law, every hereditary priest who holds no Inam land or receives no cash allowance, will cease to have his status as a watandar priest.

Dr. R. P. PARANJPYE : What does it mean ?

Mr. R. G. PRADHAN : I hope my honourable friend will not interrupt me. He will have his opportunity of speaking later on.

The effect of passing this clause will be that his status as a priest will cease. Now, Sir, there are priests who are anxious to retain their status as priests, even though they may not hold any Inam land, even though they may not receive any cash allowances, and even though they may not be called upon to render religious service by some people, and therefore may not receive any ceremonial emoluments for rendering those religious services. There are priests and priests, and let me say that there are priests who are so jealous of their status as priests, that they do not care a bit for the emoluments attaching to their office, they do not care a bit if some people—I am perfectly sure it is not going to be more than an infinitesimal fraction of the people in the villages—they do not care a bit if some people do not call them in to render religious services and do not pay any emoluments.

The Honourable Sir GHULAM HUSAIN : How many such are there ?

Mr. R. G. PRADHAN : There are many such. My honourable friend does not know the condition of the village priests, I wonder how many he has come into contact with and what care he has taken to discuss the question with them and to ascertain their views? There are many priests who are anxious to maintain their status as such, even though they may not have Inam lands or cash allowances, and do not get these ceremonial emoluments. One effect of this clause will be that, as soon as this clause is passed, their status as priests will entirely disappear. Therefore, on this ground that it is not desirable for us, before ascertaining what the priests themselves have got to say on this point, to enact a clause the effect of which will be to extinguish their status as such absolutely, is not proper on our part, and it is not fair to the priests that such a clause should be enacted. Then I come to part (ii) of that clause.

MOULVI RAFIUDDIN AHMAD : Are they both under discussion ?

The Honourable the PRESIDENT : The whole clause is under discussion. The amendment is to delete the whole clause.

Mr. R. G. PRADHAN : Sub-clause (ii) of that clause is of a voluntary nature. But who are we to relieve them of their obligation to perform whatever duties they may have to perform as attaching to their office and status ? Who are we to relieve them from that obligation, unless and until they themselves come forward and ask us to relieve them of that obligation ? Have the Joshis ever asked this Council that they should be relieved of their obligation ? There have been several petitions sent by them in connection with this bill. I have taken care to go through as many of them as have been placed on the Council table. But in none

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of those representations have I come across this argument, that in case this clause 4 is going to be passed, the Legislative Council should at least provide that the watandar priests are relieved of their obligations.

They do not want that they should be relieved of their obligations. There is no such demand whatever on their part, and in the absence of any such demand on their part, will it be right for us to go beyond the scope of the original bill?

Then, Sir, with reference to clause (ii), no doubt it is of a voluntary nature. But in the bill before us, why raise this question at all? There has been no expression of view on that point by the priests or anybody else. Why raise this issue which is bound to be of a controversial nature, on which opinion is divided and on which, as I have already said, we have not had the benefit of the views of the Joshis or the people who are concerned. Then, Sir, though it is of a voluntary nature, we have had some experience of how voluntary clauses are likely to be used in order to exercise some sort of compulsion upon the people concerned, and it is just possible that part (ii) of this clause will be so worked by overzealous officers that though the clause is of a voluntary nature, some sort of pressure will be put upon the watandar priests, with the result that what is of a voluntary nature will amount in practice to compulsion. It is easy to say that it is of a voluntary nature, but a clause like this is likely to be misused and owing to overzealous action on the part of officials it is just possible that people who are affected by this clause will be practically compelled to give up their watan rights. And there is yet another objection to this. The clause provides that they must agree to pay full revenue assessment on their inam lands if they want to be relieved of the obligations to perform such services. Now, Sir, as I have stated in my minute of dissent, the Agnihotris and Deshpandes were some years ago relieved of their duties, and when they were relieved of their duties, Government did not make any condition that they should be required to pay full assessment on their inam lands. They were required to pay only judi. Now, Sir, why this discrimination between the Agnihotris and Deshpandes on the one hand and the watandar priests on the other? Why should the clause provide that whenever any watandar priests want to be relieved of their obligations, they must pay full assessment, whereas when the Agnihotris and Deshpandes were relieved of their obligations they were permitted to do so on their agreeing to pay judi?

For all these reasons, Sir, I contend that this clause is absolutely unnecessary. First, it is unnecessary. Secondly, it would not be right for us to put in this clause without knowing what the views of the persons concerned are about it. Thirdly it is of a controversial nature. Fourthly it makes discrimination between the Agnihotris and Deshpandes on the one hand and the Watandar Priests on the other. Fifthly, it is likely to be misused by overzealous officers. And sixthly, it would not be right for us to go beyond the scope of the original bill in such hot haste without giving time to people concerned to express their deliberate views on the whole question, so that we ourselves may be in a position to decide on

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the issue concerned with greater deliberation and greater sense of responsibility. For all these reasons, I hope the House will accept my amendment.

Question proposed.

The Honourable the PRESIDENT: As further discussion is likely to take place on this bill, I should like to inform honourable members that clause 6, to which reference was made, reads as follows, and I understand the honourable member Mr. G. B. Pradhan will move his amendment after clause 5 is disposed of. Clause 6 reads as follows :

"Nothing in this Act shall affect the rights of a watandar Hindu priest or an alienee from such priest to the inam lands or cash allowance attached to his office for the performance of any service pertaining to it, except to the extent specified herein."

Dr. R. P. PARANJPYE (Bombay University): Mr. President, as the clause in question was inserted mainly at my instance in the select committee, I would like to make my position clear on this point. My honourable friend the mover of this amendment as a staunch constitutional lawyer is fully conversant with the great principle of no taxation without representation or of no responsibility without some corresponding benefit. Now, in the fourth clause that we have already accepted, we have taken away from the hereditary priest his rights to perform religious ceremonies at the house of every villager in the village. But we have not in any clause of this bill a corresponding clause which will relieve him from the obligation of either to serve when called upon to do so in any place in the village or to provide a substitute to officiate at any religious ceremony. To me it seems to be only remedying one evil in order to fall into a greater or, at any rate, remedying one evil and creating another. For at present the position of a hereditary priest has two aspects. One is that he is a monopolist of religious services. He can enforce attendance at the house of every villager who has any religious ceremony to perform and he can even enforce payment of the necessary dues to him even though he is not called. The other aspect of the question is that every villager has a right to call him to his house whenever he has a religious ceremony to perform in his house, and irrespective of the amount of *dakshana* that he gets, whether it is a few pice or only a handful of rice, or two annas or four annas, the priest has got to go to that house and cannot say "No" in such a case. And although cases have not come before the courts, it is only because the hereditary priests have so far accepted their duties loyally to perform the religious ceremonies whenever called upon to do so.

Because they have enjoyed this monopoly they have been required to perform their corresponding duty which is the performance of religious ceremonies. Take the case of any monopolist in the village, say a liquor shop-keeper although it is an undesirable illustration. Or take the case of a bread monopolist. In former days there were bread monopolists in England who were necessarily required to sell to every customer. When the free importation of a rival dealer in bread became possible, the duty to sell to everybody was done away with. In this case if the

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Joshī is to be required to continue to do his duty, all the plums of his position will be taken away and all the thorns of his position will continue to sting him. Take the case of a village in which there are parties. A large number of people in the village would say that there should not be ministrations of hereditary priests. His emoluments will disappear and all the plums of his position will be taken away whenever a fat ceremony in which a fat *dakshana* is available. For these fat ceremonies another priest from outside will come and the hereditary priest will have only small ceremonies to perform and consequently small emoluments. Anybody who has small ceremonies to perform will have the right of calling in this priest and if he does not attend the house on such occasions what follows? Under the customary law as it at present stands every person who calls the priest and whose call is not accepted by the priest has a right to go to court and sue him for damages because he did not perform his religious ceremonies or for lowering his position in the eyes of the villagers. Legal action in such cases is quite conceivable and it is possible for a man to complain of insult to his religious feelings or of lowering his prestige in the eyes of the villagers because the necessary ceremonial in his house would not be performed with proper religious formality. Consequently it is possible that a priest of this kind would be hauled up before the court. Now the object of this bill is to save litigation and to save trouble in the village. My honourable friend Mr. Bole has brought forward this bill because the priests tried to extort their remuneration even against the wishes of the Yejmans. Now if clause 4 is passed the man who will be sued will not be the landlord, but it will be the priest. I do not know how the courts will decide; the courts will probably say that under the customary law the hereditary priest is bound to attend and if he does not do so he must pay damages to the villager. It is in order to free the priest from this possible responsibility or onus that I have proposed this clause. Because it is only then that the full principle of liberty will be put into operation; no responsibility and no duty. We are now having no benefits, but still duty. I consider that this is against all democratic principles which my honourable friend from Nasik is championing. His opposition to clause 1, sub-clause (i), appears to me to be fantastic. He tells us that the priests set great store by their status as hereditary priests. It is absolutely unintelligible. What status the priests would possess when the inam goes away, when the cash allowances go away, and when his monopoly goes away? He says that still the priests will be hereditary priests. I cannot conceive of any status still remaining with the priest. I am reminded of a story. A rich gentleman had a favourite parrot. One day the parrot died, but all his servants were afraid to go to him and tell him that the parrot was dead. Because they thought that the master will get angry with the man who broke the news to him and for a long time nobody came forward to tell him that the parrot was dead. Then one servant came forward and said that he would break the news to him and he went up to the master and said "the parrot does not appear to be getting on well. He is lying flat on his back, he does not see, he does not eat, he

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does not drink and he does not move." The owner said "why don't you say at once that the parrot is dead." The servant said "in the master's presence it is not for us to say that the parrot is dead." The news was broken to him and in the same manner when the inam of the Joshis goes away, when the cash allowance is gone and when the monopoly is gone how does the status of a hereditary priest remain? All that I can say is that when all these disappear the status of the hereditary priest also disappears. Therefore it is right and proper that the hereditary priests should know that the hereditary nature of their position is gone. There is nothing which would tempt him to continue to perform the religious ceremonies in the village, but still without sub-clause (i) he will be a Joshi and anybody under the law can apply for his services. It is only those people who do not want their ceremonies to be performed by him who would refuse to call him a Joshi. The fourth clause takes away the right of monopoly and therefore you have to give him the liberty so that he may not be sued in a court for damages. This clause will hang over him like the sword of Damocles and he would be liable to be called to account for not performing the religious ceremonies of the villagers. I do not know really how the mover of the amendment considers that this clause is really against the spirit of democracy. It is their great charter.

This is a charter of liberty given to those people whose position is not complicated by the holding of inams or cash allowances. The position is absolutely clear. Even in the select committee, except for my honourable friend the member for Nasik or possibly the member for the Deccan Sardars and Inamdars, I think everybody was prepared to consider that this was a just provision; nobody was prepared to oppose this first clause. The opposition was on the second clause. It was granted to be absolutely fair and it is really to my mind a charter of liberty given to the man who is called the hereditary priest.

Coming now to clause 2, the position there is a little complicated. Clause 1 refers to a priest who holds no inam land or who gets no cash allowance, but whose emoluments are made up by small fees which he may get from the people who utilise his services. In this case, to my mind the position is absolutely clear. There are other cases, however, brought to our notice in which the emoluments of hereditary priests are made up not only by small dribblets of payment that are made to them at every single ministration, but a part of these emoluments consisted of the favourable nature of the tenure of the inam land and also the cash allowance which they occasionally get from Government. In a case like this what is to be done? On the one hand, as the Honourable the President himself has so lucidly explained in discussing the point of order, we find that the emoluments of a hereditary priest consisted in this case of two parts; one is the small dribblets of payments and the other is this cash allowance or inam land. Even if we take away from him these small dribblets, still he holds a favoured position in the village community as he holds certain inam land on a special tenure and also gets a cash allowance however small it may be from Government.

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Consequently, we cannot deal with this case by a stroke of the pen and therefore in the second sub-clause of this section we are proceeding rather carefully. We do not wish to say to these priests "you shall cease to have any responsibility which would mean that you shall cease also to have the benefits of your position", but the second sub-clause gives the priest the option, mind you, to get himself relieved of this responsibility at his own free will. If he does not wish to get himself relieved, this clause will not harm him in the least. Cases can very well be contemplated and with the rise of education in the villages such cases will be more frequent in future than at present and you will find that with the disappearance of the monopoly the profits the priest will make from the inam land or his cash allowance will be very small and the priest will not be able to live in the village unless there is an addition to his income in the shape of fees. He may find that in his village a large number of people have discarded him as their hereditary priest, that the fees which he receives are very small, that the amount which he gets as cash allowance is also very small and that all that he can expect to get out of his favourable tenure of his land is very small and not sufficient to maintain him in that village. What will happen in that case? He will find that it is impossible for him to continue in that village as the watandar priest. In a case like that he may find that he will have to bow to circumstances and go out of the village and carve out his fortune somewhere else. This second clause gives him the option of deciding under what circumstances he can do it. These circumstances are those in which on account of his not being prepared to perform the religious services when called upon by any villager he is not entitled to get his cash allowance and his favourable tenure of inam land, and he can then say "I cannot maintain myself on these benefits alone, I shall chuck the whole business and do what I like", and therefore if he does that all that he will have to do is to give up his cash allowance and agree to pay the full land revenue assessment on his land. This to my mind is really a protection for the priest and not a hardship.

If you examine the sanads under which these priests hold their lands in the villages, you will find that these sanads are of various forms, four or five different forms. One condition is of course that the priest must perform these services, but in certain sanads the tenure is often very restricted. It is mentioned in these sanads that Government can, at their sweet will and pleasure, take away this land from him without assigning any reason, without giving him any notice, and it is possible that Government can take away these lands even though he is prepared to continue in the village and perform the religious services. What the second sub-clause of this section does is to free him from this wide danger of having to forfeit, under certain conceivable circumstances, the whole of his land and to prescribe the maximum amount of the penalty that can be put upon him if he wishes to forego his responsibility as a watandar priest. What is that maximum amount of penalty? It is that instead of paying five rupees as judi, he will have to pay the full assessment of twenty rupees. But that is the utmost amount of penalty which under

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this clause he will be called upon to pay. If the clause is not there affording this protection, what is likely to happen? Government may come down upon him and say "most people of the village do not want your services and we shall therefore not keep your watan at all; according to the sanad we shall resume the inam land". Government will then issue a notice to him to the effect that from such and such a date they will take over the land given to the priest as watan land. The land will then be auctioned by Government and it will fetch from Rs. 500 to Rs. 1,000. If the clause is there, the priest can keep the land worth so much for himself and agree to pay the full assessment instead of the judi. I say that this is a great saving clause for the hereditary priest and not a hardship at all. It is in fact making a present to him in perpetuity of the right of tenure attached to the land and not something that is taken away from him. I really do not see how an able lawyer like my friend from Thana and the great constitutional lawyer from Nasik cannot see this point. It is really a safeguard for the priest and it lays down exactly the maximum amount of money that he would lose if he were to divest himself of this responsibility. The maximum amount that he may have to pay would be, instead of Rs. 5, the full assessment of Rs. 20, and instead of having to give away his land which will be worth a thousand or more rupees, he will be able to keep that land. I ask any members of this House whether this is not really a protection to the man rather than a hardship.

Further, Sir, this clause is entirely optional; he need not take advantage of this clause unless he wishes to. If every single priest refuses to take advantage of this option, this clause will be as good as inoperative and therefore my honourable friend need not make so much trouble about this clause. But it is said that although this clause is of an optional nature, zealous officers of Government may put pressure upon him in order to make him take advantage of this clause. If there is anything certain about the village priest, it is that he is not an illiterate man; he knows his legal rights and he will fight to the last. He is a well educated man and knows how to fight to the very end and under every circumstance. He will fight for his rights even to the extent of going to the High Court and the various instances which the mover and the supporters of this bill have given show that he knows how to take care of his rights; he will, even to recover a few annas, not hesitate to go to the highest court in the land in order to defend his hereditary rights.

I do not consider that it is possible all over the presidency for the revenue officer to bring pressure to bear on the village priest. This section is necessary because it gives him a protection which is of a very desirable nature. I became aware only to-day of the fact that in certain places in similar cases the *judi* has not been transformed into full revenue assessment. In certain places, realising the responsibility, Government have given lands to hereditary goldsmiths in perpetuity for a slightly higher payment of judi and they charge 8 annas instead of 4 annas. I do not say anything either in favour or against such a concession. If the honourable member is so much interested in giving further protection to

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Joshi, he should have brought forward an amendment which would have deserved the consideration of this House proposing to treat the Joshis like these other balutedars. To reduce the revenue assessment to half would have been a proper amendment. To my mind it is absolutely certain that this clause gives full protection to the village priests. I may mention, Sir, that the village priest has rights and responsibilities. Everybody considers that the present position of the village priest is dangerous. Where does the danger lie? I have already explained this to the Council. He is always having the Damocles sword hanging over his head. He runs the risk of being sued for damages if he does not go when called upon to do so. Single-handed he has to perform various ceremonies in different places and he cannot be expected to be present at the same time in all the places. On such occasions he has to hire other persons and he has often to give more to these persons than the perquisites he is likely to get. Therefore, while they take his rights away from him they should not still leave on him the duty to be present at different places. If he does not go to a single place he runs the risk of being proceeded against in a court of law. Suppose a death occurs in a family. It is considered that the death ceremony should be performed with all the religious formality, because such performance ensures the safety of the soul of the dead. The hereditary priest has got to go even though the death has happened from plague, which he would naturally like to avoid.....

Mr. P. G. JOSHI : Does the honourable member know of any case in which a Joshi has shirked such duty?

Dr. R. P. PARANJPYE : He has been doing it because he cannot get away from it. He has been so long doing it loyally because he wants to keep up his position. If you take away his rights why should you still leave on him the liability to perform a death ceremony where the person has died of plague? Clause 5 is absolutely clear. If clause 5 is rejected while you have taken the rights from him you will leave on him the onerous and odious duties without corresponding benefit. Therefore, I consider clause 5 as really saving the village priest. I know also that people of the way of thinking of the honourable mover of this bill are very few. So long as a large majority of people want his ministrations he will continue in the village. A time may come when parties are formed in the village and when his services are not required by large numbers, his position in the village will be not worth keeping and this clause will give him the necessary freedom of action. This clause is therefore a saving clause to the priest and the Council would be doing wrong in throwing away this clause which has been brought entirely in the interest of the village priest. Leaving aside the question of compensation let us give him adequate relief from the onerous burden which he must be entitled to have as soon as he wishes to do so. It is only when he feels the position very uncomfortable this clause will give him freedom and the House which is ever for doing justice must see that the amendment is not accepted.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I was a member of the select committee. All the arguments that have now been brought forward by my honourable friend Dr. Paranjpye had been so brought out there. But I was not satisfied with those arguments. My honourable friend the Leader of the House also was not at first convinced. But after the next day he was converted to the view of his old colleague. I am sorry to say that the liberal family is not very happy now. Feuds have already begun, but I do hope that these will be composed very peacefully.

I will now come to the parrot story narrated here like a parrot. I do say that the arguments—sentimental as they are—that have fallen from the mover of this amendment are really practical and appeal to every day life. I had told the Doctor in the select committee when he proposed these two clauses, that the *joshis* will not thank him for these additions, and these additions will not benefit them. I really do not see why the honourable mover of this bill and his party, who are not lovers of *joshis* should cling so tenaciously to these clauses. I can see why the Brahmin party comes forward to eliminate these, but I really do not see why the party to whom the honourable mover belongs should insist upon their retention. These were not brought forward in the bill as it was moved for the first reading; these did not originate from the mind of the honourable non-Brahmin members, these came from the philosophical head of the Doctor; and as philosophy is not practical politics, these suggestions are worse than useless.

Well, Sir, I want to give a parallel instance of the *kazis*. The dire offences of the Jesuits and the *joshis* are well known. But, Sir, how are the *kazis* situated? They hold lands on similar terms, almost on similar sanads. And what happens? They are given these lands by sanad for performing certain marriages and certain ceremonies. But if a *kazi* is not called for a marriage he does not ask for any wages. If he is called for a marriage, he asks for it. But he is very proud to have his position as a *kazi* and to hold lands even if these do not pay him enough. And it is human nature to crave for prestige. The priest cares for this more than any other person. Now, my honourable friend Mr. Bole has brought forward this bill. What will happen if it is passed? A few reformed people who are against the tyranny of the priests and whose number might be slightly increasing (An honourable member: Decreasing)—I am very glad to hear that these people might shun the *joshi*. But where there is a rival the *joshi* will reform himself. That this will put the *joshis* on the alert, will make them more active and learned, and will tend to remove illiteracy from among them. I think, as it is, this bill is a great gain. When the Doctor spoke of the *joshi* being relieved of all compulsion on the first reading of this bill, I reminded him that it was a retaliatory suggestion. If you kick, the priest will kick also. That was the principle on which the clause was moved. But I do not think the priest can afford to kick against pricks. He can't; he won't kick. He will be only too pleased to be popular; he will try to go to every house and make himself acceptable to his clients.

[Moulvi Rafiuddin Ahmad]

The Doctor has very seriously advanced the argument that the priest incurs risk of plague. As it is, when the priest goes to the depressed classes, he stands at a respectful distance from them. He does not touch them even though they are healthy. (Dr. R. P. Paranjpye : Have you lived in villages ?) I have lived in villages. I say, therefore, that there is no danger and he will take jolly good care to save himself if there be any. Therefore, the Doctor need not frighten us by such bogeys. His services will not disappear.

The honourable mover of this bill suggested that in no other province the priest could claim fees without the performance of service, but I maintain that in no other province such riders exist as are added to the Bill by the honourable Doctor, or for the protection of these priests. The priests can take care of themselves. They are more educated than the non-Brahmins ; they are reformed and they are daily reforming with the progress of time ; and they will take good care to win over the party which is against them. The Doctor says that it will hang over them like the sword of Damocles. I do not think that it will have any of these effects.

I do not know why the Honourable Leader of the House insists on asking Government officials to support this clause. He should leave them to vote as they like. This is not a Government bill ; this is a bill from a private member about a religious matter. Therefore, I think it would be right for the Government neither to side with the *joshi-walas* or their rivals. He should stand aloof, and he should ask the Government officials to vote as they like. Of course this does not mean that he should not persuade the other party by his arguments. I am a believer in the indubitable access of good arguments to the human mind. I do believe that his good arguments will have effect. But he should not go further than that. He should not issue a mandate to those benches to vote for it as on a Government measure.

An Honourable MEMBER : Sir, may I know whether the honourable member supports or opposes the amendment.

The DEPUTY PRESIDENT : The honourable member can find it out for himself.

MOULVI RAFIUDDIN AHMAD : Therefore, I support heartily the amendment moved by my honourable friend the constitutional lawyer from Nasik. I do support his amendment very heartily, and I am not convinced by the arguments that have been brought forward by the learned Doctor.

Well, I have nothing more to say.

An honourable MEMBER : Carry on for five minutes more, till seven.

The DEPUTY PRESIDENT : He will do as he likes.

MOULVI RAFIUDDIN AHMAD : I never take even a minute of the House unnecessarily.

Sardar G. N. MUJUMDAR : May I know from the honourable member, Dr. Paranjpye, whether by the insertion of clause 5 into this

[Sardar G. N. Mujumdar]

bill the conditions in the sanads, which are in different forms, will be made null and void?

The DEPUTY PRESIDENT : If he had been followed properly, the honourable member Dr. Paranjpye made it very clear that there is always the possibility of a sanad being acted upon with adverse consequences to the priest. Therefore, it is not necessary to ask the question.

Is there any member who will assist me by finishing his speech within five minutes?

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I rise to oppose the amendment moved by my honourable friend from Nasik (Mr. Pradhan). Sir, we have heard a very admirable and exhaustive speech from the honourable member Dr. Paranjpye, and I think, after all the very valuable and most precious arguments that have fallen from the lips of the honourable member Dr. Paranjpye, every member of this House ought to be perfectly convinced that clause 5 has been introduced into the bill for very good reasons, and that the clause is intended principally for the benefit and in the interests of the joshis themselves. Sir, rather an absurd argument was trotted out that the joshis care more for their status than for the emoluments this status carries with it. This is an argument which I have heard for the first time on the floor of this House. I know, Sir, that with the spread of education these joshis are bound to condemn their own status. I know, Sir, that with more enlightenment the joshis would never like to be beggars for paltry sums. I know, Sir, that the only joshis who care for so-called status are those who wander about holding dirty Panchangs in their hands. Otherwise, a joshi having a grain of self-respect, I do not think would ever condescend to go from house to house and recite mantras and get one or two annas as remuneration. That tendency is fast dwindling, and in course of time it will certainly die out. I am simply wonderstruck that a constitutional lawyer like my honourable friend Mr. Pradhan should exhaust all his constitutional wisdom over such a petty thing like this. I, therefore, Sir, very strongly oppose the amendment moved by my honourable friend Mr. Pradhan.

Mr. C. M. SAPTARSHI : I want to speak on the amendment, Sir.

Rao Bahadur S. T. KAMBLI : I also wish to speak on this question, Sir, and there are several other honourable members who wish to do so.

The Honourable the PRESIDENT : I am quite agreeable to allow all the eight days for this one bill.

The House will now adjourn to 12 o'clock to-morrow, Tuesday, the 3rd August 1926.

3 Aug. 1926]

Tuesday, the 3rd August 1926

The Council re-assembled at the Council Hall, Poona, at 12 noon, on Tuesday, the 3rd August 1926, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN Khan Saheb
 ABDULPURKAR, Mr. N. A.
 ADAM, Mr. C. G.
 ADDYMAN, Mr. J.
 ADWANI, Mr. D. B.
 AHMAD, MOULVI RAFI UDDIN
 ANDERSON, Mr. F. G. H.
 ANGADI, Rao Bahadur S. N.
 BALAK, RAM, Mr.
 BEDREKAR, Khan Bahadur I. M.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb SHER MAHOMED KHAN
 BOLE, Mr. S. K.
 BUNTER, Mr. J. P.
 CHATFIELD, Mr. G. R.
 CHAUDHARI, Mr. L. S.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. A. R.
 DALVI, Mr. B. K.
 DEHLAVI, the Honourable Mr. A. M. K.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 DUGUID, Mr. A.
 FERNANDEZ, Dr. COSMAS
 FRAMJI, Mr. K. S.
 GANDHI, Mr. C. M.
 GHULAM HUSSAIN, the Honourable Sir
 GUNJAL, Mr. N. R.
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HARRISON, Mr. R. T.
 HATCH, Mr. G. W.
 HOTSON, the Honourable Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.
 JOSHI, Mr. P. G.

KALBHOR, Mr. G. M.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KAY, Mr. J. A.
KAZI INAITULLAKHAN
KHUHRO, Mr. M. S.
KOTHARI, Mr. V. R.
LAGHARI, HAJI FAZUL MUHAMMAD KHAN
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
LOWSLEY, Mr. C. O.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MCKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PARANJPYE, Dr. R. P.
PATEL, Mr. A. E.
PATEL, Mr. G. I.
PATHAN, KHAN BAHADUR JAN MAHOMED KHAN
PATHAN, Mr. A. F. I. K.
PATIL, Mr. D. R.
PIR RASULBAKSH SHAH, Khan Saheb
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKERSI, Mr.
RAHIMTOOLA, Mr. HOSENALLY M.
RIEU, the Honourable Mr. J. L.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAI, Mr. S. A.
SAYED GHULAM NABI SHAH
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR of Amod, the
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.

WADIA, Mr. C. N.

WEBB, Mr. M.

WINTERBOTHAM, Mr. G. L.

WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

EDUCATIONAL BUILDINGS : EXPENDITURE

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

(a) the amount of money spent from provincial ordinary revenues and from borrowed funds during each of the last ten years on (i) college buildings, (ii) secondary school buildings and (iii) primary school buildings ;

(b) the grants-in-aid made during the same period to either local bodies or to private bodies from such funds for the same purpose ?

The Honourable Mr. B. V. JADHAV : Information is being obtained and will be placed before this Council before Friday.

PRIMARY EDUCATION BY LOCAL AUTHORITIES

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

(a) which local authorities in this presidency have taken over control of primary education and which have not and why not ;

(b) which of the local authorities in the presidency who have taken over charge of primary education have introduced in any part of their area compulsory primary education ;

(c) if they have not introduced any scheme of compulsory primary education, whether they have represented any of their difficulties to Government ;

(d) if so, what are they and what action has been taken on them by Government ?

The Honourable Mr. B. V. JADHAV : Information is being collected.

GOVERNMENT CENTRAL PRESS

Mr. S. K. BOLE : Will Government be pleased to state the total number of clerks in the Government Central Press, Bombay, and how many of them belong to the higher classes and how many to the backward classes ?

The Honourable Mr. COWASJI JEHangIR : The total number of clerks is 28, of whom 19 belong to the higher classes and 9 to the backward classes.

EDUCATIONAL DEPARTMENT : PEONS FROM ADVANCED CLASSES

Mr. S. K. BOLE : Will Government be pleased to state the number of posts of peons held by members of the advanced classes in the Educational Department in the presidency with the name, caste, pay and office to which such persons are attached ?

The Honourable Mr. B. V. JADHAV : A statement giving the information required except the names of the peons is laid on the Council Table.* Information regarding names is not available with Government and they do not consider that the time and labour involved in collecting this information would be commensurate with its utility.

Mr. R. D. SHINDE : Are Government aware that these peons are made use of as cooks by the officers ?

The Honourable Mr. B. V. JADHAV : Government have no information on that point.

MOULVI RAFI UDDIN AHMAD : If information is given to Government, will Government take action ?

Mr. S. K. BOLE : Is it not a fact that the members of the advanced classes are ousting out members of the backward classes who come for the menial service ?

Dr. R. P. PARANJPYE : Is there, Sir, any Government Order by which these places are reserved for backward classes ? (Laughter.)

COUNTRY LIQUOR SHOPS, BROACH

Dr. K. E. DADACHANJI (Bombay City, South) : Will Government be pleased to state—

- (a) how many country liquor shops were reduced in Broach ;
- (b) whether it is a fact that in spite of the reduction of the shops the auction sales resulted in reduction of revenue ;
- (c) whether it is a fact that license fees this year were less all over the Presidency ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Two.

(b) No. There has been an increase in revenue.

(c) The total country spirit vend fee receipts for the Presidency proper and Sind show a decrease as compared with those of the last year. There was an increase in eight districts but a decrease in twenty districts.

NAWAPUR TALUKA LAND REVENUE COLLECTION

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state—

(1) whether they are aware that the climatic conditions of Nawapur taluka are more akin to those of the Surat district than to those of West Khandesh ;

(2) whether they are aware that picking of cotton is completed before the end of January in all other talukas *except* Nawapur in West Khandesh and that land revenue is collected in the month of February in all talukas *including* Nawapur ;

(3) whether they are aware that in Nawapur taluka picking of cotton is not completed before the middle of April ;

(4) whether they are aware that the collection of land revenue in the month of February in Nawapur taluka causes great hardship and inconvenience to the cultivators in that taluka ;

(5) in what month land revenue is collected in the Surat district ?

The Honourable Mr. J. L. RIEU : (1) No.

(2) There are other talukas such as Taloda and West Nandurbar where the picking of cotton is not completed till March. Land revenue is collected in all talukas between January and April according as the villages are classed as kharif or rabi.

(3) It is normally completed in March.

(4) Land Revenue is collected in Nawapur in January and February. Government are not aware of any hardship to the cultivators.

(5) A statement containing the requisite information is placed on the Council Table.*

Mr. S. S. DEV : Do Government realise that picking of cotton is in the month of March, whereas Government collects the revenue before cotton is picked, in the months of January and February, and do Government maintain that it does not work any hardship on the cultivators ?

The Honourable Mr. J. L. RIEU : They are aware of that fact but consider that it does not entail hardship, because the picking of cotton continues over a considerable period of time, so that cultivators are able to realize a portion of the total produce in time to pay the assessment.

ASSISTANT TEACHERS : INCREMENTS IN PAY FOR QUALIFICATIONS SUBSEQUENTLY ACQUIRED

Mr. S. S. DEV (West Khandesh District) : Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that increments in salaries have been refused to assistant teachers in secondary schools, who have acquired more qualifications such as passing the M.A. or B.A. with Honours, etc., after they entered in the service ;

(b) in how many cases such increments have been refused ;

(c) the grounds on which the refusal is justified when additional qualifications entitle the teachers to get their due increments ;

(d) whether such cases are still under the consideration of Government ;

(e) the names of such teachers who have subsequently acquired higher qualifications but to whom increments in pay have been refused and the nature of the qualifications in each case ?

The Honourable Mr. B. V. JADHAV : Information is being collected.

DISTRICT TRAINING SCHOOLS AND PRIMARY TEACHERS

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(a) how many primary teachers were selected to serve as assistant masters in the District Training Schools opened at Bijapur, Karwar and Belgaum in the Southern Division, and how many were made permanent ;

(b) after the closure of those training schools on account of retrenchment how many were reverted and what arrangements were made for those who were confirmed ;

(c) whether it is a fact that there is a rule which says that no teacher or any Government servant who is confirmed should suffer on account of retrenchment ?

The Honourable Mr. B. V. JADHAV : (a) Six primary teachers were selected and one was made permanent.

(b) Five were reverted to their former appointments in primary schools and one was appointed to officiate in the Practising School attached to the Dharwar Training School, his lien being kept in a Local Board School.

(c) There is no such rule.

Mr. V. N. JOG : What was the pay of the teacher who was appointed to officiate in the practising school attached to the Dharwar Training School when he was acting as first assistant in the training school of Bijapur, and what is his pay now ?

The Honourable Mr. B. V. JADHAV : I am sorry I cannot carry all these figures in my head. If the honourable member will give me notice I shall find it out.

DRY FARMING IN THE DECCAN

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(a) whether they are aware that in the Bombay Deccan “dry farming” is of the utmost importance to avert famine ;

(b) whether they are aware that the experiments in “dry farming” carried out at Manjri have been looked upon as very hopeful and the Director of Agriculture, Bombay, has publicly acknowledged the success of the experiments in his lecture before the Science Congress in Bombay in January last ;

(c) whether they are aware that the officer who has been specially trained in England in “Soil Physics” and who has been responsible for the above success in “dry farming” has been asked to give up the work and is transferred from the Bombay Deccan to take up work other than “dry farming” elsewhere ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) Yes.

(c) Yes. The special qualification of the officer in question as an authority on soil physics has rendered necessary his temporary transfer to Sind to study the equally important subject of the condition of the soil in the area commanded by water from the Lloyd Barrage. Nevertheless the work in the Deccan will be pursued as vigorously as in the past by an equally competent officer.

DEVASTHANS IN POONA DISTRICT

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to lay on the Council table a list of

Devasthans in the Poona district receiving grants or inams or Jahagirs from Government, with the names of Vahiwardars of the Devasthans or of the trustees as the case may be ?

The Honourable Mr. J. L. RIEU : The compilation of the information involves an expenditure of time and labour incommensurate with its value. Government regret therefore that the information cannot be supplied.

MOULVI RAFIUDDIN AHMAD : Can Government refer us to a book or publication in connection with this matter where the information could be obtained ?

The Honourable Mr. J. L. RIEU : I am afraid not.

Mr. S. K. BOLE : Do Government intend to bring a special bill for the purpose of controlling the management of these Devasthans ?

The Honourable Mr. J. L. RIEU : I do not think this question arises out of the original question.

Dr. R. P. PARANJPYE : Is it a fact that these devasthans exist from pre-British times ?

The Honourable Mr. J. L. RIEU : They do.

Mr. S. K. BOLE : Is it not a fact that some of these things are mis-managed ?

The Honourable Mr. J. L. RIEU : That may be.

THE CHILDREN ACT

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether their attention has been drawn to the report which has appeared in the *Times of India* of the 8th July 1926, of a meeting of the Women Justices of Peace held at Poona to urge upon the Government the necessity of putting the Children's Act into immediate practice ;

(b) if so, what steps they have taken in that direction ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Attention is invited to the reply given to the question by Mr. Hoosenally M. Rahimtoola (Bombay City) and also to the reply given by me to the honourable member Dr. Paranjpye's question the other day.

TAGAI LOANS ON WELLS

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

(a) whether they have issued any orders giving up half the loans in the case of unsuccessful wells in the Ahmednagar district only ;

(b) if so, the reasons why this concession has not been extended to other districts in the Presidency ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) Does not arise.

I presume that the information that the honourable member wants has reference to the subsidy which has been granted by Government in some districts. In the districts of Ahmednagar, Sholapur and Bijapur these subsidies were paid to enable persons to sink wells on the sites indicated by Major Pogson, and the object of giving the subsidy was to admit of definite results regarding Major Pogson's anticipations being obtained as quickly as possible.

RECOGNISED EDUCATIONAL INSTITUTIONS, AHMEDABAD

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

(a) which are the private recognised institutions in Ahmedabad teaching from the first standard to the seventh and the total number of boys in each such school with the matriculation results of the last five years ;

(b) whether it is a fact that private institutions as a rule are not up to the mark ?

The Honourable Mr. B. V. JADHAV : Information is being collected.

LLOYD BARRAGE : CONTRACTORS IN JURISDICTION OF MR. DIDEE

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased—

(a) to give a list of the contractors working in the jurisdiction of Mr. Didee stating to what place each of those contractors belongs ;

(b) to lay on the Council table a copy of the agreements showing the rates allowed to contractors working under Mr. Didee and the nature of the work ;

(c) to state whether it is a fact that the contractors working under Mr. Didee at Kandiaro Brick Fields have brought labour from the Punjab and Government have paid the fare of the labourers so brought ;

(d) if so, to state the qualifications of these labourers, their number and the total amount of railway and other fare paid for them ;

(e) to state what are the terms of contract with these labourers or their principals for their return journey home ;

(f) to state whether labour has been imported from the Punjab, at Government expense, in any circle other than the Rohri Canals Circle ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

BOILER ENGINEERS' AND ATTENDANTS' EXAMINATIONS

Dr. R. P. PARANJPYE (Bombay University): Will Government be pleased to state—

(a) how many times the examination for a certificate of proficiency as engineer or a certificate of competency as boiler attendant of the second class was held in 1926 ;

(b) whether it is in the power of the Collector of Bombay to postpone the examination for want of a sufficient number of candidates ;

(c) if so, which Bombay Boiler Rule confers on the Collector of Bombay the power to postpone the examination for the reason mentioned in (b) and what minimum number of candidates is required for holding the examination ;

(d) what the numbers of candidates that applied for admission to the proficiency examinations as engineers or boiler attendants which were to be held in February and May of this year were ;

(e) how many service certificates of the first and second class have been granted to qualified persons in 1924, 1925 and 1926 ?

The Honourable Mr. COWASJI JEHangIR: (a) Two examinations were held for certificates of competency as Boiler Attendants of the second class in February and May 1926. Examinations for certificates of proficiency and of competency will again be held in August 1926.

(b) No.

(c) In view of the reply to (b) above these questions do not arise.

(d) The total number of applications for admission to the proficiency examinations in February and May was 11 and 12, respectively, out of which 6 and 7, respectively, appeared *prima facie* eligible and that for admission to the examination of boiler attendants was 97 and 96, respectively.

(e) No service certificate was granted in 1924 under the Old Boilers Act. The information for 1925 and 1926 is as below :—

Service Certificates

				1st class.	2nd class.
1925	..	..	..	21	1
1926	..	..	..	15	3

Dr. R. P. PARANJPYE: May I know whether a reply was sent to Shaikh Abdulla by the Collector of Bombay that as there were very few candidates no examination will be held in February ?

The Honourable Mr. COWASJI JEHangIR: It is possible that such a reply was sent.

Dr. R. P. PARANJPYE: Was the Collector entitled to send such a reply ? Was it not under the rules necessary to hold the examination whatever the number of candidates ?

The Honourable Mr. COWASJI JEHangIR: We have replied that the examination will be held in August 1926.

GRANTS TO AIDED SECONDARY SCHOOLS

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) the reasons for admitting the expenditure of Rs. 29,243 against the expenditure of Rs. 33,627 shown by the school manager of the City High School, Ahmedabad, and for recommending the grant of Rs. 5,000 against the same when the J. L. New English School and

the Tutorial High School have their expenditure recommended and shown as Rs. 15,489 against Rs. 18,538 and Rs. 28,361 against Rs. 29,107, respectively.

(b) the amounts of, and the percentage ratio between

(i) the expenditure shown by the school manager,

(ii) that admitted by the Educational Inspector, N. D.,

(iii) the grant recommended by the Educational Inspector, N. D., and

(iv) the grant given by the Director of Public Instruction for the years 1924-25 and 1925-26 for each of the schools at Ahmedabad, viz., the J. L. New English School, the Tutorial High School and the City High School.

The Honourable Mr. B. V. JADHAV : Information is being obtained and will be supplied to the House within the course of the week.

RAILWAY THEFTS AT AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether the report of the railway authorities to the effect that “The watchmen on duty being mostly *ex*-soldiers of different castes and creeds, it is impossible for them to operate as suggested by Mr. Patel” is incorrect in view of a number of cases of thefts from packed bales having been definitely recorded by this time ;

(b) whether it is a fact that Mr. Guider's statement that thefts from packed bales by watchmen or loaders in the railway yard at Ahmedabad were not possible has been contradicted by the conviction of some watchmen and loaders for such thefts ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) The Watch and Ward Department of the B. B. & C. I. Railway is not under the control of this Government. The Honourable Member is therefore referred to the Agent of the B. B. & C. I. Railway.

Mr. G. I. PATEL : In view of the highly controversial character of these complaints Government could have obtained the information from the Railway Company. May I know the reasons for refusing information on this matter ?

The Honourable Mr. J. E. B. HOTSON : I do not think that any public interests would be served.

Mr. G. I. PATEL : May I know if the prevention of scandalous thefts in Ahmedabad station yard of goods valued at thousands is not a matter of public interest wherein business community is affected ?

The Honourable Mr. J. E. B. HOTSON : The honourable member has been told time after time that the best remedy is to go to the police.

Mr. G. I. PATEL : Does the honourable member know that for guarding the goods there is a department called the “Watch and Ward” and for investigating the complaints another called the Railway Police and if the theft is committed by or in the watch and ward information is carried to the Police at a later stage probably two or three weeks after

the committal of the theft when the Police are unable to find any clue to investigate or trace the thief and the dual control of goods leaves culprits untraced ?

The Honourable Mr. J. E. B. HOTSON : Such allegations have been made by the honourable member, but no proof has been advanced.

Mr. G. I. PATEL : May I know whether it is not a fact that a successful demonstration of such thefts was given to the General Traffic Manager and his staff at Bombay in my presence on 14th July last ?

The Honourable Mr. J. E. B. HOTSON : I am afraid it is impossible for me to say. But we have already told the honourable member that he should refer the matter to the Agent of the Railway.

MOULVI RAFIUDDIN AHMAD : I want to know whether this question was referred to the Railway and whether the reply of the honourable member is his own or that of the Agent.

The Honourable Mr. J. E. B. HOTSON : It is the reply of Government.

Mr. G. I. PATEL : May I know whether it is not a fact that the facts previously reported by Mr. Guider to this House through the Railway Company are contradicted by actual demonstration which took place on the 14th July in his and Mr. Kothavalla's presence along with mine ?

The Honourable Mr. J. E. B. HOTSON : I have already answered the honourable member's question.

Khan Sahab A. M. MANSURI : May I know whether the Council is the proper place for ventilating grievances ?

The Honourable the PRESIDENT : Are you not asking for opinion ?

TEXT BOOKS FOR AHMEDABAD PRIMARY SCHOOLS

Mr. G. I. PATEL : Will Government be pleased to state—

(a) whether the Ahmedabad Municipality has applied to Government for permission to introduce as a text book in their primary schools the Third Book published by the Gujarat Vidyapith ;

(b) if the permission has been granted, the date on which it was granted ;

(c) if not, the reasons in full for not granting this permission ?

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

(b) and (c) No orders were issued as it was reported to Government that the question of introducing the book referred to in part (a) of the question in the Ahmedabad Municipal schools was postponed by the Municipality.

Mr. G. I. PATEL : May I know whether the honourable minister is correct in saying that this matter was postponed by the Municipality ?

The Honourable Mr. B. V. JADHAV : Enquiries will be made.

Mr. G. I. PATEL : If so, may I know when it was postponed ?
(No reply).

TOURS OF THE HONOURABLE MR. JADHAV

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to place on the table a list containing the general details of the official tours made by the Honourable Mr. Jadhav from 1924 to June 1926;

(b) to give reasons for the Honourable Minister's failure to visit Ahmedabad since he became the Minister of Education;

(c) to state why Gujarat has been left out from his tours as compared with his visits to other parts of the Presidency?

The Honourable Mr. B. V. JADHAV: (a) A list* of the places visited during the course of official tours since January 1924 to date is laid on the Council Table.

(b) and (c) My intention was to visit Gujarat during the last monsoon season, and arrangements to that effect were being made when the serious illness of my son, extending over 8 weeks, compelled an alteration of the programme.

Mr. S. S. DEV: May I know if the Honourable Minister for Education had official business at Miraj, Kolhapur and Sangli?

The Honourable Mr. B. V. JADHAV: Yes, he had.

Mr. G. I. PATEL: May I know that among the 96 places that he has visited during these three years why no place in Gujarat was visited by him?

The Honourable the PRESIDENT: He has already given you the answer.

Mr. G. I. PATEL: The answer is only for the last year. My question has reference to the whole period of three years, Sir.

EDUCATIONAL DEPARTMENT: PENSION OF MR. M. V. ACHARYA

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will the Honourable Minister for Education be pleased to state—

(a) whether in his speech in the Council on 4th March last he stated that the services of Mr. M. V. Acharya were transferred to the municipality who did not appreciate them and he had to retire on "full pension";

(b) the date on which he was paid the first instalment of his "full pension";

(c) the date of his dismissal;

(d) the date of his petition to Government against his wrongful dismissal;

(e) the date of the orders of the Government to consider him as retired on "full pension";

(f) the reasons for the delay caused in making payment to him of the first instalment of the "full pension";

(g) whether they would place such papers on the table which are connected with the period of his dismissal and the final orders for the awarding of full pension to him.

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

(b) and (f) Information has been called for.

(c) The teacher was dismissed by the Ahmedabad Municipality on 5th May 1925 with retrospective effect from the 29th November 1924, the date of his suspension.

(d) The teacher did not petition Government but the Director of Public Instruction. The date of this petition was 28th May 1925.

(e) 8th October 1925.

(g) It is regretted that the request of the honourable member for copies of papers cannot be complied with as they contain reports of Government officers which are intended for the information of Government only.

Mr. G. I. PATEL : Will Government be pleased to place such copies excluding the so-called confidential Government reports on the Council table ?

The Honourable Mr. B. V. JADHAV : If notice is given.

STUDENTS IN THE MIDDLE SCHOOL, AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) the number of students admitted in the first standard in the middle school after the last examination ;

(b) the number admitted in 1925 ;

(c) the number of admissions refused in 1925 and 1926 ;

(d) whether it is a fact that by reducing the classes in the middle school great inconvenience has been caused to the parents and guardians of boys ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

GUL MANUFACTURE

Mr. G. B. PRADHAN (Thana and Bombay Suburban districts) : Will Government be pleased to state—

(a) if licenses are required for the manufacture of gul from toddy juice in the Bengal and Madras Presidencies ;

(b) if not, to state why stringent restrictions are imposed on this industry in this Presidency ;

(c) whether they are aware that the new rules of 1923 have stopped the industry of manufacturing gul altogether ;

(d) whether any representations were received in this connection from the Divisional and Provincial Boards through the Agricultural Department ;

(e) if so, to place them on the Council Table ?

The Honourable Mr. A. M. K. DEHLAVI : (a) No licenses are required in Bengal. In Madras licenses are required only in a few areas.

(b) Restrictions on the manufacture of gul from the juice of toddy trees have been imposed in this Presidency with a view to check the diversion of toddy ostensibly drawn for gul making into illicit consumption. Taking into account the fact that the Government of Bombay have declared prohibition as the goal of their excise policy, that steadily increasing restrictions are being placed on the consumption of toddy as a drink and that there is at present no demand for this kind of gul, while on the other hand, the drinking of toddy is an established habit, the manufacture of gul from toddy cannot be permitted unless a very large establishment for supervision is maintained. Government do not think it justifiable to create such an establishment at this juncture ;

(c) and (d) Yes.

(e) Copies of the following papers * are placed on the Council Table :—

(a) Resolution of the Divisional Board of Agriculture, Konkan, concerning the relaxation of the rigour of the existing rules regarding the tapping of date palm trees for gul manufacture in the Thana District passed at the meeting of the Board in July 1925, together with the note referred to therein ;

(b) Resolution passed by the Provincial Board of Agriculture at the meeting held on 25th and 26th August 1925 regarding palm gul.

Mr. G. B. PRADHAN : The reply is that " there is no demand for this kind of gul ". May I know what kind of gul ?

The Honourable Mr. A. M. K. DEHLAVI : It is the gul prepared from toddy as opposed to gul prepared from sugarcane. For the former there is possibly no demand at present, because it is much inferior.

Dr. R. P. PARANJPYE : Is it not a fact that toddy collected for the manufacture of gul is not useful as liquor ?

The Honourable Mr. A. M. K. DEHLAVI : It can be turned into illicit distillation ; that is the quantity collected for gul can also be used as a base for illicit consumption.

Mr. G. B. PRADHAN : Will Government consider the advisability of issuing licenses for the manufacture of gul again ?

The Honourable Mr. A. M. K. DEHLAVI : No, I think the Government have carefully considered the question and think that the license should not be issued.

KARNATAK COLLEGE, DHARWAR : SHASTRI'S POST

Mr. S. A. SARDESAI (Bijapur District) : Will Government be pleased to state—

(a) whether it is a fact that the *shastri's* post in the Karnatak College of Dharwar is filled by a Marathi *shastri* ;

(b) whether they are aware that the Karnatak public is keen on having a Kannada-knowing *shastri* for that post as the majority of the college students know Kannada only ?

The Honourable Mr. B. V. JADHAV : Enquiry is being made, and information will be placed on the table during the course of the week.

* Vide Appendix No. 55.

HISTORICAL MUSEUM, SATARA

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

(a) when the plans and estimates of the Historical Museum at Satara were sanctioned;

(b) what agreement had before that date been entered into with Rao Bahadur Parasnis;

(c) when was the work of building this Museum taken in hand and when was it completed and what was the total cost;

(d) what additional amounts have been spent either on the building or the furniture in the Museum or on the staff after the completion of the building;

(e) what is the position as regards the ownership of the collection which is housed in this Museum;

(f) what arrangements have been made by Government with the heirs of the late Rao Bahadur Parasnis as regards the fate of this collection?

The Honourable Mr. B. V. JADHAV: (a) The plans and estimate of the Museum were originally sanctioned in February 1921. The design was, however, considerably modified subsequently and the amended project was finally sanctioned in November 1923.

(b) No formal agreement was drawn up between Government and Rao Bahadur Parasnis before the plans and estimates of the Museum were sanctioned. The Museum was built by Government according to the terms of the scheme submitted by Rao Bahadur Parasnis in 1913 which was approved by Government. A copy of this scheme is placed on the Council Table.*

(c) The work of building the Museum was first commenced in March 1920 but was stopped later on in January 1921. It was again resumed in November 1923 and was completed in March 1926. The cost of the work at present stands at Rs. 1,56,802.

(d) The following amounts were spent on the building, furniture and staff after the building was completed:—

(1) Rs. 798 on levelling the ground in the compound of the building.

(2) Rs. 15,574-2-0 on account of furniture.

(3) Rs. 906-4-3 on account of the staff.

(e) and (f) The question of the future management of the Museum is engaging the attention of Government.

Mr. H. B. SHIVDASANI: With regard to (b) when was the building taken in hand? Was it after the agreement was made about the ownership?

The Honourable Mr. B. V. JADHAV: Government thought it better to take the building in hand before it was done. The orders were passed.

Mr. H. B. SHIVDASANI: Did Government spend that large amount without knowing whether the building would be required or not?

The Honourable Mr. B. V. JADHAV: The building is required and can be used for public offices.

*Kept in the Secretary's office.

Mr. H. B. SHIVDASANI : Are there not sufficient buildings for public offices in Satara ?

The Honourable Mr. B. V. JADHAV : No.

Mr. H. B. SHIVDASANI : Would this building be suitable for public offices ?

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

Mr. S. S. DEV : Did Government think at the time of constructing the building that it would be needed for public offices ?

The Honourable Mr. B. V. JADHAV : No, the building was constructed for the museum.

Mr. H. B. SHIVDASANI : Are there not military buildings there which they could get from the Government of India ?

The Honourable Mr. B. V. JADHAV : The Government of India are not giving up the military buildings.

CIVIL SUITS, THAR, AND PARKAR DISTRICT

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

(a) What arrangement there is for the trial of civil cases of the Thar and Parkar District ?

(b) Where are such cases tried ?

(c) On what dates from 1st August 1923 till now did the Civil Court hold its sittings at Mithi for the trial of these cases ?

(d) What are the figures of :—

(i) Small Cause Cases ;

(ii) Ordinary Civil Cases—

(1) Brought forward from the previous years ;

(2) Instituted during the year ;

(3) Tried during the year ;

(4) Left over at the end of the year for each of the calendar years 1923, 1924 and 1925 ;

(e) What facilities Government propose to give to litigants of this Thar area for the speedier trial of cases ;

(f) Whether they intend to appoint a whole-time Judge-Magistrate with his head-quarters at Mithi ?

The Honourable Mr. J. E. B. HOTSON : (a) There are two Sub-Civil Courts, at Mirpurkhas and Mithi. They are treated as linked Courts and the Judge passes orders on urgent matters of the Sub-Court of Mithi while sitting at Mirpurkhas.

(b) Mirpurkhas and Mithi.

(c) From 3rd November to 14th December 1924.

(d) A statement is laid upon the Council Table.*

(e) and (f) The matter is under consideration.

Mr. H. B. SHIVDASANI : In regard to (c), why is it that the judge worked at Mithi for only two months in more than two years ?

The Honourable Mr. J. E. B. HOTSON : Apparently because there was no work for him.

*Vide Appendix No. 56.

Mr. H. B. SHIVDASANI : Does not the list given in appendix 56 show that there was a lot of work ?

The Honourable Mr. J. E. B. HOTSON : I do not think that list gives any indication as to the courts in which these cases arose. The reason why there were no cases there was that there was famine in the district and the agriculturists had gone away owing to the lack of water.

Mr. H. B. SHIVDASANI : As regards (6), since when is the matter under consideration ?

The Honourable Mr. J. E. B. HOTSON : Since the 7th of July 1926 when the Commissioner in Sind reported to Government that it was under his consideration.

Mr. H. B. SHIVDASANI : When is the decision likely to be arrived at ?

The Honourable Mr. J. E. B. HOTSON : It is impossible to say.

COMMUNAL INSTITUTIONS

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state—

(a) whether the recent order passed by them, forbidding Government servants from accepting presidentship and other similar post involving executive control of institutions which are meant for the benefit of one section of a community is applicable to persons employed in the Customs, Post, Telegraph and similar departments which are under the control of the Central Government ;

(b) the reasons which led to the passing of the said order and also the object which it seeks to accomplish ;

(c) whether they are aware that the said order has dealt a severe blow to several institutions belonging to the backward communities which are doing work of a beneficent nature ?

The Honourable Sir CHUNILAL MEHTA : The order in question has been rescinded and a Press Note containing the revised orders of Government has been issued.

Mr. A. N. SURVE : As regards (b), I find that it has not been answered.

The Honourable Sir CHUNILAL MEHTA : Yes, I know. The original order was intended to be restricted to heads of departments only, namely, the Collectors.

Mr. A. N. SURVE : With regard to part (a), does the Bombay Government's order apply to persons employed in the Customs, Post, Telegraph and similar departments under the control of the Government of India ?

The Honourable Sir CHUNILAL MEHTA : I do not think it refers to them.

Mr. A. N. SURVE : I have known of instances where servants under the Customs Department were asked to resign such offices the moment the Bombay Government issued this order. Therefore I want to know whether this order applies to them.

The Honourable Sir CHUNILAL MEHTA : No, it does not refer to them.

**ELECTRIC SERVICE LINE CONCESSIONS : AHMEDABAD ELECTRICITY
COMPANY, LIMITED**

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

(a) whether it is a fact that the Ahmedabad Electricity Company, Limited, used to give refund to the consumer who had got installed at his own expense a service line, more than 100 feet from the distributing main of the said company, when another consumer came forward to take advantage of the additional line ;

(b) whether the said company used to transfer that additional line to some other place by taking only the labour charges when the consumer had to change the premises from one place to another ;

(c) whether the concessions mentioned in (a) and (b) have been withdrawn at present by the authorities of the Ahmedabad Electricity Company, Limited ;

(d) whether complaints have been made to Government by consumers against the withdrawal of those concessions ;

(e) if so, what action Government have taken in the matter ?

The Honourable **Mr. J. L. RIEU** : (a) Yes, formerly, but since the time of the new management no such refund has been made.

(b) No information is available to show that the transfer of services from one place to another at bare labour costs has ever been made. The Company, however, state that if any such a transfer was ever carried out this must have taken place many years ago.

(c) There has been no such practice in recent years as of giving any concessions, *vide* answers to (a) and (b) above.

(d) and (e) Government are not aware of any such complaints.

IRRIGATION DRAINAGE, VIRAMGAM

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

(a) whether it is a fact that the meeting of district officers and people's representatives, held at Ahmedabad on 4th December 1925, recommended to Mr. C. O. Lowsley, Superintending Engineer on Special Duty, the immediate excavation of three drains, namely, (1) Odhav-Solgam drain, (2) Chhaniar-Endla-Mandal drain and (3) Ogan drain, for the purpose of preventing water-logging of lands of Viramgam Taluka, which causes great damage to the fields and renders cultivation impossible ;

(b) what action Government have taken or intend to take on the recommendation referred to in (a) ;

(c) whether it is a fact that the scheme for the first of the three drains, mentioned in (a), *viz.*, the Odhav-Solgam drain, has been drawn up as famine work ;

(d) if the answer to (c) is in the affirmative, why the excavation of the Odhav-Solgam drain is not yet commenced ?

The Honourable **Mr. COWASJI JEHangIR** : The information has been called for.

Mr. J. C. SWAMINARAYAN : How long will it take to finish the enquiry ?

The Honourable Mr. COWASJI JEHangIR : I will try to get it before the end of this session, and if I cannot get it, then I shall be very glad to send it unofficially to the honourable member.

LANDS WATER-LOGGED AT VIRAMGAM

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

(a) whether it is a fact that they had constructed a drain between Muvesar lake of Viramgam and Hebatpur for conveying rain water to the main Viramgam drain ;

(b) whether they are aware that the drain referred to in (a) is almost entirely silted up and rain water spreads in the surrounding fields, destroying the crops and rendering cultivation impossible ;

(c) whether it is a fact that the cultivators, affected by the silting up of the said drain, have been repeatedly applying to the Government authorities to excavate the drain, sufficiently broad and deep for conveying the rain water ;

(d) whether it is a fact that the cultivators have invited Government officers and shown them the water-logging of lands of their fields, on account of the silted drain failing to convey rain water ;

(e) if so, what action Government have taken in the matter ?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

MEDICAL OFFICER : PRANTIJ MEDICAL DISPENSARY

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

(a) whether the present medical officer of the Prantij Medical Dispensary has been kept in the same place for more than nine years ;

(b) whether it is a fact that there is great dissatisfaction against the said officer and many complaints have been repeatedly made by the citizens of Prantij to the Civil Surgeon of Ahmedabad and to the Surgeon General as regards the inconveniences suffered by them in the dispensary ;

(c) if the answer to (b) is in the affirmative, why the said officer has been kept in Prantij for an unusually long period of time ?

The Honourable Mr. B. V. JADHAV : Inquiries are being made.

Rao Sahab D. P. DESAI : Are Government aware that there are many such complaints against medical officers lent to local bodies all over the Presidency ?

The Honourable Mr. B. V. JADHAV : Government have come to know that there are dissensions in some local bodies and that one party is for and the other is against the medical officers and it is therefore difficult to pass general orders.

Rao Saheb D. P. DESAI : Are Government aware that there are lots of public complaints that medical officers lent to local bodies demand money from patients, etc., etc.

The Honourable Mr. B. V. JADHAV : No.

Mr. H. B. SHIVDASANI : What is the policy of Government in posting officers at one place ?

The Honourable Mr. B. V. JADHAV : There is no definite policy. It all depends on the exigencies of service. The matter of placing the dispensaries under the sole control of local bodies is under consideration and I think there will then be no room for complaints of any kind.

Khan Saheb A. M. MANSURI : Is it not the general policy of Government to keep one officer for five years at one place ?

The Honourable Mr. B. V. JADHAV : No.

DISTRICT LOCAL BOARD, AHMEDABAD : SANAND ROAD REPAIRS

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

(a) the amount of money received as rent by the District Local Board of Ahmedabad from the tramway company for renting one side of the road between Sanand town and Sanand railway station from the time of the renting of the road ;

(b) the amount of money spent by the said board in repairing the other side of the road, which is subjected to double wear and tear on account of the whole traffic being diverted to it during the same period of time ?

The Honourable Sir GHULAM HUSSAIN : The information is being obtained.

SURVEY OF INDIA RE-ORGANISATION

The THAKOR of KERWADA (Gujarat Sardars and Inamdars) : Will Government be pleased—

(a) to state the object of reintroducing the expensive policy of reorganisation of survey of India which includes Native States, Talukdari and Inami villages ;

(b) to state whether they have found any administrative difficulties in the existing survey records ;

(c) to state whether the past survey was found defective, and if so, in what respect ;

(d) to state how many times talukdari estates have been surveyed ;

(e) to state what will be the difference in the qualification of the new staff and the old one ;

(f) to state what will be the approximate cost of the reorganisation ;

(g) to state the reasons for reorganisation of the survey ;

(h) to place on the Council table papers and correspondence leading to the reorganisation ;

(i) to state whether the reorganisation is with a view to increase the assessment on the land, or to inquire into titles to lands ;

(j) to state whether the Central Government had consulted the Bombay Government, and if so, to place on the Council table papers relating to the subject ?

The Honourable Mr. J. L. RIEU : This question relates to a Central subject and cannot, therefore, be answered by a member of this Government.

The THAKOR OF KERWADA : Were the Government of Bombay not consulted by the Government of India in regard to this matter ?

The Honourable Mr. J. L. RIEU : I am unable to say.

CO-OPERATIVE SOCIETIES FOR SALE OF COTTON

Rao Bahadur S. T. KAMBLI : Will Government be pleased to state—

(a) how many co-operative cotton sale societies there are in the Presidency ;

(b) where they are situated ;

(c) how many bales or docras were sold in each of these places in each of the last three years ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Thirty.

(b) and (c) A statement * showing the situation of each society and the quantity of cotton sold by it is appended.

DEVELOPMENT DEPARTMENT DREDGERS : OUTPUT

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

(a) what was the output of the dredger " Sir George Lloyd " in each of the months of January, February, March and April 1926 ;

(b) what was its expected output per each hour and what was its average output per hour in each of these months ;

(c) what were the figures of output for each of the dredgers " Jinga " and " Kalu " for each of the above months ?

The Honourable Mr. COWASJI JEHangIR : (a) The output of the " Sir George Lloyd " was as follows :

January	..	..	..	2,56,388	cubic yards.
February	..	..	..	2,32,750	" "
March	..	..	..	2,67,546	" "
April	..	..	..	4,07,204	" "

(b) The output for which the dredger was designed is 2,000 cubic yards of soft clay per hour. The average output per hour was as follows :

January	..	..	..	893	cubic yards.
February	..	..	..	811	" "
March	..	..	..	1,115	" "
April	..	..	..	1,309	" "

(c) The dredger "Jinga" has not yet been reconditioned as an Intermediate Pumping Station. The output for the "Kalu" was as follows :

January	..	..	46,741	cubic yards.
February	..	..	85,510	" "
March	..	..	98,811	" "
April	..	..	88,868	" "

During the month of January the "Kalu" was working single shift for about two-thirds of the month.

Note.—The figures of the output of the dredgers stated in the reply are those ascertained from soundings in the harbour and Back Bay.

Mr. G. B. PRADHAN : With regard to reply to (a), what is the reason for the sudden rise in the output in the month of April ?

The Honourable Mr. COWASJI JEHangIR : There are several causes. If the honourable member will give me notice, I will let him know during this session.

Dr. R. P. PARANJPYE : Was it due to the public agitation in that month ?

The Honourable Mr. COWASJI JEHangIR : No.

Mr. G. I. PATEL : I notice a similar rise in the case of Jinga.

The Honourable Mr. COWASJI JEHangIR : The dredger Jinga has not been working.

Mr. HOOSEINBHOY A. LALLJEE : When was the Jinga purchased ?

The Honourable Mr. COWASJI JEHangIR : I think it was purchased a year and a half ago.

Mr. HOOSEINBHOY A. LALLJEE : Was it purchased together with the Kalu ?

The Honourable Mr. COWASJI JEHangIR : No.

Mr. HOOSEINBHOY A. LALLJEE : Will the Honourable the General Member explain what he means by saying that the Jinga has not been reconditioned ?

The Honourable Mr. COWASJI JEHangIR : That means exactly what the words signify.

Mr. HOOSEINBHOY A. LALLJEE : That is to say, Government have bought a scrap.

The Honourable Mr. COWASJI JEHangIR : It was bought in a condition not fit to work ; it was bought dirt cheap.

Mr. J. C. SWAMINARAYAN : Why was a dredger not fit to work bought at all ?

The Honourable Mr. COWASJI JEHangIR : If Government could get a second-hand article which requires a little repair and at a very low cost, I think it is a paying proposition.

Rao Saheb D. P. DESAI : How many more "Jingas" have been bought ?

The Honourable the PRESIDENT : Order, order.

Mr. G. I. PATEL : With regard to the note printed at the foot of the reply, may I know what are the different methods of ascertaining the output of the dredger from soundings ?

The Honourable Mr. COWASJI JEHangIR : You either take the soundings in the Back Bay or the harbour or you take measurements on the reclaimed area. You can do either.

Mr. G. I. PATEL : Do we get different results by adopting different methods ?

The Honourable Mr. COWASJI JEHangIR : I trust that we get the correct information. The results from both methods may not tally ; but they are checked one by the other. Between the two we get the correct information.

Mr. HOOSEINBHOY A. LALLJEE : What was the price paid for the dredger 'Jinga' ?

The Honourable Mr. COWASJI JEHangIR : I think it was about Ra. 1,30,000.

Mr. HOOSEINBHOY A. LALLJEE : Who recommended its purchase ?

The Honourable Mr. COWASJI JEHangIR : I think it is Sir George Buchanan.

Mr. G. I. PATEL : Was any commission paid to him ?

The Honourable Mr. COWASJI JEHangIR : I should ask for notice.

COMPULSORY PRIMARY EDUCATION

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

(a) whether compulsory education has been introduced by any local authority in the Presidency ;

(b) whether any local authority has submitted any schemes for expansion or compulsion for the approval of Government ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The accompanying statement* furnishes the information required.

PRIMARY EDUCATION : ADMINISTRATORS AND SUPERVISORS OF LOCAL AUTHORITIES

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

(a) which of the local authorities have agreed to take Government officers, viz., deputy educational inspectors, etc., as administrators and supervisors ;

(b) which have declined to do so ;

(c) which of the district local boards in the Presidency have increased the local fund cess from one anna to more than one anna and from what year ?

The Honourable Mr. B. V. JADHAV : Information is being collected.

*Vide Appendix No. 53.

CIVIL SUIT : FITWALA *versus* Ex-PRESIDENT, KURLA MUNICIPALITY

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

(a) whether it is a fact that Mr. A. R. I. Fitwala, a Councillor and now the chairman of the Managing Committee of the Kurla Municipality who was prosecuted in 1923-24 by the order of the then president for unauthorised construction of a privy in one of the rooms of his chawl but was acquitted by the first class resident magistrate, Kurla, had filed a civil suit in the Thana Court recently in his private capacity against the *ex*-president in his private capacity ;

(b) whether it is a fact that although it was purely a private suit conducted by the parties at their expense Mr. Fitwala was making free use of all municipal records in the suit ;

(c) whether it is a fact that the sub-judge Mr. Jadhav criticised Mr. Fitwala's conduct in open court when it was brought to his notice by the pleader for the defence when some of the records were actually filed by him in the court ;

(d) whether it is a fact that as a result of the criticisms Mr. Fitwala withdrew the suit at the last hour ?

The Honourable Mr. J. E. B. HOTSON: Government have no information.

The Honourable the PRESIDENT: Order, order. Honourable members are aware that I asked for nominations for election to the Public Accounts Committee. There is only one nomination received and that is of the honourable member Mr. J. C. Swaminarayan. I therefore declare him duly elected as a member of the Public Accounts Committee.

(Clause by clause reading of Invalidation of Hindu Ceremonial Emoluments Bill resumed.)

The Honourable the PRESIDENT: Order, order. Before we resume further consideration of the honourable member Mr. Bole's bill, I should like once more to appeal to honourable members to help me to get through this measure, at all events in the course of to-day at the latest. This is the fifth day. We have all along been discussing only one real point of controversy in the bill; and surely full four days are more than ample for this purpose. I ask honourable members, in view of the enormous amount of non-official business on the agenda paper, not to be as elaborate as they have been during the last four days. If honourable members do not respond to my appeal I will be obliged to accept closure as soon as it is asked for.

Before the debate is resumed I should like to inform honourable members that the bill for the amendment of the Bombay City Police Act which was referred to the select committee will be taken up on Thursday.

Mr. C. M. SAPTARSHI (Ahmednagar District): Sir, I rise to support the amendment of my honourable friend from Nasik. I listened with very great care and attention to the speech of the honourable member Dr. Paranjpye opposing the amendment. In spite of all that he said against the amendment I am not convinced by his arguments.

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Considering the amendment and the section on their respective merits, I submit that sub-clause (i) of clause 5 is absolutely unnecessary and redundant. It is an automatic and logical consequence of clause 4. The deletion of sub-clause (i) of clause 5 is not justified by me for the reasons advanced by the honourable member from Nasik. He said that sub-clause 5 (i) put an end to the status of the Joshies and therefore they did not want it. My reasons are different. Sub-clause 5 (i) is absolutely unnecessary because as soon as clause 4 is put into operation the *vritti* of a Joshi who has say neither cash allowance nor inam lands comes to an end, as there is no consideration at all. I do submit that a unilateral contract can never be enforced; and this point will be understood by my lawyer friends. Supposing that there are sanads issued to the Joshies who have either inam lands or cash allowances and who are maintaining themselves simply on their *vritti* only. As soon as clause 4 becomes operative that *vritti* is automatically ended. Therefore sub-clause 5 (i) is absolutely redundant. I submit, Sir, that the retention of 5 (i) is absolutely unnecessary.

As regards sub-clause 5 (ii) I have listened to the story of the parrot related by the honourable member Dr. Paranjpye. He said the parrot is dead. But the parrot lives. The parrot lives but only one of his important wings is cut away. We also desire that the Joshies should continue to live. Because we want him to live we are opposing clause 5. What is the position of those Joshies who have got cash allowances or inam lands? Their right to sue the Yajman who does not invite him is taken away. With this limitation they continue to live and they can demand their fees from those persons who invite them. Therefore the Joshi *vritti* remains in the case of those Joshies who have got either lands or cash allowances. We have therefore to see the interest of those Joshies who have either inam lands or cash allowances; and from that point of view we should see whether this sub-clause (ii) of clause 5 should be retained. When this clause was introduced in the select committee the mover of the bill was not in a position to say that it would be in the interests of the Joshies. The Joshies have not been called upon to express their opinion whether this would be in their interests. Without any reference to the Joshies whose interests are going to be finally affected, we have been called upon to pronounce the opinion that this clause will be in the interest of the Joshies who require protection.

It is often said that enemies are dangerous. But here is a case of friends being more dangerous to the *joshis* than enemies. I quite see that my honourable friend Dr. Paranjpye has introduced this sub-clause (ii) of clause 5 with the best of intentions. The honourable member Dr. Paranjpye is very definite about it. He has always had the benefit of moving in high atmosphere, in the atmosphere of colleges and universities, in the atmosphere of Taxation Enquiry Committees and Reforms Enquiry Committees. But he does not know the atmosphere of the mofussil. We there are dominated by petty officials like the mamlatdars, the head karkuns and the talatis. It is on account of these officials who have very great power to do us harm that I object to

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clause 5. I object to any power being placed in the hands of the executive with regard to the *joshi* watans.

What is the effect of part (ii) ? It is intended to enable the *joshi* to go before a collector to give him the option of surrendering his watan. May I know from the Honourable Leader of the House and from those who have sponsored this part (ii), whether there were any representations from the *joshis* that they want such an amendment. He has stated that they want to legislate.....

The Honourable the PRESIDENT: May I draw the honourable member's attention to the fact that that argument has been repeatedly used, not once but about fifty times during the course of these four days ?

Mr. C. M. SAPTARSHI: Is it irrelevant, Sir ?

The Honourable the PRESIDENT: It is repetition. The honourable member should see that repetition is not resorted to. Repetitions of the same arguments over and over again is not allowed. As it is the fifth day I appealed to the House to be brief. Instead of that, the same arguments are being repeated time after time on the same one principle which is involved in this bill.

Mr. C. M. SAPTARSHI: Sir, the honourable member Dr. Paranjpye dwelt at great length on this clause, and I have to reply to every point he raised. The point on which I was speaking was this, that this clause 5 (ii) will injure the *joshis*. The honourable member Dr. Paranjpye said that the *joshis* were literate persons, that they were highly intellectual persons, that they have carried their litigations to the highest courts, and that they will be able to protect themselves against any tyranny of the officials. I demur to that argument. I say the class of *kulkarnis* were even more literate, and even more familiar with the ways of the executive. But I know as a matter of fact that they have been dominated by the Government officials, and the commutations of their watans were enforced on them. The result is that several suits are going to be launched against Government for the cancellation of the commutations. Therefore, literacy is not sufficient and will not secure immunity from the tyranny of the officials. I therefore submit that this power should not be given to the executive officers.

Then, Sir, it was stated that this clause 5 (ii) gave protection to the *joshis*, because without it Government would have the right to resume the lands. I submit, Sir, that the power of resumption is regulated by Act VII of 1863. Resumption does not necessarily mean forfeiture. Resumption simply means levying of the full assessment. It is said that the land is held during the pleasure of Government. Yes, it is held during the pleasure of Government, no doubt. But the pleasure of Government has to be exercised according to certain well recognised principles, and it is not the sweet will of Government. Therefore, even if you do not insert this clause 5 (ii), you will not jeopardise the condition of the *joshis*. In fact, the right to hold the lands will be still there. Therefore, by inserting this section you will certainly be doing more harm than good to the interests of the *joshis*.

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Sir, in winding up, I want to be very brief. I wish to make an appeal to the Honourable the Leader of the House. He has been very mute on this point since yesterday. I wish to know what is the attitude of Government with regard to this clause. I wish him to make a statement and say whether this clause will override the terms of the sanads. He must be in a position to say what the attitude of Government is. Then, I appeal to the Honourable the Education Minister, to be fair to the non-official party at least once, and show that the president of the Satyasodak Samaj is out of him at least for this purpose and that he is just to the *joshis* concerned in the bill. With these words, I commend the amendment to the acceptance of the House.

The THAKOR or KERWADA (Gujarat Sardars and Inamdars) : Sir, there has been a long debate on this one principle, and therefore I shall not be very long. This clause, innocent as it looks, involves a great change of principle. I mean, hitherto Government have always stood by the rights of the sanads which have been given to these *joshis* not by this Government, nor by the community or the few followers of the honourable mover of this bill, but by a former Government. I want to request the Honourable the Leader of the House to make a statement on behalf of Government whether they are going to accept the new principle of overriding the conditions of a sanad given by their predecessors. Are we to look upon the sanad as a scrap of paper, not even worth the paper on which it is written? I hope that will not be the intention of Government. The honourable member Dr. Paranjpye has explained yesterday that this clause will override the conditions of the sanad. If that is so, we must think twice before voting in favour of the new principle involved in this clause 5. This is the first time that a sanad given by a former Government is being invaded. Of course, in the name of social reform, you can very well free us from the tyranny of the priests. Do not pay them. But is this Council going to deprive them of the lands which they hold by virtue of the sanad which has not been given to them by the present Government, lands which were in their possession before the advent of the British Government? So, I want the Honourable the Leader of the House to make a very clear statement. I think, this clause, innocent as it looks, will create great apprehension in the minds of people who are not even concerned with the *joshis*. I do not think that the *joshi* will be uprooted from the world if we deprive him of a few rupees. But I ask why Government of all parties should support this new principle. Hitherto the policy of Government has been non-interference in matters of religion and social reform.

Now, what is the number of people who are in favour of this reform? If we take a referendum 80 per cent. of the people affected by it will vote against the clause which my learned friend has thought it advisable to embody in the bill. Therefore, I strongly support the amendment.

Mr. A. N. SURVE (Bombay City, North) : Sir, it is with considerable hesitation that I rise to address this House. Sir, the fifth clause, as it stands, is a clause which requires our very serious consideration. As it

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stands, there are several defects in it. Referring to this clause, I may state that I had given notices of no less than three amendments, but unfortunately as they did not reach the office of the Council Secretary in time, they did not appear on the agenda. But out of them, I see at least one which forms the subject matter of clause 6, and which the honourable member from Thana (Mr. G. B. Pradhan) is allowed to table at this stage. Now, I shall explain how this clause is defective.

First of all, let us take the word "village". Part (i) of clause 5 states that the Joshi is to attend to his customer or Yajaman, if he is within the village. The consequence of that is that, if the Yajaman is outside the village, the Joshi is no more liable to serve his Yajaman, though he is actually in receipt of cash payments or holds watan lands. Therefore, my submission is that the word "village" ought to be defined. I shall give you one instance. I come from Bombay, but my native place is in the Ratnagiri district. My village is Tavsai, and the Brahmin who has the *vritti* of this village stays at Narvan, over six miles away. Tavsai is one village and Narvan is another village. This Brahmin priest who has the *vritti* and who will enjoy it in future, if this clause is passed, can say to his Yajamans staying in Tavsai that he is no more going to render any service to the Yajaman, because the Yajaman is staying outside the village limits. Therefore, you will have to define, first of all, what a village is. That point was not taken into account. I had therefore suggested an amendment, but I shall not refer to it now.

Then the second point is about the alienee. The clause seems to take notice of only two persons, the Government and the watandar Joshi, but the alienee has been left out of consideration altogether, and what will be the consequence? The alienee would be there, and if the Joshi refuses to render services to his Yajaman, the inevitable consequence of such a contingency would be that the alienee would be placed in a worse position than he is in at present, and he will be punished for no fault of his.

Then, let us go to the third point, and the third point is about the orthodox section of the community itself. It does not mean that because this bill comes upon the statute book therefore every non-Brahmin *ipso facto* becomes a reformed non-Brahmin. You must take into account that fact. There are many persons—whether they are right or wrong I shall not discuss—with whom it is a matter of conscience that they would like to worship their God according to their own belief, and if this bill as it stands comes into operation, what would be the consequence? The consequence will be that the orthodox non-Brahmin will be penalised, because it is clearly and emphatically stated that the moment this bill comes into operation the Joshi can claim any emoluments he chooses to ask. Now, Sir, I ask the Honourable the Leader of the House, has he taken into consideration the position of these orthodox Hindus? They will be penalised for no fault of theirs. Why should they be made to pay perhaps double or treble of what they are actually paying to-day, simply because a few reformers desire that they should obtain liberty of conscience? Does it necessarily follow that those who are not reformers should be penalised? That is a question of which

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we must take very serious notice. Therefore, these are the main defects. But apart from these defects, I think there are others which are of still graver import. Now, we have the Hereditary Offices Act. This Act is either applicable to the Joshis or it is not applicable to the Joshis. Let us take it that it is applicable to them. (Honourable Members : It is not). Let us take it for the sake of argument that it is applicable. Then what happens ? The 15th section of the Act refers to the commutation of watans, and the 16th section reserves certain rights enjoyed heretofore by individuals and village communities. Their rights are specially reserved. Government have made a solemn promise that those rights will not be interfered with. Section 16 says :

" Nothing in the last preceding section shall be held to affect any rights of individuals or village communities to exact such service as may be customary from village servants whose watans were originally granted or are now held for the performance of such service, but who have been relieved by Government of liability to perform such service to the State."

The meaning of it is this, that as between the watandars and Government they may come to any arrangement as regards themselves, but as regards the watandar on the one hand and the individuals or village communities on the other there is a complete reservation and protection of the rights of those individuals or village communities. Government cannot interfere with the rights of those persons. Now, in connection with this section, I may quote from the speech made by the then Member in charge when the Watan Act was passed. It is a short extract extending to only about four lines, and there he makes that point very clear. He said :

" Many of the hereditary village officers perform a dual kind of service, partly to the State and partly to the village community. For instance, the barber is supposed to shave the people and also on occasions when a robbery has taken place and the footsteps of the robbers have to be tracked, to be present on the occasion with a torch to lead the way if that is necessary. The carpenter is supposed to mend the carts of the villagers, besides doing certain Government work. In such cases, Government will relieve the watandars from the service, but they are not in any way exempted from their liability to serve the village community."

Now, what is the legitimate consequence of the passing of this clause ? The moment this clause is passed, every watandar priest will say to the Yajaman " I am not coming to you for any religious service ; if you want me to come I shall take double my former fee ". The priest may choose to fix his fees at any figure he pleases. Therefore, I say that whenever Government is interfering with the rights of any individual, they should always take very great care that those persons are given a hearing. With great respect, I would enquire of the Honourable the Leader of the House whether he has asked the orthodox section of the non-Brahmins as to what their views are on this point. They are very vitally interested in this question, because hereafter they will have to pay perhaps double or treble the amount of fees for the performance of these religious ceremonies. When Government wanted to commute the watans, there was the Gordon settlement. What similar steps have you taken in the present case ? Nothing whatsoever. There is not a single person in this House who is representing the views of the orthodox section of the non-Brahmins. Therefore, I submit that this

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is not a question which is to be lightly brushed away. You are making legislation for millions of people. The Honourable the Leader of the House is led away with sympathy for a few thousand Joshis. But what about the millions of those non-Brahmins who are still orthodox? Will you not take into account what is going to be the effect of this legislation upon their interests? For this reason I humbly appeal to the Honourable the Leader of the House that he must not go with this bill in this way. For it involves a great issue. The issue is not confined merely to the watandar priests, but it is likely hereafter to be applied to other watandars. I at least see the introduction of a thin end of the wedge. To-day, the Brahmins may be done away with; to-morrow it may be the turn of some one else, and in that case we are here to carefully consider the principle on which we are legislating. For this reason I submit, Sir, that the amendment moved by my honourable friend from Nasik is the only amendment which points to the proper conclusion, and it may be accepted. With these words I support the honourable member Mr. Pradhan's amendment.

The Honourable Sir CHUNILAL MEHTA : I rise again, Sir, at this stage in order to remove certain misconceptions and in order to clear the ground, so that honourable members who have spoken on this subject from both points of view may be able perhaps to come to some understanding. During the last five days, as you already have pointed out, that this debate has gone on, there has been plenty of occasion for me to examine the rights and wrongs of this question. And, Sir, if I as chairman of the select committee and also as a Member of Government am not able to accede to the wishes of both parties in the House, I hold my view, on a very mature consideration of the whole question, and I have come to the conclusion not only that the course which the select committee has taken is the course which is the most just for both parties, but also, Sir, because it is a course which I hope will pour some oil over the troubled waters of Brahmin and non-Brahmin controversy in the villages. Sir, it is from that consideration that I have resisted every effort to so mutilate this bill as to give even more occasion for quarrels in the villages. I submit, Sir, that this is an occasion when the issues have been befogged by a desire for controversy, by an incapacity to see the other man's point of view and by a spirit of suspicion. There is one side of the House which has been, during the last four or five days that this debate has been going on, questioning the motives of those that have supported this bill. On the other hand, I also see that the honourable mover and his supporters have not been too discreet in the way in which they have put their case before the House. So far, Sir, has misunderstanding gone that one honourable member of this House even said that those who claim to be within the fold of Hinduism must also accept this liability for payment. I consider, Sir, that it is a travesty of an all embracing religion to say that allegiance to the religion consists in payment for services which are not rendered. If such were the narrow views of religion, especially of the Hindu religion, why is it that in no other part of the country, not even in those parts which are even more orthodox

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than happily this presidency is, no such law exist, customary or otherwise, which makes the payment of fees compulsory for service that is not done ?

Mr. P. G. JOSHI : May I explain, Sir, that the views that I quoted were not mine, but they were those of Justice Sir Narayan Chandavarkar ?

The Honourable Sir CHUNILAL MEHTA : The honourable member was not the only gentleman who gave expression to those views. On the other hand, Sir, there are other members who see in this innocent piece of legislation a desire on the part of Government to invest their subordinate officers with even more powers of oppression than they already possess. I, Sir, entirely fail to understand that kind of mentality. Perhaps that feeling is in the minds of some honourable members because they see an occasion even in this innocent bill to try and have a fling at Government. I, Sir, cannot appreciate that sort of attitude. The analogy that was mentioned with regard to the services of kulkarnis does not in the least apply in this case. The kulkarnis were giving service to Government. The joshis, as I have tried to explain, do not give any service to Government, and it is the furthest thing possible from the minds of Government to try and influence the joshis or anybody else in this matter where no service is being done to Government. I hope, Sir, that the Council will be pleased to think that, in this matter at any rate, Government have no axe to grind, but that, on the other hand, Government are solely and simply actuated by a desire not only to do justice, but to try and see if this feeling of Brahmin and non-Brahmin can in any measure be set at rest.

I do not propose—I have already made two long speeches, I believe, in the course of this debate—and I do not propose to go over the same ground, especially as my honourable friend Dr. Paranjpye has so eloquently put forward the point of view which actuated the select committee. Sir, I stated that while there is this befogging of issues, it is at least necessary that there should be one party in the Council which, not being concerned in either side of the question, should bring to bear an absolutely unbiassed mind in its consideration, and I submit, Sir, that the views of those honourable members who are not in the least bit interested in the ministration of joshis or in the payments made by their clients, and Government is one such party, are entitled to special attention in this matter. Sir, it may seem surprising that some members of both parties are apparently not fully satisfied with clause 5 and on analysing the attitude I am impelled to come to the conclusion that the reason perhaps is that the spirit of controversy is still not dead. The non-Brahmins want to say nothing as to the freedom of the Joshi from his liability to serve. They would prefer a clear field. If clause 5 were not in existence the Joshi can still be compelled to appear for performing services at any distances and even on occasions when payment may be of the slightest value, and even if the Joshi for reasons of health or for any other reason may not wish to do his service. On the other hand why is it that the other party wants the deletion of this clause ?

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As has been pointed out by several honourable members the bill consists of two parts the first of which is solely and entirely in favour of the Joshi. One honourable member has indeed tried to contend that even without clause 5 (i) the result would be automatically to relieve the Joshis from any liability, an interpretation which I do not accept. Assuming that the interpretation is correct what a weapon that is left in the hands of the Joshis ? How powerful is that weapon when it can be used against a few reformers but also against a very large number of the population inhabiting our villages who it has been admitted by almost all speakers on this bill are anxious to call in the ministrations of the Joshi. The result would be that while he would be free from the liability of performing religious ceremonies, he will be able to enforce, as the last speaker pointed out, any sum of money for any service which an ordinary Hindu desires to be done at the instance of the Joshi. I do not want, Sir, that the Joshi should be placed in a position in which he could tyrannise over the large mass of the people. I feel if the Joshi will not perform his services in the manner in which he is expected to do, if he wishes to claim unreasonable payment he should at least get no assistance from the state in order to be able to tyrannise over the large mass of the people who call in his services. I feel, Sir, that this is the only manner by which we can still have some kind of control over misapplication of the freedom that will be given by this bill. It may naturally be asked why is it then that Government are agreeable to giving this freedom to the Joshi who gets no additional remuneration. And, Sir, I am surprised that an objection to that agreement has been taken by no less a constitutional student than my honourable friend Mr. Pradhan who asks me whether I have sounded the views of the Joshis in a matter obviously to their interest. Having sounded the views of the Joshis on the necessity of this bill and knowing that the Joshis are as one man opposed to this bill he still supports the first reading of the bill. If the taking of the views of the Joshis has only influenced him into supporting the principle of this bill, in spite of their unequivocal opposition I cannot understand how consistently he himself can, or ask Government to, refuse the granting of liberty of conscience to the Joshi. I, Sir, who have no interest whatever in this particular question, feel that it would be entirely wrong for Government to resist giving freedom to the Joshi while it has agreed to give a corresponding freedom to the Yajamans. These two things go together. Rights and liabilities always accompany each other. We have taken away his right of getting compulsory payment and we must also take away the duty of compulsory service. Having come to that conclusion it was only right that the Joshis should be relieved of their liability. I am not considering the other question which has been so pointedly mentioned by the honourable member who spoke last as to what will be re-action on the part of the Joshi. Rightly or wrongly in the present tension between the Brahmin and non-Brahmin communities is the result going to be retaliation ? If, Sir, there is such fear, and no honourable member of this House can get up and say that there is no such fear, if there is such a possibility it is the duty of Government to see that all

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measures are taken in order to minimise that risk as much as possible. It may be contended that this argument does not hold in some cases because those Joshis who do not receive compensation either in the matter of land or cash allowance will still be liberated from that liability. That, I say, is a question of principle which cannot be helped in which both Government and honourable members are powerless. Having accepted that view the only thing remaining to do was to give our attention to the assistance that the Joshis are getting from Government in the shape of reduction in land assessment or in the shape of cash allowances.

I would like again to emphasise in this connection the effect of clause 5 (ii). I have dealt with clause 5 (i), and also the effect of the amendment which is proposed to be moved by the honourable member from Thana which I propose to accept. Sir, it was asked whether the Sanads are going to be affected by the provisions of this bill in any respect. Here I would like to correct the honourable member from Ahmednagar. He seems to be under the impression that all Joshis are in possession of sanads. That is not the case. Sanads are given only in cases where land is given to the Joshis or allowances.

Sardar G. N. MUJUMDAR : And also in the case of cash allowances.

The Honourable Sir CHUNILAL MEHTA : Quite so. In clause (ii) it is mentioned that only if the Joshi exercises his option then certain consequences will follow and these consequences only are that he will have to pay full assessment instead of the *Judi* and that he will have to forfeit his cash allowances. The addition of clause 6 which I have asked the honourable member from Thana to move at the end of the bill will make the intention of Government effective, namely, that no further liability is to attach to the Joshi if he exercises his option beyond the taking away of the cash allowance or of asking him to pay full assessment. The honourable mover has given notice of an amendment that the land also should be taken away and Government is going to oppose it. The addition of clause 6 will make that, I hope, perfectly clear. I think that question was asked some three days ago and I asked the honourable member to let me have his proposals. I am sorry to say that I have received no such suggestion and after putting our heads together and consulting the Remembrancer of Legal Affairs I have come to the conclusion that the addition of clause 6 will carry out the wishes of Government and the Council.

It may also be asked—in fact it has been contended by the honourable mover of this amendment—that this bill compulsorily takes away the position of the Joshi as a watandar Joshi. It does nothing of the kind. I could see a difference of opinion even between the honourable member for Ahmednagar and the honourable member from Nasik on that point. We are not touching the status or the position of the Joshi as a priest in the village at all. All we are saying is that while he cannot compulsorily ask for payment for his ministrations he is also free of the corresponding liability to serve and that if he exercises the option—that

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option can be exercised of his own will alone—then certain consequences will follow and those consequences are less than the consequences that might follow on an interpretation of the sanads in the absolute strict legal manner.

I will add a word as to the option.....

Mr. L. B. BHOPATKAR : May I request the Honourable the Leader of the House to explain the proviso to the second part of clause 5 ? Does it not run counter to the canons of Hindu law ?

The Honourable Sir CHUNILAL MEHTA : I do not see how that can be said to be contrary to Hindu law. Surely, the honourable member does not wish that a joshi should be allowed to change his mind every two days after he once exercises his option ?

Mr. L. B. BHOPATKAR : Suppose that the father exercises the option and there is a son who has got an equal right in the inam.

The Honourable Sir CHUNILAL MEHTA : That is a necessary consequence, the son will have to bear.

Mr. G. B. PRADHAN : Section 15 of the Hereditary Offices Act makes a similar provision.

The Honourable Sir CHUNILAL MEHTA : I am very thankful to the honourable member who has given me this point of law. I am personally unacquainted with this law and I will leave it to be fought out between the honourable member for Thana and the honourable member for Poona who are both very eminent lawyers. I think there is nothing that is contrary to Hindu law and that a man can give up his advantages if he chooses.....

Mr. P. G. JOSHI : So as to bind his successors and heirs ?

The Honourable Sir CHUNILAL MEHTA : I think so. I understand, Sir, that in the Hereditary Offices Act there is such a provision, I believe section 15, clause 3, which reads :

“ Every settlement made or confirmed under this section shall be binding both upon the Government and the holder of the watan and his heirs and successors. ”

If the honourable member wishes those words to be added, we shall be pleased to do so.

Mr. P. G. JOSHI : We wish the proviso to go.

The Honourable Sir CHUNILAL MEHTA : If there is any necessity to make that point quite clear, I have no doubt that the honourable member, the Legal Remembrancer, will try and meet the wishes of the honourable members opposite, but if those honourable members, who have mentioned this point now, had during the last five days brought it up to me, it would have been very carefully gone into, but nothing has so far been said and I think that the charge that Government are silent on this point really applies much more strongly to the opposition. I was saying that this question of option has been very much misunderstood and considering that every inch of the ground has been contested during the last five days, far more strenuously than as read in history

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even in the Wars of the Triple Alliance it was naturally expected that all the points of contest important or not would have been brought out and debated upon. If this is the only point at issue, that can be easily set right by a change in the wording.....

Mr. V. N. JOG : Is this clause applicable to present service or past service or future service ?

The Honourable Sir CHUNILAL MEHTA : It is only for continuing service as a joshi.

A great deal of exception was taken to certain quotations that were made referring to the folly of certain of these priests. I do think that if the priest will allow himself to be forced into exercising that option against his will, then he surely deserves to be put into the category of fools, but I do not think there is fear of his being blind to his own interests. I have tried to explain the position of Government. I am only concerned with putting on the statute book a measure which will in some measure pour oil on the troubled waters of the Brahmin-Non-Brahmin controversy, and I request the assistance of this House in order to enable us to put such a measure on the statute book as will cause the least amount of disturbance in the village economy. We do not want to take any step which may cause a revolution in the life of the village. We have been compelled to accept this bill, indeed the whole House has accepted the principle of this bill at the first reading as well as the second reading, because they felt that it was called for on grounds of public policy and that it was a measure which would satisfy the consciences of certain people. We do not want to go further in a manner which will lead to retaliation in the villages or which will in the least tend to embitter the controversy that already exists. I have come to the conclusion, after honestly applying my mind, that this measure will tend to soften controversy and that the dropping of clause 5 will only tend to increase the bitterness that already exists.

Mr. P. G. JOSHI (East Khandesh District) : Sir, I rise to support the amendment moved by my honourable friend from Nasik. We are placed in a very peculiar position. We have been told that clause 5 is necessary in this bill in order to protect the interest of the public peace, as the rights of the priest have been taken away by clause 4 of this bill. You will see, Sir, that in this House there are 11 Brahmin representatives out of whom ten are opposing this clause. Out of the ten there are three Joshi representatives. It will therefore be quite clear to the House that even if the Honourable Leader of the House thinks that this clause has been introduced for protecting the interests of the joshies, still the seven Brahmin members and the three Joshi members, and particularly the latter, do not think it to be so. I therefore think that this House should give more weight to the opinion particularly of the Joshi members of this House, who honestly feel that their interests are not being safeguarded by the insertion of this clause. I am very glad in this matter to agree with my honourable friend Mr. Surve. I quite agree with the reasons that he has put forward. I also think that by retaining this

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clause we will be endangering the rights of Sanathana Non-Brahmins if Joshies refuse to do any service to them. Under these circumstances without entering into the merits of clause 5, I think that this House should give weight to the opinion of the Joshi members of this House particularly when it has been said that this clause has been inserted for the protection of joshies.

I should like to point out another defect besides the one that has already been pointed out by my honourable friend Mr. Bhopatkar. The whole bill deals with the rights and liabilities of watandar joshies. In this particular clause the words "watandar joshi" are absent. I do not know whether the mover of this bill wants to suggest that the hereditary priests and watandar priests are one and the same. I do not think so. If really watandar joshi meant hereditary priest you will see, Sir, that watandar joshi is being substituted for "hereditary priest" which was originally put in clause 3. By inserting the words "hereditary priest" and trying to relieve the hereditary priest of his obligation to the community, this clause will have an effect which it is not intended by this bill. In the bill as was originally prepared by the honourable member Mr. Bole the rights and liabilities of the Yejman and the hereditary priest were determined. There is no attempt in this bill to determine the rights and liabilities as between communities and the priests. As has been stated to us by the Honourable the Leader of the House there are no sanads issued to any of these hereditary priests mentioned in sub-clause (i), clause 5 by Government but sanads have been issued by the village community to the priest. I think that the rights of the priests under the sanads issued by village communities are not at all being affected by the present bill. This bill only affects the rights of those priests who hold sanads from Government. That is my opinion. Therefore this is another defect in the bill.

Then it has been suggested that sub-clause 5 (i) is innocent. If at all I object to any sub-clause of clause 5, I object to sub-clause (i). In sub-clause (ii) there is an option given but under sub-clause (i) no such option is given, but, as soon as this bill comes into operation it relieves him compulsorily from doing service to the village community. Therefore this clause is more objectionable and I would be very glad if Government agree to delete this sub-clause (i), because it will be a lesser evil and I would in that case even consent to retain sub-clause (ii). 95 per cent. of the joshies come under the operation of clause 5 and it is only 5 per cent. that hold cash allowance or inam lands. As sub-clause (i) affects a large majority of joshies it is most objectionable.

One other thing which I wish to say is this. From Rules 3 and 8 and proviso to Rule 8 in Schedule B of Act XI of 1852 it will be clear that the Joshi who owns cash allowances or lands has a right to keep the land even permanently. As has been suggested by the honourable member Dr. Paranjpye, Government have no right under any circumstance to resume these lands. For all these reasons the retention of this clause is not in the interest of either Sanathana Brahmins or joshies and

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it is not desired by any of them. I appeal therefore to the House to accept the amendment.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to oppose the amendment. By allowing clause 4 to stand part of the bill, the principle of the bill has been accepted by the House. That principle is, that no hereditary village Joshi has got any right to force his services upon an unwilling employer of religious labour. Having once established this principle, it is quite natural and just to see that the compulsory liability of the Joshi to serve is removed. If that is not done and if clause 5 is removed from the bill, I am emphatically of opinion, that this bill will be incomplete, and that this Council will have mutilated the bill and that it will result in serious difficulties for bringing into operation this bill. The Joshies then will be in a position to put forward before the public that the Council has taken an one-sided view and that it has ignored their just grievances. It will then be represented by Joshies to the public that the people will have the right to refuse their services and that the Joshies themselves will be compelled to render service if so required by any person. This will be a dangerous position to take up. I think, taking into consideration the fact that, as stated by the last speaker, 95 per cent. of the *joshis* own no land and receive no cash allowances, the injustice will be great indeed. These 95 per cent. of the *joshis* will be in a position to say that though they get no cash allowances from the Government or though they have no right to force their services on the village community, still they are under an obligation to render services to the village community when called upon to do so. That will be a very unjust position and it will not be possible for anybody to defend it. Therefore clause 5 (i) is a necessary provision and should be retained in the bill. In the absence of this provision, the bill will be a mutilated and incomplete bill, and it will be a bill which will not find favour with the Government, and it will not be a bill to which His Excellency can probably give his assent.

Then, Sir, a great deal of misunderstanding has been caused, and an impression has been created that this bill attempts to confiscate the *watans* of the *joshis*. Reading the clause as it is it will be seen that there is no attempt on the part of Government or of the supporters of the bill to confiscate any property or any proprietary rights of the village *joshi*. They are given certain option, and that option is to be exercised by them and by them alone. There is no compulsion, and the initiative is not to come from anybody else outside. If the *joshi* thinks that the obligations imposed upon him are not agreeable to him, he can by making a certain declaration before the Collector get rid of those obligations. Therefore it is not right to say that by enacting clause 5 (ii) an attempt is being made to deprive them of their rights in other directions. When, on the one hand, a right from them is taken away, necessarily an option is to be necessarily given to them to free themselves from the obligation to perform the services. That is exactly what is attempted to be done by

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enacting clause 5 (ii). Clauses (i) and (ii) of section 5 are quite necessary; they are not redundant or oppressive; they are enacted in the cause of natural justice due to both sides. Therefore, I oppose the amendment.

Sir VASANTRAO A. DABHOLKAR: Sir, I move a closure.

The Honourable the PRESIDENT: I accept it. The Honourable mover of the amendment to reply.

Mr. R. G. PRADHAN (Nasik District): Mr. President, it is impossible to deny that the course of the debate has disclosed two things. The first thing is, that clause 5 is open to various objections, and the second thing is a considerable section of the House is opposed to the inclusion of that clause in the bill. Sir, I would not wish to detain the House for a very long time. However, it is necessary that certain arguments made in the course of the debate should be replied to.

My honourable friend Dr. Paranjpye has expressed surprise as to how I, a constitutional lawyer, can bring forward such an amendment. Well, my honourable friend knows very well that responsible government is government by public opinion, and it is one of the cardinal principles of constitutional law and practice that you should not legislate on any important matter affecting the position of a large class without ascertaining public opinion, particularly without ascertaining the views of the class affected by that legislation. In that connection, Sir, the Honourable the Leader of the House suggested a point of inconsistency on my part. He said: I know the views of the *joshis* on the main principle of the bill. The *joshis* are opposed to that principle, and yet, I have supported the principle embodied in clause 4. Having done so, how can I consistently urge that the views of the *joshis* should have been ascertained even on clause 5. I confess, Sir, that I do not at all understand the reason of this argument. Let me assure my honourable friend the Leader of the House, that if after ascertaining public opinion and the views of those who will be affected by this clause, if after giving a hearing to all sides, I come to the conclusion that clause 5 is necessary, I would be the first person to vote in favour of that clause. But because in the case of clause 4 I have taken up a position contrary to the view expressed by the *joshis*, that does not mean that it is wrong on my part to urge that we should not agree to the enactment of this clause 5 before giving an opportunity to that large class of priests who are affected by it to say what they have got to say on the matter. So, Sir, I find that the fundamental principle which I have already mentioned has been flagrantly violated in the matter of this clause.

Now, the second argument of my honourable friend Dr. Paranjpye is, that as clause 4 does away with the rights of the priests, it is fair that they should be relieved of their obligation also. Now, the fallacy of that argument is based on the assumption that clause 4 takes away all the rights of the watandar priests. But clause 4 does not do anything of the kind. It takes away only one single right; all the other rights of the watandar priests remain as they are. The priests will still perform

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ceremonies in most cases, and they will still be entitled to receive ceremonial emoluments for them. In other words, the status of the priest will remain as it is. In view of that, I do not see any reason why they should be relieved of their obligation.

Then, Sir, my honourable friend Dr. Paranjpye says that the opposition to part (i) of clause 5 is fantastic, and he argues what does it matter if the status of the watandar priests disappears in consequence of that part. In connection with that, the Leader of the House said that the status of watandar priests would not disappear in consequence of that part. The honourable member Dr. Paranjpye practically admitted that it would disappear, and he said that it did not matter. But the Honourable Leader of the House said that the status of the watandar priests would not disappear. Well, Sir, I do not agree on that point with the Leader of the House: I agree with the honourable member Dr. Paranjpye that the status of the watandar priests will disappear as an effect of part (i) of clause 5. But, Sir, my honourable friend Dr. Paranjpye says, what does it matter. To the cold logic and dry rationalism of my honourable friend it may not matter, but to the hundreds and thousands of priests who are affected by this clause and who naturally entertain a sentimental regard for their ancient status, it does matter and matter very much indeed, whether their status is maintained or destroyed.

Then with regard to part (ii) of the clause, my honourable friend Dr. Paranjpye has admitted that the position is complicated. The argument seems to be this, that as a result of clause 4 the village priest would cease to render service to the village community. The legal advisers of the Government have, it appears, expressed the opinion that the non-performance of service in one single case will amount to non-performance of service to the village community as a whole, and that would make the priests liable to the forfeiture of their cash allowances and watan lands. If that is the true legal position, it fully bears out my contention that we are legislating without a thorough, independent enquiry into all the facts bearing on the point. But even assuming that that is the true legal position, I contend that the clause which is going to follow by way of amendment from my honourable friend for Thana (Mr. G. B. Pradhan) and which the Government have promised to accept, constitutes, I submit, an adequate safeguard. I have thus disposed of the main arguments of my honourable friend Dr. Paranjpye.

Now, I shall briefly refer to one or two arguments adduced by several honourable members, and I shall first refer to what fell from my honourable friend Rao Bahadur Angadi. Rao Bahadur Angadi asks us to support this clause virtually because it has emanated from such an eminent authority as my honourable friend Dr. Paranjpye. This implicit reliance shown by him on the authority and judgment of my honourable friend Dr. Paranjpye is very amusing, when we remember how bitter was the attack made by the same honourable member upon Dr. Paranjpye at a previous session, when he moved his resolution for the establishment of a medical college at Belgaum.

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Sir, I shall refer to only one point and I have done. The crux of the matter appears to be this, that if you think that you cannot build up democracy without destroying the watandari principle in whatever shape or form and that therefore every opportunity should be seized of destroying that principle, the position of my honourable friend Dr. Paranjpye is perfectly tenable and consistent. But except the Bolsheviks and the extreme socialists, no practical nation-builder or practical social reformer, however democratic he may be, has ever proposed to lay ruthless hands on the watandari principle in the arbitrary manner proposed. If this House has developed a sudden fancy for Bolshevism or extreme socialism, then it is welcome to retain this clause. Otherwise, I do maintain that this House will be well advised in accepting my motion for deleting the clause.

Mr. S. K. BOLE : I have nothing to say in reply.

Question put. House divided. Ayes, 32 : Noes, 46 : Motion lost.

Division No. 8.

Ayes.

ABDULPURKAR, Mr. N. A.
AHMAD, MOULVI RAFIUDDIN
BHOPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
GUNJAL, Mr. N. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
KAZI INAITULLAKHAN
KHUHHO, Mr. M. S.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSAINBHOY A.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MUJUMDAR, Sardar G. N.

NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
PAHALAJANI, Mr. B. G.
PATEL, Mr. A. E.
PATEL, Mr. G. I.
PATHAN, Mr. A. F. I. K.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PUNJABHAI THAKERSI, Mr.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR of Kerwada, the

Tellers for the Ayes : Mr. C. M. SAPTARSHI and the THAKOR of KERWADA.

Noes.

ADAM, Mr. C. G.
ADDYMAN, Mr. J.
ANDERSON, Mr. F. G. H.
ANGADI, Rao Bahadur S. N.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DUGUID, Mr. A.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GANDHI, Mr. C. M.
GHULAM HUSSAIN, the Honourable Sir
HAMID M. ABDUL ALI, Mr.

HARRISON, Mr. R. T.
HATCH, Mr. G. W.
HOTSON, the Hon'ble Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KALBHOR, Mr. G. M.
KAMBLI, Rao Bahadur S. T.
KAY, Mr. J. A.
LOWSLEY, Mr. C. O.
McKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
OWEN, Mr. A. C.
PARANJPYE, Dr. R. P.
PATHAN, Khan Bahadur JAN MAHOMED
KHAN
PATIL, Mr. D. R.
RIEU, the Honourable Mr. J. L.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.

Noes—*could*.

THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WADIA, Mr. C. N.

WEBB, Mr. M.
WINTERBOTHAM, Mr. G. L.
WOODS, Mr. E. E.

Tellers for the Noes : DR. R. P. PARANJPEE and RAO Eshadur S. N. ANGADI.

The Honourable the PRESIDENT : The next amendment is from the honourable member Mr. Bole. Does he wish to move it ?

Mr. S. K. BOLE : No, Sir, I am not going to move it. But I only want to say that it is only a consequential amendment and I do not want to be unnecessarily harsh upon the hereditary priests and to show my *bona fides* in the matter, I am not going to move this amendment. Clause 5 ordered to stand part of the bill.

The Honourable the PRESIDENT : Now I will call upon the honourable member Mr. G. B. Pradhan to move his amendment for an additional clause,—clause 6.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Mr. President, before I move the addition of my amendment as clause 6 to this bill, you will permit me to substitute the word “hereditary” for the word “watandar” in my proposed amendment.

The Honourable the PRESIDENT : Has the honourable member leave of the House to substitute the word “hereditary” for the word “watandar” in his amendment ?

Question put and leave granted.

Mr. G. B. PRADHAN : Now, clause 6, which I propose to add at the end of this bill runs thus :

“Nothing in this Act shall affect the rights of a hereditary Hindu priest or an alienee from such priest to the inam lands or cash allowance attached to his office for the performance of any service pertaining to it, except to the extent specified herein.”

Now, the first thing which I would try to explain to this House is that I changed the word “watandar” and put down the word “hereditary” for this reason. A hereditary priest necessarily need not have land or need not have emoluments. A hereditary priest is a genus of which a watandar priest would be a species. It is obviously intended that this bill, which is being discussed and which is being fought out for so many days, should apply to all hereditary priests, and so the words “hereditary priest” are used in some clauses of the bill and in one or two places I notice that through some oversight the word “watandar” is used. The word “watandar” will be inconsistent with the spirit in which this bill has been moved and the object for which it is moved. So, I sought the permission of this House to say that instead of the word “watandar” as originally proposed, there should be the word “hereditary”. The words “hereditary” and “watandar” are both defined in the Bombay Act III of 1874 :

“‘Hereditary Office’ means every office held hereditarily for the performance of duties connected with the administration or collection of the public revenue, and so on.”

“‘Watandar’ means a person having an hereditary interest in a watan.”

The object with which this clause was moved was explained by me at the time when I tried to amend the amendment of the honourable member

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from Nasik. Because as soon as some *yajaman* ceases to take the official duties from a hereditary Hindu priest, it may be taken that he ceases to be a hereditary Hindu priest, and certain emoluments which are attached to his office, such as land or other cash allowances, Government may get the right or it may be interpreted that Government have got the right to forfeit them. Now, in order that such a contingency should not arise and in order that the bill should be restricted to what is actually mentioned in it, I have added this clause, which the Honourable the Leader of the House has agreed to accept, so that there should be no doubt as regards the actual interpretation and as regards the actual loss of the privileges and emoluments which they are to suffer. So, Mr. President, I commend this clause to the acceptance of the House.

Question proposed.

The Honourable the PRESIDENT: There is an amendment to this amendment from the honourable member Mr. Patil.

Mr. D. R. PATIL (East Khandesh District): Mr. President, I want to move an amendment to the amendment of my honourable friend Mr. G. B. Pradhan, which runs thus:

"Add at the end of this amendment the following words:

'so long as the Hindu priest does not refuse his services to any Hindu when asked'."

Mr. President, the only object of moving this amendment is that certain liabilities of discharging duties that have been fastened on Hindu priests, under their sanads should not go away in case a Hindu priest refuses his services to any Hindu when asked. Without my amendment position will be awkward as, as has been clearly stated by some of the honourable members, the majority of the non-Brahmins are in favour of the services of the Brahmin priests. Therefore, there ought to be some sort of liability upon a Hindu priest before he gets the advantage which is contained in the amendment of my honourable friend Mr. Pradhan. With this object, I move my amendment.

Question proposed.

Mr. D. B. ADWANI: Is this amendment in order?

The Honourable the PRESIDENT: Why not? What are the honourable member's objections?

Mr. D. B. ADWANI: Is it not going beyond the scope of the bill? Is it not also redundant?

The Honourable the PRESIDENT: This is an amendment to the new clause which did not originally exist in the bill, and this is quite a relevant amendment to the new clause that is proposed. It may be redundant, but I am not concerned with that.

The Honourable the PRESIDENT: If no honourable member wishes to address the House I will call upon the honourable member Mr. Pradhan to reply.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): I should have been very glad to have accepted the amendment proposed by my honourable friend but it is absolutely redundant. Because the

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moment a hereditary priest refuses to perform the ceremonies the sanads provide that his lands will be forfeited. This question was discussed by me with the honourable the Leader of the House and the Remembrancer of Legal Affairs. Even as the clause stands at present no hereditary priest can refuse to perform his duties and the moment he refuses to perform those duties a complaint can be lodged with the proper Government authorities that a particular Hindu priest is not doing his duties and Government would be prepared to forfeit his watan lands attached to the office. I cannot for a moment understand why this addition is necessary.

The Honourable Sir CHUNILAL MEHTA : I have nothing to add except to say that I do not wish to accept this amendment. No sound reasons have been advanced why the amendment should be accepted.

Question put and lost.

The Honourable the PRESIDENT : I will now put the original motion to vote. It runs as follows :—

The following clause should be added to the bill as clause 6.

" Nothing in this Act shall affect the rights of a hereditary Hindu priest or an alienee from such priest to the inam lands or cash allowance attached to his office for the performance of any service pertaining to it, except to the extent specified herein. "

Question put and carried.

Clause 6 ordered to stand part of the bill.

The Honourable the PRESIDENT : The question is that the preamble do stand part of the bill.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : I presume, as I understand it, that this Act is intended to affect the hereditary priests. For that reason I have intimated to the Secretary that I would move an amendment to the preamble substituting the word " hereditary " for the word " watandar ". Unfortunately clause 3 has already been passed, but a corresponding change will be necessary in clause 3.

The Honourable the PRESIDENT : The honourable member is fully aware that the preamble is put to the vote last and if he wishes to move any amendment to any of the clauses as they have been passed he should ask the special permission of the House to be allowed to do so. The preamble will come last. Once the preamble is carried honourable members can only make verbal alterations at the third reading.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : In clause 3 the word ' hereditary ' should be substituted for the word " watandar " in two places.

Mr. P. G. JOSHI : I rise to a point of order. The word hereditary has reference to genus and the word watandar has reference to species. The honourable member wants to extend the scope of the bill by this amendment.

The Honourable the PRESIDENT : He is not trying to extend the scope of the bill because in the original bill the word " hereditary " existed.

Mr. P. G. JOSHI : It has been deleted.

The Honourable the PRESIDENT : Quite so, the original scope of the bill is there. You can amend it. It has been amended by the select committee. How can the re-introduction of the same word which originally existed in the bill be said to extend the scope of the bill ?

Has the honourable member from Thana the leave of the House to move this amendment ? Before deciding I should like to know whether there is really a substantial majority of members who want this amendment. I would request honourable members who are for allowing this amendment to be moved to stand up in their seats. As there is a substantial majority in favour of this amendment I will allow the honourable member to move it.

Mr. G. B. PRADHAN : I may explain to the House that the object of the bill was that a Hindu priest who does not render service should not be entitled to claim emoluments and necessarily then "ceremonial emoluments" ought to be defined as "all perquisites, fees and any other dues claimable by any person for religious ceremonials, on account of his being a hereditary priest or an alienee from a hereditary priest". The honourable member from East Khandesh said that if this amendment was carried it would extend the scope of the bill. If the bill is merely intended for watandar priests why is the word "hereditary" put in clause 5. I move

That in clause 3 the word "hereditary" be substituted for the word "watandar" in two places.

Question put and carried.

Clause 3 ordered to stand part of the bill as amended.

Clause 1 ordered to stand part of the bill.

The Honourable the PRESIDENT : The question is that the preamble do stand part of the bill.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : I beg to move the following amendment —

In line three of the preamble substitute the word 'hereditary' for the word 'watandar'.

Question put and carried.

Preamble as amended ordered to stand part of the bill.

Mr. S. K. BOLE : Sir, I beg to move that the Bill No. XXXI be now
Third reading. read a third time and passed.

In doing so I may be allowed to say that I moved this bill with the best of intentions and honest motives and in the interest of public policy, justice and equity. I must offer my sincere thanks to those of the Government members and to those honourable members of the Non-Hindu communities as well as to the Hindu communities of the advanced classes who gave their cordial support to this bill.

I admit that I am not a lawyer and so I am not well versed in the art of expressing my views in a sweet way, but I have stated only facts. It is not a question between Brahmins and Non-Brahmins, as has been supposed by some of the members. I know that some of the Brahmin

[M. S. K. Bole]

priests have filed suits in civil courts against the Brahmins themselves for wages though their services were not engaged as priests. This shows this is not purely a question between Brahmins and Non-Brahmins. But if it be so I hope my bill will tend to bridge the gulf that exists between the Brahmins and the Non-Brahmins. With these words I move the third reading of the bill.

Question proposed.

Mr. BALAK RAM : Sir, I wish to move a verbal amendment to sub-clause (2), clause 2, as passed at the second reading :

that the words " this Act " shall be replaced by the pronoun " it ".

Question put

that the words " this Act " occurring in sub-clause (2), clause 2, shall be substituted by the word " it ".

and carried.

Mr. P. G. JOSHI (East Khandesh District) : Sir, I want to oppose the third reading of this bill, particularly when the bill has been enacted in the name of liberty of conscience and liberty of action. Liberty is a very fine thing and I have very high regard for it, but I want to record my emphatic protest against this bill by saying that if this bill is passed, then it will have the effect of adding one more to those numerous crimes which we have high authority for saying have been committed in the name of liberty.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I support the third reading of the bill. I congratulate the honourable mover of this important bill for having successfully piloted the bill through all the three stages in spite of the vehement opposition of some section of this honourable House. This bill will mark an important epoch in the history of the Bombay Legislative Council. It puts an end to social and religious tyranny which has been suffered silently so long by Non-Brahmins of this Presidency. It will be regarded as a great achievement of this Council—of which it can always be proud—in that it has set its face strongly against social and religious tyranny and in that it has secured to the people of this Presidency liberty of conscience and liberty of action in matters relating to ceremonies, religions, social, etc. With these words, I support the third reading of this bill.

Bill read a third time. Question put and carried.

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

BILL No. X OF 1926 (A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1923)—FIRST READING

The THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : Sir,

First reading.

I beg to move the first reading of Bill No. X* of 1926 (A Bill further to amend the Bombay Local Boards Act, 1923). This bill aims to insert a very simple clause in section 5 of the existing Act. I

[The Thakor of Kerwada]

earnestly appeal, therefore, to non-official honourable members of this House as well as to Government members to accept the principle underlying this bill. I may say at the outset that this bill is not based merely on sentimental grounds but on actual facts and conditions obtaining at present in Gujarat and because the atmosphere prevailing in the country is such as not to do away with the necessity for securing special representation. The task would have been rendered much easier for those who are concerned with Government and for those who are genuine advocates of further reforms if there had been no necessity for bringing forward a bill like the present. However, the authors of the Reforms and the Legislatures have acknowledged the principle of representation of minorities. Of this principle I have not come across a greater advocate than my honourable friend Sir Ghulam Hussain Hidayatallah. With his far-sighted and statesmanlike policy he has embodied in the Act a new franchise by which the rights of separate election have been given to the Mahomedan community which, otherwise, that community would not have secured on this institution.

I also appeal to him to remember what he said in some of the speeches which he made at the time of the introduction of the Talukdars' Bill—speeches which he made when he sat in this Council as a great champion of the cause of the landed gentry. I hope that the Honourable Minister will take up the cudgel on behalf of the Inamdars and show them the consideration and justice which they deserve. By the Act of 1884 one seat was reserved for the Inamdars in all the local bodies; and it worked quite satisfactorily till the new amending Act came into existence. When I looked into the statement of objects and reasons appended to the amending Act I did not find any tangible reason given there for taking away the representation of the inamdars on these local bodies. I have not brought in this bill with any sectarian view. The principle underlying my bill has been acknowledged by the Montford Report. Pages 147 and 148 deal with the question and the paragraph runs as follows :

“ The only acknowledged leaders in this country are the landed aristocracy by position and influence and education. They are best fitted to take leading part in public affairs. They must be given a fair representation. ”

I wish only to impress on the House that though these are days of democracy we cannot ignore the fact that the inamdars should have the right of representation on these local bodies. There are 2,084 inam villages and if we put together these inam villages the area will be as big as any one of the three divisions of this presidency. Sir, this principle of separate representation has been acknowledged in the Legislative Assembly and other legislatures. On this point I hope my honourable and learned friend Dr. Paranjpye will enlarge by comparing the conditions here with those in Russia. When commercial interests and the interests of millowners and the University are safeguarded by separate representation I do not think with any consistency Government can refuse separate representation for inamdars on the local boards. There has always been separate representation in local bodies and I do not think that

[The Thakor of Kerwada]

the existence of one representative of the inamdars in local bodies will retard the progress of democracy. After the subject of local self-government has been made a transferred subject great strides in advance have been made by the present Minister, Sir Ghulam Hussain and the local bodies have extended powers and their usefulness has become much greater than before. It is only in the fitness of things that Government should accept the principle of giving one representative to the inamdars in local bodies. With these words I earnestly appeal to all honourable members of this House to pass the first reading of this bill. I am not asking for anything very great and I hope the House will grant my simple request.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the first reading of this bill. It is very retrograde in character. It asks us to traverse a period of forty years back and adopt the then state of things. The honourable mover wants to take us back to the year 1884. During the forty-three years that have elapsed we have made a great advance towards democracy and we do not want to entrust any power to the oligarchies and aristocracies. At that time the masses were voiceless and there were none to speak for them. At that time Government was in the hands of the landed interests and capitalist interests. Now, we are progressing forward. We are in the age of democracy. When the Act of 1923 was passed it set its face against any pocket boroughs being created, and that is the reason why the inamdars and talukdars were deprived of their special representation. I was very much surprised to see that the honourable mover of this bill wants to revive the old pocket boroughs. The honourable member advanced the argument that the Mahomedans have been given separate representation, and therefore they also should be given separate representation. The principle of separate representation for Mahomedans has been based on the principle of equal rights and it depends on the ratio of population of Hindus and Mahomedans in the various districts. If that principle of population is adhered to in the case of inamdars it will be one-hundredth or one-thousandth of one representative for a taluka or a district. The reason why these inamdars have not been given this right is that they have got the opportunity to stand in the general constituency and get themselves returned to the local bodies. Nobody prevents them from standing from the general constituency. In 99 cases the landed interests are not in good terms with the masses. If they are popular, if they work in the interests of the people who are putting money into their pockets, then, certainly the poor cultivators will vote for them and return them in the general elections. But on account of the unpopularity they have incurred, they want to find a back door to the district local boards.

Another principle raised was the principle of representation in proportion to taxation. Now, the taxation is really paid by the sweat and toil of the cultivators and not by the inamdars.

Mr. G. K. MALAVANKAR : Sir, I want to know from the honourable mover, whether the local fund cess is paid by the talukdars themselves even though.....

The Honourable the PRESIDENT : The honourable member cannot make a speech now.

Mr. J. C. SWAMINARAYAN : Sir, the local fund cess is added to the revenue which is paid by the cultivators to the inamdars. Therefore, the tax comes from the poor cultivators and not from the inamdars.

At the same time, there was one illustration that was given, namely, that the millowners and the university received representation on the Legislative Council. Consequently it was argued that representation should be given to inamdars on the local boards. But I will point out, that it is a case of vested rights. Take the Major Municipalities Act. When that Act was passed, the representation given to the Millowners in city Municipalities, was taken away. Therefore, we are progressing in the direction of democracy. The cultivator has got as much right as the inamdar to send a representative to the local board. If the inamdar is popular he can stand for election and go to the local boards. His right to send a representative as an inamdar has been abolished by the Local Boards Act of 1923. Now, that was abolished on the principle of democracy, and if we now give this right to the inamdars, we shall be going back to the days of 1884. The latest Act, the Act of 1923 is democratic in its nature, and it does not allow the existence of pocket boroughs. It has given the right of franchise to people on the principle of equal justice to the high and the low. Therefore, we do not want this principle of democracy to be mutilated and to reinstate an oligarchy by means of passing this bill. Therefore, I oppose the first reading of this bill.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to oppose the first reading of this bill. When the Act of 1923 was discussed in this very House all those arguments which have been advanced by the honourable mover of the bill were advanced, and emphatically advanced, by the advocates of those pocket constituencies. The Act of 1923 was purely a democratic act of a democratic Council. All indirect forms of representation were taken away and abolished once for all. Before the Act of 1923 came into operation indirect representation existed in three forms. One was through the municipalities : the municipalities had the right of sending representatives to the district local boards. Although the rate payers were the people who paid the tax, they had no right to send those representatives. And the other was through the taluka local boards and the third through the inamdars. It is to the credit of the Honourable Minister in charge of this department that he abolished these indirect forms of representation. The net work of pocket boroughs which existed in many forms in this presidency was abolished by the Act of 1923. Every taluka local board had a representative of the inamdars ; every district local board had a representative of the inamdars, irrespective of the number of voters that constituted the inamdars' constituency. One would be really surprised to know

[Rao Bahadur S. T. Kamblī]

that in certain talukas the voting strength of this important constituency of the inamdars did not exceed more than one single voter. As the bill itself is worded, surely it shows that my statement is not unfounded. The wording of the bill is :

Insert sub-clause (c) in section 5 :

"One member elected by the holders of the entire alienated villages, if any, within the taluka from amongst their own number, if there is but one such holder in the taluka, such holder himself or his representative."

What a ridiculous thing on earth that one person who has got the right of voting should come and occupy the seat on his own strength and deprive others of a seat, although their number is several hundred times his number. Surely he should have no such right. Formerly such a member entered the board simply because he had a certain landed estate: he entered without any voting or polling. Now, let us see the provisions of the Act of 1923. In the old Act of 1884, there were several forms of rights which enabled a person to vote. A person was qualified to vote if he was a graduate or had passed the vernacular final examination. All these qualifications were abolished by the Act of 1923, and one uniform basis was adopted. A person who paid a certain minimum of land revenue was entitled to vote and to stand as a candidate. All other qualifications were abolished. I beg to submit that there can be no better Act than the one which is at present in force, namely, the Act of 1923. These inamdars, however numerous their number may be throughout the presidency, however large their estates may be, should not have the right to come in through a special constituency simply because they have large landed estates.

For the information of the honourable mover, I may be allowed to state that in this presidency there are many persons who hold landed estates bigger than the landed estates of the inamdars. That being the case, why should they not be allowed to come in through a special constituency, if the inamdars are to be so allowed. I say that there are several persons holding thousands and thousands of acres of land individually and paying more land revenue than some of the inamdars. If the principle of a special constituency is allowed for inamdars, the class of persons I have referred to, will make a representation to this Council, and tell us: "You have given the right to an inamdar to come in simply by his own vote. Why should not we come in? We get as much income and we pay as much land revenue to Government as some of the inamdars." Certainly, Sir, this will give wide room for other classes of persons to make a claim for special representation based on size of estate or on income of land. I hold this claim not to be less imaginery than the claim of the inamdars which is being trotted out. I beg to submit, Sir, that the salutary principle of the present Act, namely, that the right to vote depends on the liability to pay a minimum amount of land tax, and the right to be a candidate for election depends on the right to a vote should not be departed from in the case of the inamdars. Therefore, on these grounds I oppose most strongly the first reading of this bill.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the first reading of this bill. My honourable friends who have preceded me seem to think that it is only the masses who should be represented on the local boards and that the rights of the talukdars should be ignored. Sir, they fail to remember the fact that there is already a separate institution which has special representation on the Council, that is the Millowners' Association. When such an association as the Millowners' Association, which is a millionaires' association, is represented on the Council.

Mr. G. I. PATEL: I rise to a point of correction. There is no representation for the millowners on the local boards.

The Honourable the PRESIDENT: The honourable member Mr. G. I. Patel contradicts the honourable member. He says there is no special representation for the millowners on the local boards.

Khan Saheb A. M. MANSURI: They have it in the Legislative Council. If that is so, why should there not be the same kind of representation for the talukdars and inamdars on the local boards? It is these inamdars who hold very large amounts of land, hundreds of acres, and if these people are not represented on the local boards as the millowners are in the Legislative Council, then there would be nobody to look after the roads and wells. It is these people who contribute very largely towards famine relief and such other matters. Sir, I remember an incident in the Broach district, where crops were being damaged and ruined by some kind of insect pest. In this case, the inamdar, Sardar Syed Ali El Edroos came down to Poona all the way from Surat, and there he learnt of a remedy from the Agricultural Department to destroy the insect pest.

The Honourable the PRESIDENT: What has that to do with the bill?

Khan Saheb A. M. MANSURI: I want to show how the inamdars serve the public.

The Honourable the PRESIDENT: This is a question of their representation on the local boards.

Khan Saheb A. M. MANSURI: What I want to point out to this House is that these people, when occasions arise, at their own expense do service to the public, and it is necessary in the interests of the ryots, of the public and especially of the cultivators that these inamdars should have separate representation on the local boards just as the millowners have separate representation in the Legislative Council.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support the first reading of this bill. I am really surprised to see such a strong opposition to the bill from some of the honourable members. I think those honourable members who have opposed this bill have not rightly understood the principle of democracy, because, Sir, we are not privileged people like the Chiefs, the Rajas and Maharajas, whose matters cannot be discussed in this honourable House. The inamdars are not privileged people; they are part and parcel of democracy, because they pay local

[Mr. S. A. Sardesai]

fund cess just like the ordinary rate-payers, and it is the most ridiculous thing on the face of this earth to say that those who contribute to the public revenue should not have any representation on the taluka and district local boards. Sir, they should not be neglected on any account, considering the revenue they contribute to the public exchequer,—more than Rs. 90 lakhs including the talukdari assessment. There are more than two thousand alienated villages scattered over the three Divisions of the Presidency. In the Act of 1884, Government had rightly thought out the matter and had secured representation for this class of people on the taluka and district local boards, and it was entirely on a wrong principle that this representation was taken away from them. Is there any country in the whole world where the people who greatly contribute to the Government revenue and are not allowed to take part in local affairs? I say that it is a ridiculous thing to take up such an attitude. Sir, this bill seeks only for representation for the inamdars in taluka and district local boards, and it is just that the Government members and other non-official members should wholeheartedly support the bill.

The THAKOR of AMOD (Northern Division): Sir, I support the first reading of the Bill. It had fallen to my lot to protest against depriving the privilege of inamdar to elect one member for the seat of the taluka local board from amongst themselves in 1923 when new Act was passed. I had done all that could be done to safeguard the interest of the constituency I then represented but the official feelings were quite on the otherside and the result was that those who believed in democracy got an opportunity to make their cause strong enough to do away the right of inamdars.

There are more than two thousand inami villages in the three Divisions and it was quite proper that the holders of inami villages were given right since 1884 and they enjoyed that right for about forty years. I have never heard that during the period they had misused the power. My honourable friend Mr. Swaminarayan has misunderstood the case. This is merely for inamdars. Talukdars have never cared for such right and so far as they are concerned they are out of in field. These grievances are of inamdars; and when so many constituencies have been brought under existence since new reform who send representatives to the Council, I cannot understand why these Inamdars should be deprived of their rights to send one member to the taluka local board.

I agree that at some places like N. D., inamdars will be few and if the first reading has the approval of the Council I think some amendment may be needed to the effect that inamdars must have right to send at least one representative to the district local board. With these words I support the first reading.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I never thought that the Thakor Sahab was so serious as he appears to be to-day. The only point, and I think the House would do well to consider that point, is, have these inamdars discharged their duties before the present Act of 1923 came into force? Did they utilise the right that the old Act

[Mr. Noor Mahomed]

conferred upon them? Did they do anything on the local boards? Did they do anything to protect their own interests or the interests of other people? Now, Sir, in Sind these inamdars considered the local boards to be something on which their servants should sit. They never cared to go and attend the meetings of the local boards. That was the feeling and that was the practice generally up to 1923. That being so, it is really strange that within two years of the passing of the Act, this bill should be brought before the House. Now, Sir, the point is this, that under the new reforms, under the new Act, they find their position somewhat awkward. They think that they should not go to their tenants and ask for their votes, but that the tenants should, in their submissiveness, come on their bended knees to them with votes. They should realise that the old days have passed away, and if they perform their duties properly, they will have the votes of the people. But the mentality of the inamdars is such that they think it a disgrace to go to the district local boards; that is a place where they should send some servant of theirs—their representatives—as this bill wants. That sort of mentality cannot be tolerated, and I therefore trust that the House will throw out this bill.

The Honourable the PRESIDENT: There are several honourable members who wish to speak on the bill. It is 3 o'clock. I will therefore adjourn the House to 1-30 p.m., to-morrow, Wednesday, the 4th August 1926.

4 Aug. 1926]

Wednesday, the 4th August 1926

The Council re-assembled at the Council Hall, Poona, at 1-30 p.m., on Wednesday, the 4th August 1926, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb

ABDULPURKAR, Mr. N. A.

ADAM, Mr. C. G.

ADDYMAN, Mr. J.

ADWANI, Mr. D. B.

AHMAD, MOULVI RAFIUDDIN

ANDERSON, Mr. F. G. H

ANGADI, Rao Bahadur S. N.

BALAK RAM, Mr.

BEDREKAR, Khan Bahadur I. M.

BHOPATKAR, Mr. L. B.

BHUTTO, Khan Bahadur S. N.

BIJARANI, Khan Saheb SHER MAHOMED KHAN

BOLE, Mr. S. K.

BUNTER, Mr. J. P.

CHATFIELD, Mr. G. E.

CHAUDHARI, Mr. L. S.

COOPER, Khan Bahadur D. B.

DABHOLKAR, Sir VASANTRAO A.

DADACHANJI, Dr. K. E.

DALAL, Mr. A. R.

DALVI, Mr. B. K.

DEHLAVI, the Honourable Mr. A. M. K.

DESAI, Rao Saheb D. P.

DEV, Mr. S. S.

DUGUID, Mr. A.

FERNANDEZ, Dr. COSMAS

FRAMJI, Mr. K. S.

GANDHI, Mr. C. M.

GHULAM HUSSAIN, the Honourable Sir

GUNJAL, Mr. N. R.

HAJI KHAMISO GUL MAHOMED

HAMID M. ABDUL ALI, Mr.

HARRISON, Mr. R. T.

HATCH, Mr. G. W.

HOTSON, the Honourable Mr. J. E. B.

JADHAV, the Honourable Mr. B. V.

JEHANGIR, the Honourable Mr. COWASJI

JOG, Mr. V. N.

JOSHI, Mr. P. J.

KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KAY, Mr. J. A.
KHUHRO, Mr. M. S.
KOTHARI, Mr. V. R.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
LOWSLEY, Mr. C. O.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
McKEE, Mr. W. G.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NEKALJAY, Mr. R. S.
NOOR, MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PARANJPYE, Dr. R. P.
PATEL, Mr. A. E.
PATEL, Mr. G. I.
PATHAN, Khan Bahadur JAN MAHOMED KHAN
PATHAN, Mr. A. F. I. K.
PATIL, Mr. D. R.
Pir RASULBAKSH SHAH, Khan Saheb
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKERSI, Mr.
RAHIMTOOLA, Mr. HOSENALIY M.
RIEU, the Honourable Mr. J. L.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAI, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR of Amod, the
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WEBB, Mr. M.
WINTERBOTHAM, Mr. G. L.
WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

SCHOOLS IN SHOLAPUR DISTRICT

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state how many villages having a population of—

(i) one thousand, and

(ii) five hundred

each respectively in the Sholapur District have no Government vernacular primary schools ?

The Honourable Mr. B. V. JADHAV : (i) 2.

(ii) 57.

N.B.—Vernacular primary schools in villages are maintained by District Local Boards and not by Government.

GOVERNMENT WORKSHOPS

Mr. J. ADDYMAN (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that Government have, from time to time, placed orders with workshops or factories under Government control at a price considerably higher than quoted by private firms ;

(b) if so, what are the reasons therefor ?

The Honourable Sir GHULAM HUSSAIN : Enquiries are being made.

Mr. J. ADDYMAN : I would like to ask, Sir, whether the reply to my question is likely to be received by me before the close of this session or in due course by letter after the session.

The Honourable Sir GHULAM HUSSAIN : If not received, it will be forwarded to the honourable member.

GOVERNMENT CENTRAL PRESS : MR. JOSHI

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

(a) whether Mr. Joshi who was in charge of the Government Central Press was living within the limits of Bombay ;

(b) whether he was drawing extra allowance that is meant for persons residing outside the prescribed Bombay limits ?

The Honourable Mr. COWASJI JEHangIR : (a) Mr. Joshi was not in charge of the Press but he was First Assistant Manager. He was living within the limits of Bombay.

(b) No.

TEACHERS : TRANSFER OF

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

(a) whether it is a fact that Mr. Rajaram J. Sawant, a teacher of the Katkari school at Vile, taluka Mangaon, district Kolaba, received an order for transfer to the school at Murbhintad on the 28th May 1926 ;

(b) whether it is a fact that the school teacher at Murbhintad was transferred to Mandad ;

(c) whether it is a fact that Mr. Sawant after joining the school at Murbhintad was asked by another order to join the school at Mandad ;

(d) whether it is a fact that the order of transfer of the teacher at Mandad who is a Brahmin was cancelled ;

(e) if so, why ;

(f) who is the deputy educational inspector in the Kolaba district and what is his caste ?

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

SUBORDINATE SERVICE MEN OF THE EDUCATIONAL DEPARTMENT
ACTING IN THE BOMBAY EDUCATIONAL SERVICE

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to place on the table a list of the men in the subordinate service in the Educational Department officiating in the Bombay Educational Service with the following particulars—

(a) date of officiating appointment in the Bombay Educational Service ;

(b) pay with allowances (duty allowance, etc.) in the Subordinate Educational Service at the time of selections to the Bombay Educational Service ;

(c) starting pay in the Bombay Educational Service ;

(d) rate of annual increments in the Subordinate Educational Service ;

(e) rate of annual increments in the Bombay Educational Service ;

(f) total period of service in the Bombay Educational Service ;

(g) present pay ;

(h) the salaries these officers would have got if they were given annual increments at the rate fixed for the Bombay Educational Service ?

The Honourable Mr. B. V. JADHAV : A statement giving the required information as compiled in the beginning of March is placed on the Council table.*

Rao Saheb D. P. DESAI : How is it that the members who were appointed to officiate in 1921 have not been confirmed even up to now ?

The Honourable Mr. B. V. JADHAV : The confirmation has been held over pending the transfer of the vernacular department to the district local boards.

* Vide Appendix No. 57.

**MEMORIAL BY THE PEOPLE OF NAWAPUR TALUKA IN
WEST KHANDESH**

Mr. S. S. DEV (West Khandesh District): Will the Honourable Member in charge of the Revenue Department be pleased to state—

(1) whether it is a fact that five or six months back he received a memorial from the people of Nawapur taluka, urging among other things—

(i) that land revenue in Nawapur taluka be collected by instalments in January and March;

(ii) that lands held by Mavachis and Vasavas under the new tenure be converted into old tenure;

(iii) that absolute ownership over trees by them be recognised;

(iv) that the grievance of the people in the matter of mowra flowers be redressed;

(v) that old bandharas be repaired and new ones be built;

(vi) that grazing facilities be afforded;

(vii) that good forest lands be converted into agricultural numbers;

(viii) that gaathan plots in Nawapur be sold at eight annas per square yard and not at higher rates;

(ix) that lands newly brought under cultivation be permanently assigned and not merely leased;

(x) that Nawapur taluka be transferred from West Khandesh to Surat district as the population of the taluka is mostly Gujarati-speaking?

(2) If so, what action Government has taken or proposes to take in the matter?

The Honourable **Mr. J. L. RIEU**: (1) No such memorial has been received.

(2) Does not arise.

**NOTICES AGAINST PERSONS WHO HAD COMPLAINED OF TORTURE
BY POLICE IN EAST KHANDESH**

Mr. S. S. DEV (West Khandesh): Will Government be pleased to state, a few days before the current session (February-March 1926) of this Council is over,

(1) the date on which the District Magistrate of East Khandesh issued notices under section 476 (1) of Criminal Procedure Code against persons who had complained of torture by the police at Mehunbars?

(2) the number of persons against whom such notices have been issued?

The Honourable **Mr. J. E. B. HOTSON**: (1) Notices were issued on different dates: six were issued on 26th February, one on 9th March and three on 27th March 1926. Of these, two notices which were issued on 26th February and 27th March were not served and fresh notices were therefore issued on 6th March and 17th April 1926.

(2) Ten.

Mr. S. S. DEV : So, the cases were not sub-judice on the 25th of February last as the honourable member then in charge stated they were ?

The Honourable Mr. J. E. B. HOTSON : The cases are still sub-judice.

Mr. S. S. DEV : I say the cases are sub-judice to-day, but they were not so on the 25th February last, when the honourable member then in charge said that they were.

The Honourable Mr. J. E. B. HOTSON : I presume, if they are still sub-judice, that they could not have been decided on the date the honourable member mentions.

Mr. S. S. DEV : I will make myself clear. In reply to a question of mine, on February 25th 1926 it was said by the honourable member then in charge that these cases were sub-judice. I say the first notice appears to have been issued on the 26th February. Therefore, I say presumably it is not true that on the 25th February the cases were sub-judice.

The Honourable Mr. J. E. B. HOTSON : The fact is that orders had been given that such notices should issue. Government believed that the notices had issued, but as a matter of fact, they did not issue until some later date. The answer given by my honourable friend Mr. Rieu was not actually in words correct, but in substance it was correct.

WAITING ROOMS IN GOVERNMENT OFFICES

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they are aware that great inconvenience is felt by the civil and military pensioners and others who come to the Collector's Office in Poona on public and private business, owing to there being no waiting room ;

(b) whether they are aware that this inconvenience exists to a greater or less extent in many of the mofussil Government offices ;

(c) if so, what action they propose to take to remove the grievance ?

The Honourable Mr. J. L. RIEU : (a) The existing arrangements are not inadequate. However, some more sitting accommodation is being provided.

(b) and (c) Already answered.

Mr. A. N. SURVE : May I enquire, if the existing arrangements are not inadequate, why more accommodation is being provided ?

The Honourable Mr. J. L. RIEU : The fact is that on certain occasions when a great number of pensioners come to receive the payment of their pensions, there is extra pressure on the accommodation and it is insufficient then ; but on ordinary occasions it is sufficient. However, in order to provide for those special occasions we are providing extra accommodation.

Mr. A. N. SURVE : May I enquire in what month the overcrowding occurs ?

The Honourable Mr. J. L. RIEU : For the first two or three days in each month.

PRIMARY TEACHERS HOLDING SCHOOL FINAL OR MATRICULATION
CERTIFICATES

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(a) whether there is any difference between a teacher holding school final and secondary teacher's certificates and a teacher holding school final and third year training college certificates ?

(b) If so, what better prospects there are for vernacular trained teachers holding school final or matriculation certificates than for ordinary trained teachers ?

The Honourable Mr. B. V. JADHAV : (a) A teacher holding the school final and secondary teacher's certificates was formerly given one advance increment in the scale of undergraduate assistant masters in secondary schools, but this concession has now been disallowed in the case of new recruits. No distinction as regards pay or any other matters is made at present between the two classes of trained teachers referred to.

(b) A trained teacher who has obtained the school final or matriculation certificate has usually a better chance of being appointed as an Assistant Deputy Educational Inspector than an ordinary trained teacher.

Mr. V. N. JOG : May I know why the concession which was formerly allowed has been discontinued ?

The Honourable Mr. B. V. JADHAV : For administrative convenience.

TALATIS

Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

- (a) the total number of talatis in Poona district ;
- (b) how many of those are held by non-Brahmins ;
- (c) whether the number held by non-Brahmins is below 50 per cent. ;
- (d) if so, what steps are being taken by Government to bring the number up to 50 per cent. ?

The Honourable Mr. J. L. RIEU : (a) 336.

(b) 14.

(c) Yes.

(d) In making appointments to posts of talatis, the orders relating to the recruitment of backward communities for Government service issued from time to time are to be applied, subject to the limitations of the agreement for commutation of service between Government and Watandar Kulkarnis, in accordance with which appointments of Talatis are to be made from among such watandars.

Mr. A. N. SURVE : May I enquire the number of kulkarnis whose watans are to be commuted ? I refer to part (d) of the answer.

The Honourable Mr. J. L. RIEU : The commutations have already taken place.

REGIMENTAL SCHOOLS

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

- (a) whether it is a fact that the education, primary and secondary, in regimental schools is inferior as compared with that in civil schools ;
- (b) if so, whether they are aware that the sons of military officers are put to great inconvenience at the time of changing schools ;
- (c) what steps they intend to take to remove such trouble and inconvenience ?

The Honourable Mr. J. L. RIEU : The subject matter of the question is not within the cognizance of this Government.

THE KARNATAK COLLEGE PLAYGROUND

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

- (a) whether the Dharwar Karnatak College has a playground ?
- (b) whether the other Government colleges in the presidency have been provided with playgrounds ?
- (c) if the answer to (a) is in the negative, whether they intend to provide the said college with a playground ?

The Honourable Mr. B. V. JADHAV : (a) and (c) Yes, but the playground provided for the college requires improvements to make it suitable for games. The question of improving the playground has already been taken up. The ground has been levelled and cleared at an expense of more than Rs. 17,000. The question of further improvements to the ground which are estimated to cost Rs. 11,334 depends on the provision of funds.

(b) Of the remaining eight Government Colleges, five have playgrounds while the remaining three have not. This reply refers to colleges controlled by the Educational Department.

BACK BAY RECLAMATION : COST OF SEA WALL

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

- (a) how much of the sea wall has been constructed till now ;
- (b) how much remains to be constructed ;
- (c) what is the total estimated cost of the whole sea wall ;
- (d) what actual expenditure has been incurred till now on the sea wall ;
- (e) what is the remaining estimated expenditure for finishing the remaining part of the sea wall ?

The Honourable Mr. COWASJI JEHangIR : (a) 19,694 feet concreted complete.

(b) 1,884 feet.

(c) The amount included in the sanctioned project estimate for the whole of the sea wall is Rs. 1,01,85,439. It is now estimated that the actual cost will be Rs. 79,42,176.

(d) The expenditure on the sea wall up to 31st March 1926 is Rs. 69,52,965.

(e) The estimated expenditure on the remaining part of the sea wall is Rs. 9,89,211.

PRIMARY EDUCATION ACT : LOCAL AUTHORITIES

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

(a) the number and names of the municipalities that have been declared or are regarded as local authorities under the Primary Education Act in this Presidency;

(b) how many and which of these local authorities have appointed school boards under the Primary Education Act;

(c) how many of these local authorities have appointed administrative officers?

The Honourable Mr. B. V. JADHAV: Information is being collected, and will be given to the House before the end of the present Session.

TEMPLES AND MOSQUES IN KANARA

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) the number, the name and place of location of temples and mosques in each of the talukas and pethas of Kanara existing and getting cash allowance (Tasdik) from Government when the Religious Endowments Act (Act No. XX of 1863) was applied to Kanara by them together with the amount of Tasdik each of them got;

(b) whether any of them have ceased to exist since then? If so, which are they and since when have they ceased to exist?

(c) in the case of those which have ceased to exist what has become of the cash allowances received by them;

(d) whether the cash allowance of any of them has lapsed to Government since then? If so, of which of them and since when?

(e) the reasons for the lapse in each case;

(f) the reason for the payment of Tasdik to temples and mosques by Government and the basis on which the amount of Tasdik was fixed by Government?

The Honourable Mr. J. L. RIEU: (a) A copy of the List of Cash Alienations in the Kanara Collectorate as they stood on 1st July 1886 with a few additions subsequently made is laid on the Council Table. Information prior to 1886 other than that contained in the List is not available. A statement* of cash allowances of temples, which have been struck off the cash alienation List of the district as they lapsed to Government is also placed on the Council Table.

(b) There is no information forthcoming on this point. The list of allowances which have lapsed to Government is appended [*vide* reply to clause (a)]. The remaining temples and their allowances as per printed List are borne on the list of cash allowances now paid by Government.

* Kept in the Secretary's Office.

- (c) A list of those which have ceased to exist is not available ;
- (d) *Vide* statement referred to in clause (a) above.
- (e) The reason is that they remained unclaimed for a very long time.
- (f) Government found payments being made by occupants to temples and mosques, the occupants having a prescriptive right to corresponding remissions of land revenue. Government abolished the remissions and paid the allowances direct.

TRANSFERS OF EXCISE INSPECTORS AND SUB-INSPECTORS

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

- (a) how many transfers of Excise Inspectors and Sub-Inspectors were made from September 1925 to November 1925, with the reasons for each transfer ;
- (b) how many of them were transferred from one Division to another Division ;
- (c) what was the cost incurred for travelling allowance ;
- (d) whether these transfers were necessary in the interests of the public service ;
- (e) the names of the officers who have been stationed in one place for more than five years, giving the period for which they have stayed in one place and the reasons for their being kept in one place for so long a period ?

Honourable Mr. A. M. K. DEHLAVI: (a) In all 88 transfers of Excise Inspectors, Assistant and Sub-Inspectors were made from September to November 1925, out of which 79 transfers were ordered in order to adjust the re-organised staff to the altered charges, on account of the re-organization of the subordinate excise staff involving a decrease in the number of Inspectors and an increase in the number of Assistant and Sub-Inspectors. Five transfers were made for other administrative reasons and 4 officers had to be transferred on account of acting promotions obtained by them.

(b) There are no divisions. Excise officers are liable to be transferred to any part of the Presidency proper.

(c) Rs. 5,842-9-0.

(d) Yes.

(e) The subjoined table gives the information required :

Name.	Station.	Date of posting.
1. Khan Saheb Kuverji Darasha	Bombay.	12th November 1903.
2. Mr. K. E. Kothawala	.. Do.	4th March 1915.
3. Mr. N. C. Cama ..	.. Do.	1st October 1907.
4. Mr. A. Vaz ..	.. Do.	26th June 1916.
5. Mr. R. B. Chinoy ..	.. Do.	2nd September 1919.
6. Mr. P. J. Hudson ..	.. Do.	1st October 1907.
7. Mr. M. S. Navalkar	.. Do.	29th January 1920.
8. Mr. F. P. Patel ..	.. Do.	31st July 1916.
9. Mr. B. A. Patil ..	.. Do.	1st August 1917.

Some of these officers have been retained on account of special training and others on account of their special experience of the Bombay City

and their knowledge of traffic in cocaine, opium and charas smuggling in the City.

MAMLATDARS

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

- (a) the present scale of pay of the post of a mamlatdar ;
- (b) when it was last revised ;
- (c) what was the scale of pay before the revision ;
- (d) the duties of a mamlatdar ;
- (e) his prospects in service ;
- (f) the qualifications required for a mamlatdar ?

The Honourable Mr. J. L. RIEU: (a) The present scale of pay of mamlatdars is as follows:—

	Rs.
First Grade	275—15—350
Second Grade	200—15/2—260.

(b) The scale was last revised in 1921 with retrospective effect from 1st April 1920.

(c) The scale of pay before the revision was as follows:—

	Rs.
1st Grade	250
2nd Grade	225
3rd Grade	200
4th Grade	175
5th Grade	150

(d) A mamlatdar is an officer of the Revenue Department in executive charge of the administrative area known as a taluka. He is in charge of the taluka treasury and exercises important magisterial powers, not infrequently those of the First Class, and on the Civil side has a wide jurisdiction in the grant of assistance to landlords in the recovery of their rents and the decision of summary possession suits under the Mamlatdars Courts Act.

(e) The best of Mamlatdars have the prospects of being promoted to the rank of Deputy Collectors.

(f) Mamlatdars form part of the Executive Branch, Lower Division, of the Bombay Provincial Civil Service and are appointed by Commissioners of Divisions concerned by selection from qualified members of the Subordinate Revenue Service, Upper Branch, on consideration of merit, seniority and public expediency. Rules regulating admission to, and promotion in, the subordinate Revenue Service are published in Government Notification No. 1144—24 dated 1st October 1925 printed at pages 2621 and 2622 of the *Bombay Government Gazette*, Part I, dated the 8th idem.

R. C. HIGH SCHOOL, AHMEDABAD: ADMISSIONS

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

(a) whether they are aware that admission into the R. C. High school is given preferably and mainly to those boys who reside in

the hostel, thus barring the local students of Ahmedabad from admission into such a model institution;

(b) whether it was the intention of the donor, R. B. Ranchhodlal Chhotatalal after whom the high school has been named to debar local residents of Ahmedabad from admission into the school;

(c) if not, why this preferential treatment is given to outsiders?

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

Khan Saheb A. M. MANSURI : May I know from the honourable Minister as to how many questions there are for which the same reply has been given?

The Honourable Mr. B. V. JADHAV : If notice is given I shall find out.

ALLOWANCES IN VILLAGES FOR POSTAL DUTIES

Mr. R. S. NEKALJAY : Will Government be pleased to state—

(a) whether it is a fact that school teachers in the villages receive allowances for doing additional duties in connection with the post office, whereas the work of delivery of letters is taken from Watandar Mahars;

(b) whether any trained teachers from the depressed classes are given such postal work? If so, how many; if not, why not?

The Honourable Mr. B. V. JADHAV : (a) Yes; the work of delivery of letters is not however taken from Watandar Mahars.

(b) Yes, three.

LLOYD BARRAGE : DRAGLINE EXCAVATORS

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state the rate of excavation by the dragline operators in the North-Western Circle and Rohri Canal Circle of the Lloyd Barrage respectively?

The Honourable Mr. COWASJI JEHangIR : The information has been called for.

PUBLIC SERVICE

The Private Secretary to His Excellency the Governor's letter to the Sind Hindu Association

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether in the letters addressed by the Private Secretary to His Excellency the Governor of Bombay to the Sind Hindu Association in December last referred to in the *Times of India*, dated 16th April 1926, it was stated that the total number of votes given by Mr. Pahalajani were 9 per cent. for Government and 91 per cent. against Government; by Mukhi Jethanand were 14 per cent. for Government and 86 per cent. against Government; by Maharaj Ojha were 21 per cent. for Government and 79 per cent. against;

(b) whether Government based their considerations for appointing and promoting persons for higher posts in the public service in Sind

or in the Presidency on the number of votes cast by elected members of the Legislative Council in favour of and against Government. If not, to state reasons for making such a statement in the said letter ;

(c) whether they would be pleased to place on the Council table copies of these letters along with the papers bearing on the subject ?

The Honourable Sir CHUNILAL MEHTA : (a) and (c) Attention of the Honourable Member is invited to the copy* of the letter placed on the Council table.

(b) No. No such statement was made in the letter in question.

Mr. G. I. PATEL : With regard to Appendix 58, may I know the reasons for making the statement contained in paragraph 2, viz., that during the last two years Mr. Adwani has voted against Government seventy times and for Government once.

The Honourable Sir CHUNILAL MEHTA : All the information the honourable member wants is contained in that letter.

Mr. P. G. JOSHI : May I know whether Mr. Adwani and Mukhi are members of the Sind Hindu Association, Hyderabad ?

The Honourable Sir CHUNILAL MEHTA : I don't know.

Mr. P. G. JOSHI : If the honourable member is not aware that the members were not members of the Association I would like to know how the actions of Mr. Adwani and Mukhi are made binding upon the association.

The Honourable Sir CHUNILAL MEHTA : They are not made binding.

Mr. P. G. JOSHI : Then why is it made a ground of complaint against the representation of the Sind Hindu Association ?

The Honourable Sir CHUNILAL MEHTA : I am unable to follow the honourable member's question.

Mr. P. G. JOSHI : My question is if these two gentlemen are not members of the Association.....

The Honourable Sir CHUNILAL MEHTA : We do not know whether they are or they are not.

Mr. P. G. JOSHI : If you are not aware then they are not.

The Honourable the PRESIDENT : The assumption does not arise from the reply.

Mr. G. A. THOMAS : I rise to a point of order. The letter in question was not written by an officer of Government ; it was written by the Private Secretary to His Excellency the Governor. Can his conduct be discussed by this Chamber ?

The Honourable the PRESIDENT : His Excellency personally cannot be discussed by this House.

Mr. C. M. GANDHI : In the last sentence of the letter it is stated " it is only right that your Association should be made aware of the feeling which exists ". May I know where the feelings exist ?

The Honourable Sir CHUNILAL MEHTA : I cannot interpret that sentence.

Mr. C. M. GANDHI : Is it in the office of the Private Secretary ?

The Honourable Sir CHUNILAL MEHTA : No.

Mr. B. G. PAHALAJANI : Is it the feeling of Government ?

The Honourable Sir CHUNILAL MEHTA : No.

Dr. R. P. PARANJPYE : Do Government keep a classified list of all classes of members as to the way they voted ?

The Honourable Sir CHUNILAL MEHTA : A record of course is kept in the Council proceedings.

Dr. R. P. PARANJPYE : Is that classified just like that of the three Sind Amil members were classified ? Is there for instance a classified list of votes for Marathas, Brahmin members and so on ?

The Honourable Sir CHUNILAL MEHTA : No. Not in all such detail.

Mr. G. I. PATEL : With regard to the first three lines on page 27 "to select their servants rather from among those who are its supporters than from those whose representatives have been its most inveterate opponents". May I know whether this is the policy of Government ?

The Honourable Sir CHUNILAL MEHTA : All I can say is that the lines which the honourable member has read are portions of the sentence which says "It has been consequently suggested that in making appointments to Government service, and specially in making higher appointments....."

Mr. G. I. PATEL : Is this the policy of Government ?

The Honourable Sir CHUNILAL MEHTA : The policy is already mentioned in the last paragraph of the same letter where it is stated : "it must not be understood that Government in making such appointments has been actuated by any considerations with respect to the action taken in the Legislative Council by your representatives".

Mr. R. D. SHINDE : May I know why this particular community is called bureaucratic community ?

The Honourable Sir CHUNILAL MEHTA : I understand that the Amils are in a large majority of cases in Government service.

Mr. G. B. PRADHAN : Who suggested this policy ?

The Honourable Sir CHUNILAL MEHTA : I am unable to say.

Mr. R. D. SHINDE : Is there a similar section in the presidency proper ?

The Honourable Sir CHUNILAL MEHTA : I am not aware of that.

Mr. S. S. DEV : If the voting of these Sind members does not and has not influenced Government, with what object are the details given there ?

The Honourable Sir CHUNILAL MEHTA : I am unable to answer that question.

Mr. P. G. JOSHI : Is the Government aware that only Mr. Adwani belongs to the Amil class and not the other two members mentioned ?

The Honourable Sir CHUNILAL MEHTA : I am not aware of that.

Mr. V. N. JOG : Do Government think that honourable members should not be free to vote as they like ?

The Honourable Sir CHUNILAL MEHTA : Government consider that honourable members are perfectly free to vote as they desire.

Dr. R. P. PARANJPYE : Do Government consider that those who vote against Government are their inveterate enemies ?

The Honourable Sir CHUNILAL MEHTA : No.

Mr. NOOR MAHOMED : Is it not a fact that in spite of the letter in question members of the Amil community still continue to get Government appointments in the Barrage, Excise, Revenue, Police and Forest departments in Sind ?

The Honourable Sir CHUNILAL MEHTA : Appointments are made from all communities.

Mr. NOOR MAHOMED : Mostly from the Amil community ?

The Honourable Sir CHUNILAL MEHTA : I should like to verify that. However, I think a great proportion goes to that community.

Mr. P. G. JOSHI : Why does this Amil community still continue in office then ?

(No reply.)

Mr. G. I. PATEL : What is the nature of this feeling and with whom does it exist to-day ?

The Honourable Sir CHUNILAL MEHTA : With regard to the nature of this feeling, if the honourable member has not discovered what that feeling is from reading that whole letter I am afraid I cannot throw any more light. With regard to the question as to with whom it exists, I am unable to say.

Rao Bahadur S. N. ANGADI : Do not Government desire that the appointments should be distributed according to the proportion of population ?

The Honourable Sir CHUNILAL MEHTA : Government have already stated the manner in which they are making appointments to the public services.

WHARF AT URAN

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether they have received any petitions from, or resolutions passed at a public meeting of, the inhabitants of Uran urging on Government the necessity of building a wharf at that place for the embarkation and disembarkation of passengers ; and, if so, what steps, if any, have been taken or are proposed to be taken in the matter ;

(b) separately the amounts of revenue derived by them each year

from the inhabitants of Uran from country liquor, salt and other commodities, as also from the tolls levied at the Bunder for each passenger ;

(c) the amount, if any, spent annually or periodically for giving necessary facilities to the passengers of the place ?

Honourable Mr. J. L. RIEU : (a) No petition has been received by Government. Copies of the resolutions passed at a public meeting held at Uran on 13th March 1926 have been received. Full consideration was given to the question before the meeting was held. Government do not propose to take any steps in the matter.

(b) and (c) The information for the last three years is contained in the appended statements.*

2. The income of about Rs. 3,800 a year from the landing and wharfage fees collected at the place is not sufficient to cover interest and sinking fund charges on even a fraction of the capital required for the construction of a suitable pier.

Mr. G. B. PRADHAN : Does the question depend solely on the provision of funds or on any other factors ?

The Honourable Mr. J. L. RIEU : On the provision of funds.

Mr. G. B. PRADHAN : Considering that Government have been collecting landing and wharfage charges, do they not think that at least the wharf should be extended if a pier cannot be built ?

The Honourable Mr. J. L. RIEU : The sum available is so small that we cannot provide money for any extension of the existing arrangements.

Mr. G. B. PRADHAN : If the Honourable the Revenue Member will refer to the appendix No. 59, he will see that the landing and wharfage amount collected was Rs. 3,429 in 1923-24 and Rs. 3,807 in 1924-25, whereas the amount spent is only Rs. 426-14-0 in 1923-24 and Rs. 10 in 1924-25. Do Government think that they cannot extend the wharf if they cannot construct a suitable pier for the convenience of passengers ?

The Honourable Mr. J. L. RIEU : A small sum is being accumulated every year. When those accumulations reach a substantial amount, it may be possible to construct a suitable pier, not until then.

Mr. P. G. JOSHI : What is the number of passengers embarking and disembarking at the Uran bunder during a year ?

The Honourable Mr. J. L. RIEU : I am unable to give the number, but I believe it has fallen off considerably of late years since the distillery at Uran was shut down.

Mr. P. G. JOSHI : What is the population of Uran bunder ?

The Honourable Mr. J. L. RIEU : I cannot say.

Mr. HOOSEINBHAY A. LALLJEE : Is there no necessity of a wharf there ?

The Honourable Mr. J. L. RIEU : There is, undoubtedly, a desirability but it is not a necessity.

PROVIDENT FUND FOR PRIMARY TEACHERS AT AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether the Ahmedabad municipality has submitted to Government for sanction a scheme of proportionate pension and provident fund for the primary teachers serving under the municipality;

(b) whether the sanction asked for by the Ahmedabad municipality has been accorded. If so to give the date of their sanction along with the date of the receipt of the scheme from the municipality; if not, the reasons for not according sanction?

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

(b) The Municipality's scheme is under the consideration of Government.

Mr. G. I. PATEL: With regard to (b), why has no date been given?

The Honourable Mr. B. V. JADHAV: It has been omitted by oversight. The date of the sanction was asked for and as the matter is under consideration, the date could not be given.

EDUCATIONAL SCHEMES OF THE AHMEDABAD MUNICIPALITY

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state whether it is a fact that in the Administration Report of the School Board of the Ahmedabad Municipality adopted unanimously by the General Board of the Municipality during the month of May the following statements are recorded under the heading "Pending correspondence"—

1. "The Municipality has submitted to Government for sanction its own scheme of salaries to be paid to various grades of teachers in April 1924. More than half a dozen letters have been addressed but Government sanction has not yet been received. This naturally creates discontent among the teachers who have got no increment since 1922."

2. "The Municipality has prepared the complete scheme of compulsory education and submitted it to Government in October 1925 but the sanction has not yet been received."

The Honourable Mr. B. V. JADHAV: Information has been called for.

BACK BAY RECLAMATION SCHEME

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) the approximate amount of profits which they expected to realise from the Back Bay Reclamation Scheme before the scheme was undertaken;

(b) the approximate amount of loss on the scheme till June 1926;

(c) whether their policy now is that such schemes of developing large cities should not necessarily be based on dividend paying basis?

The Honourable Mr. COWASJI JEHangIR : (a) Though a profit was regarded as assured, its amount was considered to be a matter of conjecture and no definite estimate of it was framed.

(b) With regard to the probable loss on the scheme, the honourable member is referred to the second *ad interim* report of the Advisory Committee dated 26th January 1926 dealing with the Back Bay Reclamation Scheme. The statements in that report give the probable loss, as estimated by the Committee, on the basis of the dredging results obtained in the season, 1924-25. The dredging results of the season, 1925-26, which are very much better, have been submitted to the Committee of Engineers. Pending the report of that Committee, and of the Committee appointed to advise as to the policy to be adopted in connection with the further execution of the scheme, Government are not in a position to judge to what extent the improvement in the dredging results will affect the financial prospects of the scheme as estimated by the Advisory Committee.

(c) Government have not formulated any policy on the question.

I may mention that the Engineers' Committee's report was received by Government yesterday and has been forwarded to-day officially to Mr. Kay's committee which will consider it.

Mr. G. I. PATEL : In regard to (a), was there any approximate estimate framed at the time ?

The Honourable Mr. COWASJI JEHangIR : Yes, I think an approximate estimate was framed. It cannot strictly be called an estimate, it was a statement to the effect that the scheme was likely to yield such and such a profit.

Mr. G. I. PATEL : What was that profit ?

The Honourable Mr. COWASJI JEHangIR : If the honourable member will give me notice, I will find that out.

Mr. P. G. JOSHI : Will a copy of report be circulated to honourable members as early as possible ?

The Honourable Mr. COWASJI JEHangIR : The report will be placed before the public of Bombay.

Mr. G. I. PATEL : With regard to (c), do Government intend to adopt the same policy in future ?

The Honourable Mr. COWASJI JEHangIR : Will the honourable member read the answer again ?

WATCH AND WARD DEPARTMENT, B. B. & C. I. RAILWAY

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(1) to state the year in which the Watch and Ward Department was established on the B. B. & C. I. Railway Company's stations in this Presidency ;

(2) to give the number of men so far recruited in this department ;

(3) to give the number of men so far convicted for offences of committing thefts ;

(4) to give the number of men so far suspected for committing offences ;

(5) to give the number of men who had previous convictions prior to their engagement in the Watch and Ward Department ;

(6) to give the number of men so far dismissed from the Department ;

(7) to give the number and names of inspectors and sub-inspectors who were so far dismissed from the Department with reasons for their dismissal ?

The Honourable Mr. J. E. B. HOTSON : (1) In 1919.

(2) to (7) The Watch and Ward Department is under the administration of the Bombay Baroda and Central India Railway, and questions in regard to its discipline and personnel should be addressed to the Agent of that Railway.

Mr. G. I. PATEL : Are the non-official members of this Council entitled to get this information from the B. B. & C. I. Railway ?

The Honourable Mr. J. E. B. HOTSON : The honourable member should ask the Agent of that Railway.

Mr. G. I. PATEL : Are we entitled to get the information from the Agent if we ask for it ?

The Honourable Mr. J. E. B. HOTSON : (No reply.)

Mr. J. C. SWAMINARAYAN : Is the Agent bound to give the information to members of the Legislative Council if they ask for it ?

The Honourable Mr. J. E. B. HOTSON : I would suggest that this question should be addressed to the Government of India.

GUJARAT COLLEGE, AHMEDABAD : PRINCIPALSHIP

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that Mr. Shirras has been made the officiating Principal of the Gujarat College at Ahmedabad ;

(b) whether Mr. Divatia who has been admitted into the Indian Educational Service was acting as Principal of the College prior to Mr. Shirras's appointment ;

(c) the reasons why the claims of the Indian professor who had already acted as Principal have been passed over ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The answer is in the affirmative.

(c) Mr. Shirras having joined the Indian Educational Service in 1909 and Mr. Divatia having been appointed to that service in 1920, the appointment of Mr. Shirras as Principal of the Gujarat College does not in any way override the claims of Mr. Divatia.

Mr. G. I. PATEL : Do Government intend to arrange for Mr. Shirras to be sent to some other college than the Gujarat College ?

The Honourable Mr. B. V. JADHAV : Not for the present.

Mr. P. G. JOSHI : What is the pay of Mr. Shirras and of Mr. Divatia now ?

The Honourable Mr. B. V. JADHAV : The honourable member is referred to the Civil List for the information.

ROYALTY TREES : AFTER-GROWTH

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Will Government be pleased to state if they intend to give after-growth of teak and other royalty trees in Malki Numbers to the rayats in the Thana District as they have given in other districts ?

The Honourable Mr. J. L. RIEU : No. It is not a fact that the right to after-growth has been conceded in all other areas, as is suggested in the question (*vide* No. 63 of the Land Revenue Code Rules, 1921).

Mr. G. B. PRADHAN : Will Government be pleased to state whether 20 per cent. of the after-growth are allowed to the ryots ?

The Honourable Mr. J. L. RIEU : It is a fact that 20 per cent. on the sale-proceeds is allowed as bonus to the malki owners.

Mr. G. B. PRADHAN : I am asking with regard to after-growth ?

The Honourable Mr. J. L. RIEU : That I am unable to say but I am inclined to think that it is the case.

Rao Saheb D. P. DESAI : Are Government aware that with regard to the malki numbers the possession rests with the owners ?

The Honourable Mr. J. L. RIEU : Not with the owners, as the trees are reserved trees.

Rao Saheb D. P. DESAI : May I know which trees are reserved and which not ?

The Honourable Mr. J. L. RIEU : That information can be obtained from the Land Revenue Code.

DRY FARMING IN THE DECCAN

Mr. G. B. PRADHAN (Thana and Bombay Suburban District) : Will Government be pleased to state—

(a) whether they are aware that in the Bombay Deccan dry farming is of the utmost importance to avert famine ;

(b) whether they are aware that the experiments in dry farming carried out at Manjri have been looked upon as very hopeful and the Director of Agriculture, Poona, has publicly acknowledged the success of the experiments in his lecture before the Science Congress in Bombay in January last ;

(c) whether they are aware that the officer who has been specially trained in England in soil physics and who has been responsible for the above success in dry farming has been asked to give up the work and is transferred from the Bombay Deccan to take up work other than dry farming elsewhere ?

The Honourable Mr. A. M. K. DEHLAVI : The attention of the Honourable Member is invited to the reply given to a precisely similar

question asked by the honourable member for the Poona district on 3rd August 1926.

ORDINARY REVENUE AND EXPENDITURE OF SIND

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state the amount of ordinary revenue and expenditure of Sind (only), for each of the years 1921-22, 1922-23, 1923-24 and 1924-25? Is it a fact that the ordinary expenditure of Sind exceeds its ordinary revenue?

The Honourable Sir CHUNILAL MEHTA: The following table gives the ordinary revenue and expenditure in Sind for the years 1922-23 to 1924-25:—

(Rupees in lakhs and one decimal point.)

Year.					Ordinary revenue.	Ordinary expenditure.
1922-23	..	..	..	..	195·0	209·0
1923-24	..	..	..	..	192·0	202·2
1924-25	..	..	..	..	180·7	221·5

Information as regards the year 1921-22 was given on 7th March 1925.

Rao Saheb D. P. DESAI: In this statement does the ordinary expenditure given include the expenditure on Sukkur Barrage?

The Honourable Sir CHUNILAL MEHTA: No.

THE HERKAL IRRIGATION SCHEME

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether they are aware of the "Herkal Irrigation Scheme" near Bagalkot in the Bijapur District as proposed and mentioned by Captain Wingate in his survey report which he submitted in the year 1851;

(b) whether they investigated the scheme to find out whether it is a practicable scheme?

The Honourable Mr. COWASJI JEHangIR: (a) and (b) The scheme mentioned in paragraph 78 of Captain Wingate's report published in 1853 is not the same as the Herkal Irrigation scheme. The latter scheme was, however, considered in 1901. It was for irrigation by means of a weir across the Ghataprabha river at the Herkal Gorge. It did not prove to be a very encouraging one, as any heading up would submerge the Bagalkot town.

Mr. S. A. SARDESAI: May I know which scheme was mentioned in paragraph 78 of Captain Wingate's report if it is not Herkal Irrigation scheme?

The Honourable Mr. COWASJI JEHANGIR : I ask for notice.

SUB-REGISTRARS' PROMOTION

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

- (a) the number of posts in each of the four grades of sub-registrars ;
- (b) the yearly average number of vacancies in each of the four grades for the past three years ;
- (c) the yearly vacancies in each grade which can be reasonably expected ;
- (d) whether these are sufficient to ensure a regular flow of promotion from each grade to the next higher grade ;
- (e) if not, what steps they propose to take in order to ensure a regular flow of promotion from each grade to the next higher grade
- (f) what proposals have been made by the Sub-Registrars' Association to meet the difficulty ;
- (g) what is the decision of Government about each of these proposals ?

The Honourable Mr. A. M. K. DEHLAVI :

(a)	First grade	..	..	..	..	4
	Second grade	..	..	..	..	40
	Third grade	..	..	..	..	91
	Fourth grade	..	..	..	..	136
					Yearly average.	
(b)	First grade	..	..	..	..	1
	Second grade	..	..	..	..	4·6
	Third grade	..	..	..	..	8
	Fourth grade	..	..	..	..	15·6
(c)	First grade	..	..	..	..	1
	Second grade	..	..	..	..	5
	Third grade	..	..	..	..	9
	Fourth grade	..	..	..	..	12
(d)	Yes.					
(e)	Does not arise.					

(f) and (g) The Honourable Member's attention is invited to Government Resolution No. 4366/24, dated 23rd December 1925, which was placed on the Council Table in reply to Mr. Soman's question printed at pages 1589-1590 of the Council Debates, Volume XVII, Part XXIII.

PUBLIC SERVICE : DEPRESSED CLASS GOVERNMENT SERVANTS IN SATARA DISTRICT

Mr. P. G. Joshi on behalf of Mr. R. G. SOMAN (Satara District): Will Government be pleased to state what is the number of depressed class Government servants in the Public Works, Police, Revenue, Judicial and Education Departments of the Satara District ?

The Honourable Sir CHUNILAL MEHTA :—

(ii) Police Department	57
(i) Public Works Department	2
(iv) Judicial Department	Nil.
(iii) Revenue Department	14
(v) Educational Department	2*

USE OF ARMS BY THE THAKOR OF KOTH-SANAND.

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

(a) the number and description of arms licensed to the Thakor of the Koth-Sanand estate;

(b) the objects for which those licenses have been issued;

(c) whether it is a fact that the Thakor is using those arms for intimidating and coercing his tenants;

(d) whether it is a fact that the Thakor sent his armed retainers in December 1925 to Vataman, a village of his estate, to prevent the construction of houses by the cultivators of the said village;

(e) whether complaints have been made to the Government authorities by the cultivators of the said estate against the misuse of arms;

(f) if so, what action Government have taken in the matter?

The Honourable Mr. J. E. B. HOTSON: (a) and (b) The arms in the possession of the Thakor of Koth-Sanand and his retainers, other than those which they are entitled to possess under his exemption as a First Class Sardar, are 34 in number and are held under licenses in Forms XIV (for possession) and XVI (for going armed for the purpose of sport, protection and display).

(c) No.

(d) and (e) The only allegation of intimidation made was by one Ramshankar Mahashankar to the effect that one of the party, which it is stated consisted of four peons, who were sent by the Thakor to the village of Vataman in 1925 to prevent building encroachments on his land levelled a loaded gun at him. It is stated that only one of the party carried a gun and that he did so on account of a murder which had occurred in the village a year previously. No criminal complaint was lodged. The matter of the alleged encroachments has been referred by both parties to the civil courts where it is still pending.

(f) None.

Mr. J. C. SWAMINARAYAN: Is not the intimidation made by levelling a loaded gun against Ramshankar Mahashankar sufficient to constitute a breach of the terms under which license for holding arms is issued?

The Honourable Mr. J. E. B. HOTSON: The answer which I have already given is plain.

* One of them is Assistant Deputy Educational Inspector for the three districts of Poona, Satara and Sholapur.

THE THAKOR OF KERWADA : With regard to the question put by the honourable member Mr. Swaminarayan, if the peon's action amounted to an offence, would he not have been prosecuted ?

The Honourable Mr. J. E. B. HOTSON : He would have been.

**ELECTRIC CONNECTION FEE : AHMEDABAD ELECTRICITY
COMPANY, LIMITED**

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

(a) whether the connection fee provided in Rule 2 of the rules of the Ahmedabad Electricity Company, Limited, and sanctioned by Government is Rs. 15 ;

(b) whether the said company charges Rs. 39 and Rs. 58 as connection fee for 2-wire single phase and 4-wire three phase connections respectively ;

(c) whether complaints have been made to Government against the higher fee charged by the Ahmedabad Electricity Company, Limited ;

(d) if so, what action Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No. This charge has perhaps been confused with service line charges. The service line charges stand at Rs. 44 plus Rs. 4/8 per yard of service line for a single phase 2 core service of 0.012 cable and Rs. 65 plus Rs. 5/8 per yard for a 4 core 3 phase 0.012 cable service. The charges are shown in the Rules and Regulations of the Company recently approved by Government.

(c) No complaints have been received as to the connection fee charged, not recently at any rate.

(d) Does not arise.

Mr. G. K. MAVALANKAR : Is it not a fact that the Ahmedabad Electricity Company exceeded the sanctioned limit provided in rule 2 regarding connection charges even before the present approved rates ?

The Honourable Mr. J. L. RIEU : I must ask for notice of that.

Mr. G. K. MAVALANKAR : It is mentioned in the answer that no complaints were received at any rate recently. Were any complaints received in the past ?

The Honourable Mr. J. L. RIEU : I am not aware of any such complaints.

THE VIRAMGAM RIOT CASE

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

(a) the names of persons sentenced in the Viramgam riot case of 1919 ;

(b) the sentences passed on each of them ;

(c) the names of those whose sentences have terminated ;

(d) the names of those who are still undergoing imprisonment and the unexpired portions of their sentences ?

The Honourable Mr. J. E. B. HOTSON: (a) and (b) The following persons were convicted in the Viramgam Riot Case and the sentences passed upon them are shown against their names—

1. Malik Kutubji	..	} Transportation for life and forfeiture of property.
2. Mohan Ladha	..	
3. Husain Kalu	..	
4. Rasul Ibrahim	..	
5. Daval Isab	..	
6. Baldev Dayalji	..	
7. Jivaji Anrupji	..	
8. Devshi Trikam	..	
9. Bapuji Amir	..	
10. Natha Kheda	..	} 10 years' rigorous imprisonment.
11. Ratuji Raghuji	..	
12. Meruji Dargaji	..	} 7 years' rigorous imprisonment.
13. Sursang Gagji	..	
14. Sakra Kachra	..	} 5 years' rigorous imprisonment.
15. Kasim Abdur Rahman	..	
16. Nazir Chhotam	..	
17. Jiva Naran	..	} 4 years' rigorous imprisonment.
18. Lagra Sagram	..	
19. Arjun Parmar	..	} 3 years' rigorous imprisonment.
20. Mulji Bijal	..	
21. Narshi Ganda	..	
22. Jesa Bhagwan	..	} 2 years and 6 months' rigorous imprisonment.
23. Sukha Seja	..	
24. Jhaver Rama	..	} 18 months' rigorous imprisonment.
25. Bechar Kala	..	
26. Amtha Kesar	..	
27. Moti Ravji	..	

(c) By the Royal Amnesty in January 1920, prisoners Nos. 15 to 27 were released unconditionally and the sentences of prisoners Nos. 10 to 11 and Nos. 12 to 14 were reduced to 5 and 3 years rigorous imprisonment, respectively. They have been released on the expiry of their sentences.

(d) Six of the nine persons sentenced to transportation for life are still undergoing their sentences. Mohan Ladha died in Jail in 1924, Bapuji Amir was released on medical grounds in 1922 and the life-sentence of Jivaji Anrupji was commuted to one of 10 years' rigorous imprisonment and he was released in 1925 on the recommendation of the Advisory Board. The sentence of forfeiture of property was remitted in 1920.

BOKH LAKE : PRANTIJ

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

(a) whether they are aware that the historical Bokh lake of Prantij is being silted up by sand from the Hathmati canal;

(b) whether it is a fact that the Bokh lake is the only source of water supply for the cattle of Prantij and surrounding villages;

(c) whether they are aware that the lake dries up in summer on account of the silting which increases every year;

(d) if so, what steps they have taken to prevent the silting up of the Bokh lake?

The Honourable Mr. COWASJI JEHangIR: The information has been called for.

Mr. J. C. SWAMINARAYAN: When will it be received?

The Honourable Mr. COWASJI JEHangIR: I hope the honourable member will get the answer before the end of this session.

Mr. J. C. SWAMINARAYAN: Will the answer be given before the end of this session?

The Honourable Mr. COWASJI JEHangIR: If the answer is not received before the end of this session, it will be sent to the honourable member unofficially as soon as it is received.

DISTRICT LOCAL BOARD, AHMEDABAD; TOLL ON SANAND ROAD

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

(a) whether the road between Sanand town and Sanand railway station is only two miles and three furlongs in length;

(b) whether the district local board of Ahmedabad district has installed a toll bar for that road;

(c) whether there is any other equally short road in the presidency where a toll bar is installed;

(d) whether the cultivators of Chekhla, Bhavanpur, Andaj, Nava Virangam, Dhanpura, Rampara and Amnagar, going with their carts to Sanand town or to gins and presses of that town from their villages, use only $2\frac{1}{2}$ furlongs of the road or even less but are compelled to pay the toll tax;

(e) if the answer to (d) is in the affirmative, on what grounds the district local board levies toll tax from cultivators who use an insignificantly small portion of the road?

The Honourable Sir GHULAM HUSSAIN: If the answer is not received before the end of the Council Session, it will be sent to the honourable member unofficially.

(Further consideration of Bill No. X of 1926 resumed)

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Sir, I rise to support the first reading of Bill No. X of 1926 most cordially. From 1884 till 1923 the inamdars had been given seats in the taluka and district local boards. By the Local Boards Act of 1923 they have been deprived of that right. From a question which I had asked and the information that was supplied to me, I have got the names of the inamdars who were presidents and vice-presidents of district and taluka local boards. From that list, you will see, Sir, that the inamdars had worked efficiently on these boards. You will allow me, Sir, to read an extract from Sir John

[Sardar G. N. Mujumdar]

Malcolm's report on the Government of Bombay in order to inform this honourable House about the position of these inamdars and also the attitude of Government towards them.

The Honourable the PRESIDENT: What has that to do with the representation of inamdars on district local boards? The inamdars may have had a pronounced position and may have been recognised by the Government of Bombay in regard to their status as inamdars. But the question at present is that they should get special representation on the district local boards and anything that is bearing on that issue will alone be relevant.

Sardar G. N. MUJUMDAR: I want to show that Government have recognised their rights and privileges and that they are now curtailing their rights one after another.

The Honourable the PRESIDENT: This is not a question for Government. This is a question for the Council to decide whether they will give special representation to that class. The treatment of the inamdars by Government in various other respects has hardly any bearing on the present issue.

Sardar G. N. MUJUMDAR: You will see, Sir, that the inamdars are held responsible for the local fund cess in inam villages. The inamdar has to pay the local fund cess not only on the assessed cultivated lands but also on assessed uncultivated lands. To that extent he is held primarily responsible by Government. Because he is burdened with this responsibility he was given that representation on the taluka and district local boards. While still that responsibility continues, the right of representation has been taken away from him. From the information that I have received to my question, you will see, Sir, that the *judi* that is paid into the Government treasury on these inam lands in the Southern and Central Divisions of this presidency for the year 1923 alone comes to Rs. 19,39,729-8-4, while the *nazarana* in the whole presidency from inam lands comes to Rs. 15,271-11-10. The local fund cess amounts to Rs. 1,68,704-15-7. An assurance was given by Government, when the *judi* was fixed on those inam lands and villages, that they would not interfere with the village management and other rights of the inamdars. After that this representation was given in 1884 to the inamdars.

The inamdars are always blamed that they are not treating their tenants properly, and that is one of the reasons why Government and other people want to take away these rights from them. But the blame is unfounded. I will show, Sir, that Government have given us no power by which we can control the tenants. We are made absolutely powerless by the Land Revenue Code and other Acts. If you look at section 85 of the Land Revenue Code you will see that the inamdar is not allowed to levy the assessment from his tenants directly, and he is under law obliged to receive the revenue of his inam village through the agency of the patil and the talati.

An Honourable MEMBER: What has that to do with this?

The Honourable the PRESIDENT: The honourable member may go on with his remarks.

Sardar G. N. MUJUMDAR: He is often blamed that he does not look to the welfare of the tenants. But may I ask the Government why the inamdars are not given powers which Government themselves possess in the levy of assessment? They have not given those powers to the inamdars, and they ask the inamdars to do business like money-lenders. If the inamdars are given powers as Government have, then certainly the inamdars will do their best to help the tenants. The inamdars at present have no powers which will enable them to create good feeling between the tenants and themselves. The inamdars are in every respect made powerless, and yet Government expect us to treat them in a generous manner. How is it possible?

I have already stated, Sir, that as the responsibility for paying the local fund cess rests on the inamdars, it is but natural, that they should demand this right. This is not a new right, but it is a right which existed once and has only to be renewed. There is no new right to be given. Therefore I request the House to support the bill most strongly.

Rao Bahadur S. N. ANGADI (Belgaum District): Mr. President, I rise to oppose the bill. The case of the inamdars is, that they are an aristocratic gentry, that they are paying a large amount of revenue to the State coffers, and that at the same time they are paying a large amount of local fund cess as other people, and therefore they want special representation. This is not a question which should be determined by the fact of inamdars being a big people. The question is whether there is any necessity for special representation of the inamdars. If my honourable friend Sardar Mujumdar will look into the Act, he will find that it does not disqualify the inamdars, and it does not prevent them from standing for the general elections. My own experience is that if these inamdars will stand for the general elections they will certainly succeed. They do not want to run that risk. In many cases, even if these inamdars are approached with the request that they should contest the elections, they refuse to do so. Now, their object in asking for special representation is to enter the board by a back door. It is as good as nomination.

It does not become them to ask for special representation. And besides, I do not think that the interests of these inamdars will in any way suffer by special representation not being granted to them. In the first place, they can easily come in by open competition. And in the second place, the district local board does not exist there to rob these inamdars of their powers in any way. It is simply a body which is there to look after the interests of the people as a whole, and when it looks after the interests of the people as a whole, the inamdars will surely be included in the lot.

We are told, Sir, that they were given this special representation, and it is a great misfortune that they were robbed of this right of being specially represented on the board. I do not know what interest they are really going to further by being in the board. Not that I intend to cast any slur on the abilities of the inamdars, but it passes my

[Rao Bahadur S. N. Angadi]

comprehension to guess what case these inamdars can make out for special representation. They are men of status and position; they have also got sufficient wealth; and if they stand for the general elections, certainly they will beat any other man.

We are told that these inamdars are made to pay assessment and also the local fund cess for waste lands, and so they want special representation. Well, it passes one's comprehension what the payment of assessment and local fund cess per waste lands has got to do with the special representation that is proposed to be given to the inamdars, one way or the other. My honourable friend Sardar Mujumdar stated that last session he had put a question to Government and in reply a long list of inamdars who had served as presidents and vice-presidents of local boards was supplied to him, and from that he argued how efficient administrators these inamdars were. This is a very surprising logic. The fact that my honourable friend was supplied with a list of inamdars holding positions as presidents and vice-presidents does not in any way warrant my honourable friend to come to the conclusion that those institutions were very efficiently worked. Not that I say that the inamdars are a dull class. I believe they are shrewd, intelligent and full of commonsense. I only say that the conclusion drawn by my honourable friend Sardar Mujumdar is on the face of it very absurd. Under the Act of 1923, Government have got powers of nominations, and if Government thinks that an important class of persons has not been represented on the Boards, the Government could be very easily filled up by them.

As no very sound arguments have been advanced either by the honourable mover of the bill or by his supporters, making out a case for special representation, I strongly oppose the bill.

MR. F. G. H. ANDERSON: I rise, Mr. President, for the first time in this House, to oppose the first reading of the bill moved by my honourable friend from Broach. I cannot conceive that this proposition will receive any ponderable degree of sympathy from this House. His arguments have already been substantially confuted by previous speakers. I will therefore confine myself to two issues. In the first place he argues that the interests of the larger landed gentry need special representation. I ask whether this is so. If we study the list of qualifications for voters for the district and taluka local boards, we shall find that the landed interests are already overwhelmingly represented. Here therefore we have no downtrodden minority crying for fair representation, no voiceless interests seeking justice at our hands. This indeed is hardly denied by the honourable mover. Nevertheless, he seemed to argue that the inamdars as larger landholders needed special representation. Even there I am not able to agree with him. I see around me several gentlemen who own larger areas of land even than those held by many of the inamdars.

I will not make them blush by indicating them to the House; but I hope some of them will at least rise up in their places and say that, if there is any case for the special representation of the inamdars, then there is a still stronger case for special representation being given to themselves. We are told that there are altogether about 2,500 holders of these

[Mr. F. G. H. Anderson]

entire alienated villages. If that is so, then the total number really averages only about 10 per taluka, and, indeed there will be many talukas where the number of such holders is only one; and in the bill the honourable mover actually has provided that where there is only one such holder, he shall have automatic representation, and he will come to the boards to represent the interests of himself and himself alone. Now, these landed aristocrats and also many of their larger permanent tenants already possess the right to vote, and also if we scrutinise the lists of members already sitting on the taluka and district local boards, we shall certainly find that the holders of alienated villages are by no means inadequately represented. They can always stand for election, and if they are a landed aristocracy possessing preponderating influence, it will be all the more easy for them to secure return. In no country possessing a democratic franchise do we find landed interests inadequately represented, much more frequently, it is the other way. I can only think of the proposition in this way: Suppose we had an assembly collected together in some jungle, consisting almost entirely of tigers the great majority of which are less than 10 feet; then in such an assembly there should be put up a plea for the special representation of tigers over 12 feet. I say that that can be defended on one principle and one principle only, and that is principle which, I believe, was uttered in sarcasm, the principle that "To him that hath shall be given, and from him that hath not even that which he hath shall be taken." I think, if anything, it is not the tigers, but it is the sheep and the goats and the deer that need special representation.

I next come to the honourable mover's argument that taxation deserves representation, and that the landed gentry pay more in taxation than other persons holding land. I am very much tempted to enter into the discussion which has been started as to who ultimately pays the local fund cess, whether it is the Inamdar or the tenant, or (as I should say) the general consumer of agricultural produce; but as I think the discussion is quite irrelevant, I will pass it by. This is not the time and the place for such a discussion. Let us get back to that over-worked slogan which says "There should be no taxation without representation." A better version to which modern thought is veering is that there should be no representation without full taxation, but let that pass also. But if representation is to be proportionate to taxation, then what are the real facts? I would ask the honourable mover of the bill to make this clear to me; what is it that distinguishes the holders of alienated villages....

THE THAKOR OF KERWADA: I am not able to hear what the honourable member is saying; you cannot expect any explanation from me in reply.

Mr. P. G. JOSHI: So also on this side, Sir.

The Honourable the PRESIDENT: Will the honourable member try to speak a little more loudly?

An Honourable MEMBER: And slowly.

Mr. F. G. H. ANDERSON: I would ask the honourable mover in his reply to make clear to me this one point: what is it that distinguishes

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the holders of these alienated villages from other holders of land? In what way do they stand distinct from the other large holders in the taluka? Surely, the chief distinction is this, that while other landed proprietors pay on their land a full measure of taxation, the inamdar either pays nothing, or pays very little. Therefore, the platform on which the honourable mover takes his stand collapses. The House will do well, therefore, to give this bill no quarter.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I take it that the honourable the mover of this bill has come forward more for the assertion of a principle than for the enactment of details. The last speaker referred to the story of tigers. I did not quite understand what he said, neither could I understand the relevancy of it; but he said that giving special representation to the inamdars would be like giving representation to the tigers. I may be wrong. Shakespear has somewhere said "put not your faith upon Princes and Governments". It is said that no Government proposed representation for inamdars since 44 years. I was a member of the Local Boards Committee which sat not very long ago, in 1915. There Sir Henry Lawrence himself produced a scheme giving special representation to the inamdars, and that was adopted by the Committee. But Governments change and their policies also change as we all know. An official member asks upon what principle this should be given. I am rather surprised that such a question should be put to non-official members by a responsible revenue officer. May I ask upon what principle this special representation is given to them in this Council and in the Imperial Legislative Council? What is the principle? They are the relics of the old feudal system. What is that system? The system is that the tenure of all property is the performance of its duties. These inamdars have raised armies for Government in the past. They have defended our rights. When there were no vakils in this House, in times when there were no capitalists in this House. They did their duty; Government utilised them, when it suited them and they are now throwing them like a sucked orange. I say, if the principle is established that in the local Legislative Council these inamdars and sardars by themselves should have special representation, then the question is why it should not be accepted in the case of the district board. It is for the Government to answer that question and not for the honourable mover of the bill. What is the district board? The district board is a unit of government; it is local self-government. Representation in the Council is on a wider basis but the principle is the same. If you say that the inamdars should come as such in the Legislative Council, then I do not see why they should not come as such in the local boards also. The only reason advanced by the honourable member Mr. Anderson is that if they are rich, if they have the means, then by their own influence they can come on the local boards, and that it is not necessary that they should come in as inamdars. Similarly if they are rich, if they have influence and they have the means, they can come by such means into the Legislative Council also. Why give them separate representation in the Council? I am talking about the principle. It may not

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be expedient. Because it is a small area you may not like to do it. But it does not lie in the mouth of this Government to say that the principle is bad. The principle is admitted; it may be only a question of expediency. On the question of expediency there may be two opinions. Honourable members on this side of the House who do not believe in any special representation may certainly support such a view. But not the Government. It is for them to explain why it has not been followed at least in the district boards. Well, Sir, the honourable member from Ahmedabad, a theorist, wants to influence us by philosophical phrases. I could understand him if he were to go in for universal franchise.

Mr. J. C. SWAMINARAYAN : Certainly, I would.

MOULVI RAFIUDDIN AHMAD : But that is not so now. How do so many Hindu honourable members take their seats here? Because the depressed classes have no franchise. Millions of depressed classes have no representation at all. There is only one representative for these depressed classes, and that is the nominated member, Mr. Nekaljay. If they come in due numbers what will become of the advanced classes. Capitalists are occupying their seats because they are capitalists; millowners are represented, not because they would not otherwise be represented. But the principle is admitted that the capital must be represented, and labour must be represented, and Inamdars must be represented. Then why should they be shut out? The Honourable Minister in charge explained why this principle is wrong. He may say that it is not expedient to do so. If he were to say that, I could agree, but he would find it very hard to prove that the principle is wrong. I do not say that this bill may as it stands be passed. There are many serious defects in it. The mover of the Bill is a member of the inamdars' constituency and it is his duty to bring forward such a bill and ask Government to pass it. If you do not support this bill, because for the sake of popular clamour against it, he would not be convinced. If there was universal franchise I grant there was no necessity for this Bill. But, Sir, has the Honourable Minister given universal franchise? Has he given representation to the depressed classes? He ought to have given. (An Honourable Member : He has.) They ought to have come in directly as elected members. He has not given such representation. He has allowed their representation to be made by a nominated member, and seats of millions of people are taken here by people who have no right to represent them in the Council. If that is the case, then you will find it difficult to refuse the demand of the inamdars for a seat for them on the local board.

Then, Sir, I cannot understand the attitude of the non-Brahmins. They ought to have been the first to support this demand. Their leaders belong to the inamdar classes. They owe their origin as a party to the aristocratic classes. Their contention has been that though they belonged to the aristocratic classes at one time they were ousted by the priests. Hence their hatred of the Brahmin party. It is a surprise to me, therefore, that they should maintain that the landed aristocracy should not be given representation in the district Board. I think it goes very much against the policy of the non-Brahmin party if there is any.

Mr. P. G. JOSHI (East Khandesh District): I can understand, Sir, the position of the non-Brahmins on this bill, but I am certainly surprised at the opposition from the Government benches to the bill which has been introduced by my honourable friend the Thakorsahab. I think, Sir, that it is sheer ingratitude on the part of Government to oppose this bill. The inamdars, Sir, you know, are not inveterate enemies of Government, and you are aware, Sir, that they do not want any salaried posts. What they want Government to do is simply to restore to them the rights which they enjoyed before 1923, and I take it that it is simply an honorary right that they want. Do they want any salary? No; I do, therefore, think that to oppose this bill is sheer ingratitude.

One thing more, Sir, I want to say. The opposition to this bill proceeds altogether, really, from a point of view which is not consistent with the principles mentioned in the Reforms Report. It is clear, Sir, from the Report that it was the intention of the Government to extend the franchise and not to curtail the franchise or to deprive any community of the franchise that they had. I therefore think the bill is quite reasonable and ought to be supported by all the members of the House.

Mr. A. N. SURVE (Bombay City, North): Sir, I congratulate the honourable mover of the bill for bringing into relief all the particular communities....

The Honourable the PRESIDENT: I should like to inform honourable members that this issue has been debated in this Council more than two or three times. All these arguments have been reiterated. We have discussed this question at considerable length already, and we have got an enormously big agenda still to go through. I would, therefore, ask honourable members to be brief, so that we might get on with the work before us.

Mr. A. N. SURVE: I shall be very brief, Sir. The point which the honourable member Moulvisahab has made does not appeal to me. He refers to a principle which was in force in 1915, but since then much progress has been made. The great war has opened the eyes of all, and the British Parliament has now announced that India should have self-government and that it should be on democratic lines. Therefore, whatever was good in 1915 is no more so in 1926. For this reason, I think that the special constituency for which the honourable member is fighting is not justifiable. Then, about the depressed classes, I am sure in the Local Boards Act provision is made that special wards will be made for the depressed classes and they can come in by election and not by nomination alone. Therefore, the depressed classes are enfranchised.

Then, about the special constituency for inamdars, etc., it has been pointed out that perhaps in a taluka there may be only one inamdar and he has to vote for himself. In England, they had what were called pocket boroughs. In the old state of things in England the pocket boroughs were tolerated, but are they tolerated now? Therefore, I submit that in view of the state of things in this country, the bill does not enunciate a principle which would commend itself to the majority of this House.

Dr. R. P. PARANJPYE : I move for a closure, Sir.

The Honourable the PRESIDENT : I accept it. The honourable member in charge, the Thakor Saheb, will reply.

THE THAKOR OF KERWADA : I should like to hear the Honourable Minister before I reply. But as the rules do not permit it I will proceed with the observations although I will be at a great disadvantage.

We have had an interesting debate and it has shown at least one thing that in this Council the majority tries to crush down the minority. That is the tendency I have found in the speeches of most of the speakers who spoke against this bill. It has been suggested that because we have reached the stage of democracy we cannot ask for special representation. But all the speakers have accepted the principle of representation on the basis of taxation. In the case of this class it is only right that they should have their seat in the local board.

I really very much deprecate the statement made by my honourable friend Mr. Noor Mahomed who went out of his way and drew a very poor picture of an extreme case in Sind. This I do not think to be the general case. He said that there are a large number of inamdars who would send their domestic servants to these boards. I think the very fact of the presence on the floor of this House of some of the jagirdars and inamdars as distinguished members of this House will show that that could not be the case that they would send their servants to be present in the Council. Also, Sir, my honourable friend has forgotten that though not in this Presidency, in other presidencies the class whom I have the honour to represent in this Council has supplied men for offices higher than members of local boards, such as members of the Viceregal and Provincial Governments. My honourable friend Mr. Noor Mahomed must try to help their backward brethren and try to push them to their proper position.

There was another point raised by my honourable friend Rao Bahadur Kambli. He said that in some cases there is only one inamdar in a taluka. But I am sorry to say that he has not shown one single village in which there is only one inamdar in any of the talukas. According to figures supplied by one of the masters of statistics, Mr. Anderson, there are ten inamdars in each of the taluka. Unless some instance is shown that there is only one inamdar in a taluka there will be no ground for apprehension. I do not think that there is such a case in existence. Besides I may inform honourable members that if there is such a case and any honourable member wants to send in an amendment to improve this clause I will be quite prepared to accept it.

The honourable member Mr. Swaminarayan has suggested that representatives to the local board should come in through the general election. That is of course a very sound and logical suggestion. I will just ask the House to consider for a moment whether it is possible or practicable. I would just quote one instance. Could a non-Brahmin seek election in a Brahmin constituency? Could a millowner expect to be elected by his labourers and workers? Therefore I should like to say that it is not practicable. In theory it is sound, but in practice

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it is not possible. I am now fighting as a matter of principle. I may inform the House that unlike my honourable friend Mr. Joshi I am not an inamdar and it is not because that I will lose my *dhakshana* that I want a representative of the inamdars.

Lastly, before I conclude I must appeal to Government to whom these inamdars had rendered very valuable service through thick and thin. Their services in connection with the great war entitle them to some claim on Government and I am sure that Government will not now throw them over-board. I have been told that our interests will not suffer. But I can show thousands of instances if I am given time. I may tell you that even during the last two or three years I am prepared to show honourable members many local boards in the Deccan and Gujarat where there is no representation and still we are told that our interests will not suffer. I submit, Sir, that certainly our interests are suffering. I will give you one instance. Though I am personally connected I am not interested in it. There was a case in the Broach District Board in which a suggestion was made by some member that the inamdar's land which is situated on the river bank should be acquired. Simply because that would facilitate our contractor getting a little gravel. What would have been the result if we had acquired that piece? We referred the matter to a committee consisting of Government officials and non-official members. They investigated the matter and then they reported that if we acquired this valuable piece of land just for the sake of getting a small amount of gravel a little cheaper than we could get similar material from anywhere else, the cost of acquisition would be very much more than bringing the best possible metal from the remotest parts of the presidency. On the other hand, what would have resulted if we had obtained gravel from that particular portion? That agricultural land would have been washed away naturally owing to the pit that would have been dug there and the river would have changed her current and would have washed away most of that good cultivable land. I could cite a thousand and one instances to show that in the absence of representation of inamdars on the local boards the inamdars' interests have suffered grievously. I therefore appeal to the Council to accept the principle of my bill. I need not remind them that the author of the Montford Report, the late Mr. Montagu, to whom we owe our seats in this Council, accepted the principle I am now advocating. If this same principle has held good in the case of the Legislative Assembly, as has been very correctly pointed out by Moulvi Rafiuddin Ahmad, and also in the case of the provincial council, I do not see why it should not be made applicable to local boards. I am looking forward to the time when the local boards will come to occupy the position of County Councils in England and I hope that the claims of inamdars who have served the British Government so faithfully will not be shunted aside. I commend this bill to the acceptance of this House.

The Honourable Sir GHULAM HUSSAIN : Sir, I have listened to the impressive speeches which have been made in this House on this bill with great interest. Amongst the supporters of the bill, I find my honourable

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friend the mover and two other inamdars and two new converts who have always proclaimed themselves in this House as the greatest advocates of democracy—one is the Moulvi Saheb and the other is the honourable member Mr. Joshi. So far as I am able to gauge the feelings in this House, I find that an overwhelming majority is against the bill. Government might have responded to the appeal made by the honourable mover, but even if we extend our sympathy to him, I am afraid that we shall be very badly beaten.

I will now deal with the argument put forward by my honourable friend, the Moulvi Saheb, who had the honour to be a member of the Lawrence Committee on local boards. He stated that the Committee had recognised the principle of special representation for inamdars. The honourable member, the Moulvi Saheb, ought to have read further. If he had done so, he would have found that the Committee had gone to the extent of recommending special representation to honorary magistrates and various municipalities. Most illogical representation that was because honorary magistrates do not contribute a farthing to the coffers of the local boards.

Mr. P. G. JOSHI : Have the honorary magistrates been given special representation, by means of special seats ?

The Honourable Sir GHULAM HUSSAIN : That was one of the committee's recommendations. They were the recommendations of the committee of which my honourable friend the Moulvi Saheb had the honour to be a member. I am sure if we were to adopt this recommendation, we would meet with nothing but ridicule in all quarters. Pushed to its logical conclusion, the Moulvi Saheb's argument means that once that recommendation is made, whether Government accept it or not, they must stick to that recommendation and give effect to it. Several committees have made several recommendations, but that does not mean that Government can or must accept all those recommendations.

The other argument advanced by the sponsor of this bill is that the inamdars have enjoyed this right since 1884, and that therefore they should continue to enjoy that right. If the honourable members will refer to the Act of 1884, they will see that there are various others who enjoyed that right. If the argument is pushed to its logical conclusion, it will mean that if we restore the representation of inamdars we shall be bound to restore the representation of municipalities as well.

My honourable friend, Moulvi Rafiuddin Ahmad, makes capital of this principle of special representation, and says that it has been recognised by the Reforms Committee in regard to the Legislative Council. No doubt, it has been recognised, and the reasons are special. In the first place, the inamdars or the landed aristocracy have been given representation on the legislature. Take the landed aristocracy of the whole presidency, they are not given more than one or two seats, and their numbers come to thousands, not like the inamdars, one or two or five. Secondly, the Legislative Council's functions are quite different from those of the local boards. In the Legislative Council, various questions

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relating to land, such as land tenures, land revenue, jama, etc., come up for discussion and also for legislation. The landed aristocracy is given representation in the Legislative Council to enable them to enlighten the House in regard to any particular question affecting their interests. When the Act of 1923 was before this House, my friend the honourable mover of this bill brought to my notice both in the select committee and in this House the fact that the talukdars only paid the jama and did not contribute the ordinary land revenue, and that therefore the cess ought to be levied not on the ordinary revenue but on the amount they actually paid. For such special reasons the landed aristocrats have been given representation in this Council. But, what are the functions of the local boards? What do they deal with? They deal with matters like primary education, roads, sanitation and the like, which are common to all. I do not think that the education of inamdars' children differs from that of the children of the other people in the country.....

Mr. P. G. JOSHI : Then, why are Mahomedans treated differently ?

The Honourable Sir GHULAM HUSSAIN : Mahomedans are given special electorates because the majorities do not return them and also because of their number importance and special interests. I think my honourable colleague (Mr. Joshi) will agree that there ought to be special representation for them.

The other argument that was trotted out was that the inamdars pay a total sum of about Rs. 1,68,000 as cess. What is this local cess? It is a local rate which is paid to the local boards for the various amenities these local boards supply the people with. It is not a favour which the people are doing to the local boards. It is not only the inamdars who pay this local rate, but every agriculturist pays it. Therefore, we have given the vote to the inamdar as well as to the agriculturist who pays the cess. Therefore that argument that they pay Rs. 1,68,000 cess.....

Sardar G. N. MUJUMDAR : The local fund cess is collected from the tenants by inamdars and they have to pay the village officers. By agreement with Government the inamdars are held responsible for the collection of the local fund cess.

The Honourable Sir GHULAM HUSSAIN : Then that argument only strengthens my case. The inamdar does not pay, but he only collects from the tenants. In spite of this fact, the honourable mover has the hardihood to ask for special representation.

The Honourable the PRESIDENT : This question of inamdars' representation on district local boards has been before this Council since yesterday, and all the arguments that have been advanced in favour of it to-day have been repeated not once but twice and even three times including this one. What is the use of pursuing the same argument?

The Honourable Sir GHULAM HUSSAIN : I am not misrepresenting the facts. On the contrary, I am putting the facts rather in favour of than against the inamdars. Subject to correction by my honourable colleague, I say that the inamdars are merely a collecting agency.

THE THAKOR OF KERWADA : The fact is that the local fund cess is paid by the inamdars to Government direct. They do not collect the local fund cess so far as Gujarat is concerned.

The Honourable Sir GHULAM HUSSAIN : If two doctors disagree then somebody else must come in to decide the question.

Whether they collect or pay directly, the question remains that if they pay any cess to any local body, it is in return for the amenities provided for them by that local body. If they pay to the local bodies, the local bodies are not going to swallow the money. The local bodies get the amount for the amenities they provide and for the services they render. As the honourable mover of this bill has already stated, I am not against the landed aristocracy. I am their friend, and I have fought many battles on their behalf on the floor of this House when their case was a good one. I have listened to the speeches of the mover of this bill as well as of his supporters, but in my opinion they have not made out a case for special representation.

At the time they enjoyed this special representation, how did they justify the rights conferred on them ? It has been stated in this Council that some of the inamdars did not care to go in the local boards and they deputed some one else to go into the local boards. Their past history shows that they never took much interest in the affairs of the local bodies. Now, I find there is an awakening amongst that class, and I welcome that change. I trust they will use their wealth and influence, and capture not one seat but all the seats in the local boards in the general elections. Up-to-now, the aristocracy has been asleep, but as a result of the Act of 1923, an awakening has come upon them. If that awakening is real, they must go to the masses and seek their suffrage and get themselves returned to the local bodies. The inamdars must be thankful to the Act of 1923 for the awakening that it has produced amongst them.

I wish only to deal with the modest demand that has been made. The modest demand is that they should have one seat reserved in the taluka local boards. Taking an average of eight talukas for one district, there will be 216 talukas, and if the modest request is granted, they will have 216 seats in the taluka local boards and 27 seats in the district local boards. The champions of the people's cause in the Council would thus be helping to deprive the people of 243 seats in the taluka and district local boards. For these 243 seats there would be 2,000 voters of the inamdars. By a simple mathematical calculation, there would be eight or nine persons who would have the right of returning one inamdar ; and in some talukas there might be only one voter to return an inamdar. In the district to which the honourable mover belongs there are fourteen inamdars and about six talukas. Each inamdar will be represented in the local boards. I hope the inamdars will follow the good advice of going to the people and seeking their suffrage. If only the inamdars follow the good example of the honourable mover of this bill by seeking the suffrage of the people, they will be returned in larger numbers not only to the local boards but also to this Council. The honourable mover of this bill has not only become a member but the president of a district

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local board where he is doing very good work. I hope every inamdar will follow his example.

Question put and lost.

Mr. R. S. NEKALJAY : I do not wish to move the first reading of Bill No. XI of 1926.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I beg leave of the House to introduce a Bill to amend the Local Boards Act, 1923. The Major Municipalities Act has reduced the qualification for a voter from a rental of Rs. 36 to Rs. 12. On the same principle I propose by my amendment to reduce the qualification for voters from Rs. 32 to Rs. 8 assessment of rental for district local boards. It is necessary to widen the franchise and give greater voice to the people in the administration of district local boards.

The Honourable the PRESIDENT : Does any honourable member wish to object ?

As no honourable member wishes to object I declare that leave is granted.

Mr. J. C. SWAMINARAYAN : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

Mr. P. G. JOSHI : What is to become of this bill ? It will lapse.

The Honourable the PRESIDENT : I cannot help it.

**A BILL FURTHER TO AMEND THE BOMBAY ACT No. VI OF 1926
AN ACT FURTHER TO AMEND THE BOMBAY CIVIL
COURTS ACT AMENDMENT, 1869.**

(Motion for leave to introduce the bill.)

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I beg leave of the House to introduce a bill to amend Bill No. VI of 1926 (an Act further to amend the Bombay Civil Courts Act, 1869). After the passing of Act VI of 1926, the necessity has arisen for the amendment which I propose now by my bill.

In October last, when Government introduced the Sind Chief Court Bill, they had a provision in the Bill, clause 37, to amend the provisions of section 32 of the Bombay Civil Courts Act, 1869. According to that section a civil suit against a Government servant or a railway company was to be filed in the district court. In introducing the Chief Court Bill, Government, on their own motion, omitted these exemptions and demanded the sanction of the Council to the provision that suits against the Manager of the Encumbered Estates should be filed in the ordinary civil courts. That bill was placed before a select committee, but it was not placed before the Council at the February session being a contentious bill and was postponed to the present session. In the meantime, a non-contentious bill amending section 32 of the Bombay Civil Courts Bill, was placed before the Council in the February session and passed. That bill introduced all other exemptions except those of the Manager of the

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Encumbered Estates. In February last, Government in that bill allowed suits against many public servants, including the Manager of the Talukdari Estates, to be filed in ordinary civil courts, but omitted the Manager of the Encumbered Estates in Sind—probably on account of the provisions in the Chief Court Bill, which was pending, and in which they had brought in the Manager of the Encumbered Estates in Sind also under the jurisdiction of the ordinary first and second class civil courts. The result has been that in all the important district courts of Sind—Sukkur, Larkana and Hyderabad district courts—all pending suits against the railway companies and Government servants have been transferred to the ordinary courts, but the suits against the Manager of Encumbered Estates are still on the files of the District Court. The district courts in these three districts are considerably burdened with criminal work, with the result that simple suits against the Manager of Encumbered Estates are still awaiting decision in the courts, while other suits have been transferred to the ordinary courts of first and second class jurisdiction. This is a very urgent measure. These suits are pending and lying undisposed of in the district courts, and the district judges are themselves anxious that they should go to the ordinary civil courts. I would not have introduced this bill were it not for the fact, that the Chief Court Bill which has been passed by this Council has to be applied by the Governor in Council by a separate notification and will not come into effect immediately. The Governor in Council will apply this Act to Sind only when the Finance Department is able to provide the money required for the changes in administration, for the enhanced salaries of the Judges and to meet the cost of the separate establishments that each Judge ought to have. For aught I know I gather from a communication received by me from the public Prosecutor of Sind Mr. Elphinstone, at an interview granted to him by His Excellency, when His Excellency expressed to him that he thought it very doubtful whether the present state of the finances of the presidency would allow the introduction of the Act in Sind for the next two years, the chief Court Act may not be introduced in Sind for another two years. Therefore, until the Act is introduced, the bar against suits to which the Manager of Encumbered Estates is a party will continue to exist in Sind, although Government themselves intend to abolish it and have provided for its abolition in the Chief Court Bill. This exemption was not abolished in the uncontested bill passed by this Council, because the Sind Chief Court Bill was before the Council. If Government were then aware that the application of the Chief Court Act would be delayed then they themselves would have made provision for the abolition of the exemption in that uncontested bill of February 1926.

I ask for leave to introduce this bill in order to add one clause to Act VI of 1926 by which the exemption of the Manager of the Sind Encumbered Estates from ordinary jurisdiction will be done away with, and all suits against the Manager may be filed or tried in the ordinary civil courts. I therefore beg leave of the House to introduce the bill. I will probably ask leave of the Honourable the President and of the House to allow me to carry the bill through at this meeting.

Question put and leave granted.

The Honourable the PRESIDENT : I declare that leave to introduce is granted.

Mr. B. G. PAHALAJANI : I beg to introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

Mr. B. G. PAHALAJANI : Sir, under the special circumstances of the case, I would request you to condone the publication and to suspend the Standing Orders for that purpose.

The Honourable the PRESIDENT : I should like to make a statement as to the policy that I think should be pursued in all such matters. When any bill is introduced and I am asked to suspend the Standing Orders to enable the mover to move the first reading of the bill, I am always anxious to safeguard the interests of the general public as expressed by their representatives in this Council. And I am always reluctant to exercise my privilege of suspending the Standing Orders and allowing the passage through all its stages of a piece of legislation unless I am assured that there is a substantially large portion of the House that desires the bill to be passed. The special reason which requires to be considered on the present occasion is that this is the last session of the legislature, and if the honourable House desires that they should pass no special legislation without going through the requisite safeguards of publication and the further stages that are required under the Rules and Standing Orders, I shall not be a party to allow the passage of the bill in all its stages at one sitting. I should therefore like to know, before I reply to the request which has been made to me by the honourable member the Deputy President, whether there is any serious opposition to the Standing Orders being suspended and the first reading being allowed by me. If there is, I should like to know what it is.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I would request you not to grant this permission. Undoubtedly we have passed the Chief Court Bill, and the machinery of the Chief Court Bill will be quite different from the machinery at present in existence. When the Chief Court Act is applied, there will be a different machinery to supervise every civil court, from the court of the subordinate judge right up to the district court. There is not and there cannot be that strict supervision until that Act comes into force. We have been told of a conversation that His Excellency is said to have had with the Public Prosecutor in Sind in the course of an interview. We do not at all know the circumstances in which that conversation was carried on and the view expressed by His Excellency.

Nor have the Government told us that they have no intention of giving effect to the Sind Chief Court Act. All that the honourable member, Mr. Pahalajani, says is that Government do not intend to give any effect to that Act in the near future, and that therefore he brings forward this bill. Sir, it is quite possible that very delicate cases against the Manager may be pending in the District Courts, and it is also quite possible that

[Mr. Noor Mahomed]

some might be anxious for the transfer of such cases, from district courts which may be inconvenient. When the Act has been passed and the machinery of it will come into force, to have a short-cut in this fashion is not right. I therefore think that permission to suspend the Standing Orders should not be given. We should have had sufficient notice of the bill, so that we should have seen what the effect of it would be, and considered the matter carefully. Nor was this bill circulated; it has been sprung upon us. Therefore, the Standing Orders should not, I submit, be suspended.

The Honourable the PRESIDENT: I think the best way to decide the question is to ask those honourable members who desire the passage of this bill through all its stages to rise in their seats. Will those honourable members who are in favour of the suspension of the Standing Orders and of allowing all the stages of the bill to be gone through at this session please stand up in their seats? (*After a count.*) There are only 7 or 8 members who are in favour of it. I am afraid I cannot suspend the Standing Orders.

A BILL FURTHER TO AMEND THE BOMBAY PREVENTION OF GAMBLING ACT, 1887

(Motion for leave to introduce the bill.)

The Honourable the PRESIDENT: The next bill on the agenda is a Bill further to amend the Bombay Prevention of Gambling Act, 1887. The honourable member Mr. Addyman has given notice to move for leave to introduce the bill. A word of explanation is necessary as regards the procedure which is laid down in the Rules and Standing Orders. In regard to bills relating to transferred subjects, a notice of 15 days is required before leave to introduce can be asked. In the case of bills relating to reserved subjects, a notice of one month is required and it is further provided that His Excellency has the power of extending the period of one month to two months. There is no power for curtailing the period of notice. There was considerable difference of opinion as to whether the period of notice provided in the Rules should be counted up to the first day of the session or up to the day that the bill can come for consideration before the House. My personal view was that in the interests of definite and clear procedure, the notice should be up to the first day of the session. The reason why I held that view was that it would be wholly indefinite to know when a particular bill will come on for discussion before the House, and therefore, if that interpretation was put upon the Rules and Standing Orders, one would never know whether a bill of which notice had been given short of 15 days or one month from the first day of the session would come on for discussion or would not come on for discussion. In view of this difference of opinion, the matter was referred to the Government of India, and they have decided that the period of notice should count from the day of receipt up to the day that the bill comes on for consideration before the Council, and that is the procedure that has been adopted in regard to all non-official bills. In this case, notice was received on the 6th of July, and one month would

[The President]

expire on the 6th August. The bill is due for discussion now, and therefore it cannot be considered. It must lapse at this session for want of sufficient notice.

I have considered very carefully whether there is any power provided for curtailing the period of notice, but there is no such power under the Rules or Standing Orders vesting in any authority. Under these circumstances, in accordance with the Rules and Standing Orders, this bill lapses and cannot be considered at this session.

Mr. J. ADDYMAN : May I be permitted to make a statement ?

The Honourable the PRESIDENT : What statement ?

Mr. J. ADDYMAN : You, Sir, referred to one month as 30 days.

The Honourable the PRESIDENT : No, no. One month.

Mr. J. ADDYMAN : What I would like to have is a definition of what the month will mean. This bill was received in the office on the 6th of July, and on the 6th of August it will be exactly 30 days.

The Honourable the PRESIDENT : Yes ; to-day is the 4th of August and the bill is due to be discussed to-day. Therefore, it cannot be discussed to-day for want of sufficient notice. That is why I have explained how the period is to be counted, according to the decision of the Government of India. The bill is due to be discussed to-day, but as to-day one month has not expired from the 6th of July, the bill must lapse.

Mr. J. ADDYMAN : I am painfully aware of the fact, Sir, but in view of the fact that it was not my fault.....

The Honourable the PRESIDENT : That has nothing to do with the Council office. We have got to carry out the Rules and Standing Orders as laid down, and the Rules and Standing Orders are quite clear and distinct that the period of one month should be counted from the day on which the Council office receives notice. We are not concerned with anything else.....

Mr. J. ADDYMAN : Will you permit me, Sir, to make a statement as a non-official member of this House, on a very important matter ?

The Honourable the PRESIDENT : This is a question of ruling.

Mr. J. ADDYMAN : I want to make a statement with the object of recording my protest.....

The Honourable the PRESIDENT : I cannot allow that, because that is between the honourable member and His Excellency the Governor, who has, under the Rules and Standing Orders, to give his sanction. I cannot permit any statement, any protest, or any reference to the privilege of His Excellency, who has to decide when he will give sanction to a bill which has been referred to him.

A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901

(Motion for leave to introduce the bill.)

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg leave of the House to introduce a Bill further to amend the Bombay District Municipal

[Mr. A. N. Surve]

Act, 1901. Sir, it is with a view to enfranchise the tenants paying a rent of Rs. 12 per annum that I have brought forward this bill. At present in the municipal districts, only honorary magistrates, Fellows of a University and graduates, and advocates and pleaders, as also persons paying a qualifying tax are entitled to vote, but a tenant who pays rent is not entitled to vote under the provisions of the Act. Now, the payment of rent has been accepted as entitling a person to vote in the city of Bombay and in the case of the City Municipalities Act which we passed at the last session. Therefore, if it is accepted in the larger cities, it is but fair that in the small municipalities also persons paying rent should have the right to vote. It is with that object that I wish to introduce this bill, and I request the House to grant me leave to do so.

The Honourable the PRESIDENT: Does any honourable member wish to object? (After a pause.) If no honourable member objects, leave to introduce is granted.

Mr. A. N. SURVE: Sir, I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

Mr. A. N. SURVE: Sir, I move the first reading of the bill.....

The Honourable the PRESIDENT: The honourable member cannot move it unless standing orders are suspended. He has to ask that the standing orders be suspended.

Mr. A. N. SURVE: Sir, the suspension will not be necessary as far as I am concerned, because the bill has been circulated to honourable members before seven days. Suspension would be necessary only if the circulation was not made before seven days.

The Honourable the PRESIDENT: On what authority does the honourable member rely?

Mr. A. N. SURVE: Standing Order VIII, 4 (1), which says:

"When a Bill is introduced, or on some subsequent occasion, the Member in charge may move that the Bill be read for the first time; provided that no such motion shall be made before the expiry of seven clear days from the despatch to each Member of a copy of the Bill with the Statement of Objects and Reasons."

A copy of the bill with the statement of objects and reasons has been despatched to all the honourable members of the Council.

The Honourable the PRESIDENT: Who has despatched them?

Mr. A. N. SURVE: They have been officially despatched to them, Sir.

The Honourable the PRESIDENT (after verifying the matter): Yes, the bill has been circulated more than seven days back, and the honourable member can move the first reading.

Mr. A. N. SURVE: Sir, I beg to move the first reading of a bill further
First reading. to amend the Bombay District Municipal Act, 1901. The amendment which my bill seeks to make is to clause 12. Under clause 12, Sir, every honorary magistrate, and every fellow and every graduate of any university, and every advocate of the High Court and every pleader holding a sanad from the High Court, and every juror

[Mr. A. N. Surve]

and assessor is qualified to be a candidate and to be entered on the voters' list. Similarly, every person who pays the qualifying tax is also entitled to be a voter. But it is obvious that in a small district town there are very few fellows, or advocates or pleaders holding sanads from the High Court, and naturally, the franchise there is very limited. For that reason, I have tried to enfranchise an enormous number of tenants who pay an annual rent of Rs. 12 in respect of premises occupied by them or who own property whose capital value is not less than Rs. 200. Now, this principle has been already adopted and approved twice by this House. I have taken very great care to see that only those persons should be enfranchised who have real rights to the franchise and who are willing to take the responsibility. Moreover, my bill does not seek to disenfranchise those people who already enjoy that right. Therefore, I think there is nothing contentious in this bill and the first reading should be accepted by this House.

The Honourable Sir CHUNILAL MEHTA : Sir, I rise to a point of order. The honourable member relies upon standing order VIII, 4 (1), for proceeding with the first reading of the bill of which he has given notice for leave to introduce. I submit, Sir, that the mere fact that the honourable member has circulated the bill to the honourable members of this House is not enough to give him the power to proceed at once with the first reading of the bill. I rely for that, Sir, upon rule No. 20 of the Legislative Council Rules (page 74 of the Council Manual). That rule, Sir, says :

"As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette."

I take it, Sir, that the publication in the Gazette has not taken place with regard to this bill and I submit that on that account the Council cannot proceed with the first reading.

MOULVI RAFIUDDIN AHMAD : I rise to a point of order whether the Honourable the Leader of the House is quite in order in raising this point of order when a ruling has been given by you and the first reading has been already moved.

The Honourable the PRESIDENT : The first reading has been moved, but the honourable member must remember that a point of order can be raised at any moment.

MOULVI RAFIUDDIN AHMAD : After your ruling, Sir ?

The Honourable the PRESIDENT : A point of order has been raised as to whether the House can proceed with the motion that is now before the House. I have allowed the motion and the motion is before the House. The question is whether the House can proceed further with it. Honourable members are aware that I have allowed, under the rules and standing orders, full liberty to them to rise to any point of order at any time they like. The Honourable the Leader of the House has now raised this point of order. I allowed the first reading to be moved under the Standing Orders, but it has been distinctly provided that the Standing Orders cannot be inconsistent with the rules, and, if they are, the rules

[The President]

prevail. The issue is now for me to decide and as it is a very important issue, I should like to hear some expression of opinion on this new point of order which has been raised.

Mr. A. N. SURVE (Bombay City, North): Sir, the point of order raised is not applicable because if the honourable the Leader of the House will look up to Chapter XII, rule 5, he will find that it empowers the President to circulate communications made by any honourable member of this House. Therefore, if such circulation is made, then the standing order on which I rely, namely, Chapter VIII, rule 4, paragraph 1 allows me to circulate the bill privately.

The Honourable the PRESIDENT: The honourable member has not grasped the point. The point is that these provisions are under the standing orders and that the standing orders cannot over-ride the provisions of the rules which are made by the Government of India. In the rules it is provided that the bill after introduction shall be published in the Gazette. I have given my ruling according to the Standing Orders and it is perfectly correct. The further argument advanced by the honourable member does not help me in the least, because under the Standing Orders I have held that the honourable member is entitled to move the first reading and I have allowed him to do so. My attention is now drawn to rule 20 and I want to ask the honourable member if he has anything to urge as to how he wishes to get out of the provisions of rule 20.

Mr. A. N. SURVE: Sir, looking at rule 20, I beg to point out that it reads thus:

"As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette."

I submit that the bill has been published but not in the Gazette. It was published privately. I will quote a previous precedent in the matter. When the Bombay Improvement Trust Act was amended at the instance of my honourable friend Mr. Hooseinali Rahimtoola, all the three readings were passed through at the same session and at that time no objection was raised. In the present case the bill was circulated and honourable members knew its contents. I do not think that "publication" does mean publication in the Government Gazette only because if it were to refer to the publication in the Government Gazette then the second clause becomes meaningless.

The Honourable Sir GHULAM HUSSAIN: May I say a few words, Sir? The very object of the publication of any bill is not only that the members of the Council should know about it, but also all parties concerned. Otherwise, there is absolutely no necessity for publication. Here is my honourable colleague who has raised a point of order about its not having been published. The parties concerned would not know anything about it unless it was published in the Government Gazette.

The Honourable the PRESIDENT: The Honourable Minister must be aware of the fact that we have carried both Government bills and non-official bills through all the three readings at the same session.

The Honourable Sir GHULAM HUSSAIN: Other parties may not be affected in those cases.

The Honourable the PRESIDENT: The rules give a certain amount of latitude to be exercised with great discretion. The only issue is, what is the meaning of the first word "published" in rule 20? It is purely a legal issue. My doubts were already there in regard to the words "unless it has already been published." According to the legal interpretation of that rule my ruling will be given. Therefore I should like to know what the word "published" means in the first part of rule 20. The issue on which I am called upon to give a ruling is whether the word "published" means "published in the *Gazette*" or whether circulation to honourable members present at a session of the Legislative Council is "publication" in the meaning of rule 20. On this point I should like to hear what the Remembrancer of Legal Affairs has got to say.

Mr. BALAK RAM: Sir, I should like to point out that the requirements of standing order on page 86 requiring despatch to each member of a copy of the bill have not been satisfied.

The Honourable the PRESIDENT: I do not want a further question. I want the honourable member the Remembrancer of Legal Affairs, if he will oblige me, to give me an answer to the two issues I have put before the House; firstly whether the word "published" means publication in the *Gazette* and secondly whether circulation to honourable members present at a session is publication in the meaning of rule 20.

Mr. BALAK RAM: I quite understand and what I said above had reference to the second question. I will now answer the questions in serial order. Publication does not mean publication in the *Gazette*; and private circulation to individual members of this House is not publication in the meaning of rule 20. I would add that this particular bill has not been circulated to all the members of the Legislative Council. That is a fact which I am bringing to your notice.

The Honourable the PRESIDENT: The bill has been put in the pigeon holes.

Mr. BALAK RAM: That is not circulation.

MOULVI RAFIUDDIN AHMAD: I should like to ask the honourable member, the Legal Remembrancer, what authority he has for the interpretation he puts on the word "publication".

Mr. BALAK RAM: The question put to me by you, Sir, was whether circulation to individual members was publication. The honourable member, Moulvi Rafiuddin, wants to know what authority I had for saying that publication to members is not publication. That is quite a different question altogether. Circulation is *private circulation*, and publication is altogether different from it. To use the word "publication" in that sense is to beg the question.

Mr. G. B. PRADHAN: There are two rules only in the Bombay Legislative Council Rules, Rule 18 and Rule 20, which refer to the publication of bills. The two rules are not inconsistent with each other. The first rule runs as under:—

"The Governor may order the publication of any bill together with the statement of objects and reasons accompanying it in the *Gazette* although nomination has been made for leave to introduce the bill."

[Mr. G. B. Pradhan]

That is the choice left to His Excellency. The Governor may allow the publication before the bill is actually introduced. In that case it shall not be necessary to move for leave to introduce the bill. If the bill is already introduced, it shall not be necessary to publish it again. Rule 20 says :

"As soon as may be after a Bill has been introduced the Bill, unless it has already been published, shall be published in the *Gazette*."

That is to say, His Excellency has got the right to allow the publication of the bill in the *Gazette* before it is introduced—the permission may or may not be given. Circulation to the members of this House is not publication of the bill. If the bill has to be published, it must be published in the *Government Gazette* so as to give notice to the public. The Rule 18 contemplates the discretion which is vested in the Governor of allowing publication of a bill before it is introduced in the House and Rule 20 says that if such publication has not taken place, then in that case it shall be published, it is obligatory that it must be published in the *Bombay Government Gazette*. As this bill was not published as contemplated by Rule 18, simply because it was circulated to some honourable members of this House, the first reading cannot take place.

The Honourable the PRESIDENT : I should think that the Standing Order, which has got quite distinct words, is inconsistent with that rule. The proviso reads :

"Provided that no such motion shall be made before the expiry of seven clear days from the despatch to each member of a copy of the bill."

Supposing a non-official member decides to send a copy of the bill to each honourable member before leave to introduce has been granted to him, that would comply with that proviso. I have already stated that the Standing Orders, if they are inconsistent with the rules, are not operative to the extent of such inconsistency. If the honourable member's interpretation of Rules 18 and 20 is correct, then that interpretation is inconsistent with this proviso. This proviso contemplates that a member may, before leave to introduce, send a copy of his bill, with the statement of objects and reasons, to each honourable member. Whether he puts it in the pigeon-hole reserved for each member or actually sends it by hand or by post is purely a question of details. I do not wish to go into it at this stage, but the main issue is that assuming that the honourable member has complied with this proviso and has circulated the bill and the statement of objects and reasons to all honourable members seven clear days before he moves the first reading of the bill, he presumably is entitled to do so unless this proviso is inconsistent with the rules. In that case, this proviso will not be operative.

Mr. G. B. PRADHAN : I would submit, Sir, that superadded to the Standing Order is the Rule 20. He has to satisfy both the requirements. The words "as soon as the bill has been introduced, the bill, unless it has already been published, shall be published in the *Gazette*," are obligatory. So, unless the permission of His Excellency is taken by a private member before he introduces the bill that it should be published in the *Bombay Government Gazette*, that permission may be granted. In

[Mr. G. B. Pradhan]

that case Rule 20 need not be looked to. The honourable member, Mr. Surve, before introducing the bill, moved the Governor requesting him to allow his bill to be published in the *Government Gazette*. The Rule 20 will therefore not come in his way. Then we only have to look to the Standing Order to find out whether seven days' clear notice was given to each and every member of the House.

The Honourable the PRESIDENT : There is a considerable amount of doubt in my mind as regards the way the honourable member argues the point. Assuming that the bill is published in the *Gazette*, then if his interpretation is correct, even in that case the obligation is imposed upon the honourable member under this Standing Order to send a copy of that *Gazette* to each honourable member. That would be the interpretation that he is trying to put upon it.

Mr. G. B. PRADHAN : The Standing Order uses the word "despatch." Publication in the *Gazette* is not "despatching". He has to despatch a copy to each member of this House.

The Honourable the PRESIDENT : Yes.

Mr. G. B. PRADHAN : As a matter of fact each member of this House gets a copy of the *Gazette*. The mover will say "Did you or did you not get a copy of the *Gazette* in which my bill is published? Have you got it? If you have got it, it is not necessary for me to send it to you". The Secretary may or may not send a copy of the *Gazette*. It is not obligatory upon him (the member) to make a motion for introduction, and that is exactly the reason why the *Bombay Government Gazette* is sent to each and every member of this House. I submit that the requirements of Standing Order 4 are satisfied as soon as the *Gazette* is despatched to each and every member seven clear days before the motion for the first reading, but then Rule 20 requires that it shall be published as soon as permission to introduce the bill is granted.

Mr. C. M. GANDHI : The standing order is not inconsistent with Rule 20. Suppose, Sir, leave is granted on a Wednesday, the bill is published in the *Government Gazette* on Thursday and if a man wants to move the first reading on the Friday following, he will not be allowed to do it. He will have to wait for seven days. In that case you can make the Standing Order consistent with the Rules. It says that when the bill is introduced, or on some subsequent occasion, the Member in charge will move that the Bill be read for the first time; provided that no such motion shall be made before the expiry of seven clear days, etc., etc. Suppose the bill is introduced on Wednesday and it is published in the *Gazette* on the Thursday following, one cannot move the first reading of the bill on the next Friday.

The Honourable the PRESIDENT : The honourable member's interpretation also is that circulation to honourable members of a copy of the bill with the statement of objects and reasons is not publication in the meaning of rule 20.

Mr. C. M. GANDHI : That is so, Sir.

The Honourable the PRESIDENT: Has the honourable mover got anything to say in support of his contention?

Mr. A. N. SURVE (Bombay City, North): Sir, I submit that publication in the *Bombay Government Gazette* as well as private publication for the present purpose amount to the same thing. I beg to point out the distinction between Government bills and private bills.....

The Honourable the PRESIDENT: I do not want that. I want only to give the honourable mover the chance of answering the one issue, namely, whether circulation of the bill with its statement of objects and reasons to honourable members is publication in the terms of rule 20. That is the one issue I want answered.

Mr. A. N. SURVE: I have nothing further to say. I can give you the explanation which I was going to give.

The Honourable the PRESIDENT: I want the honourable member to tell me whether the circulation of the bill is publication under the terms of rule 20. If it is publication in terms of rule 20 then the motion is in order. If it is not, then the motion is not in order.

Mr. A. N. SURVE: I submit it was publication because every member has received a copy and he knows what is going on. As a matter of fact I can quote instances. When the honourable member Mr. Addyman at the budget session moved his bill and when this objection was raised the House was informed that copies of the bill had been circulated.....

The Honourable the PRESIDENT: The honourable member confuses the issue. The honourable member Mr. Addyman asked me to suspend the Standing Orders and I did it. Then alone he moved the first reading. In this case I asked the honourable member whether he wished to ask me to suspend the Standing Orders. The honourable member said: 'No'. I have complied with the rule. The difficulty has arisen because the honourable member claimed that he could move the first reading without the President suspending the Standing Order. That is the issue.

Mr. A. N. SURVE: I will correct myself. I request you to suspend the Standing Order, Sir.

The Honourable the PRESIDENT: I am at present concerned with the point of order. If the honourable member wants to ask me anything he can do so at the tea interval. I am satisfied that the circulation to honourable members in the manner the honourable member did is not publication under rule 20. Therefore no motion for first reading can be made under the Rules and Standing Orders.

After recess

Mr. J. ADDYMAN (Bombay City): May I make a statement, Sir? When I rose a short time ago for the purpose of making a statement, a misunderstanding appeared to have arisen. I did not in the least intend to criticise His Excellency or any Government official. Now, that you have permitted me to make a statement, I will make my point clear. I submit, Sir, that I have been deprived of my rights in this House, due to an unexplainable delay not of my own making. When I applied for sanction to my bill I did so allowing for, what I certainly felt and still feel, ample time for the consideration of the application. I received

[Mr. J. Addyman]

sanction very late, and as has unfortunately been in this case, too late. It is my point, Sir, that when private members desire to bring before this House matters of public importance, those private members may in future enjoy that consideration which is due to them in their own interest and in the interest of the constituencies they represent, and that in future no private member may be deprived of his rights by unusual delay.

The Honourable the PRESIDENT : I should like to take this opportunity of explaining the constitutional position governing our proceedings. The reason why I interrupted the honourable member from proceeding with the protest—he used that word—was because I anticipated that the protest would be made against the alleged delay which occurred in receiving sanction, and I naturally concluded that that protest was against His Excellency who is the sole authority to give or refuse sanction, and therefore I could not allow the honourable member, after hearing the word “protest”, to continue. The constitutional position is perfectly clear. Under the Government of India Act and the Rules made thereunder, in the case of every bill which requires the sanction either of His Excellency the Governor or His Excellency the Governor General, a copy of such sanction has to be attached to the notice to make it valid. Unless such a copy is attached, the notice given is not valid. Honourable members have to approach the sanctioning authority, which may be either His Excellency the Governor General or His Excellency the Governor, and they act as Governor General and Governor, and not as Governor General in Council or as Governor in Council. The Government departments have constitutionally nothing to do with these sanctions. It is at the discretion of His Excellency to consult whomsoever he likes, and there is no time limit within which the Governor General or the Governor is bound to give his decision. I am sure both the Governor General and the Governor will do their best to expedite matters, because, as honourable members are aware, they are perfectly keen to help the work of this Council. But the constitutional position remains that the responsibility for giving or withholding sanction rests exclusively in this case on His Excellency the Governor. That being so, when I heard the word “protest”, I had to stop the honourable member from proceeding further, because the protest can only be as regards His Excellency’s action.

I hope all the misunderstanding is now removed. We cannot work unless we clearly realise our rights, our privileges, our obligations and our disabilities under the Rules and Standing Orders. I hope the matter is properly appreciated by the honourable member.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST

Mr. S. S. DEV (West Khandesh District) : Sir, we are at last out of the bills and I hope we are now in a freer and calmer atmosphere. In such a pure atmosphere I wish to move my resolution, on which I hope we shall all unite. The resolution which stands in my name reads thus :

“In view of the pecuniary hardships of the primary teachers, this Council recommends to Government that primary teachers should be paid according to the Sathé-Paranjpye scheme from March 1923.”

[Mr. S. S. Dev]

Sir, I am extremely anxious that in this last session of the present Council we carry this resolution, and therefore, in order to make the resolution acceptable to all, I seek your permission, Sir, and the permission of the House, to amend my resolution by substituting for the year "1923" the year "1925" or, for the matter of that, the year "1926". As I said, I anxiously wish that we are able to carry this resolution unanimously in this House, and that there should be no objection from any quarters. I ask your permission, Sir, to amend the resolution as follows :

Substitute the year "1926" for the year "1923".

The Honourable the PRESIDENT : Is it the pleasure of the House to allow the honourable member to amend the resolution ?

Question put and leave granted to amend the resolution.

Mr. S. S. DEV : I am thankful to the House for this permission. Now, the resolution says that, in the main, on account of the pecuniary hardships that these primary teachers are put to, the Sathé-Paranjpye scheme be put into operation. I am sorry, Sir, that the Honourable Minister in charge of Education is not at this moment in the House, for I am anxious that whatever any one of us speaks on this resolution is heard, attended to and considered by him. However, I am bound to proceed in his absence, although I am wasting my time in speaking about other things, in the hope that he may turn up, but if it is hopeless to expect him to be present, we have to proceed.

I have already read the resolution to the House. To give some time to the Honourable Minister to turn up I might give the history of this resolution. It was moved for the first time in the very first session of the present Council. My honourable friend from Thana (Mr. G. B. Pradhan) moved it in the February session of 1924. Then the Surve Committee came to be appointed. Then, in the month of July last, at exactly the hour when this resolution was going to be moved, the Swarajists went into silence and the resolution could not be moved. Then in the October session last year they also continued their silence and the resolution remained only on the Agenda. Then in the February session of this year, when this resolution was going to be moved, the Swarajists had walked out. On the last day I moved the resolution and it was postponed to this Session. Thus, the cause of the primary teachers appeared to me to be God-forsaken, Government-forsaken and man-forsaken. Such is the history of this resolution, and I am extremely anxious that in this the last session, when at any rate after about 50 hours my life as a member of this Council will be over, this resolution should be passed unanimously ; and in order that it may be acceptable to the whole House and even to the Honourable Minister in charge—I am glad he is in his seat—I have substituted the year 1926 for the year 1923. I pray that these primary teachers may be paid according to the Sathé-Paranjpye scheme from the month of March 1926, and I base this prayer on three grounds.

The first is already mentioned in the resolution itself, namely, the pecuniary hardships of these teachers. Do all the honourable members realise what these hardships are ? I would make it a rule, Sir, that no

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person should be appointed a Minister in charge of Education, unless at some time or other in his life he has been a primary teacher, so that he may realise what these pecuniary hardships are. Now, I have met hundreds of primary teachers and I have ascertained from them what their hardships are. I have all the details in my possession. I have formulated a statement giving the names of teachers, their qualifications, members in the family, their pay and other means to supplement their pay. These details cannot be in the possession of Government, and I will presently tell the House why. The statement shows that 50 per cent. of the primary teachers cannot maintain themselves upon the salaries that Government pay them, and therefore necessarily they have to take to other ways and means to supplement their income. They have taken to tailoring, carpentry, private tuitions and so on, and in one instance, which it is impossible I should forget, I met a primary teacher who at night worked in a factory in order to earn 12 annas. If this is the state of things with the primary teachers, if their hardships are great, it is a reasonable demand which must appeal to every one of us that they must get their pay according to what is known as the Sathe-Paranjpye Scheme. I say that Government cannot get these details. I had once asked a question in open Council to the Honourable Minister in charge whether he was aware that the primary teachers, in order to maintain themselves, had to take to other means to supplement their income, and his reply was "No; and even if they do it is not allowed by the rules." If that is not allowed by the rules, how will Government be able to ascertain these facts? Primary teachers can open their hearts to us, and take it from me, Sir, that not less than 50 per cent. of them have necessarily to take to other ways to supplement their income. That is a fact, and I give it to Government as it is. The Honourable Minister says it is against the rules and if teachers take to these other ways, Government would not allow it. This reminds me of a proverb in my language, Marathi; I do not know whether there is a similar proverb in Gujarati. Translated into English it means, the mother will not serve food to the son and the father will not allow him to beg. (*Ayi jevu ghaleena, bap bheek magu deyina.*) Between the Minister and the Government, who is the mother and who is the father, it is for them to decide. The Minister will not serve the teachers, that is, pay them according to their just demand, and Government rules will not allow them to supplement their income by other means, and thus they must starve. So, the situation is clear, that our primary teachers are undoubtedly labouring under pecuniary hardships. But, Sir, that is not the whole story. There are other reasons also, as I said in the beginning. I have never been a primary teacher in a school, but I once tried to be a primary teacher at home.

I sat to teach my son a certain lesson in Rule of Three. I had just returned from court with a defeat in a criminal appeal and I sat to teach him the lesson. He could not understand it. I tried to teach him once, twice, and thrice. Yet he could not understand it. I dashed the slate, gave him a slap and asked him to go away saying 'you would not

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understand'. The fact of it was not that he was not able to understand but that I was not able to teach, because I had not the patience required. If I could not have the necessary patience to teach for a while, just imagine what might be the mental worry of these primary teachers when they have, day after day and year after year, to continue to be primary teachers with our small boys. It is these teachers who deserve your utmost attention and it is, therefore, that I say that if such is the onerous duty of the primary teachers, will you not give them their proper pay?

The third ground which I urge upon your attention is that the claim of the teachers is just. To be plain with you, Sir, they are entitled to much more, but they are going to be satisfied with much less, namely, with the Sathe-Paranjpye Scheme. That is plain. We have referred to it very often before. They are going to be satisfied with less than what they are entitled to. The talatis, the darogas, and the tapedars have been provided; and last, but not the least, my friend's round guards were also provided the other day. So, all have been provided; only these poor primary teachers remain to be cared for. If you find, Sir, that all that I have said is true, and much more is true, then it is really your duty to accept this resolution. In no country, I believe, are higher services so extravagantly paid and lower services paid so meagrely. If my impressions of what I once read about Japan be true, no primary teacher in Japan gets less than Rs. 40 or Rs. 45 and no officer in the Education Department in Japan is paid more than Rs. 400. Now, we have officers here who draw Rs. 600, 800 and 1,200 and so on. I do not know, but as my honourable friend here says, there are officers who draw even more than Rs. 2,000. It is our duty to give these primary teachers at least their living wage. Cut down your superior officers; they will not starve if you do that. But what we are in this country doing is that we are paying higher officers more and more—and as we pay their demands grow—and we are postponing the claims of the primary teachers, of all others, to Doomsday. Therefore, I again appeal to the honourable members to support the resolution. It was moved in the month of February 1924 and we lost it by only two votes. What a happy day would it have been if we had two votes more and we had been 42 and the Government 40, instead of our being 40 and the Government 42! We lost then by two votes and since then the case of primary teachers is before the House in every session. Major Pogson and primary teachers have become, as it were, permanent fixtures of the House. They must be discussed in every session. The question of primary teachers would have been set at rest in February 1924 if we had only two votes more. But it was not to be.

Then, there is one, and only one, aspect, Sir, which is always prominently referred to when the question of the primary teachers comes up for discussion. That aspect does not trouble Government when we have to consider the Lee Commission's recommendations. Was it ever said, then, whence the money was to be got to meet the recommendations? The money was to be had, no matter by what means. Was this question ever put to us when we were asked to meet the recommendations of

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the Lee Commission? But only when the question of primary teachers is under discussion the question is asked, in all seriousness, whence the money is to come? To that, as a non-official member on this side, my reply is that it is not at all our business to find money for you. We are not responsible. The Finance Department is not responsible to the House and it is not our business to find out money. Hand over that charge of the Finance Department to us, and we will find out the required money. I shall never be satisfied with a budget for education which is less than four crores of rupees. One-third of our revenue ought to go to education. Therefore, unless the department of Finance is transferred to us, it is not our concern to find out the means whence to get the money. It is for Government to do so. It is our duty to convey to Government our recommendations. We move among the teachers, we realize their difficulties and we know their grievances much better than any one on the Government benches can, except probably the Honourable Minister for Education. Whatever his views may be as a Minister, I am perfectly sure he knows all these things. Whether his position as a Minister makes it difficult for him to own it, it is not for me to say. We know there may be many difficulties, but they must be overcome. When the life of this Council is going to be over within, as I said, two days more, it is but fair that we all unite to do justice and carry this resolution. I remember with pride and delight that when on the first occasion the resolution was moved in 1924 and we had 40 members voting for it, there were European members also among those 40 who supported the cause of the primary teachers. I appeal to them, one and all non-official members representing the European interests, I appeal to them to vote this time also for the same cause, which is just. Similarly, I wish to appeal to all to vote for this resolution, especially when we know that this resolution is long over due and that it is time that we carry it.

In the meanwhile, we had the Surve Committee's report. It recommends certain allowances to headmasters and first assistants. None is satisfied with that report. The principle which has guided the members to come to this conclusion, namely, that the headmasters and only the first assistants should get certain allowances is faulty. The allowances depend upon attendance of boys, as if the subordinate teachers have nothing whatever to do with attendance! This is creating, where there are none, divisions amongst the teachers. The interests of the headmasters and all assistant teachers are one and the same. How can you make any difference? Treat them equally. Whatever spare money you have, give it to them all according to their deserts. I appeal that the Sathé-Paranjpye Scheme be given effect to. With these few observations for the present, I recommend this resolution to the acceptance of this honourable House.

Question proposed.

Mr. D. B. ADWANI (Karachi City): Sir, I can assure my honourable friend Mr. Dev that even if we had been able to carry this resolution in 1924 when it was first moved, we would not have improved the position

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of the primary teachers to any extent, for the reason that it appears to me that the Government had made up its mind and they would not have accepted the resolution. Even now it appears to me that the Government and the Honourable Minister have made up their minds. The persuasive manner in which the honourable member moved his resolution would have softened the heart of any one. But the Government of Bombay have a heart made of stone, and the persuasive tongue of the mover will not, I fear, be of avail. What do the teachers want? If we consider for a moment their demand it would appear that it is not even a living wage. When last time this resolution came before the House the principle of supply and demand was trotted out and we were told that it was possible to get men on lower salaries. It appears to me that this is a very strange, queer and unfair proposition in the case of a hard-worked class of men who are doing their service very ably and very nobly. Because this principle does not take into consideration the elementary and the most important principle that a man must have a living wage. It is only after a man gets a living wage, after he gets enough to live on and to exist and to just be able to feed his children that we can safely apply the principle of supply and demand. This is the first essential condition. Sir, what do these primary teachers require? The first year trained men require under the Sathe-Paranjpye scheme a salary of Rs. 30 to start with rising to Rs. 50 in 20 years. If a man is first year trained he can rise to the princely salary of Rs. 50 with which to feed himself, his wife and children. Is that a living wage? Not at all. If he manages to pass the second year in the training college he gets Rs. 35 rising to Rs. 65 in 15 years. If he can manage to pass the third year—I must here inform honourable members that these are difficult tests—he expects to get Rs. 40 rising to Rs. 80. That is to say just before his retirement he can rise to the maximum of Rs. 80 per mensem. At that time probably he may have 6, 8 or 10 children. Is he to maintain this very large family on Rs. 80? If he dies and is not able to enjoy his pension he leaves his children in want. It must also be remembered that the Educational Department limits the number of third year and second year trained men, with the result that many of the teachers have to retire on Rs. 50 and 65, and they do not go up to Rs. 80 at all. It is always the desire of statesmen in European countries to raise the standard of living of the citizen from time to time and to so increase the means of production as to enable him to earn enough so as to live up to that standard. I read a long ago that in America many years ago the standard to be attended by an ordinary unskilled labourer was one dollar per day which amounts to Rs. 3 and some annas. That was the standard wage for an ordinary unskilled labourer in America. I simply mention this to show that it is the duty of all Governments to see that the citizen earns a good living wage and that his standard of living is not too low. This would mean increased means of production. In the Bombay presidency we are faced with the position that we can get primary school teachers on Rs. 20 or 25 per month. What does it indicate? It shows that there is poverty, starvation and unemployment in the country, and that the Government

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in whose hands are placed the destinies of the people, must leave no stone unturned to improve this state of affairs. No Government with a sense of responsibility can allow such a state of affairs to continue.

Then, Sir, we are told that if we give these primary teachers additional allowances according to the Sathe-Paranjpye scheme there would be an increase of some 18 or 19 lakhs of rupees in the expenditure out of which 13 lakhs or so would have to be borne by Government. If you distribute these 18 lakhs among 30,000 teachers—there are no less than 30,000 teachers in the whole presidency—each man will get 60 per annum or an average of Rs. 5 per month. Is it too much to ask that in these days of hardship the teachers be given this amount? Of this only two-thirds would fall upon Government. Where is the amount to come from? It was possible to find, at a moment's notice, a sum of 20 lakhs of rupees per annum for the sinking fund in connection with the losses due to the mad project, the Bombay Development Project, but it is not possible to find two-thirds of that amount for 30,000 people who are engaged in educating the future citizens of the country. Primary education is one of the most important means of uplifting the citizens and it has been admitted on all hands that primary teachers are doing the most important work of the State and that it is necessary to have the best possible teachers for the primary standards; the ideal is that we should have graduates. But instead of having graduates and instead of having the best qualified teachers we have people who are not given a living wage. What work can you expect a teacher to do when he is starving and is at a loss to know how to feed his children? I hope, Sir, that after all is said and done the Government of Bombay and the Honourable Minister for Education will realise the state of these teachers, will realise the difficulties under which they are groaning and the fact that they are not really getting a living wage and that they will give these primary school teachers a living wage.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support this resolution. It is not a new question that has come before this Council. Moreover, the agitation of these teachers has been going on since several years. They have been agitating for an increase of pay since 7 or 8 years and the very fact that they have persistently and incessantly carrying on the agitation goes to show that their grievances must be real and genuine. Some members tried to make out that this agitation is being engineered by ring-leaders and it is being artificially kept up. I am of opinion that if you look to the fact that this agitation has been going on for so many years and that it has been going on continuously since the year 1917 or 1918 and that more than one committee of this Council has been appointed to go into this question, it cannot be maintained that this is an artificial agitation kept up by a few individuals. We must realise the importance of education in the development of the Indian nation. If we try to advance the nation by any means, we are confronted with the difficulty that the masses are not educated enough. If we ask the Government or the British people for a further step in self-government we are confronted with the reply that the masses are not educated

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enough and that they are not in a position to make proper use of their franchise.

If we want to advance agriculture by scientific means, by means of good implements, by better tillage and so on, we are confronted with the fact that the masses are too ignorant, backward and bound up with old traditions. When we want to advance the co-operative movement we are again faced with the same difficulty and we find that the members of co-operative societies are too backward to be able to take much advantage of this movement. If we want to encourage industries or cottage industries, we are again faced with the same difficulty. It cannot be denied that the very foundation of the nation rests on our system of education. We must take education in a wide sense, we must not take education to mean the teaching of the three R.'s merely. The teacher has not only to teach the three R.'s but has also to build up the character of his pupil. Children in primary schools are of a very impressive age and the lessons that may be imparted to them at this tender age may influence the course of their conduct throughout the rest of their lives. If the teacher is able to induce the students to take an interest in education and to cultivate the habit of study, it is likely that the students will turn out much better citizens and will keep up their habit of reading. So what matters is not the number of people who we can say have been put through our schools but our object must be to turn out literate citizens; we have to look not only to the number of the pupils but also to the quality of education imparted to them. Moreover, we must not forget that it is at present our ideal to enforce compulsory primary education and that will not be possible unless we have got a staff of contented and satisfied teachers. The administration of the Compulsory Primary Education Act will be entirely in the hands of these teachers. It will be the teachers who will have to take steps against those parents who do not send their children to school; it will be the same teachers who will grant exemptions for non-attendance at schools. And so, it is most desirable that the teachers should receive a salary which would enable them to make the two ends meet and which would keep them from taking recourse to dubious means of supplementing their income. Of course, it is likely that on account of the present slump and great unemployment owing to want of openings in some of the districts, it may be possible to get teachers on a very low scale of pay, but that will be hardly a reason for fixing a low scale of pay for the whole of the Presidency. There are several districts in Gujarat in which the rate of wages is much higher and it will not be possible to get good teachers on such a low scale of pay. We shall only get such teachers as cannot find employment elsewhere. In Ahmedabad, for instance, a labourer in a mill is able to get Rs. 20 or Rs. 25 a month. How can we then expect a qualified and educated teacher on a salary of Rs. 15 or Rs. 20 a month? Moreover, this is a question of justice. We should not take undue advantage of the poverty-stricken condition of the people. I may say that it is a disgrace to the British Administration that after 150 years of British rule the standard of the people is

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so low that we are able to get men on a pay of Rs. 15, that we are able to get educated people on a pay for a week at which the lowest class of labourer in England would not serve for a day. The object of every civilized Government should be to raise the standard of living of the people and to increase their earning capacity, but no such steps have been taken with the result that at present we are told that we are able to get people on a scale of pay on which it is not possible to decently maintain even one individual, and it is hardly possible for a teacher to maintain himself and his wife on a pay of Rs. 15. It is a question of justice. The only crime of the poor teachers seems to be that there are too many of them. They are nearly 25,000 in number with the result that an increase of pay by rupee one per month would mean an expenditure of nearly three lakhs of rupees. That is the only crime which the poor teachers seem to have committed. If we look at the scale of pay drawn by government servants with similar qualifications in other departments of Government, we shall find that most of them get at least fifty per cent. more pay at the end of their service than the poor teachers get. Even if we gave them a pay according to the Sathe-Paranjpye scale, they would be getting no more pay than Government servants in other departments of Government get. It may be argued that giving a decent living wage to primary teachers would interfere with the expansion of primary education, but that, as I have tried to point out, would be a wrong way of looking at the question. The expansion of primary education should be judged from the quality of literate educated citizens turned out by the schools. We should not look merely to the number. At present most of the children who leave school give up studies and in a few months' time forget all that they may have learnt at school. So, if we have dissatisfied and discontented teachers, we cannot possibly expect to expand primary education at such a rapid rate as we would otherwise with fewer teachers and fewer schools. If, however, Government find that they cannot afford to give pay according to the Sathe-Paranjpye Scheme which may involve an expenditure of nineteen to twenty lakhs of rupees, they may at least give them a pay according to the scale recommended by me and by my honourable friend Mr. G. B. Pradhan which would reduce the cost to half of what it would be if they were given pay according to the Sathe-Paranjpye Scheme. The pay suggested in that scale is not too generous by any means. The pay for unqualified assistants is only Rs. 20 and for qualified assistants it is Rs. 20 rising to Rs. 30 after twenty years' service. I think it should certainly be possible for Government at least to meet the teachers half-way and give them the pay recommended in our scale. I therefore support the resolution before the House.

Dr. R. P. PARANJPYE (Bombay University): Mr. President, I think it would not be proper if I refrained from speaking on this resolution. You know yourself, Sir, as well as I do the genesis of this Sathe-Paranjpye Scheme. It was in the year 1920, just before the old Councils under the Morley-Minto Reforms finished their existence, that a resolution was moved in that Council bringing to the notice of the then Government

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the peculiarly hard position of the primary school teachers, and you, Sir, occupying at that time the position of the Member in charge of the portfolio of Education, made a sympathetic reply and promised to appoint a committee to consider what was to be done. You, however, then said, as the Educational Member of the then Bombay Government, that as the basis of Government was going to be altered, the Government at that time could only consider the question of immediate relief and that committee formulated proposals for giving immediate relief to teachers. That relief was at that time of a fairly moderate nature and not at all what the teachers had been demanding even at that time. But, Sir, some of us who were members of that committee thought that it would at least be worthwhile putting down on paper what we considered at that time to be a reasonable scale of pay for the teachers. The late Rao Bahadur Sathe and myself formulated this scheme which has been so long known as Sathe-Paranjpye Scheme. That scheme was not accepted at that time by teachers. Innumerable meetings of teachers all over the presidency condemned even this scheme and considered it absolutely inadequate. I mention this fact to show that this scheme is not in any sense generous. But we considered that that was the least that was required in order to meet the demand of the teachers. It might be remembered that at that time the prices of commodities and cost of living was growing higher and higher on account of the difficulties caused by the war. The cost of living index in the years 1919, 1920 and 1921 was getting higher and higher. The scheme was formulated to meet the then existing condition. Although now the prices have to a certain extent fallen slightly lower than what they were four or five years ago, but still the fall has not been of a material nature. While the cost of living index then was about 175, at present it is 153 or so. So, the fall in the cost of living index is very small.

I may be asked naturally as to what I did when I had the charge of the Department of Education for three years. I am quite prepared to tell you exactly what I did. In the first budget that was framed and passed by the Legislative Council in the year 1921 the total educational budget was increased by something like 40 or 50 lakhs. A very great part of this amount was spent in improving the salary of the primary teachers practically all of whom were paid by Government. At that time all the local board schools were under the management of Government. The local boards paid 4 pies out of the cess of one anna on the land revenue they collected and every extra pie that was required for conducting these schools was entirely borne by Government. As the local boards were only paying 4 pies the every remaining pie of increase had to be borne by Government. At that time it was impossible to pay the full amount of the scale to the teachers. I therefore considered what class of teachers required relief first. What I did at that time was that the minimum laid down under that scheme was first of all to be paid to the teachers so that no qualified teacher should get anything less than Rs. 25; no first year teacher anything less than Rs. 30;

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no second year teacher anything less than Rs. 35, and no third year trained teacher anything less than Rs. 40.

The Honourable the PRESIDENT: The time allowed for speeches on resolutions is only 15 minutes. I hope that will not be overlooked.

Dr. R. P. PARANJPYE: The minimum for all grades of teachers was paid to them in the year 1921. It was expected that during the next year and the year after that the amounts would be made up and further instalments would be given to them. With regard to the budget of 1922 it was of a difficult nature. Honourable members will remember that the Council practically refused to sanction that budget and compelled Government to accept a lump cut of 60 lakhs. On that account every department had to cut down its resources and as a result of that it was not possible to do anything in that year or in the subsequent year. Even then I did not give up the idea that that scale was a reasonable one. During that year the Chandavarkar Committee was appointed for the consideration of the primary education. This question was once again referred to that Committee and they were particularly asked to report on the adequacy of the scales they should receive. The Chandavarkar Committee unanimously recommended also that the Sathe-Paranjpye Scheme should be given effect to at once. Therefore during the life-time of the first Council a part of this scheme was given effect to, and if the teachers are now getting the minimum wages it was given during the life-time of the first Council. If the Honourable Minister had taken further steps to give full effect to that scheme, I would have been quite prepared to give him the credit for it.

After the second Council came into existence, the same question was raised. The Minister's view apparently changed to a certain extent and instead of accepting this scheme he appointed another committee, in spite of the fact that two different committees have agreed that the scale proposed by the Sathe-Paranjpye scheme is a reasonable one. That committee was appointed in accordance with the resolution by my honourable friend from Bombay (Mr. A. N. Surve). That committee was called Surve Committee. The terms of reference given to that committee, for their Machiavelian nature, can hardly be excelled. The first question that was referred to that committee was whether the Sathe-Paranjpye scheme would retard the expansion of primary education. Obviously if you have got only a definite amount for primary education and you are to pay a higher scale to teachers, more schools cannot be opened. I do not think that any committee is required to answer this question in the affirmative. Any increase in the scale of pay to the teachers is bound to increase the expenditure and more schools cannot be opened. There cannot be two answers to an obvious question like this. The first question that was put to them was an absurd question and it ought not to have been put. What the committee ought to have been asked to report was what was the adequate scale to be given to the teachers; and that if that adequate scale required a certain extra amount how that money should be found out. These are the questions that should have been referred to that committee. The second question

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was whether the local bodies would be prepared to bear the additional expenditure as a consequence of the adoption of that increased scale. If the local bodies were asked whether they would bear the additional expenditure no local body would say that they would bear it; and would ask for supplementing their means and giving them more resources. The next question referred to that committee was which were the places that required special treatment with reference to dearness of living; and for that an elaborate committee is not necessary. Everybody knows that places like Karachi, Ahmedabad, Salsette and Poona are dear places and these places required special consideration. Therefore, the Surve Committee was asked to report in a manner in which it ought not to have been asked to do. And they should have been asked, if the Honourable Minister considered that the scale recommended by the Sathe-Paranjpye scheme was too exorbitant, to recommend their own scale irrespective of what the effect would have been on the expansion of primary education. I wish to assure all members on this side of the House that a dissatisfied teacher is worse than useless. Even in the year 1920, when there was so much agitation, which led to the formulation of the Sathe-Paranjpye scheme, the teachers were all on the point of striking all over the Presidency. The Honourable the President, as Member of Council at that time, knows that the teachers were on the point of striking and strike notices were issued. And some of us who were then continually consulted by the teachers, Rao Bahadur Sathe and myself, at the All-India Primary Teachers' Conference assured them that we would do as much as possible for them and advised them that they should not take such a drastic step as going on a strike.

Mr. C. M. SAPTARSHI : I wish to know from the honourable member who is addressing the House what was done in 1922 and 1923. He was responsible for the budgets of those years and not his successor.

Dr. R. P. PARANJPYE : At that time the schools were to be handed over to the management of the district local boards, and we were making rules as to the terms on which the Government teachers should be handed over to the local bodies. The scales of pay and the terms were to be settled once for all.

May I point out, Sir, that certain measures were being taken in consideration of the vast expansion of primary education? Mainly in smaller villages, it was considered unnecessary to have third-year trained teachers. It was found on an examination of the figures of trained teachers of various grades all over the presidency, that, in some Divisions particularly, the number of third-year trained teachers was far too great, and in fact in certain places third-year trained teachers were managing schools with 25 or 30 students, because there were no places for them in bigger schools. Therefore it was laid down.....

The Honourable the PRESIDENT : The honourable member's time is up, but as a special case I will give him five minutes more.

Dr. R. P. PARANJPYE : It was laid down, Sir, at that time that the number of third-year trained teachers should be reduced as much as

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possible, and I believe that policy is being followed just now. I mention this fact in particular, because although it is said at present that the additional expense of paying these teachers according to the Sathe-Paranjpye scheme would be something like 16 to 19 lakhs, with the reduction in the numbers of the third-year trained teachers, this additional cost will be very much reduced, because a third-year trained teacher costs about three-fifths more than a first-year trained teacher.

In the Sathe-Paranjpye scheme there are certain recommendations which possibly might require some consideration. But if the ordinary increments of that scheme were assured to every teacher, I would not insist on the institution of a selection grade. If that is abolished, at any rate restricted, I think a much smaller expenditure will result and the cost will be still less. I would say, Sir, that the scheme that has been formulated by my honourable friends Messrs. G. B. Pradhan and Shivdasani is in some cases a reasonable one. At any rate now, when all the teachers have been handed over to the local bodies, it would be proper for Government to formulate a maximum scale and a minimum scale, and to ask the local authorities to select between those two. Mr. Shivdasani's scale may be considered the minimum and the Sathe-Paranjpye scheme may be considered the maximum and the local bodies may be allowed to have their own scale, Government laying down that the scales should be so made as to be between these two scales. That will also reduce the cost to a considerable extent.

Well, Sir, I do not wish to take very much longer time. I would only add that I fully agree with the statement that was made by the mover of the resolution that the teachers do a great deal of private work. I know a large number of teachers doing the work of cooks or of servers at big feasts to make a little more money by this means.

Finally, I wish to point out to the honourable member that this is not a question of Brahmin and non-Brahmin. At present perhaps half the teachers in these parts are Brahmins. But the force of time is against them, and larger and larger numbers of non-Brahmin teachers are introduced. The necessities of food, drink and clothing are quite the same for a non-Brahmin teacher as for a Brahmin teacher. Larger and larger numbers of teacherships are going to non-Brahmins. And I do appeal to the Honourable Minister not to treat this resolution as a party resolution. If he comes forward and says that there is no money with the Government, let him come before us for finding out further means of taxation. And the Council, I feel, will be prepared then to grant him the further amounts, if he undertakes that those amounts will be entirely used for the relief of these primary teachers. With these words, I hope that the Honourable Minister will be able to accept the resolution.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I support this resolution. During the discussion on the resolution this evening, it has been a really difficult problem for me to make up my mind what course to adopt, knowing my responsibility as I do, that in case

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recommendations are accepted by the Government, my Board may have to contribute its share, if Government does not bear the whole cost. I do admit there are some very serious difficulties in the way but it is for the Government to get over them. During my experience of the last six years as president of the Larkana district local board, I am convinced that neither the Government nor the district local boards have any escape, we must come to the help of the poor teachers. They are really starving. When we consider their pay, I think any human being will sympathise with them. Even *punkha* pullers are paid Rs. 20. We pay our cooks Rs. 50; our butlers get Rs. 40; and even ordinary *malis* do not accept less than Rs. 16. In these circumstances, the state of the school master who gets Rs. 20 is really miserable.

Sir, all along I was surprised why the Honourable Minister for Education could not emulate the example of my honourable friends the Revenue Member and the Finance Member, who last year on the floor of this House, were fighting the cause of talatis and tapedars. They appealed to the honourable members of this House to feel pity for poor tapedars most of whom we know well possess beautiful red bricked palaces, their sons and grandsons occupying high position in Government service. Even they received full sympathy from this honourable House in spite of the fact that these tapedars get much better pay than the teachers, and if they are to be considered poor, in what term to name teachers. I know not. Tapedars received their attention perhaps because they were Government servants and their interests were to be safeguarded by my honourable friend the Member for Revenue, he considered it his duty to allow them a living wage. I think this noble example was enough for my friend the Honourable Minister for Education who ought to have been stimulated to come to the help of the poor school masters, who really deserve his help and attention. Therefore, I appeal to Government to accept this resolution. The financial position of the district local boards is not only satisfactory to enable them to contribute their share; it is only Government that must provide the money from any source they can. If not otherwise at least in the name of humanity they must come to the rescue of these poor people. But if Government does not find enough money in this case, it is only right that the local boards ought to come to the aid of the teachers by contributing their share. But the schoolmasters must be paid higher wages; otherwise, it would simply be murdering them.

Mr. C. W. A. TURNER : Sir, I should just like to put a few figures before the House in connection with this matter, so that they may realise what has been the financial position and the further expenditure that would be involved by the adoption of this resolution. I have got figures here before me, which show that from the period 1917-18 to the end of 1923, the increased pay given to primary school teachers cost Rs. 51,69,000 per annum. Since then, the further increase given in the time of my honourable friend Dr. Paranjpye has cost Government Rs. 6,15,000 a year, and as a result of the proposals of the Surve Committee, there will be an increase of Rs. 4,15,000 per annum. Therefore, the

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total amount given to these school masters since 1917-8 has cost Government Rs. 62,54,000 per annum. I would ask honourable members to consider how far this is to go on. The acceptance of the Sathe-Paranjpye scheme will cost Government another Rs. 18 lakhs. Is that to be the end, or is it only the beginning of further expenditure on primary education? The cost of primary education now is Rs. 102 lakhs per annum, and out of that more than half is swallowed up by the pay of the school masters.

Now, I would like to draw the attention of honourable members to what is done in other provinces. I find that in this province, out of the total expenditure on education 61 per cent. is taken up by primary education. The next highest province is Madras, where primary education costs 45 per cent. of the total expenditure on education. I find also that the pay of primary schoolmasters in this province rises to Rs. 60 per mensem, whereas in Bengal it rises to Rs. 45. Another thing is that in this presidency the cost per pupil is Rs. 18·4 per annum; the next highest is Madras with an average of 11·8 and the next is the Punjab with an average of 10·2. We are therefore already topping the list. Rs. 7 more per pupil is being spent here than in Madras. Well, if honourable members are prepared to go on indefinitely, and if they will provide the money, I have no doubt Government will be willing to go in for the expenditure, but it must be remembered that all these increases come out of the honourable members' pockets and the pockets of their constituents. Are they prepared to go to their constituents and demand fresh taxation?

I should also like to bring one other point to the notice of the House and that is that even if the resolution is passed, it will be a dead letter. Government have now handed over the control of primary education to the local bodies. Will this House empower Government to force the local bodies to give more pay to the schoolmasters? Will they allow Government to interfere with the affairs of the local bodies? I do not think they will; some of these local bodies are now engaging schoolmasters on the minimum pay allowed by Government, that is, Rs. 15 a month, which is Rs. 10 less than the minimum pay which Government are now paying in their own schools. If that is the state of affairs, if the local boards are able to get men on Rs. 15 a month, do you want us to force them to pay Rs. 30 a month?

Mr. R. G. PRADHAN (Nasik District): Sir, I shall be very brief in supporting this resolution. I shall mainly address myself to the arguments that have been advanced by the honourable member who has just sat down. The House, I have no doubt, will concede at once that the expenditure of this Government on account of the increase in the salaries of the primary school teachers, has increased since the year 1917. The House will also concede and accept the word of the honourable member who just spoke that this Presidency is spending more than other provinces on primary education. But all these arguments are not at all conclusive. The real test is whether the Sathe-Paranjpye scheme is a reasonable one, whether it provides for a scale of salaries

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which is proper ; and if that is so, the Government and the Legislative Council must put their heads together and come to some financial arrangement to provide the necessary amount. The honourable member who has just sat down asked us whether we are prepared to find out the necessary amount of money. Speaking on behalf of myself, I do say that I shall be too glad to find out in what way this additional amount can be provided for in the budget. We are prepared to find out and point out to Government that retrenchment can be made in certain directions. We quite believe that economy can be effected in certain directions. But, even after all this essential retrenchment and economy is effected, we still find that a certain amount of money must be provided for by either additional taxation or by re-adjusting the existing system of taxation, we are prepared to do so. The point is that Government do not seem to accept this scheme in principle. If the only difficulty in the way of the Government is financial, then the Honourable Minister of Education should, in the first place, declare that he is prepared in principle to accept the scheme as a reasonable one. Let him make that declaration ; if that declaration is made, then I feel confident that these financial difficulties will not be so insuperable that they cannot be overcome by the Government and the Legislative Council.

Then the honourable member who has just sat down said that the scheme, even if it is accepted by the House, will be a dead letter. I ask : why ? Those trained teachers who were employed before the new Act, have been guaranteed that they would be given the scale of pay to be fixed by the Government. Sir, at all events so far as these teachers are concerned, the scheme cannot remain a dead letter. No doubt, there is the question of the new teachers that are employed by the municipalities and the district local boards. But in their case it is the duty of the Government to fix some datum line and to insist upon the local authorities that they shall not pay these teachers any salary which will fall short of that datum line.

I shall not, Sir, enter into other considerations bearing on the question. The question has been discussed threadbare. What is proposed in the resolution is the barest justice to these primary teachers. And if it is the barest justice to them, it is the duty of the Government to find out the means necessary to give that barest justice, and if the Government do not do so, they will fail in discharging their responsibility.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, as I happened to be a member of the Surve Committee, I shall make a few observations to make my own position clear. Sir, as the honourable member Dr. Paranjpye has very clearly pointed out, the terms of reference were so limited, so narrow, so evasive, that the members could not do much. On the other hand, taking the speech of the learned Doctor, I do not think that he has completely satisfied this House with regard to his own responsibility in this matter. I think that he could have done much more in this matter had he so wished. As a matter of fact he set a very bad example, as the first Minister of a reformed Council, to his

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successor. His ministership in many matters had the effect of an upas tree. Therefore, I think the present Minister, though gravely responsible, to this House, has been misled by the example of his predecessor. Sir, first we were asked to refer this matter to the local boards. That took nearly four months. We all knew what the reply of the local boards would be, and now, after coming here, the honourable member the Secretary for Education comes forward and says: "Look at this, all this heavy expense will fall upon the local boards and they are unwilling to have it". Naturally.

Mr. B. K. DALVI: On a point of information, Sir. As the honourable member has referred to the local boards, should he not tell us what were the opinions of the local boards that were called for by the committee?

MOULVI RAFIUDDIN AHMAD: Well, did I not say that the local boards would refuse further burdens and responsibilities? Are they willing at any time to incur financial responsibility?

Mr. S. S. DEV: Nevertheless, many local boards are of opinion that they are willing to bear the burden.

MOULVI RAFIUDDIN AHMAD: Very well. Now, the question is very pertinently put to us by the honourable member Mr. Turner. He says that this would be a dead letter, or a dead sea fruit. What I want to ask is this, why would it be a dead letter? If Government are willing to spend more money it need not be a dead letter. The whole question is of more grants. During all the time I was a member of the committee I found the Minister for Education extremely reluctant to accept further responsibility or extremely reluctant to have more expenditure. Six lakhs, or eight lakhs or ten lakhs is merely a flea-bite. When you take into consideration what the teacher is, what his duties are, how important they are to future generations, eight lakhs or ten lakhs of rupees are not much. Well, the reserved departments do not allow us to cut anything. We have a limited sum for the transferred departments. For additional money we have to have recourse to further taxation. Are we allowed to have any cuts in the reserved departments? Is the whole budget placed before us as far as the reserved departments are concerned? We are only allowed to have a certain limited amount and out of that we are asked to meet all these expenses. Is that fair? But I find fault with the Ministers. Why do not they come forward and say that "We ask so much, we cannot get it; if the House wants it, it should suggest to us the means to find the money and we are ready to spend it". Then, certainly, as my honourable friend Mr. Pradhan has said, if the Honourable Minister accepts this resolution and then asks the House to find out the money for it, ways will be found to solve the difficulty. But where there is unwillingness on his part to support this scheme, then surely, he must take some part of the blame himself. He is our representative on the front bench. We want to know exactly what the difficulty is in accepting this resolution. The honourable member the Secretary for the Educational Department says that it is only the financial

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difficulty. That is the old story. There is no scheme which does not require more money. If a practicable scheme is put forward before the House after accepting this resolution, we shall be very happy to meet the difficulty. But I do not know what reply the Honourable Minister has in sleeve. As he looks cheerful I expect a good reply. But at the same time, looking to his old ways, I am doubtful. As far as this House is concerned, it is in favour of this scheme. If the Government requires we are ready to help them. But our powers of helping them are limited. I do hope, therefore, that Government will understand that there are no public servants whom this House would like to assist more, and more readily, than the school masters (Hear, hear). Therefore, Sir, I will again request the Honourable Minister to accept this resolution.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, my position as being a member of the first Council in which I had the honour to be a colleague of the honourable member Dr. Paranjpye emboldens me to speak on this matter. I was a member of the Finance Committee of the very first year in July, when for the first time the then Honourable Minister, Dr. Paranjpye, in consonance with the scheme he had himself laid down, asked the Council to give six lakhs of rupees to him for providing promotions to the first year teachers. At that time it was calculated that the total cost of the whole scheme would be about Rs. 18 to Rs. 19 lakhs. This figure was given by the honourable member the General Secretary and it was hoped that with this amount they could carry out the whole scheme. The next two years were fruitless ; no attempt was made by the Honourable Minister to provide anything for the teachers in spite of the fact that it was his own scheme. It is futile now to blame the non-official side for criticising him for accepting a cut of Rs. 6 lakhs while as a member of Government he was bound to carry out his own scheme. He was told at that time and we have continued to tell the Honourable Minister for Education, whoever he be, from time to time that so far as education and health is concerned the non-official side is prepared to vote any amount that is necessary for this purpose. If the Honourable Minister for Education, cannot assert within the inner councils that the cut should be made in the Reserved Departments and not in the Transferred Departments, if he cannot get within the inner councils and obtain the increase that he wants for the purpose of education, the best thing for him, as it will be in Europe or in the British Parliament, will be to resign his appointment and go back to the country and ask them to return him again and supported by all the eighty-three non-official members, tell the Government that his policy should be adopted. Dr. Paranjpye never followed that policy. Dr. Paranjpye agreed to the cut of Rs. 6 lakhs and in Dr. Paranjpye's third year no effort whatever in the direction of providing more money for education was made. Certainly I cannot criticise the previous Education Member for not following the policy that has been laid down by the Education Minister of the Reformed Councils, namely the Sathe-Paranjpye scheme. No effort has been made

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by the present Minister of Education in that direction. What is the effect? We are told by the honourable member the General Secretary that in 1917 there was an increase of Rs. 51,69,000. It was not on account of the increase of salary to the primary teachers but it was the total pay of the teachers. Six lakhs were paid. The scheme was adopted and perhaps executed. Rs. 18 lakhs more are now wanted for the purpose of carrying out that whole scheme.

Dr. R. P. PARANJPYE: As a matter of personal explanation, may I point out that in the first year the increase amounted not to Rs. 13 lakhs according to the calculations made but I believe the amount required for giving effect to that scheme was something like Rs. 40 lakhs out of which I gave one-third. I do not know how the honourable member the General Secretary got his figures.

Mr. B. G. PAHALAJANI: I may remind the honourable member that the total amount that was required was Rs. 19 to Rs. 20 lakhs out of which the Council sanctioned Rs. 6 lakhs.

Did this Council last year obstruct the providing of a sinking fund for the Bombay Development loans? Did the non-official side last year or the year before last refuse to sanction Rs. 10 lakhs for the execution of the Lee Scheme? None of these things have been done. Did this Council refuse or obstruct Government so far as additional expenditure is concerned in even Reserved Departments? What does Government want? Government wants according to the present calculations a sum of Rs. 18 lakhs according to the estimate of the honourable member the General Secretary for carrying out this scheme. Dr. Paranjpye tells us that on account of the transfer of municipalities and local boards the scheme would cost Rs. 13 to 14 lakhs. So we will have to incur a recurring expenditure of Rs. 13 to 14 lakhs. Is it a large amount to find? Has Government made an appeal to this side of the House for an increase in the expenditure on education? Have the proceeds of the entertainment tax been earmarked for education as was promised? I respectfully submit that the total proceeds of the entertainment tax were not made available for education. Now, Sir, if Government is serious, if Government intend to carry out this scheme, which has received the support of the Chandavarkar Committee presided over by an eminent educationist, Sir Narayan Chandavarkar, cannot the Government find the means to put that scheme into execution? The teachers do not even get the pay of peons in Bombay or peons in Karachi. The peons want Rs. 25 a month in Bombay and Karachi. The teachers get a salary of Rs. 20 rising to Rs. 40. There are many services in the Revenue Department, in the Finance Department, in the Judicial Department who have got increases. All people have got increases except those in the Education Department. Ever since 1920 after the Department was transferred from the previous Executive Council Member to the Minister, the Ministers have been unwilling to carry out this policy. These Ministers have failed to assert in the inner council to give them more money for education. We expect the Minister to resign, if he cannot assert his will there. This is our

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prayer to the Minister whoever he may be and this is the policy that he he must lay down. He must continue the policy laid down by his predecessor the Honourable Sir Ibrahim Rahimtoola. He must lay down the policy which the next Minister Dr. Paranjpye in conjunction with Mr. Sathe laid down. That policy should be the policy of Government and is it for a small committee (the Surve Committee) to set aside the policy of two Governments ? It was a monstrous action which ought not to have been adopted by this Government. We should insist on this policy being carried out. I know that Government can treat with contempt any resolution passed in this Council. I know that Government will take it as a mere recommendation and will refuse to abide by it. I know also that if the Minister takes it into his mind he can rise equal to the occasion and say that a resolution of this kind must be carried into effect. We must make it impossible for the Minister to continue until this is carried into effect. This is not a resolution which Government can afford to neglect. This is a resolution which Government must carry out if the non-official side of this House wishes them to do so and if the non-official side is willing to supply the sinews wherewith to do it. I assure the Honourable the Minister, I assure Government, I assure the Honourable the Finance Member that so far as this matter is concerned, the House is prepared to grand him the money provided that the amount is earmarked for the Honourable the Education Minister and not frittered away in any other department of Government.

Mr. R. D. SHINDE (Nasik District): Sir, I do not think any honourable member of this House will find fault with the sentiments of sympathy expressed by some of the non-official members for the primary school teachers, but, Sir, at the same time it must be the duty of every member who has the interest of education at heart to put before the Council some considerations which must be weighed before passing judgment upon the Sathe-Paranjpye Scheme and the resolution which is now before the Council. I would only point out that the honourable member who spoke last made a statement that the present Minister had deviated from the policy settled by you, Sir, when you were the Member in charge of the Education Department and by Dr. Paranjpye when he came after you as the Minister under the Reforms Act. But, as has been already pointed out by the learned Doctor it was he who disposed of the Sathe-Paranjpye Scheme in 1923 by saying that that scheme could not be accepted and he laid down the present Government scheme under which the minimum starting pay has been given but the only difference is that the maxima given by the Sathe-Paranjpye Scheme have not been given. It may thus be said that Dr. Paranjpye, in passing that order, as a matter of fact in 1923 disposed of for himself the question of the Sathe-Paranjpye Scheme.....

Dr. R. P. PARANJPYE : Where is that order ?

Mr. R. D. SHINDE : May I ask the honourable member, Dr. Paranjpye, whether it was not he who passed the order sanctioning the present scheme ?

Dr. R. P. PARANJPYE : No.

Mr. R. D. SHINDE : It was in 1923 before the present Ministry came into power, I am subject to correction, that the present scale was laid down and after that.....

Dr. R. P. PARANJPYE : I am afraid, Sir, the honourable member is misrepresenting me. I did not discard the Sathe-Paranjpye Scheme. I took a portion of it and wanted to give effect to the remaining portion, but it was not possible to do so. The Sathe-Paranjpye Scheme was never given up by me ; in fact it was referred to the Chandavarkar Committee by whom it was accepted and I wanted to give effect to it as soon as circumstances were favourable.

Mr. R. D. SHINDE : I accept the explanation with this reservation that the orders passed in 1923 did dispose of the question of the Sathe-Paranjpye Scheme so far as the then Government was concerned.

An argument has been made that the present Minister of Education has deviated from that policy. I may say that in taking action upon the Surve Committee's recommendation, if the present Minister has done anything, he has gone a considerable distance in favour of the teachers by giving some of them substantial relief by giving attendance allowance to headmasters and assistant teachers.

As regards the other point which has been made by some of the honourable members, I may point out to this honourable House that under the present provisions of the Compulsory Primary Education Act the District Local Boards and local bodies are under a liability to bear a certain amount of expenditure on account of primary education, and so long as this House does not in any way make any alteration regarding the provisions of the Compulsory Primary Education Act and does not lay down a new provision that the local bodies will have more money from Government and that Government should pay them more grants by way of grants for education, so long as that position is maintained, I submit that this House should also take into account the position of local bodies in respect of this expenditure. I am afraid that position has not been fully realised by some of the honourable members who have been so profuse in their sympathy with primary teachers. You will see, Sir, that some of the members of the Surve Committee, who have just spoken, have told the House that in the majority of the cases local bodies, when they were consulted, refused to bear a single pie of additional expenditure. Some have agreed to undertake this expenditure, but the majority did say plainly to Government that no additional expenditure would be borne by them. I would ask those honourable members who are for adopting the Sathe-Paranjpye Scheme whether it is their intention to force that scheme on those local boards and bodies which are unwilling to bear their part of the expenditure so long as the provisions of the Compulsory Primary Education Act still exist. My submission is that, as has already been pointed out, in some of the Deccan districts such as Satara, Nasik and other districts, we have at present been adopting a different scale altogether with reference to teachers whom we are recruiting since the control of primary education was handed over to us. At present the district local boards in Satara

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and Nasik are employing teachers on Rs. 15 to Rs. 20 per month as starting pay. The second consideration which I would put before this House is that the adoption of the Sathe-Paranjpye Scheme would benefit only those teachers who were handed over to the district local boards and other local bodies at the datum line ; it will not benefit the new teachers coming in under a new and a separate contract altogether.

My third submission would be that supposing after the control of primary education has been handed over by Government to local boards, they adopt a different and a lower scale altogether for the vast majority of the new teachers who will be recruited by the local boards, there is bound to be a great deal of dissatisfaction between the new teachers and those who are given the Sathe-Paranjpye Scheme salaries and this would give rise to further ground for complaint and grievance in the years to come.

Several honourable members made comparison of the pay of teachers with the pay of Government servants in other departments. I may point out that the position of trained teachers in particular is different from the position of other Government servants such as the bailiff and those people who are serving as clerks in other Government departments. You will see, Sir, that the persons who enter the Education Department as vernacular final teachers undergo further training in the training institutions at the entire expense of Government, being given a stipend of Rs. 20 a month for three years, and I do not see any force in the demand of these men, who have passed out of the training colleges at the expense of Government for additional pay for qualifications which they have acquired at the cost of Government. I may say that comparison between persons who pass the university matriculation examination and the third-year trained teachers who stand more or less on an equal footing as regards their education, can never be a good comparison. The position is materially different in this way, that one man is trained entirely at the cost of Government while the other has taken his education at his own expense. My submission is that when a demand is made that a third-year trained teacher should be paid on the same scale as that which is paid to the matriculate, that comparison does not hold good.

There is one more consideration which I would like to place before this honourable House and that is that all those honourable members who sympathise with primary teachers and want to adopt the Sathe-Paranjpye Scheme should realise the extent of damage they would do in the way of the spread of compulsory primary education. Much has been made of the quality of teaching and also of the sense of self-satisfaction and self-contentment that should exist, the other circumstances being equal, among the teachers. But we should realise that there are in this country 95 per cent. of the population who do not know how to read and write and who affix their thumb impression without understanding the contents of the documents. In the face of this appalling ignorance is it not desirable even at some risk of having inefficient teachers that we should succeed in the course of ten or fifteen years in spreading elementary education among the vast millions of uneducated people and create in them the

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consciousness of their birth rights? I think that it is much better that millions of the population should get the benefit of primary education than a few should be trained and sent to Universities. This is the consideration which has compelled some of us to record our disapproval of the Sathe-Paranjpye Scheme. It must not be understood—I deprecate the suggestion of the honourable member Dr. Paranjpye that we are actuated by communal consideration on this question and I assure him that for the matter of that non-Brahmins would spend much more on food and clothing than Brahmins—that we are actuated by any other consideration but that the masses of this country should receive first and foremost the benefit of primary education. I think it is most unfair to the district local boards who do not get sufficient funds from Government to saddle them with any additional expenditure by the adoption of the Sathe-Paranjpye Scheme.

Mr. V. N. JOG (Dharwar District): Sir, the justice of the demand of primary teachers has been admitted. It has also been admitted that their scale of pay is very inadequate. The only question raised is that there are no funds to pay them. By reference to the Appropriation Report for 1924-25, it will be seen that there is over-budgeting in every department to the extent of 50 lakhs against all the departments together. I am referring to page 33 of that report. You find there that even in the case of the Educational Department the over-budgeting is to the extent of Rs. 13,25,545; against the Administration of Justice, Jails and Convict Settlements there is over-budgeting to the extent of 17 lakhs. These are the figures given in the Appropriation Report. The Savings in all the departments excluding the saving effected in the Civil and Public Works Department run to over 60 lakhs, we have got a balance sum which can be utilised for this purpose. I submit, therefore, there is no excuse whatsoever to say that they cannot find 13 lakhs to give effect to the Sathe-Paranjpye Scheme.

Another consideration which I would lay before the House is that a great deal of curtailment in expenditure on school buildings can be effected. It has been brought to my notice that Government are constructing *pucca* stone buildings for housing primary schools. I suggest that the schools can be housed in modest buildings and any saving that is effected can be utilised for increasing the scale of primary teachers' pay. The boys of the agriculturists and other people living in the rural areas require only modest, decent buildings, in which they generally live and not magnificent buildings. I want to specially draw the attention of the Honourable Minister to this point and request him to see whether any curtailment is possible in this direction.

The next question is whether the local boards will be willing to increase their taxation. If Government are willing to accept this resolution and pay their two-third share to the local bodies the local bodies will see their way to meet the increase by taxation or in some other way; but I want to urge the Government not to throw obstacles in the way by urging that the weak bodies will not be able to bear the burden. Will the Government plainly say whether they are willing to give their quota.

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Then again it was suggested that certain local boards were getting teachers on Rs. 15. We are well aware of the economic pressure that exists now. People who are not able to get any other employment accept this job for Rs. 15 thinking that half meal is better than no meal. But the question for us to consider is whether that is a living wage.

Mr. NOOR MAHOMED (Hyderabad District): Sir, it seems that at least some members of this House who were opposed to this resolution when it was proposed first in this House have grown wiser during the interval and have revised their judgment. Those who taught me to oppose this resolution have changed their minds to-day; and I am wondering why they have done so. Be that as it may, I sincerely wish that the resolution had been passed and accepted by Government a year ago. That would have given time to the Honourable Minister to work out the wishes of the House and also to the non-official members to see how far their resolution was reasonable. Undoubtedly, a good deal of money would be required to meet the expenditure involved in this resolution; and we see that money is not forthcoming. What will be the effect of this resolution? We will have passed this resolution and will go back to our constituencies proclaiming that we have stood by the primary school teachers and they will be happy. The Honourable Minister will on his part continue to consider "the resolution up to December and will leave it to his successor for further consideration," if there is to be a new ministry; so that really I fear no actual effect will be given to the resolution.

The speech of the honourable member Dr. Paranjpye was at least to me not convincing. He has had an opportunity of giving effect to his own scheme but it is clear from his speech to-day that he did nothing to promote the interests of the primary teachers as he wished. I feel, Sir, that if the honourable member Dr. Paranjpye had been the Minister in the place of the Honourable Minister Mr. Jadhav during the last three years he would have done nothing more than what little the present Honourable Minister for Education has done. It seems to me that any one who is translated on to the official benches is able to achieve practically nothing on account of the fact that he has no control over the purse, according to the old proverb that anything that goes into the salt pit becomes salt. That was the fate of the honourable member Dr. Paranjpye and that has been the fate of the Honourable Minister Mr. Jadhav.

The honourable member, the Secretary to the Education Department, has put forward the Government case very candidly and I fear Government have no power to compel the local bodies to find more money by taxation. One honourable member (Khan Bahadur Bhutto) said that the local bodies should be compelled to find more money. I know at least the case of one president of a district local board in Sind, whose fate is hanging in the balance on account of his board having sanctioned an increase in the taxation. That was not his fault, as he was only a presiding authority. The members of the board had passed the resolution sanctioning increased taxation. But still all blame is thrown

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by the electorate on the president of the board. I really do not know what his future career is going to be. In this case the president is not a salaried man. The district local boards will not vote money.

It seems to me that the question of the salary of the primary school teachers is becoming an acute one. I am afraid that non-official members of this House cannot in the changed circumstances afford to keep the primary school teachers in discontent. The primary school teacher leads the village, he gives the villagers politics, and he moulds public opinion. If he is discontented the village is discontented. I think Government, especially in the transferred departments, will do well to carefully consider this question. Some relief must be given to the primary school teachers. The primary school teacher knows and feels that increase in his pay is bound to come and if honourable members of this House are not ready and willing to help him there are others outside this honourable House who at least want to make a show of helping primary school teachers if they get an opportunity of serving them in this honourable House. What is the meaning of it all? The meaning is simple and clear. The primary teacher is becoming a power in the village and the would-be legislators would like to have his sympathy and support. That sympathy and support could only be had by showing sympathy in return to the primary teacher. That is the position which the Honourable Minister for Education should carefully consider.

If the primary teachers are going to be given an increase in their salary the expenditure must increase and to meet it Government will do well to decrease their expenditure in reserved departments. Sir Henry Lawrence at the last budget session told us that he would examine the strength of the C. I. D. and if possible to reduce it to the pre-war level. I find that many buildings and court houses are being built by Government although they are not very urgently required. By stopping any further expenditure on such buildings I think money could be saved and utilised to give some consolation to the primary teachers, so that they may not be the danger that they are sure to become.

I find that the honourable member Dr. Paranjpye has supported the resolution with a certain amount of reservation. He spoke of a minimum scale and a maximum scale and wanted Government to find out some solution which could give relief to the primary school teachers. That shows that he is not very keen on his own scheme. He sees the limitations of it. All that he wants is that Government should try to do something for the primary school teachers. That is a very fair position; and I entirely agree with him.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, looking to the pecuniary hardships of the primary teachers I heartily support the resolution moved by the honourable member Mr. Dev.

Mr. C. M. SAPTARSHI (Ahmednagar District): Sir, I have only one observation to make in supporting the resolution. The recommendations of the Surve Committee have not been criticised on the merits by anybody in the course of the debate. The Surve Committee

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was specially appointed to give some kind of relief to the primary teachers. What kind of relief have they given? They have only recommended allowances to headmasters. The headmasters of these schools have a minimum of at least Rs. 75. And what is the result of their recommendations? The result is to encourage nepotism in the administration of the school boards. I may tell you, Sir, from personal experience of the administration of the school board of my own district, that several efficient teachers belonging to the Brahmin community have been superseded and persons who were lower in the grade and who were less efficient have been promoted to headmasterships because they would then be getting these allowances. The committee was appointed to do good to the primary teachers, but instead of doing good they have done mischief. When you are appointed to give relief to the primary teachers generally, you cannot give relief to the headmasters only on the ground that there is a particular number of students in the school. In fact, that was not the object of appointing the committee. The object was that they should submit some constructive scheme of promotion to the teachers. If he does not approve of the Sathe-Paranjpye scheme, will the Honourable the Minister of Education say whether there is any other scheme to give relief to the poor primary teachers? It is quite easy for the Education Secretary and the Education Minister to criticise the speakers in the debate and to say that these proposals are not feasible. We have been criticised by Government for always indulging in destructive criticism. But here is an instance where Government have indulged in destructive criticism. Let us have something constructive from the present Education Minister. For three years he has been in office, and he has not done anything in the way of a constructive proposal in the interests of the primary teachers. He said the proposal is in the hands of the honourable the Education Secretary. He said that already 61 lakhs more have been spent, and that we will still require 14 lakhs more. Let us assume that we will require even 20 lakhs more. We have got for the first time in the history of the presidency an Indian Finance Minister. I am quite sure that he has got the fullest sympathy with the primary teacher. And if we insist, the Indian Finance Minister will easily find the 20 lakhs. I appeal to the Indian Finance Minister, the first Indian to be appointed to this exalted office, to be liberal to the primary teachers and thus further the cause of education in the presidency. We are proud of him; we are proud to see him in this exalted office. I appeal to the Leader of the House, the Finance Member, to see that our Education Minister is not starved of funds. The Education Minister will place the detailed scheme before Government, and I appeal to the Finance Member to see that he will not be responsible to starve the cause of education. With these remarks, I wholeheartedly commend the resolution to the acceptance of the House.

Mr. M. S. KHUHRO (Larkana District): Sir, I rise to support the resolution. Two years back when this scheme was discussed in this Council it did not find acceptance at the hands of Government because

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Government said that it would involve an additional expenditure of 13 lakhs of rupees. The other argument advanced by Government was that this was a question of *demand and supply*, that is, we can easily get teachers on this scale of pay. My experience of the Council for the last three years has made me feel that whenever a proposal for raising the pay of any other department comes forward Government never show any the least reluctance to comply with the wishes of their executive officers. Only recently proposals to enhance the pay of registrars, talatis and other Government servants were brought forward by Government and approved by the Council. The strangest thing that I find is this, that in every other department the lowest Government servants get more than the primary teacher. In the Irrigation Department, the lowest officer called *daroga* or "Abdar", who is generally illiterate, usually starts on Rs. 40, whereas a teacher who receives education for seven years and passes vernacular final starts on Rs. 20. The lowest Government servant in the Revenue Department, the *tapedar* or "talati," who also after passing the school final undergoes 1½ years' training, starts on Rs. 50, whereas the teachers with three years' training start on Rs. 30 only. The talati gets Rs. 50 at the very start and gets much more rapid promotions than the school teacher.

Sir, I find that the circumstances are much more favourable for giving effect to this resolution than they were two years back when Government showed such an opposition. The control of primary education has been transferred to the local bodies, and Government have made a condition with them that one-third of the expenditure will be paid by the local boards and two-thirds by the Government, of whatever new expenditure will be incurred for improving and popularising or enhancing the primary education. Whatever expenditure is incurred on primary education, Government will have to bear two-thirds of it and the local bodies one-third. Under such circumstances the proper course for Government will be to accept this resolution to-day and make a recommendation that the local bodies should increase the pay of these primary teachers, and find out the money for it. I know that most of the local bodies have already imposed extra taxation and the rest are trying to impose fresh taxation, in order to find out money for primary education. It has just come to my knowledge that some of the district local boards have made a representation to Government that they are prepared to pay the primary teachers according to the Sathé-Paranjpye Scheme, if Government have no objection. If Government refuse to accept this resolution, the position will be that almost all the local bodies in the Presidency will make such representations to Government and agree to pay more to the primary teachers, and Government will be compelled to agree to it. I therefore expect that Government will now come forward with good grace and accept the resolution.

But if the same arguments of financial stringency are continued to be advanced, it will not amend the situation of the poor primary teachers who so keenly, and rightly too, feel the pinch of this unfair treatment on the part of the Government. The financial position will never improve.

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so this grievance will remain unredressed. With these few words I support the resolution.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, I have great pleasure in supporting this most important resolution on the subject of education. Sir, in this very hall last year I had the privilege of moving this resolution, but as it was 7 o'clock, it was postponed for the next day, and on the next day the House got thinner than the preceding day, and I had the mortification of withdrawing the resolution. Then I was very glad to see that this resolution was moved at the last session, but it had to be postponed until this session for some reason or other.

As for agitation, if you closely examine the history of the whole world, the agitations that have been artificial have never lived. Only the natural agitations lived permanently and met with great success. In this very case, there are no wire-pullers and there are no instigators. This agitation has been carried on very naturally by all the primary teachers, and that shows that promotions to these people are not only due, but they are over-due. Sir, in this connection we have to imitate the example of Henry Ford, who is the richest man in the world. He gives his workmen better pay than they give in other factories, and they give him the best work possible. If we keep this department discontented, from the discontented teachers we are not likely to get good work. This problem of the pay of primary teachers is a very difficult one. Even in the case of the Sathe-Paranjpye Scheme, there is one argument advanced against it. If the pay of the teachers is increased according to that scheme, it is suggested that primary education will be very dear. On the contrary, if the pay of these teachers is made low, there will be discontentment amongst the teachers. As regards the scale of pay in different provinces, we are told by an honourable member of Government that the scale of pay of teachers in this Presidency is higher than in Madras, Bengal, or any other province. That is all true, but we have to look to the circumstances of our own Presidency, and look at things from our own standards rather than from the standards of other provinces. In this respect, to provide the money for the Sathe-Paranjpye Scheme, there are many ways in which it can be done. By carrying on retrenchment in the Educational Department most judiciously, we can save a good lot; or the money can be had by fresh taxation or by some other means. I, Sir, for myself think that primary education is more important than secondary or higher education, because the number of children receiving primary education is very much more than the number of children receiving secondary or higher education.

As regards the Sathe-Paranjpye scheme, that scheme was thought to be very adequate in the days when the scheme was put forward. But the standard of life has become so high today that even the Sathe-Paranjpye scheme is not likely to satisfy the increased expenses of the teachers. Sir, you are very well aware what were the pre-war conditions. In pre-war times, there was no slump in trade, and the condition of life was very easy, and the standard of living was so very low that we were not

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perhaps justified in allowing this scheme, but the whole House is aware that the standard of living today is so very high that we cannot any longer postpone the Sathe-Paranjpye scheme.

This imparting of primary education has already been made over to the district local boards and municipalities, and perhaps, within a short time, the higher branches of education also will be handed over to these local bodies. But, Sir, the intricacy of the problem is not solved. Again, Sir, the question of grants-in-aid comes up in this connection. Government have recently lowered the scale of grants-in-aid, and it is very difficult to suggest any efficient means, except that we have to resort to fresh taxes (Interruption). Sir, honourable members are interrupting me. We must raise fresh taxation, and that is the most effective solution.

Sir, we are very happy in the matter of these primary teachers, because we know that whenever labourers are discontented whether in India or in other countries, the natural result is strikes. (Interruption).

The Honourable the PRESIDENT: Order, order. There should be no interruptions.

Mr. S. A. SARDESAI: But these teachers have not resorted to strikes.

Sir, as I have already suggested, there is scope for judicious retrenchment, and if we change our system of education, we will save a good deal, namely, by introducing the shift system; and also, instead of resorting to schemes of costly buildings, we can impart education even in huts and other less costly buildings, just as is done in Japan, America and some other countries.

As is suggested by the honourable member Dr. Paranjpye, I think Government should put proposals before the district local boards and municipalities of the maximum and minimum pay payable to the teachers.

As for the question of Brahmin and non-Brahmin, I think, Sir, the majority of the teachers are non-Brahmins and this resolution concerns not a small population. It concerns a population of 20,000 or 25,000 people composed of Brahmins and non-Brahmins, and I think the majority of them are non-Brahmins and the communal question should not weigh in deciding this question.

As regards the teachers' allowances, Sir, when I presided over the deliberations of the Teachers' Conference at Badami, I have noted that this teachers' allowance is a very bad thing, in principle, because though the assistant teachers do good work, the Education Minister thought fit to give these allowances only to the head masters and not to the assistant teachers. These assistant teachers work hard and improve the imparting of education while the whole credit goes to the head master. In allowing this allowance I do not think that it is a good policy. Even in my own district there are nearly more than 400 schools, out of which only 60 or 70 have buildings of their own, while the other schools are housed either in temples, chavdis, or dharmashalas or some other places. The present system of sanctioning buildings is a very hard thing, because, Sir, when a school building is to be built, it has to be certified by the Executive Engineer and by the Sanitary Engineer for sanitary

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purposes. So, the work becomes so elaborate and it is very hard to comply with all the conditions laid down by Government. Why not introduce a system, a cheap system, which will expedite matters and remove a good many hardships? Because we should not be afraid to imitate the example of Japan, where schools are held in cottages and boats and why have elaborate buildings here?

I think, Sir, if we cannot do anything better, it is reasonable for us to allow at least this Sathe-Paranjpye Scheme. As regards the Finance Member, we are all proud that an Indian has been put in this exalted position and we are pretty sure that he will find out some way and that he will be successful in finding some remedy for finding the money for this expenditure. If Government is reluctant in this matter, as it is remarked by some honourable members, I would certainly think, Sir, that Government would be shirking their responsibility in this matter. The Education Minister has been trying to console the teachers and trying to solve this problem in a way that I do not like. I have entered public life since the year 1901, that is to say, this is the 26th year, and my experience tells me that not only the British Government, but any Government on the face of the earth, will not do anything unless pressure is brought to bear upon them. So, if we are keen on this subject, Government I am sure, will grant this system and also provide money for the scheme, and the House will not find any difficulty in providing money by reasonable fresh taxation, if necessary. With these few remarks, Sir, I strongly support the resolution.

The Honourable the PRESIDENT: I take it that honourable members are very anxious to vote on this question, and, therefore, if no other honourable member gets up, it is my intention, after question time to-morrow, to call upon the honourable mover to reply and then the Honourable Minister will reply. Government will then, after this resolution is disposed of, take up the consideration of the Police Bill. I merely wanted to inform honourable members what the procedure to-morrow will be. We will meet at half past one, go through the questions, then take up this resolution, and I hope honourable members will not desire to address the House any more; otherwise, I will be forced to accept the closure. The honourable mover will reply and the Honourable Minister will then reply. The Council is now adjourned to 1-30 p.m. to-morrow, Thursday, the 5th August 1926.

Thursday, the 5th August 1926

The Council re-assembled at the Council Hall, Poona, at 1-30 p.m. on Thursday, the 5th August 1926, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
 ABDULPURKAR, Mr. N. A.
 ADAM, Mr. C. G.
 ADWANI, Mr. D. B.
 AHMAD, MOULVI RAFIUDDIN
 ANDERSON, Mr. F. G. H.
 ANGADI, Rao Bahadur S. N.
 BALAK RAM, Mr.
 BEDREKAR, Khan Bahadur I. M.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb SHEER MAHOMED KHAN
 BOLE, Mr. S. K.
 BUNTER, Mr. J. P.
 CHATFIELD, Mr. G. E.
 CHAUDHARI, Mr. L. S.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. A. R.
 DALVI, Mr. B. K.
 DEHLAVI, the Honourable Mr. A. M. K.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 DUGUID, Mr. A.
 FRAMJI, Mr. K. S.
 GANDHI, Mr. C. M.
 GHULAM HUSSAIN, the Honourable Sir
 GUNJAL, Mr. N. R.
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HARRISON, Mr. R. T.
 HATCH, Mr. G. W.
 HOTSON, the Honourable Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.
 JEHANGIR, the Honourable Mr. COWASJI
 JOG, Mr. V. N.
 JOSHI, Mr. P. G.
 KAMBLI, Rao Bahadur S. T.
 KARKI, Mr. M. D.
 KAY, Mr. J. A.
 KAZI INAITULLAKHAN
 KHUHHRO, Mr. M. S.

KOTHARI, Mr. V. R.
 LALJI NARANJI, Mr.
 LALLJEE, Mr. HOOSEINBHOY A.
 LOWSLEY, Mr. C. O.
 MANSURI, Khan Saheb A. M.
 MAVALANKAR, Mr. G. K.
 MEHTA, the Honourable Sir CHUNILAL
 MUJUMDAR, Sardar G. N.
 NANAL, Mr. B. R.
 NARIELVALA, Mr. H. H.
 NEKALJAY, Mr. R. S.
 NOOR MAHOMED, Mr.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, Dr. R. P.
 PATEL, Mr. A. E.
 PATHAN, Khan Bahadur JAN MAHOMED KHAN
 PATHAN, Mr. A. F. I. K.
 PATIL, Mr. D. R.
 PIR RASULBAKSH SHAH, Khan Saheb
 POWAR, Mr. M. B.
 PRADHAN, Mr. G. B.
 PRADHAN, Mr. R. G.
 PUNJABHAI THAKERSI, Mr.
 RAHIMTOOLA, Mr. HOOSEINALLY M.
 RIEU, the Honourable Mr. J. L.
 SAHEBA, Mr. H. D.
 SAPTARSHI, Mr. C. M.
 SARDESAI, Mr. S. A.
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. D.
 SHIVDASANI, Mr. H. B.
 SOMAN, Mr. R. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SWAMINARAYAN, Mr. J. C.
 THAKOR of Amod, the
 THAKOR of Kerwada, the
 THOMAS, Mr. G. A.
 TURNER, Mr. C. W. A.
 VELKAR, Dr. M. B.
 WADIA, Mr. C. N.
 WEBB, Mr. M.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

FREEHAND DRAWING IN SCHOOLS

Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state in how many high schools free-hand drawing has been introduced as a subject for examination?

The Honourable Mr. B. V. JADHAV: Information has been called for.

HISTORICAL RESEARCH SOCIETIES

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

(a) how many historical research Societies there are in the Presidency ;

(b) what are their headquarters ;

(c) whether they are aware that the Bharat-Itihas-Samshodhak Mandal of Poona has been doing very useful service in the cause of history by collecting, reserving and publishing important historical material ;

(d) whether any of these societies receive any pecuniary help from Government ; if so, what ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

POLICE, BOMBAY CITY

Mr. S. K. BOLE : Will Government be pleased to furnish a list of police officers dismissed or degraded during the last two years in the City of Bombay ?

The Honourable Mr. J. E. B. HOTSON : Six were dismissed, three were discharged, the services of three were dispensed with, four were degraded, the pay of eight was reduced and increments of pay were withheld from three.

Mr. S. K. BOLE : May I know why the names of these officers are not published ?

The Honourable Mr. J. E. B. HOTSON : It was not considered necessary or in the public interests that the names of these officers should be mentioned.

LIQUOR SHOPS, DADAR ROAD

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

(a) whether it is a fact that the time limit of a liquor shop at Dadar Road in F Ward is increased by two hours ;

(b) whether they have received protests against the extension from the public ;

(c) whether they intend to continue the extension in spite of the protests ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) One protest has been received.

(c) Yes. The reasons for granting permission to keep the refreshment room open till 11 o'clock are mentioned in the reply to clause (b) of question asked by the honourable member on the 26th July 1926.

HABITUAL CRIMINALS

Mr. S. K. BOLE : Will Government be pleased to state what steps they propose to take in connection with the proposal of the Commissioner of Police, Bombay, for undertaking legislation on the lines

of the English Preventive Detention Act for the removal of habitual criminals whose main occupation is the commission of crime but who do not come under the Criminal Tribes Act.

The Honourable Mr. J. E. B. HOTSON: The proposal of the Commissioner of Police is still under the consideration of Government.

COMPOUNDERS IN SERVICE OF LOCAL BODIES

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(1) whether they have received any memorials from compounders in municipal and local boards dispensaries asking Government to form one cadre of their service along with the compounders in civil hospitals and that they be given promotions accordingly;

(2) whether there is any examination for these compounders;

(3) whether there is any scheme under the contemplation of Government for regulating and rendering more useful and safe the service of these compounders?

The Honourable Mr. B. V. JADHAV: (1) Enquiries are being made.

(2) Civil Surgeons examine and certify candidates for employment as compounders in Government and grant-in-aid hospitals and dispensaries and for this purpose one candidate is allowed to learn compounding at a Civil Hospital, provided that on entering he is not more than 20 years of age, is of approved character, good health and constitution and that he has passed the Vth Anglo-Vernacular Standard.

(3) Yes. A scheme for the training, examination and registration of compounders has been formulated but owing to financial stringency it has not been possible to bring it into force.

WATANDAR HINDU PRIESTS AFFECTED BY BILL NO. XXXI OF 1925

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state during the July session of 1926 before the Bill is taken up for its second reading—

(a) what is the total number of watandar Hindu priests who are going to be affected by Bill No. XXXI of 1925;

(b) how many of these hold inam lands in each district;

(c) how many get cash allowances in each district;

(d) what is the total of the cash allowances?

The Honourable Mr. J. L. RIEU: Information has been called for, but Government regret that it cannot be furnished in time.

Mr. S. S. DEV: Are we to understand that Government were not in possession of these details when they supported the second reading of this bill?

The Honourable Mr. J. L. RIEU: It must be presumed that they were not.

NEW WATANS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have created any new watans under the provisions of section 22 of the Bombay Watan Act III of 1874 in the Bombay Presidency since the passing of the Watan Act;

(b) if so, which and where?

The Honourable Mr. J. L. RIEU: No new watans have been created in the Northern and Bombay Suburban Divisions under section 22 of the Bombay Hereditary Offices Act since the passing of the Act. The appended statement gives information for the Southern Division.*

Government regret that information in respect of the Central Division cannot be furnished for the full period. According to the information collected for the last five years no new watans have been created during that period.

MULSHI PETA ACQUISITION INTEREST ON COMPENSATION

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether the Collector of Poona had ordered in 1923 that the owners of acquired lands, who could not get the acquisition money owing to various reasons, would get interest;

(b) what is the amount of interest paid under the order and the names of persons to whom it is paid; if no interest has been paid, why not;

(c) whether it is a fact that the District Deputy Collector, Western Division, has informed any of them that they are not entitled to claim interest as they were in the enjoyment of the land;

(d) if so, why such action was taken in the face of the proclamation of Messrs. Tata and Company and the Collector's order of 1923?

The Honourable Mr. J. L. RIEU: (a) No.

(b) Does not arise.

(c) It is not a fact.

(d) Does not arise. No proclamation about payment of interest was issued by the Tata Company.

THE TYPEWRITING FUND

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) when and in which of the districts a typewriting fund has been created in pursuance of the High Court Circular;

(b) how the fund is being spent in the Poona district;

(c) who is the owner of the furniture bought out of the fund;

(d) what is the balance of the fund in each district in which it has been created, up to the end of December 1925?

The Honourable Mr. J. E. B. HOTSON: A statement giving the necessary information is laid on the Council Table.†

*Vide Appendix No. 60.

†Vide Appendix No. 61.

HAJ COMMITTEE, KARACHI

MOULVI RAFIUDDIN AHMED on behalf of HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to furnish the following information regarding the Haj Committee at Karachi—

- (a) the names of the present members of the Haj Committee ;
- (b) since when has each of the members been a member of that committee ;
- (c) what are the rules for appointing members of this committee and who is the appointing authority ;
- (d) what is the object in appointing such a committee and what are the duties, powers and responsibilities of the members ;
- (e) how many meetings of the Haj Committee have been held between 1st April 1925 and 31st March 1926, and which of the members attended all those meetings ;
- (f) whether the proceedings of the Haj Committee meetings are recorded in any register ; and whether they have ever been communicated to the Press for public information ;
- (g) what new proposals were made to the Government authorities by the Haj Committee of Karachi between 1st April 1925 and 31st March 1926, with a view to further the interests and increase the comforts of and remove the hardships suffered by the pilgrims ;
- (h) when will the term of office of the present members expire ?

The ³Honourable Mr. COWASJI JEHANGIR: Information has been called for.

DAPURI WORKSHOPS

Mr. J. A. KAY: Will Government be pleased—

- (a) to state whether it is a fact that the activities of the Government Central Workshops, Dapuri, have been extended so considerably that they can now compete with private enterprises ;
- (b) to state whether it is a fact that the authorities at Dapuri do not restrict themselves to executing orders on Government account and are prepared to do work for the general public particularly during the slack season ;
- (c) to give a list of jobs done or work supplied during the last two years to private firms and others outside Government departments ;
- (d) to state on what basis over actual cost selling rates are established when quoting prices for work to other than Government departments ;
- (e) to give figures of income and expenditure of the establishment for the past five years ?

The Honourable Sir GHULAM HUSSAIN: The information has been called for, and on receipt it will be communicated to the honourable member.

Mr. J. A. KAY: Can the honourable Minister give me an indication as to when this information will be supplied ?

The Honourable Sir GHULAM HUSSAIN : We have been trying to collect the information, and as there are so many persons to be consulted it naturally takes time.

NOMINATIONS TO SCHOOL BOARDS UNDER PRIMARY
EDUCATION ACT

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to enlighten the House regarding the delay caused by Government authorities in not sending nominations to the newly constituted school boards under the Bombay Compulsory Primary Education Act ?

The Honourable Mr. B. V. JADHAV : Government have made enquiries and consider that there has been no undue delay.

COSTS IN ELECTION PETITION II OF 1924

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state whether it is a fact that in Election Petition No. II of 1924, the petitioner had applied to the High Court in October 1924 to have his bill of costs taxed by the Taxing Officer and that his application was dismissed ?

The Honourable Mr. J. E. B. HOTSON : Yes.

ACTION IN HIGH COURT UNDER THE SPECIFIC RELIEF ACT IN
ELECTION PETITION II OF 1924

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased—

(a) to state whether it is a fact that in the matter of costs in Election Petition No. II of 1924 and with regard to the notification issued by the Governor in Council on the 10th November 1924 an action was taken in the High Court, under section 45 of the Specific Relief Act of 1877 ;

(b) if so, to place a copy of the judgment on the Council table ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Copies of judgments in both the original and appellate courts are being placed upon the Council table in answer to another question.

APPEALS FROM DECISION OF TAXING OFFICER, HIGH COURT

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether they are aware that the Taxing Officer in the High Court has to act according to rules laid down and that there is also an appeal provided against his taxation to the Honourable the Judges of the High Court ;

(b) if so, why they have not laid down any rules for the Taxing Officer and why they have not provided for an appeal to the Honourable the Judges of the High Court, in the notification issued by the Governor in Council authorising the Taxing Officer to tax the costs of Election Petition No. II of 1924 ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes. An appeal lies from the Taxing Officer's orders in accordance with the rules of the High Court on its Original Side.

(b) The attention of the honourable member for Bombay City is invited to rule 45 (3) of the Bombay Electoral Rules published in Government Notification in the Legal Department No. 2571, dated the 2nd December 1925.

PARTIES IN ELECTION PETITION II OF 1924 AUTHORISED
TO HAVE COSTS TAXED

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that while the Chief Judge of the Small Causes Court had asked Government for getting all the bills of costs taxed in Election Petition No. II of 1924, the Governor in Council in the notification has only authorised the Taxing Officer to tax the bill of costs of one party, *i.e.*, the Petitioner, but has not authorised the Taxing Officer to tax the bill of costs of the respondent although the Commissioners in their report have also awarded costs to the respondent from the Petitioner in the same action ;

(b) if so, why ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) The answer is in the negative. The Commissioners in their report directed that the petitioner should receive from the first respondent the costs of setting up the commission, and the taxed costs of and incidental to the petition and to the trial of it. The Commissioners did not themselves fix the amount of costs to be paid to the petitioner. It was believed that there would not be any objection to the costs being taxed by the Taxing Officer of the High Court. As the Commissioners did not specify the amount of costs payable to the petitioner, on the application of the petitioner, the Chief Judge, Small Causes Court, then recommended that the Governor in Council should direct the Taxing Officer of the High Court to tax the petitioner's bill of costs and other bills, if necessary, under rule 45 (3) of the Bombay Electoral Rules referred to in reply (b) of the previous question. Government, after consulting the High Court appointed the Taxing Officer of the High Court to tax the bill of the petitioner, who had alone made an application for the purpose. No direction was given with regard to other parties, as there was no application on their behalf.

FIXING COSTS IN ELECTION PETITIONS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that in election petition matters, the Commissioners appointed are the only persons authorised to fix the total amount payable as costs to the parties as stated in the judgment of the Honourable Justice Sir Laloobhai Shah in his judgment in the matter of election petition No. II of 1924 ;

(b) if so, what they propose to do in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) The honourable member for Bombay City is referred to the reply to (b) of his fourth question.

(b) Government do not propose to take any action in the matter at present.

FIXING OF AMOUNT OF COSTS IN ELECTION PETITION NO. I OF 1924

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that in election petition No. I of 1924, the Commissioners appointed have themselves fixed the amount of costs payable by each party ;

(b) whether it is a fact that the Commissioners, who were appointed in election petition No. I of 1924 were also the Commissioners appointed in Election Petition No. II of 1924 and that the inquiry of both the Election Petition No. I of 1924 as also of Election Petition No. II of 1924 was held in Bombay and that Counsel and pleaders appeared before the Commissioners in both those petitions ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Yes.

SCALE OF COSTS IN ELECTION PETITIONS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that the cost awarded in Election Petition No. I of 1924 is a total sum and that the amount works out to almost the same as is awarded on the Small Causes Court scale or in a petition matter in the High Court ?

(b) whether it is a fact that even in Election Petition No. II of 1924, the Commissioners have awarded to two out of the four parties a total sum and that the sum works out to almost the same as is awarded in the Small Causes Court or in a petition matter in the High Court ;

(c) whether it is a fact that in all other Election Petitions of 1924, costs have been awarded by the Commissioners and that they have been fixed by the Commissioners themselves and that the total sum works out as on District Court scale, which is almost the same as that of the Small Causes Court or in a petition matter in the High Court ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) The Honourable Member for Bombay City is referred to the orders as to costs made by the Commissioners in Bombay Election Petitions Nos. 1 and 2 of 1924 and published at pages 494-497 and 862-866 of the *Bombay Government Gazette* dated the 10th March and 17th April 1924. Government are unable to say to which of the scales referred to the order as to costs corresponds.

(c) The answer to the first part of the question is in the affirmative. Government are unable to say according to which scale the order as to costs was made. The matter was entirely within the discretion of the Commissioners.

THE HAJ COMMITTEE

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state (a) the constitution and the number of members of the Haj Committee?

(b) What qualifications are required in persons nominated on this Committee and what are the qualifications of the present members?

The Honourable Mr. COWASJI JEHangIR: (a) The Haj Committee consists of the following members:—

- (1) The Commissioner of Police, Bombay (*ex-officio* President).
- (2) The Deputy Commissioner of Police in charge, Pilgrim Department (*ex-officio* member and Secretary).
- (3) Khan Bahadur Abdul Rehman Kadwani, J.P.
- (4) Sir Currimbhai Ebrahim, Bart., J.P.
- (5) Mr. Abdul Kader Khathatay, B.A., LL.B., J.P.
- (6) Sardar Saheb Suleman Kassim Haji Mitha, C.I.E., J.P.
- (7) Mr. Mahomedali Zainal Reza.
- (8) Hakim Mahomed Saeed Ajmeri.
- (9) Mr. Ali Nemazee.
- (10) Mr. Ebrahim Abdurrehman Alfazel.
- (11) Haji Bachoo Ali.
- (12) Ismail Haji Kassam Rokadia.
- (13) Mr. Mahomed Husein Shushtary.
- (14) Mr. Mahomedali Alla Bux.

(b) No special qualifications are required for nominations to this Committee, but Government generally select such persons as will, in their opinion, be able to watch the interests of pilgrims.

Mr. HOOSEINBHOY A. LALLJEE: Are any qualifications at all required for nomination to this Committee?

The Honourable Mr. COWASJI JEHangIR: I think the answer is fairly clear.

MOULVI RAFIUDDIN AHMAD: Is it the policy of Government not to nominate members from outside the city of Bombay?

The Honourable Mr. COWASJI JEHangIR: The committee is only for the city of Bombay. There is another committee for the city of Karachi. They are the only two cities concerned in this matter and therefore only residents of Bombay and Karachi are nominated to the committees. If the honourable member considers that representatives from the mofussil should also be appointed to this committee, I shall certainly consider the proposal.

MOULVI RAFIUDDIN AHMAD: Thanks.

GOVERNMENT NOTIFICATIONS IN ELECTION PETITION II OF 1924

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state—

(a) whether it is a fact that the report of the Commissioners in Election Petition No. II of 1924 was accepted by His Excellency and was notified on the 17th April 1924?

(b) whether a notification as to costs was issued six months thereafter by the Governor in Council on the 6th November 1924 at the instance of the attorneys of the petitioners ;

(c) if so, will Government be pleased to place the correspondence on the Council Table ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The notification was issued on the 30th October 1924.

(c) Government do not propose to place the papers on the Council table.

APPOINTMENT OF TAXING OFFICER IN ELECTION PETITION II OF 1924

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that in the matter of Election Petition II of 1924, the petitioner's attorneys approached the Chief Judge of the Small Causes Court and that at the instance of the said Chief Judge, the Governor in Council issued a notification appointing the Taxing Officer, Bombay High Court, to tax the bill of costs of one party ;

(b) if so under what rule the Governor in Council has acted in the matter and under what rule the Chief Judge of the Small Causes Court acted in the matter ;

(c) will Government lay on the table the correspondence in the matter ;

(d) whether it is a fact that in an election petition matter His Excellency the Governor has power to appoint commissioners for the disposal of the petition and that neither His Excellency the Governor nor the Governor in Council can make any appointment or substitute any agency other than that of the commissioners ;

(e) if not, will Government state under what rule a Taxing Officer of the High Court was appointed to do what the commissioners are requested to do under the rules.

The Honourable Mr. J. E. B. HOTSON : (a), (b) and (e) : Attention is invited to the reply given to (a) and (b) of the Honourable Member's fifth question which explains the circumstances in which the Taxing Officer of the High Court was appointed to tax the petitioner's bill of costs.

(c) Government do not propose to place the papers on the Council table.

(d) Yes, but only so far as the trial of the election petition itself is concerned.

SCALE OF TAXATION OF COSTS IN ELECTION PETITIONS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that in the notification authorising the Taxing Officer to tax the costs of Election Petition No. II of 1924, they have not stated according to what scale the bill is to be taxed, i.e., whether as on the original side, or as on the appellate side or whether as a

petition, or as a suit or whether one counsel is to be allowed or two, and if not why not ;

(b) the rule or other authority under which the Governor in Council has power to issue such orders.

The Honourable Mr. J. E. B. HOTSON : Attention is invited to the reply given to (b) of the Honourable Member's fourth question and (a) and (b) of the fifth question.

PROVISION FOR RECTIFYING OMISSIONS IN ELECTION COMMISSIONERS' REPORTS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that the Commissioners in their reports regarding costs in Election Petition No. II of 1924 have not stated anything as regards taxing the bill of costs as on the original side or appellate side scale, as a petition or as a suit, whether one counsel is to be allowed or two, as to who should tax, nor that the Taxing Officer of the High Court be appointed without an appeal or without any rules or directions ;

(b) The rule under which the Governor in Council has power to provide for such an omission.

The Honourable Mr. J. E. B. HOTSON : Attention is invited to the reply given to (b) of the Honourable Member's fourth question and (a) and (b) of the fifth question.

JURISDICTION OF THE GOVERNOR IN LEGISLATIVE COUNCIL ELECTION MATTERS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government state whether it is a fact that the Governor in Council has made appointments in an Election petition matter and if so, under what rules ?

The Honourable Mr. J. E. B. HOTSON : Yes. Attention is invited to the reply given to (a) and (b) of the Honourable Member's fifth question which explains the circumstances in which the Taxing Officer of the High Court was appointed to tax the petitioner's bill of costs. It will be seen from the judgment of the High Court in appeal that the action taken by Government was the best thing that could be done in the circumstances.

COMMISSIONERS' RECOMMENDATIONS IN ELECTION PETITIONS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state (a) whether it is a fact that in Election Petition No. 2 of 1924, a petition was sent to His Excellency the Governor laying before His Excellency certain facts regarding the findings of the Commissioners and requesting His Excellency to issue his orders in light of those facts.

The Honourable Mr. J. E. B. HOTSON : Yes.

UNEMPLOYMENT IN BOMBAY

Mr. LALJI NARANJI (Indian Merchants Chamber): Will Government be pleased to state—

- (a) whether they are aware of the prevalence of acute middle-class unemployment in the Presidency and the city of Bombay in particular ;
- (b) if so, whether they have taken any steps to gauge the extent of unemployment and to remove the distress ;
- (c) if so, what are these steps ?

The Honourable Mr. COWASJI JEHangIR: (a) Government are aware that middle-class unemployment does prevail to some extent in the City of Bombay. They are not aware of any marked unemployment among the middle class elsewhere in the Presidency.

(b) and (c) The general question of unemployment is at present under the consideration of Government.

Mr. LALJI NARANJI: In what concrete form is Government considering this question, by collecting information from employers or by taking some such action ?

The Honourable Mr. COWASJI JEHangIR: The Labour Office has already collected certain information to which publicity was given in the *Labour Gazette*. Government are endeavouring to come to some conclusions on the facts and figures before them.

Mr. LALJI NARANJI: Do Government think that that is the conclusive evidence that is before them or are they going to collect further definite information in view of the very strong unemployment epidemic ruling in Bombay amongst middle classes ?

The Honourable Mr. COWASJI JEHangIR: I have already informed the honourable member that we have certain facts and figures to which publicity has been given in the *Labour Gazette*. If the honourable member can show me other means of getting information about this important question, I shall be very pleased to do what I can about it.

Mr. J. C. SWAMINARAYAN: What have Government done to remove the distress that is caused ?

The Honourable Mr. COWASJI JEHangIR: The matter is under consideration still.

Mr. H. B. SHIVDASANI: Have any enquiries about the conditions in the mofusil, especially in Ahmedabad city, been made ?

The Honourable Mr. COWASJI JEHangIR: I cannot say from memory about any particular city but if the honourable member will give me notice, I shall give him a reply.

MECHANICAL ENGINEER TO GOVERNMENT

Mr. LALJI NARANJI (Indian Merchants Chamber): Will Government be pleased to state—

- (a) whether the post of Mechanical Engineer to Government is yet in existence or is it formally abolished ;

(b) if it is not abolished as yet whether they propose to do so following the recommendations of the Retrenchment Committee made in their report submitted in February 1924;

(c) whether it is a fact that the last occupant of the post has resigned;

(d) if so, whether any successor has been appointed or not. If yes, who?

The Honourable Sir GHULAM HUSSAIN : (a) The post is not yet formally abolished.

(b) Yes, shortly.

(c) Yes.

(d) The Sanitary Engineer to Government officiates as Mechanical Engineer to Government in addition to his own duties.

The appointment is offered to two Indians and one of them is Mr. Paranjpye. When any one of them accepts the offer, the question will be settled. Thus the House will see that the appointment is given to an Indian.

SMALL CAUSES COURT ACT AMENDMENT BILL

Mr. LALJI NARANJI (Indian Merchants Chamber) : Will Government be pleased to state—

(a) whether they are aware of the strength of feeling in Indian business circles in favour of extending the jurisdiction of the Small Causes Court as provided by the Bill further to amend the Small Causes Court Act, 1882;

(b) what were the reasons which led Government to withdraw that bill;

(c) whether the commercial bodies were consulted with regard to that bill; if so, which approved of it and which were opposed to it;

(d) whether they intend bringing forward another such bill in the near future in view of public opinion;

(e) if not, what steps they intend to take to cheapen and expedite justice in commercial cases?

The Honourable Mr. J. E. B. HOTSON : (a) The answer is in the negative.

(b) The Bill was dropped in view of the strong opposition with which it met when published for criticism, mainly on the ground that it took away the concurrent jurisdiction of the High Court, and the decline in institutions on the Original Side of the High Court, Bombay.

(c) A number of commercial bodies were consulted. The only one which expressed approval of the Bill was the Indian Merchants Chamber. It was opposed by the Chamber of Commerce, the European Association and the Millowners' Association.

(d) Nothing has yet been finally decided, but Government will consider the question of framing another Bill if the pressure of work in the Small Cause Court, Bombay, and the Original Side of the High Court should call for relief in future.

(e) Does not arise in view of the reply to (d) above.

Mr. LALJI NARANJI : Are Government aware that the bodies on whose opinion Government have depended represented only a small

number of the people who are concerned with matters in the Small Causes Court ?

The Honourable Mr. J. E. B. HOTSON : I understand that the bodies consulted have a considerable amount of business in the Small Causes Court. The only body, as has been stated in the answer, which expressed approval was the Indian Merchants Chamber, none of the others.

Mr. LALJI NARANJI : Are those the only bodies which were consulted in this matter ?

The Honourable Mr. J. E. B. HOTSON : A number of legal associations were also consulted.

Mr. LALJI NARANJI : Were any commercial bodies concerned in this matter consulted ?

The Honourable Mr. J. E. B. HOTSON : I do not think any besides those mentioned in the answer.

Mr. LALJI NARANJI : Will Government consult such bodies as the Rice Merchants Association, Grain Merchants Association, Piece-goods Merchants Association and other bodies which are largely concerned in small causes court before coming to a decision ?

The Honourable Mr. J. E. B. HOTSON : At present it appears to Government that the objections to the bill are so strong that it is not proposed to proceed further immediately but, as indicated in the answer, should circumstances necessitate the framing of another bill, the associations mentioned by the honourable member will be consulted.

CIVIL SURGEON'S BUNGALOW AT SURAT

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

(a) whether they are aware that the present Civil Surgeon's bungalow at Surat is quite unfit for human habitation and is in a tottering condition ;

(b) whether it is a fact that it was condemned by Government in the year 1913 ;

(c) whether it is a fact that plans and estimates for a new bungalow were submitted and approved by Government in 1916 ;

(d) when they propose to take the work in hand ?

The Honourable Sir GHULAM HUSSAIN : (a) The building was never intended for the residence of the Civil Surgeon, but it was acquired together with its site for constructing in its place a new bungalow for that officer. Pending construction of a new building, the Civil Surgeon occupied the bungalow in question on a monthly rental of Rs. 43 only as no other suitable house was available.

(b) The building was never specifically condemned by Government.

(c) Yes.

(d) Instead of a new bungalow it has since been decided to carry out additions and alterations to the existing bungalow to render it suitable for occupation by an officer of the status of a Civil Surgeon and the necessary plans and estimate are being prepared. It is expected that the work will be taken in hand shortly.

Khan Saheb A. M. MANSURI : Are Government aware that additions and alterations to that old bungalow are a sheer waste of public money ?

The Honourable Sir GHULAM HUSSAIN : Certainly not.

Khan Saheb A. M. MANSURI : Has any officer of Government seen it ?

The Honourable Sir GHULAM HUSSAIN : Our officers have seen it.

Khan Saheb A. M. MANSURI : I have myself seen it and it is in a very unsatisfactory condition.

The Honourable Sir GHULAM HUSSAIN : Then it is a difference of opinion between expert officers of Government and a non-official member of this honourable House.

Mr. HOOSEINBHOY A. LALLJEE : How does the Honourable Minister know that the honourable member has seen the place ?

The Honourable Sir GHULAM HUSSAIN : The honourable member himself so stated.

DEPUTY COLLECTORS

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

(a) whether they are aware that there are several Deputy Collectors in the Northern Division who have been acting for more than five years and have not yet been confirmed ;

(b) if so, why ;

(c) whether it is a fact that the Central Division is treated more liberally than the Northern Division in the matter of distribution of permanent vacancies of Deputy Collectors ;

(d) whether they are aware that this has been causing great discontent and heart-burning in the department ?

The Honourable Mr. J. L. RIEU : (a) and (b) There are only two Deputy Collectors in the Northern Division who have been acting for more than five years and have not yet been confirmed. Promotions to the substantive grade of Deputy Collectors are made not merely on the length of acting service as Deputy Collectors but in order of merit, seniority being respected as far as possible.

(c) No.

(d) Does not arise.

TAGAVI LOANS IN AHMEDABAD DISTRICT

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

(a) whether there are any orders restricting or prohibiting tagavi loans to agriculturists in the Ahmedabad District ;

(b) if so, the reasons for such orders ?

The Honourable Sir CHUNILAL MEHTA : (a) Tagavi advances under the Agriculturists' Loans Act are given in ordinary tracts only in times of scarcity. Government have however excepted certain tracts on account

of the backward condition of the cultivators, the prevalence of the restricted tenure of land, or such other reasons as may be considered to entitle the tract to such a concession. In these special tracts advances under this Act may be given in normal seasons. In the Ahmedabad District the following tracts have been specially approved for this purpose :—

Viramgaum,
Dholka,
Dhandhuka,

Gogho,
Modasa.

There is no restriction on the grant of tagavi under the Land Improvement Loans Act. Such loans are for permanent improvement of land and insurance against famine and are not liable to the abuse to which loans under the Agriculturists' Loans Act are subject.

(b) The reasons have been stated under (a).

AMNABAI KILEDAR ZENANA CHARITABLE DISPENSARY, BROACH

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

(a) when the foundation of the Amnabai Kiledar Zenana Charitable Dispensary at Broach was laid by Her Excellency Lady Wilson ;

(b) what amount has been given as donation by the heirs of said Bai Amnabai Kiledar after whom the dispensary is to be named ;

(c) the name of the place (locality) and street where the proposed dispensary is to be built ;

(d) whether the work of construction of the dispensary has been commenced ; if so, from what date and how far the work has progressed ;

(e) when the dispensary is expected to be completed ;

(f) whether any staff or other necessary equipment required for the dispensary has been provided for either by Government or the Municipality ;

(g) whether it is a fact that the land adjoining the place, where the present foundation stone has been laid belongs to Government and that there is some dispute between the Collector and the municipality about handing over the plot of land to the municipality for the use of the proposed dispensary ;

(h) if so, what action Government intend to take in the matter ?

The Honourable Mr. B. V. JADHAV : (a) 2nd February 1926.

(b) Rs. 10,000.

(c) Fata Talav.

(d) No, because correspondence regarding the acquisition of certain land in private ownership is going on.

(e) No date can be definitely specified at present.

(f) The reply is in the negative.

(g) Yes, but there is no dispute between the Collector and the Municipality about handing over the plot.

(h) The question does not arise in view of the reply in the foregoing clause.

MUSAFARKHANA 'MOGUL-SERAY'

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

(a) whether they are aware of the building "Musafarkhana" known as "Mogul-Seray" in Surat built by Mirza Ishakbeg in 1054 during the reign of the Emperor Shah Jehan;

(b) whether they are aware that the donor had dedicated this building solely for the use of the learned, the pious and the pilgrims;

(c) whether they are aware that there was a tablet put on the building giving the history, its construction, its date as also the use for which the building was meant;

(d) whether they are aware that the said building was taken over by Government for the use of the municipality against the wishes of the Mahomedans during the time of Sir T. C. Hope, the then Collector of Surat;

(e) whether they are aware that the said tablet was removed from the musafarkhana *alias* Mugalseray during the time of Mr. Rothfield in 1919, and removed to the Calcutta or Poona Museum;

(f) whether they are aware of the repeated protests of the Mahomedans of Surat against this action of Government;

(g) whether their attention has been drawn to recent articles on the subject in the "Times of India" and in a vernacular paper known as "Swadeshmitra" published in Surat;

(h) whether they are aware of the great feeling of heart-burning and discontent amongst the Mussalmans of Surat owing to the building having thus been taken over by Government;

(i) what steps they propose to take in the matter.

The Honourable Sir GHULAM HUSSAIN: The required information has been called for.

Mr. C. M. GANDHI: Will the Honourable Minister also enquire if thousands and thousands of rupees have been spent for additions to the building for the last five years and more.

The Honourable Sir GHULAM HUSSAIN: I want notice.

KURLA MUNICIPALITY: MANAGING AND SANITARY COMMITTEES

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether they are aware that since the dissolution of the Kurla municipality and the reconstitution of the new board mostly composed of the old councillors there were many changes in the personnel of chairman of the managing and the sanitary committees and, if so, what is the cause thereof?

The Honourable Sir GHULAM HUSSAIN: The honourable member will be supplied the information if it is received before the end of this session; if not, it will be sent to him unofficially.

KURLA MUNICIPALITY: MANAGING COMMITTEE CHAIRMAN

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether they are aware that

Mr. A. R. I. Fitwala, whose conduct was exposed in the last Government enquiry, has again been appointed chairman of the managing committee of the Kurla Municipality.

The Honourable Sir GHULAM HUSSAIN : The honourable member will be supplied with the information if it is received before the end of this session ; if not, it will be sent to him unofficially.

KURLA MUNICIPALITY : USE OF MUNICIPAL FUNDS FOR DEFENCE IN PRIVATE LAW SUIT

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

(a) whether they are aware that Khan Sahib S. S. Bilgrami has filed in the High Court, Bombay, three defamatory suits, one against Mr. A. R. I. Fitwala for Rs. 25,000 and another against ten old and new councillors of the Kurla municipality for Rs. 1,00,000 in their private capacity for printing and publishing certain uncalled for libellous statements with reference to Government Resolution, General Department, No. 5107 of 22nd December 1924 and that these persons are now trying to defend themselves at the cost of the public by spending municipal money ;

(b) whether they are aware that two ratepayers have sued the Kurla municipality in the Thana court praying for an injunction to prevent them from spending public funds on these private suits and that the court has granted an *interim* injunction to that effect ;

(c) whether they are aware that the municipal councillors of Kurla are fighting and spending public money on private suits.

The Honourable Sir GHULAM HUSSAIN : The honourable member will be supplied the information if it is received before the end of this session ; if not, it will be sent to him unofficially.

KURLA MUNICIPAL SERVANTS

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state whether they are aware that since the dissolution of the municipality, a number of municipal employees (Secretary, Overseer, Superintendent of Taxes, Clerks and Bill Collector) have severed their connection with the municipality ?

The Honourable Sir GHULAM HUSSAIN : The honourable member will be supplied the information if it is received before the end of this session ; if not, it will be sent to him unofficially.

DEVELOPMENT OF RAILWAY LAND : ENCROACHMENT BY MR. FITWALA

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

(a) whether it is a fact that the Executive Engineer, Central Salsette Railway, Kurla, had asked for sanction to prosecute Mr. A. R. I.

Fitwala a few months back for encroachment on the Deccan Railway land ;

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

The Honourable Mr. COWASJI JEHangIR : (a) Yes.

(b) No prosecution was launched, as on actual measurement, it was found that Mr. Fitwala had not encroached on Government land.

KURLA MUNICIPALITY : CONSTRUCTIONS OF STABLES

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

(a) whether it is a fact that in 1914-15 when Mr. B. W. Kissan was the president of the Kurla municipality one Nazzeralli Nathoo of Kurla was not allowed to renew and reconstruct his old stable situated in the heart of the town ;

(b) whether it is a fact that now when the said stable has changed hands and come into the possession of Mr. Fitwala it is being renewed and reconstructed ?

The Honourable Sir GHULAM HUSSAIN : The honourable member will be supplied the information if it is received before the end of this session ; if not, it will be sent to him unofficially.

KURLA MUNICIPAL BUILDING CONSTRUCTION

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

(a) to state whether it is a fact that in the Kurla municipality in a number of cases application for grant of building permissions were not disposed of within the period of one month as required by section 96 of the Bombay District Municipal Act ;

(b) to state whether it is a fact that those who proceeded with the intended work on the ground of their statutory right were prosecuted and the magistrate dismissed such cases ;

(c) to state whether it is a fact that in the case of applications from municipal councillors the municipality disposed of the applications for grant of building permissions within the prescribed period.

(d) to place on the table a list (showing requisite particulars) of all such applications (as per clauses (a) and (c)) received and disposed of during the last one year ?

The Honourable Sir GHULAM HUSSAIN : The honourable member will be supplied the information if it is received before the end of this session ; if not, it will be sent to him unofficially.

KURLA MUNICIPALITY : STABLES

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

(a) whether it is a fact that the Assistant Director of Public Health who inspected certain stables in the Kurla municipality in 1923-24

passed strictures in the case of stables owned by some municipal councillors which were found to be in utter disregard of the municipal by-laws ;

(b) if so, what action the municipality took to remove the defects.

The Honourable Sir GHULAM HUSSAIN : The honourable member will be supplied the information if it is received before the end of this session ; if not, it will be sent to him unofficially.

HONORARY CO-OPERATIVE ORGANIZERS' TRAVELLING ALLOWANCE

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state the number of honorary co-operative organizers in the Bombay Division and the amount of money spent by Government as travelling expenses and bhatta of each organizer in the last five years ?

The Honourable Mr. A. M. K. DEHLAVI : A statement* is appended.

VERNACULAR FINAL EXAMINATION

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased—

(a) to state whether they have made any rules which debar a student who has passed the Vernacular Final Examination in one vernacular from appearing for the same examination in another vernacular ;

(b) if so, to place the rules on the Council table ;

(c) to state whether a student who has passed the vernacular final examination in one vernacular but desires to appear for the same examination in another vernacular, has to apply for special permission to do so, and if so, of which authority in the educational department ;

(d) to state the reasons for insisting on such special permission ?

The Honourable Mr. B. V. JADHAV : (a) to (d) Attention is invited to Rule VII of the Rules for the Vernacular Final Examination published in Government notification No. 2288, dated the 27th January 1925, a copy† of which is laid on the Council Table. It will be seen that a candidate who has once passed the examination and received a certificate is not allowed to reappear *under any circumstances*. The reason for the rule is that the examination is not a language examination but one held in different vernaculars for the convenience of candidates. The question of making arrangements for those candidates who desire to pass the Vernacular Final Examination in more than one Vernacular is, however, already under the consideration of Government.

LLOYD BARRAGE : SUBORDINATE SERVICES STAFF

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state the number of Mussulmans and non-Mussulmans

*Vide Appendix No. 62.

†Vide Appendix No 63.

employed in the subordinate services in the Lloyd Barrage in the following or nearly similar tabular form :

Circle.	Grade of service.	Grade of pay.	No. of Mussalmans.	No. of non Mussalmans.

The Honourable Mr. COWASJI JEHangIR : The requisite information is furnished in the statement* attached.

Mr. NOOR MAHOMED : I want to know whether the manner of voting by the Mussalman M.L.C.'s from Sind has had any influence in giving a small number of appointments in the Sukkur Barrage ?

The Honourable Mr. COWASJI JEHangIR : The manner of voting of the Sind Mussalman M.L.C.'s has no influence on Government ; but the opinion of the honourable members carry great weight with Government.

LLOYD BARRAGE : Mr. RAM DIDE, ASSISTANT ENGINEER

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state —

- (a) the qualifications and native place of Mr. N. Ram Didee, Assistant Engineer, Lloyd Barrage ;
- (b) on what pay he was appointed and what he draws now ;
- (c) what work he is put to and how long he has been on it.

The Honourable Mr. COWASJI JEHangIR : (a) Mr. N. R. Didee passed out of the Upper Subordinate's class from the Thomason Engineering College, Roorkee, in 1911. He has had 5 years' experience in the Punjab and Central Province Irrigation Works and 6 years' in Mesopotamia in the Works Directorate. Immediately before he joined the Barrage he was Sub-divisional officer, Karachi Sub-division (Military Works). His native place is Batala, Punjab.

(b) He was appointed on Rs. 310 per mensem from the 29th October 1923 and his present pay is Rs. 350 per mensem.

(c) He has held charge of No. IV Sub-division of the Rohri Canal No. II Division (Rohri Canal Circle) from the 29th October 1923 to date.

Mr. NOOR MAHOMED : What was he before this appointment was made ?

The Honourable Mr. COWASJI JEHangIR : I want notice.

Mr. NOOR MAHOMED : Is he in charge of Kandyaro Brick Field ?

The Honourable Mr. COWASJI JEHangIR : The answer is given here that he has held charge of No. IV Sub-division of the Rohri Canal No. II Division (Rohri Canal Circle) from the 29th October 1923 to date.

Mr. NOOR MAHOMED: What was he before 29th October 1923?

The Honourable Mr. COWASJI JEHangIR: I am afraid I have to ask for notice.

LLOYD BARRAGE: TOURS OF SUPERINTENDING ENGINEERS

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) How many camels were employed by each of the Superintending Engineers of the Lloyd Barrage during the last touring season for carrying Government kit and what was the nature of the kit so carried;

(b) On how many days during the last touring season each of the Superintending Engineers of the Lloyd Barrage lived in tents while on tour and at what places or towns did they encamp in tents.

The Honourable Mr. COWASJI JEHangIR: (a)

Circle.	No. of camels employed during the last touring season.	Nature of the kit.
Superintending Engineer, North Western Circle.	20	Government tents, Rawtis, chairs, tables, camel trunks, lamps, stationery, despatch and other boxes of the peons and menials, record and other miscellaneous articles.
Superintending Engineer, Rohri Canals Circle.	25	
Superintending Engineer, Eastern Nara Circle.	22	
Superintending Engineer, Western Circle.	15	
Superintending Engineer, Lloyd Barrage Circle.	Nil.	

(b)

Circle.	No. of days in tents while on tour.	Places of encampment in tents.
Superintending Engineer, North Western Circle.	21	Jacobabad, Jagon (Taluka Shikarpur), Shahdadt, Mirokhan.
Superintending Engineer, Rohri Canals Circle.	17	Sita village, Tharushah and Rahwari.
Superintending Engineer, Eastern Nara Circle.	About 50	Bakhoro, Rahwari, Khadro, Landhi, Dalore and Mirpurkhas.
Superintending Engineer, Western Circle.	25	Naundero, Shahdadt, Tharir, Mahobat Ghari (Dhamrao Wah), Mado, Kandechouki, Johi, Chinni and Bakrani.
Superintending Engineer, Lloyd Barrage Circle.	Nil.	Nil.

ENGLISH TEACHERS IN PRIMARY SCHOOLS

Dr. R. P. PARANJPYE (Bombay University): Will Government be pleased to state—

(a) how many English teachers have been engaged in full primary schools and what has been their service under Government ;

(b) how many of them were permanent Government servants before they were taken up for this work and how many admitted fresh into the department ;

(c) whether it is intended to hand over these schools to the control of the local bodies ;

(d) what terms have been made with these bodies about the permanence and prospects of these teachers ;

(e) what is the intention of Government regarding them if the local bodies do not choose to take them over.

The Honourable Mr. B. V. JADHAV : Information is being obtained.

APPOINTMENT OF MR. G. FINDLAY SHIRRAS

Dr. R. P. PARANJPYE (Bombay University) : Will Government be pleased to state —

(a) whether it is a fact that Mr. G. Findlay Shirras has been recently appointed to the Indian Educational Service under this Government ;

(b) whether it is a fact that under the orders of the Secretary of State on the Lee Commission Report further recruitment to the Indian Educational Service has now been stopped ;

(c) whether it is a fact that Mr. Shirras had finally given up his claim to an Indian Educational Service post under the Government of Bengal when he was taken over in the Home Department of the Bombay Government ;

(d) whether there was any vacancy in any of the Government colleges for the Professorship of Economics when Mr. Shirras was appointed in the Educational Department ;

(e) the reason for superseding the claims of all existing officers in the Indian Educational Service and appointing a fresh man like Mr. Shirras above their heads as principal of the Gujarat College ;

(f) whether Mr. V. B. Divatia who was acting in this post was found unfit for this post ;

(g) whether they have recently appointed a special officer to report on possible avenues of retrenchment in public expenditure and whether the needs of the Educational Department in all its branches will be considered by this officer.

(h) if so, whether he will be asked particularly to report on the number of teachers required in Government colleges for the teaching of economics ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The answer is in the affirmative.

(c) His lien on a post in the Indian Educational Service in Bengal was removed on his appointment as Director of the Labour Office. He has, however, been regarded by the Secretary of State as continuing to be a member of that service although his lien was removed.

(d) The answer is in the affirmative.

(e) There has been no supersession of any officer in the Indian Educational Service either European or Indian.

(f) On the appointment of Mr. Shirras as Principal, Gujarat College, Mr. Divatia reverted to his original post.

(g) and (h) Yes.

Dr. R. P. PARANJPYE : With regard to (c) was any protest made by this Government against the letter of the Secretary of State for bringing an outsider which is calculated to endanger the promotion and transfer of the existing officers ?

The Honourable Mr. B. V. JADHAV : I do not think it will be right for me to disclose that.

Mr. G. B. PRADHAN : To bring an outsider means superseding those who are already in service ?

The Honourable Mr. B. V. JADHAV : Mr. Shirras was not brought from outside.

Mr. G. B. PRADHAN : He was not in the employ of the Educational Department ?

The Honourable Mr. B. V. JADHAV : He was occupying a post under Government and when that post was abolished it is the duty of Government to provide an appointment for him.

THE THAKOR OF KERWADA : Did his name appear in the Civil List of this presidency as a Government servant in the Educational Department ?

The Honourable Mr. B. V. JADHAV : At that time it was not thought necessary to include him in the list of officers in the Educational Service.

Dr. R. P. PARANJPYE : With regard to (d) how that vacancy was created ? Did anybody resign or withdraw from service ?

The Honourable Mr. B. V. JADHAV : I will find it out if notice is given.

Mr. P. G. JOSHI : With regard to (c) may I know under what authority the remark has been made that the Secretary of State has given Mr. Shirras a lien ?

The Honourable Mr. B. V. JADHAV : Secretary of State's own letter.

Rao Saheb D. P. DESAI : Was Mr. Shirras taken in the reserve side of Government ?

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

Rao Saheb D. P. DESAI : If the officers taken on the reserve side are transferred to the other side, would it not supersede the officers in the transferred departments ?

The Honourable Mr. B. V. JADHAV : There was no supersession.

Mr. P. G. JOSHI : Will the Honourable Minister please place the letter of the Secretary of State on the Council table ?

The Honourable Mr. B. V. JADHAV : I regret I cannot do so.

DEATH OF A HINDU BOY AT KARACHI

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that during the month of May a Hindu boy was reported to have been cruelly burnt alive at Karachi by a cycle shop-keeper;

(b) whether it is a fact that the widow mother of the boy has made a statement to the effect that her son Jeyram was a servant in the shop of one Jaferji, a cycle dealer, and that for some alleged fault he was called inside the shop, belaboured and was asked to pay Rs. 100 and that the boy having come to her to ask for the money she went to the shop-keeper and on her return to call her men to assist her she saw the boy being burnt alive by pouring kerosine on him;

(c) whether they would place all papers of this case on the Council table and say if they have taken any special steps to prevent such cruel crimes?

The Honourable Mr. J. E. B. HOTSON: (a) Yes.

(b) No.

(c) No. The Police investigation has clearly proved that no crime was committed as alleged.

SCHEME OF COMPULSORY EDUCATION, AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether it is a fact that the Ahmedabad Municipality has submitted to Government a complete scheme of compulsory education filling up all the forms as required under the rules of the Primary Education Act and applied to Government for sanction to introduce compulsory education within the municipal limits of Ahmedabad. If so, to give the date of the application from the Ahmedabad Municipality to obtain sanction for introducing compulsory education;

(b) whether Government have accorded their sanction to this application. If so, to state the date on which they gave the sanction asked for by the Ahmedabad Municipality. If not, to give reasons for not according the said sanction?

The Honourable Mr. B. V. JADHAV: Information has been called for.

ADDITIONAL TRAIN FROM AHMEDABAD TO BARODA

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether it is a fact that a representation to run an additional local train from Ahmedabad to Baroda and back at 6-30 p.m. and 8-30 a.m. respectively has been addressed to the General Traffic Manager of the B. B. & C. I. Railway from Ahmedabad signed by about 150 citizens;

(b) whether in view of persons daily coming to Ahmedabad from Vasad, Anand, Nadiad, Mehmedabad and Vata for study, office work, court work and business transactions, they intend to take any action in the matter?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) The Railway authorities propose to introduce an additional passenger train on trial between Anand and Ahmedabad from 1st September 1926.

SECONDARY EDUCATION, AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association): (a) Will Government be pleased to place on the Council table a statement containing the following facts regarding the students in the matriculation classes of all Government and grants-in-aid schools at Ahmedabad :—

(i) the number of matriculation students on record in each of the schools in 1925-26 ;

(ii) the number of students who were given forms to appear for the examination in each school ;

(iii) the number of students who were successful from each school ;

(b) to state if they intend to take any special steps to stimulate the progress of secondary education in Ahmedabad ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

HEIRSHIP INQUIRIES : INAM LANDS

Mr. S. A. SARDESAI (Bijapur District): Will Government be pleased to state—

(a) whether it is a fact that inamdars have been disposing of heirship enquiries themselves from time immemorial ?

(b) if so, the reasons why they are not allowed to do so now ?

The Honourable Mr. J. L. RIEU : The honourable member is referred to the reply to his question at pages 1612 and 1613 of Vol. XVII of the Bombay Legislative Council Debates.

LOCAL BOARD SCHOOLS, SURAT DISTRICT

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

(a) the names of those villages in the Surat district in which local board schools were closed in the year 1921-22 ;

(b) the population of each of the villages ;

(c) the number of pupils in the school before the non-co-operation movement ;

(d) the number of years the school was working before it was closed ;

(e) in how many of these villages are there local board school buildings ;

(f) how many of these schools have been reopened by Government ;

(g) when will Government open the remaining schools ;

(h) if any of these schools are not to be reopened, the special reasons for the same ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

POLICE PROSECUTORS

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state the number of Police prosecutors who have not passed any legal

test such as the pleader's examination or the examination of Bachelor of Laws ?

The Honourable Mr. J. E. B. HOTSON : 8.

MAGISTERIAL POWERS OF THE THAKOR OF KOTH-SANAND

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

(a) whether they have granted the powers of a third class magistrate to the Thakor of Koth-Sanand estate ;

(b) whether it is a fact that many suits are pending in the civil and criminal courts of the Ahmedabad district between the Thakor and his tenants ;

(c) whether the tenants of the said estate have protested to Government against the grant of the powers of a third class magistrate which, they fear, are likely to be misused against them ;

(d) if so, what precautions Government have taken against the misuse of the powers by the Thakor ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) There are no criminal cases pending between the Thakor and his tenants. Twenty-eight civil suits are pending in the Subordinate Judge's Court at Dholka in the Ahmedabad District.

(c) Yes.

(d) No precautions, except those allowed by the Criminal Procedure Code, appear necessary. All judgments of the Thakor are appealable to the District Magistrate.

PRANTIJ MUNICIPALITY : SANCTION TO SALARIED GOVERNMENT SERVANT TO CONTEST ELECTION

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

(a) whether Mr. M. S. Kadri, the doctor of Prantij dispensary, a salaried servant of Government, applied for permission to contest the elections to the Prantij municipality during the current year, 1926 ;

(b) whether they have granted permission to the said officer to contest the election to the Prantij municipality ;

(c) if so, under what section of the Bombay District Municipal Act of 1901, they have granted the said permission ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) Yes.

(c) The Bombay District Municipal Act, 1901, as amended up to date does not debar a Government servant from standing for election on a Municipal Board. In this connection attention of the honourable member is invited to the reply given to his next question.

PRANTIJ MUNICIPALITY : SANCTION TO SALARIED GOVERNMENT SERVANT TO CONTEST ELECTION

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

(a) whether it is a fact that salaried servants of Government are debarred from exercising any influence in any elections, whether Council, municipal or local board.

(b) if so, on what grounds they are permitting Mr. M. S. Kadri, doctor of Prantij dispensary, to stand as a candidate in a municipal election and to use his official position and influence in being successfully returned as a councilor?

The Honourable Sir GHULAM HUSSAIN: (a) and (b) There is no provision under the District Municipal Act prohibiting a Government servant from standing for election.

Mr. J. C. SWAMINARAYAN: Why is there no answer to part (a) of my question whether the salaried servants of Government are prohibited from exercising any influence at elections?

The Honourable Sir GHULAM HUSSAIN: They are debarred from doing so; but they are not debarred from standing as candidates in municipal elections.

Mr. J. C. SWAMINARAYAN: When Government servants stand as candidates in elections, will they not use their official position to influence the voters to vote for them?

The Honourable Sir GHULAM HUSSAIN: The Municipal Act was passed by this House, and the honourable member should have then moved an amendment prohibiting Government servants from standing as candidates.

B. B. & C. I. RAILWAY WATER SUPPLY ON LONG JOURNEYS

THE THAKOR of KERWADA (Gujarat Sardars and Inamdars): Will Government be pleased—

(a) to state whether they are aware that the station staff and the guards in charge of trains allow the trains to undertake long journeys without water in the first and second class compartments on the B. B. & C. I. Railway;

(b) to state whether the railway authorities on the B. B. & C. I. Railway have ever issued any instructions to the staff to look after the comfort of passengers travelling by the trains;

(c) to place on the Council table a copy of such instructions, if any?

The Honourable Mr. J. L. RIEU: (a) No. The Railway has recently made expensive arrangements for watering trains at all important stations. Traffic officials frequently inspect carriages on trains to see if water is available in them. It is seldom that one is found to be without water.

(b) Yes.

(c) Extract paragraph 40, clauses 12 and 13, from the Traffic Manual is laid on the table*.

FOREST CULTIVABLE LAND, DHOND PETA

Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

* Vide Appendix No. 65.

(a) whether they have included any cultivable lands on the banks of the river Bhima at Kangaon and the neighbouring villages of the Dhond Peta of the Poona District in the Reserved Forest ;

(b) if so, what is the extent of such lands in each village which will be available for cultivation ?

The Honourable Mr. A. M. K. DEHLAVI : The honourable member is referred to the reply to question put by Mr. N. R. Gunjal, M.L.C., on the same subject to-day.

TRIMBAKESHWAR MUNICIPALITY—USE OF DHARAMSHALLA

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

(a) whether they are aware that the Trimbakeshwar municipality has been using a public dharamshalla for their official purposes ;

(b) whether it is a fact that great inconvenience is caused to pilgrims on this account ;

(c) if so, what steps they intend to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) The Municipality has passed a resolution to shift its office to the dharamshalla and to make the present Municipal buildings available to the public as a dharamshalla. No effect has, however, yet been given to this resolution.

(b) and (c) These questions do not arise.

RAILWAY STATION, SHOLAPUR

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state whether their attention has been drawn to the hardship and inconvenience caused to the passenger and goods traffic owing to the inadequacy of the G. I. P. Railway station at Sholapur and the urgent need of the remodelling of the same ?

The Honourable Mr. J. L. RIEU : No complaint to that effect has been addressed to Government.

POONA TRAINING COLLEGE

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

(a) the total number of teachers in the Poona Training College ;

(b) how many of them are Brahmins and how many belong to the backward classes ;

(c) whether there are any separate boarding clubs in the College for vegetarian and non-vegetarian Hindus ;

(d) whether it is a fact that permission was refused to start a separate boarding club for non-vegetarian Hindus ;

(e) if the answer to (d) is in the affirmative, why such permission was refused ?

The Honourable Mr. B. V. JADHAV : (a) 16 (including the Principal who is a Member of the Bombay Educational Service).

(b) 13 Brahmins and 3 Marathas.

(c) Government are considering the matter and hope to make separate messing arrangements for vegetarian and non-vegetarian Hindus about the beginning of August.

(d) No.

(e) The question does not arise.

ELPHINSTONE COLLEGE : MARATHI LECTURER

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

(a) the qualifications and caste of the Marathi lecturer appointed in the Elphinstone College ;

(b) whether there were any applicants for the post from the backward classes and what were their qualifications ?

The Honourable Mr. B. V. JADHAV : (a) *Qualifications*.—B.A. (II Class)—Sanskrit and English. M.A. (high II Class)—Sanskrit and Marathi. LL.B., Dakshina Fellow. Winner of the following University Scholarships and prizes, viz., (1) Bhagvandas Purshottamdas Scholarship ; (2) the Zala Vedanta Prize ; and (3) Sir Lawrence Jenkins Scholarship. Author of two Candy Marathi prize essays at Deccan College. Sound grounding in Sanskrit with a sufficient knowledge of Prakrit.

Caste.—Desbastha Brahmin.

(b) Only one candidate from the Backward Classes applied for the post. His qualifications are : B.A. (Pass)—Sanskrit and English. Editor of a Magazine called "Maharashtra Sahitya". Author of some poetical publications.

Mr. S. K. BOLE : Did not the candidate from the backward classes possess the minimum qualification that was required for that post ?

The Honourable Mr. B. V. JADHAV : It is not a question of minimum qualifications ; it is a question of who is the best man available.

Mr. S. K. BOLE : Is that the way that Government are giving preference to the backward classes ?

The Honourable Mr. B. V. JADHAV : This is a post in a specialist service.

LOCAL BOARDS : KUNBIS IN

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

(a) the number of the Kunbi community in the Ratnagiri District ;

(b) how many of them are elected on the taluka and district local boards ;

(c) how many of them are nominated by Government on the taluka and district local boards ?

The Honourable Sir GHULAM HUSSAIN : (a) The population of the Kunbi community according to the Census of 1921 is 314,107.

(b) None.

(c) Taluka local boards, two. District local board, none.

Mr. P. G. JOSHI : Is special representation to be given to the *kunbis* in the district local boards ?

The Honourable Sir GHULAM HUSSAIN: I refer the honourable member to the District Local Boards Act.

EDUCATIONAL DEPARTMENT, KOLABA DISTRICT: CLERKS CASTE

Mr. S. K. BOLE: Will Government be pleased to state the total number of clerks in the Educational Department in the Kolaba District and how many of them are Brahmins and how many belong to the backward classes.

The Honourable Mr. B. V. JADHAV: There are four clerks in the Educational Department in the Kolaba District of whom three are Brahmins and one belongs to the backward community.

COMMUNAL ASSOCIATIONS

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

(a) the reasons that led them to issue a press note prohibiting Government servants from being office bearers of any communal associations;

(b) whether they are aware of the criticism it has evoked;

(c) whether the press note is applicable to associations which are concerned with educational and social propaganda, and, if so, whether they intend to modify the press note as far as educational and social bodies are concerned;

(d) whether they are aware that the backward classes will be more affected by this press note owing to the low percentage of education amongst them?

The Honourable Sir CHUNILAL MEHTA: The order on which the Press Note in question was based has been rescinded and a fresh Press Note containing the revised orders of Government has been issued.

KURLA MUNICIPALITY: PROSECUTION IN CONNECTION WITH DYEING FACTORY

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

(a) whether it is a fact that the Kurla municipality recently launched a prosecution against the owner of the dyeing factory;

(b) if so, what is the result?

The Honourable Sir GHULAM HUSSAIN: (a) and (b) Unless the Honourable Member states the name of the owner of the dyeing factory, Government regret that they are not in a position to obtain the information required by him.

DEPUTY COLLECTORS AND MAMLATDARS, CENTRAL DIVISION

Mr. L. S. CHAUDHARI (East Khandesh District): Will Government be pleased to state—

(a) the number of district deputy collectors in the Central Division;

(b) how many of them belong to the advanced classes and how many of them belong to the Hindu backward classes;

(c) how many mamlatdars from the Hindu backward classes are first grade mamlatdars?

The Honourable Mr. J. L. RIEU: (a) 11.

(b) Advanced 7: Backward 1.

(c) 2.

Mr. L. S. CHAUDHARI: Is not the representation in the higher grades inadequate in the case of the backward communities?

The Honourable Mr. J. L. RIEU: It is not as full as Government would desire, but they are limited by circumstances.

Mr. L. S. CHAUDHARI: Will not Government be pleased to raise one or two mamlatdars belonging to the backward communities to the grade of deputy collectors in order to give them adequate representation?

The Honourable the PRESIDENT: The honourable member is making a suggestion for action.

FINES FOR ENCROACHMENT

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state whether it is a fact that in the village of Kothali, Nandurbar Taluka, West Khandesh, they recently realised over ten thousand rupees from about twenty villagers in the shape of fines for alleged encroachment on Government land?

The Honourable Mr. J. L. RIEU: No; out of the total demand of Rs. 10,777, Rs. 3,590 have been recovered this year, in respect of the proved encroachments on Government land in the village.

POLICE EXTORTION AT MEHUNBARA

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(1) whether they are aware that several villagers from different villages in Chalisgaon Taluka alleged that the Police while investigating the Mehunbara Gang Case last year extorted contributions from them in the shape of money, corn, etc.;

(2) whether they are aware that their statements were recorded by the First Class Magistrate, Chalisgaon, and the First Class Magistrate of the division;

(3) whether they are aware that it was alleged that there was documentary evidence to prove some of these illegal exactions;

(4) what action they have taken in the matter?

The Honourable Mr. J. E. B. HOTSON: Government cannot make any statement at present on this subject, which is still *sub-judice*.

Mr. S. S. DEV: May I know what case is *sub-judice*?

The Honourable Mr. J. E. B. HOTSON: The case of a number of persons to whom I referred in a recent answer, who are being prosecuted for having made false complaints.

Mr. S. S. DEV: There are cases of torture *sub-judice*, but there is none for extortion. Is that true?

The Honourable Mr. J. E. B. HOTSON: The cases are mixed up together, and it is quite impossible to give a reply about one while the others are going on.

PHALNI SURVEY WORK

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) in which talukas of the Poona District the survey operations of Phalni work have been completed;

(b) what is the cost of the Phalni survey with the cost of maps supplied to each holder in the Poona District according to each taluka;

(c) how much of the amount is recovered and how much is still to be recovered up to the end of December 1925;

(d) whether the amount of expenses to be recovered from the villagers includes the cost of stones fixed as boundary marks?

The Honourable Mr. J. L. RIEU: (a), (b) and (c) The required information is given in the appended statement*.

(d) In pot hissa survey no boundary marks are set up to the hissa boundaries.

FOREST CULTIVABLE LAND, DHOND PETA

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have included any cultivable lands on the banks of the river Bhima at Kangaon and the neighbouring villages of Dhond Peta of the Poona District in the Reserved Forest;

(b) if so, what is the extent of such lands in each village which will be available for cultivation?

The Honourable Mr. A. M. K. DEHLAVI: (a) and (b) In 1898 the following areas of cultivable land were included in Reserved Forest:—

Village.				Area. Acres.
Kangaon	..	..	about	500
Pargaon	..	..	„	140
Sonedi	..	..	„	70
Dhond	..	..	„	10 to 13

Since then Government have not included any cultivable land in Reserved Forest.

PILGRIMS CAMPS, KARACHI

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(a) whether their attention has been drawn to the various complaints regarding hardships and inconveniences suffered by Muslim pilgrims

* Vide Appendix No. 66.

in the Pilgrims Camp, Karachi, while awaiting the departure of their steamers from Karachi to Jeddah, which have been published from time to time in the *Zamindar* and the *Muslim Outlook* of Lahore, the *Al-Wahid* and other newspapers at Karachi, the *Hamdard* of Delhi, the *Rozenameh Khilafat* of Bombay and several other newspapers ;

(b) whether it is a fact that this year for want of adequate accommodation in the Pilgrims Camp, Karachi, hundreds of Pilgrims had to stay out in the open under the burning heat of the sun ;

(c) whether it is a fact that the workers of the Karachi Khilafat Committee assisted by Seth Haji Abdullah Haroon, M.L.C., made arrangements for accommodating the pilgrims in private buildings, while the Protector of Pilgrims himself made no such arrangements ;

(d) what steps Government have taken to provide more accommodation in the Pilgrims Camp, Karachi ;

(e) whether there is any mosque within the premises of the Pilgrims Camp, Karachi ; if not, whether the Protector of Pilgrims has drawn the attention of Government to its need being keenly felt by the pilgrims ; if so, what action has Government taken in the matter ?

The Honourable Mr. COWASJI JEHangIR : Information has been called for.

PROTECTOR OF PILGRIMS, KARACHI

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City) : Will Government be pleased to state—

(a) the name, age and pay of the present Protector of Pilgrims at Karachi, and his educational qualifications ;

(b) his total service and the posts previously occupied by him ;

(c) what is the nature and amount of the allowances he gets ;

(d) how many trains he visited at the Railway Station between 1st March 1926 and 31st May 1926 to receive the pilgrims ;

(e) whether their attention has been drawn to the complaints against him appearing in the *Al-Wahid* of Karachi and other Muslim papers ?

The Honourable Mr. COWASJI JEHangIR : Information has been called for.

AMALNER TOWN PLANNING SCHEME

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether the Amalner town planning scheme has been finally sanctioned ;

(b) if not, the reasons for the delay ?

The Honourable Sir GHULAM HUSSAIN : (a) No.

(b) The final report from the Arbitrator is awaited.

Mr. P. G. JOSHI : In view of the fact that the scheme is hanging fire for the last four or five years, will the Honourable Minister expedite it ?

The Honourable Sir GHULAM HUSSAIN : I will do so, but at the same time I would refer the honourable member to the Town-Planning Act under which the procedure we have to adopt is very lengthy.

KULKARNI WATANS

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) how many notices of suits for restoration of kulkarni watans have been received by the Secretary of State for India in Council from kulkarnis ;

(b) how many such suits have been actually filed against the Secretary of State for India till now ;

(c) whether, in view of the recent decision of the Bombay High Court regarding the commutation of kulkarni watans, they intend defending these suits ;

(d) the amount of expenditure likely to be incurred in the defence of such suits ; and

(e) whether they intend to abolish the talati system and restore the kulkarni watans to hereditary watandars ?

The Honourable Mr. J. L. RIEU : (a) and (b) Information has been called for.

(c) Yes.

(d) The amount cannot be estimated as it will depend on the extent of the litigation. But there is no reason to apprehend that the expenditure will be great. Probably the issues will be decided in a test case or cases.

(e) No.

WATANDAR HINDU PRIESTS BILL

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether they have circulated Bill No. XXXI of 1925 (Mr. Bole's Joshi Bill) and ascertained public opinion thereon, as they did in the matter of Bill No. XX of 1925 (Mr. Noor Mahomed's Local Boards Bill),

(b) whether they have received any expressions of opinion on the said Bill, and

(c) if so, whether they would circulate those opinions to the members of the Bombay Legislative Council before the said Bill comes up in the Council for the second reading ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) and (c) Do not arise.

POLICE INSPECTOR B. B. MOHITE

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state—

(a) whether in view of their resolution to pay Rs. 2,500 to two Pathans, viz., (1) Malakhan Azadkhan and (2) Mahomed Jamalkhan,

by way of compensation for their conviction and imprisonment (*vide* Note for the Legislative Council, No. 4889-A, Finance Department), they intend to reconsider the case of Mr. Balwant Bhojraj Mohite, *ex-Inspector* of Police, who was unconditionally released by them by their Resolution No. 3225 (Judicial Department), dated 26th April 1919, and pay him similarly some suitable compensation ;

(b) whether it is a fact that the said Mr. Balwant Bhojraj was found in the departmental inquiry held subsequently to his conviction quite innocent of the charge of which he was convicted ;

(c) whether it is a fact that the said Mr. Balwant Bhojraj was recommended by departmental officers to be reinstated as a result of the said departmental inquiry ;

(d) whether it is a fact that the amount of fine (Rs. 1,200) which was ordered to be remitted to him by the said resolution was not ultimately paid to him owing to some legal difficulties even though he was found to be in a very destitute condition ;

(e) whether it is a fact that a sum equivalent to the amount of fine imposed upon him (Rs. 1,200) was recommended to be paid to the said Mr. Balwant Bhojraj by the Sessions Judge, Khandesh, and the District Magistrate, East Khandesh ;

(f) whether it is a fact that the said Mr. Balwant Bhojraj Mohite (Mahratta) had served the Police Department for 26 years, was never even warned or fined and had earned nearly 40 good conduct certificates and money rewards before his conviction ?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) No.

(c) No.

(d) Yes.

(e) No.

(f) Mr. Mohite had 26 years' service, which appears to have been unblemished up to the time of the case in which he was convicted.

Mr. P. G. JOSHI : Is it not a fact that the case of Mr. Mohite is similar in nature to the case of these two Pathans ?

The Honourable Mr. J. E. B. HOTSON : It is not similar.

Mr. P. G. JOSHI : May I know what are the reasons for which Mr. Mohite was unconditionally released ?

The Honourable Mr. J. E. B. HOTSON : The reasons were that at the time he was released Government considered that in the circumstances he had already served a sentence which was sufficient for the offence.

Mr. D. R. PATIL : Was Mr. Mohite released on the recommendation of any police officer ? Did any police officer recommend to Government to release him unconditionally ?

The Honourable Mr. J. E. B. HOTSON : That is a question which I cannot answer.

Mr. D. R. PATIL : Why was not Mr. Mohite treated like these two Pathans ?

The Honourable the PRESIDENT : That has already been answered.

PURCHASE OF KHADI FOR GOVERNMENT OFFICIAL USE

Mr. M. D. KARKI (Kanara District): (a) Will Government be pleased to state what amount was spent by them annually on the purchase of cloth for use in their offices in the whole presidency including Sind during the last three years?

(b) Was *Khadi* purchased by them for such use? If so, what amount was spent on its purchase during the last three years?

The Honourable Mr. COWASJI JEHangIR: (a) During the years 1921-22, 1922-23 and 1923-24 an average annual expenditure of Rs. 3,04,735 was incurred approximately on the purchase of cloth including woollen cloth.

(b) Yes, the kind of cloth known as *Khadi* including Jail *Khadi* is largely used in Government offices, but as the amounts spent on any particular cloth are not recorded separately by many of the officers, it is not possible to supply complete and accurate figures of the amounts spent on *Khadi*.

BACK BAY RECLAMATION: REPORT OF COMMITTEE OF ENGINEERS

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state whether they have received the report of the Committee of Engineers that was appointed to go through the figures of the Back Bay Reclamation Scheme and, if so, will they place it before the Council?

The Honourable Mr. COWASJI JEHangIR: The printed answer is "Government have not yet received the report". But Government have received the report three days ago, and the report has been sent to Mr. Kay's committee for consideration and report. All the reports, I presume, will be placed before the public.

ACTION IN HIGH COURT UNDER THE SPECIFIC RELIEF ACT IN
ELECTION PETITION II OF 1924

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): (a) * * *

(b) If so to place a copy of the judgment on the Council Table.

The Honourable Mr. J. E. B. HOTSON: (b) As I have already answered copies* of the judgments in the original and appellate courts are placed on the Council Table.

AFZULKHAN'S TOMB: PILGRIM SHED

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased—

(a) to state whether it is a fact that a fairly large number of pilgrims has been visiting the tomb of Afzulkhan and that there is no shed or protection for them and that consequently the health of women and children suffers greatly;

(b) to state whether it is a fact that temporary sheds which existed near the tomb have been demolished;

* Kept in the Secretary's Office.

(c) to state whether it is a fact that although Government had agreed to build a dharamshala, no such permission is now being given to the parties applying for it ;

(d) to lay on the Council table the correspondence that has passed between the Kutchi Memon community and Government relating to the tomb during the last five years ?

The Honourable Sir GHULAM HUSSAIN : Information has been called for.

AFZULKHAN'S TOMB : PAY OF MUTAWALI

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that the committee appointed by them in connection with Afzulkhan's tomb has not paid the Mutawali who is now dead his pay for one year and a half and that the present Mutawali is also not paid ;

(b) how many times the committee appointed by Government have held their meetings and whether they have held any meeting at Pratapgad ;

(c) whether there has been any budget prepared by the committee and if so whether it has been carried out ?

The Honourable Mr. COWASJI JEHangIR : Enquiries are being made.

AFZULKHAN'S TOMB : FACILITIES FOR STAY AT

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether they are aware that at the annual Uras at Afzulkhan's tomb, besides a large number of Muslims, a fairly large number of Hindus also visit the place, and that there has never been any unpleasantness between the two communities ;

(b) if so, why facilities are not being given to Muslims to stay there as was done for a number of years before the committee was appointed ;

(c) whether they are aware that the feelings of Muslim pilgrims from different parts of the presidency are being wounded when they are refused permission to erect even temporary grass huts or tents to live there ?

The Honourable Sir GHULAM HUSSAIN : Information has been called for.

ADEN : ADMINISTRATION OF JUSTICE

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether their attention has been drawn to the article " A Legal Conundrum " in the *Bombay Chronicle* of the 22nd January 1926 ;

(b) if so, what steps have been taken in the matter ;

(c) whether they are aware that the appointment of honorary

magistrates at Aden was done away with in 1923 for the reason that the Aden Act did not provide for the appointment of any person or persons other than the Assistant Residents ?

The Honourable Mr. J. E. B. HOTSON : The attention of Government had not been drawn to the article in question until the question of the honourable member was received.

(c) Yes.

Mr. HOOSEINBHOY A. LALLJEE : Do Government propose to appoint persons other than the Assistant Residents as honorary magistrates at Aden ?

The Honourable Mr. J. E. B. HOTSON : This cannot be done without an alteration in the law, and proposals for the necessary amendment of the law have been submitted to the Government of India.

MAMLATDARS AND SUB-JUDGES : WORK AND PAY

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

(1) (a) whether they are aware that the duties of a mamlatdar are more onerous, responsible, trying and exacting than those of a sub-judge ;

(b) whether they are aware that the Mamlatdar has greater mental and physical strain to undergo as he is a revenue executive and judicial officer while a sub-judge is a judicial officer only ;

(c) whether they are aware that the mamlatdar has to work throughout the year without any respite in the shape of summer and winter vacations while a sub-judge has to work at stated hours of the day and enjoys summer and winter vacations ;

(2) whether they intend to revise the pay of a mamlatdar ?

The Honourable Mr. J. L. RIEU : (1) (a) and (b) This is a matter of opinion.

(c) Government are aware that Mamlatdars do not enjoy the vacations enjoyed by Sub-Judges, but the latter are not entitled to the same leave concessions.

(2) The question of revision of pay of mamlatdars is under consideration.

GHADI MASJID, DAHOD : USE OF HOUZ

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

(a) whether they are aware that the coolies engaged in the nursery around the 'houz' of the Ghadi Masjid, Dahod, wash their hands and feet in the 'houz' and thereby injure the feelings of the Mahomedans ;

(b) what steps they propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) No. No coolies have been engaged in the nursery around the 'houz' of the Ghadi Masjid, who are alleged to have been washing their hands and feet in the 'houz'. The only man looking after the P. W. D. nursery is a mali or chaukidar but he is reported not to be in the habit

of washing his hands and feet in the "houz". He has however been warned not to use it himself nor allow its use to any one except the Mahomedans attending the mosque.

KURLA MUNICIPALITY : STABLE CONSTRUCTION

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

(a) whether it is a fact that one Budhoo Faizulla reconstructed his stable without permission and in the case lodged against him by the Kurla Municipality in the court of the Resident Magistrate, Kurla, recently he produced a receipt in acknowledgment of his application for grant of permission ;

(b) what happened to his application ?

The Honourable Sir GHULAM HUSSAIN : Inquiries are being made.

TALUKA DEVELOPMENT ASSOCIATION, KONKAN DIVISION

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state the number of taluka development associations which have been formed in the Konkan districts in the last four years and the amount of grant which each association has received from Government in that period ?

The Honourable Mr. A. M. K. DEHLAVI : Nine taluka development associations have been formed in the Konkan during the last four years. The amount of the grants paid during this period are shown below :—

	Rs.	a.
The Mahim Taluka Agricultural Development Association	2,400	0
The Kalyan Taluka Development Association ..	450	0
The Alibag do. ..	800	0
The Dapoli do. ..	1,921	0
The Ratnagiri do. ..	1,500	0
The Rajapur do. ..	1,760	0
The Sirsi do. ..	2,100	0
The Karwar do. ..	957	8
The Umbergaon Taluka Agricultural Development Association	500	0

THE GUJARAT COLLEGE, AHMEDABAD : MR. G. FINDLAY SHIRRAS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to state the amount of monthly salaries drawn by the present Principal and each of the professors of the Gujarat College, Ahmedabad, along with the monthly salary of Mr. G. Findlay Shirras ;

(b) to state the number of weekly hours of work being given to each of them ;

(c) to state whether the appointment of Mr. Shirras on a comparatively high salary has superseded the claims of any of the professors of that college;

(d) to state the amount of the highest salary paid to any member of the staff of this College since its inception except Mr. Shirras;

(e) to give reasons for according such special preference to Mr. Shirras regarding the amount of pay and his prospects in this College.

The Honourable Mr. B. V. JADHAV : (a) The attention of the Honourable Member is invited to pages 302A—307 and 313—316 of the Bombay Civil List corrected up to 1st April 1926.

(b) The information has been called for.

(c) The answer is in the negative.

(d) Since the taking over of the College by Government in 1912 the highest salary paid to a member of its staff is Rs. 1,850 per mensem. Government do not consider that the utility of the information regarding the pay drawn by the Principals before it was taken over by them would be commensurate with the time and labour involved in collecting it.

(e) No special preference has been accorded to Mr. Shirras who draws the pay and has the prospects which an Indian Educational Service officer of his standing would ordinarily be entitled to expect.

BACK BAY SCHEME : APPOINTMENT AND REMUNERATION OF SIR GEORGE BUCHANAN

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether Sir George Buchanan's appointment as Consulting Engineer was made before the Reclamation Scheme was launched or sanctioned; if so, to give the details of any amounts paid to him prior to the actual sanction of the scheme;

(b) whether it is a fact that the commission paid to him was kept secret for a long time and was not communicated to the Council and was treated as a non-votable item?

The Honourable Mr. COWASJI JEHangIR : (a) The appointment of Messrs. Meik and Buchanan as engineers of the Back Bay Reclamation Scheme was not made before the scheme was launched or sanctioned, and no payment was made to the firm prior to the actual sanction to the scheme. Sir George Buchanan was paid Rs. 364-8-0 and Rs. 20,000 for travelling expenses, and for preparing his report on the scheme.

(b) Full details of the commission to be paid to the firm were given in the budget statements of 1922-23 and 1923-24, placed before this Council. In these budgets the item was treated as "non-voted", but in May 1923 it was decided that it ought to be classed as "voted", and consequently the item was submitted to the vote of the Council in July 1923 and every year thereafter.

Mr. G. B. PRADHAN : Is it not a fact that this item was placed before the Finance Committee for the first time in January 1924?

The Honourable Mr. COWASJI JEHangIR : I think the reply to part (b) of the question gives the answer to the honourable member's question. It is stated there that full details of the commission to be

paid to the firm were given in the budget statements of 1922-23 and 1923-24 and placed before this Council.

Mr. G. B. PRADHAN : My question is whether it is not a fact that when the Finance Committee of this new Council met for the first time in January 1924, the sanction of the Finance Committee was asked for this payment to Messrs. Meik and Buchanan. I was on the committee myself.

The Honourable Mr. COWASJI JEHangIR : It was not put before the Finance Committee in the first instance, most probably because Government considered it was a non-voted item; but when their attention was drawn to the fact that this was a voted item, it was immediately placed before the Finance Committee, and according to the honourable member himself it was put before the Council during its first session three years ago.

Mr. G. B. PRADHAN : It was placed before the Finance Committee in January 1924. If that is so, the sanction of the Finance Committee was taken at that time. How could it be put before the Council in 1923 ?

The Honourable Mr. COWASJI JEHangIR : It was placed before the Council then. The full facts were placed before the House. It appeared as a non-voted item in the Budget.

Mr. H. B. SHIVDASANI : Are Messrs. Meik and Buchanan liable to refund the commission if they are found guilty of gross incompetence ?

The Honourable Mr. COWASJI JEHangIR : That is a question for the law courts.

WATER WORKS AT KAPADVANJ

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that a public meeting held in the month of April at Kapadvanj has protested against the construction of a water reservoir in the midst of the city :

(b) whether they have received any resolutions recording public disapproval of the construction of the reservoir on the present selected site ;

(c) what action they have taken in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) Yes.

(c) The matter is being investigated.

RULES UNDER THE PRIMARY EDUCATION ACT AT AHMEDABAD

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that the Ahmedabad Municipality has submitted to Government for sanction the rules and regulations framed by it under the Bombay Primary Education Act and the rules made

by Government thereunder. If so, to give the date on which they received this letter ;

(b) whether they have accorded their sanction to these rules and regulations ;

(c) if not, the reasons for not according sanction.

The Honourable Mr. B. V. JADHAV : (a) Yes ; on the 12th June 1926.

(b) No.

(c) The rules and regulations submitted by the Ahmedabad Municipality are still under consideration.

EDUCATIONAL SCHEMES OF THE AHMEDABAD MUNICIPALITY

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state whether it is a fact that in the Administration Report of the School Board of the Ahmedabad Municipality adopted unanimously by the General Board of the Municipality during the month of May the following statements are recorded under the heading " Pending correspondence " :

1. " The municipality has submitted to Government for sanction its own scheme of salaries to be paid to various grades of teachers in April 1924. More than half a dozen letters have been addressed but Government sanction has not yet been received. This naturally creates discontent among the teachers who have got no increment since 1922."

2. " The Municipality has prepared the complete scheme of compulsory education and submitted it to Government in October 1925 but the sanction has not yet been received."

The Honourable Mr. B. V. JADHAV : The answer is in the affirmative. It may, however, be stated that the scheme of salaries referred to was sanctioned by Government in April 1926, while the scheme of compulsory education has just reached Government and is being examined.

R. C. TECHNICAL INSTITUTE, AHMEDABAD : COURSES OF STUDIES

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to give reasons for not introducing the courses of Physics and Chemistry in the R. C. Institute at Ahmedabad and for not making provision for a laboratory for that purpose ;

(b) to state whether they intend to take steps to introduce courses of Electrical Engineering and Motor Mechanics classes in this Institute in view of the remarkable progress of this science in this Presidency ;

(c) if not, to give reasons for the same ?

The Honourable Mr. B. V. JADHAV : Inquiries are being made.

R. C. TECHNICAL INSTITUTE, AHMEDABAD : BOARDING ACCOMMODATION

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased

to state whether they intend to extend the boarding accommodation at the R. C. Technical Institute at Ahmedabad when public charity has already initiated this facility for over two years ?

The Honourable Mr. B. V. JADHAV : No proposals have been made to Government hitherto for extension of the boarding accommodation at the Institute.

R. C. TECHNICAL INSTITUTE, AHMEDABAD : MACHINERY

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to place on the table a list of the machinery in the R. C. Technical Institute, Ahmedabad, at the time when they took it over along with a list of the machinery in 1926 ;

(b) to state if they intend to introduce some models of improved machinery for the students taking their courses in this Institute ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

R. C. TECHNICAL INSTITUTE, AHMEDABAD : MACHINERY

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to place on the table a list of the machinery used in the R. C. Technical Institute at Ahmedabad during the current year with the name of the manufacturers and the year of their making the same or the year of purchase ;

(b) to state whether it is a fact that improved models of machinery have not been supplied to this institute where students are taking courses for learning practical work ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

RAILWAY SERVANTS : DISMISSALS AND REDUCTIONS.

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to state whether it is a fact that Mr. Chhotubhai Desai, late Deputy Station Master, Andheri, was dismissed summarily for convening a meeting on the railway grounds in his capacity as Honorary President of the Bombay Branch of the Employees' Association though he did not attend it ;

(b) to state whether it is a fact that Mr. Mohanlal Patel, late Chief Clerk, District Traffic Superintendent, Bulsar, was also dismissed for having attended a similar meeting ;

(c) to state whether the scale of pay of the booking clerks at the Andheri and Bulsar stations was reduced in the case of those who were already drawing Rs. 70 to Rs. 55 as at some stations such a reduction was given effect to ;

(d) to place on the Council table papers relating to the above matters ?

The Honourable Mr. J. L. RIEU : The question relates to a central subject, and Government are not in a position to answer it.

COURT'S REMARKS REGARDING WATCH AND WARD DEPARTMENT

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) Whether it is a fact that in the criminal case No. 16 of 1923-24 at Wadhwan the first class magistrate, Eastern Kathiawar States, in discharging the accused in the absence of legal evidence, made the following remarks regarding the thefts in the railway ;

(i) " The main culprit in this case is the Head Watchman of the Watch and Ward Department which has been introduced with a view to check railway thefts which used to take place very often in railway premises since the introduction of this department are not desirable and reliable but they are mostly pilferers and from petty pilfering when they find that they have none to check them they resort to such big and daring thefts."

(ii) " It is very essential that the authorities would mend the matters as soon as possible to remove the scandal brought on it by cases like this. "

(iii) " The police had great difficulty in the investigation of this case as the persons involved were mostly railway servants."

(b) Whether other courts have passed remarks criticising the Watch and Ward and have found the railway servants to be the culprits. If so, to place the details of the cases on the Council table ?

The Honourable Mr. J. E. B. HOTSON : (a) Government have no information about the case mentioned in this question. The Kathiawar States are no longer in political relations with the Government of Bombay.

(b) Such information on this subject as is in the possession of Government has already been supplied to the honourable member in answer to some of his other questions.

CIVIL SUIT : PATWARDHAN *versus* BHAVE : COSTS

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether it is a fact that they have agreed to defray the costs of the suit filed by Lieut. Patwardhan against Mr. Bhawe for damages in the Thana 1st Class Sub-Judge's Court ;

(b) if so, why and on what grounds ?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) Does not arise.

BHAGUR MUNICIPALITY

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether the military authorities have placed the unexpended balance of receipts from taxes collected in the Bhagur village, up to the date of its exclusion from the Deolali Cantonment, at the disposal of the Bhagur Municipality ;

(b) if not, why not ?

The Honourable Sir GHULAM HUSSAIN : Enquiry is being made.

EXCISE COMMITTEES, NASIK DISTRICT

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state at what places advisory excise committees have been formed in the district of Nasik under the new orders issued by the Government on the subject ?

The Honourable Mr. A. M. K. DEHLAVI : Excise Advisory Committees have been formed at the under-mentioned places in the Nasik District in pursuance of the recent orders of Government on the subject :

- | | |
|---------------------------------|----------------------|
| 1. Nasik City (Municipal area). | 11. Baglan Taluka. |
| 2. Malegaon City do. | 12. Kalwan Taluka. |
| 3. Yeola City do. | 13. Yeola Taluka. |
| 4. Sinnar Town do. | 14. Niphad Taluka. |
| 5. Igatpuri Town do. | 15. Sinnar Taluka. |
| 6. Nandgaon Town do. | 16. Igatpuri Taluka. |
| 7. Trimbak Town do. | 17. Chandor Taluka. |
| 8. Deolali Town do. | 18. Peint Taluka. |
| 9. Malegaon Taluka | 19. Nasik Taluka. |
| 10. Nandgaon Taluka | 20. Dindori Taluka. |

Mr. R. G. PRADHAN : May I enquire whether these recent orders of Government have been placed on the Council table ?

The Honourable Mr. A. M. K. DEHLAVI : I should like to enquire.

VILLAGE PANCHAYATS ACT

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state what action they have taken, or intend to take, on the report of the Village Panchayats Committee ?

The Honourable Sir GHULAM HUSSAIN : The report of the Village Panchayats Committee is under consideration.

VILLAGE PANCHAYAT, PEINT

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) why the village panchayat constituted at Peint, District Nasik, has been abolished ;

(b) whether any representation was received by them, the Collector of Nasik or the District Local Board, Nasik, requesting its abolition ;

(c) if so, by how many residents of the village it was signed ?

The Honourable Sir GHULAM HUSSAIN : Enquiries are being made.

SUB-JUDGES' COURTS : ADMINISTRATION OF OATHS

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether they are aware that in the sub-judges' courts oaths are sometimes administered to parties and witnesses by the peon?

The Honourable Mr. J. E. B. HOTSON: Oaths to parties and witnesses are administered by the Courts themselves, or by an officer appointed by them in that behalf. Government are not aware that oaths are ever administered by peons, but if the honourable member quotes any specified instance, enquiries will be made.

Mr. R. G. PRADHAN: May I quote the specific instance of the court of the first class Sub-Judge at Nasik, where oaths are often administered by the peon?

The Honourable Mr. J. E. B. HOTSON: If the honourable member will give me notice, I shall cause enquiries to be made.

Mr. R. G. PRADHAN: I give you notice just now.

BOMBAY LEGISLATIVE COUNCIL : STATISTICS BY DISTRICTS

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to supply the following information district by district for the whole of the Bombay Presidency (including Sind):—

- (a) Population of non-Muhammadans in the District.
- (b) Population of Muhammadans in the District.
- (c) Number of non-Muhammadan voters for the Bombay Legislative Council.
- (d) What is the percentage of voters to population.
- (e) Number of Muhammadan voters for the Bombay Legislative Council.
- (f) What is the percentage of voters to population.
- (g) Payment of what land revenue assessment entitles a person to vote.
- (h) Number of non-Muhammadan representatives which are allotted to the district.
- (i) Number of Muhammadan representatives which are allotted to the district.

The Honourable Mr. J. E. B. HOTSON: (a) to (i) The information required is given in the statement laid on the Council table*.

POLICE OUTPOST, SARBHON

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

- (a) the strength of the police at the police outpost at Sarbhon, taluka Bardoli,
- (i) five years back,
- (ii) now;

* Vide Appendix No. 67.

- (b) whether they intend to remove this outpost and if so when ;
- (c) the special reasons for the reduction of this police outpost ;
- (d) when this outpost is abolished, what arrangements they propose to make for the protection of the life and property of the poor ryots of Sarbhon pargana ;
- (e) what will be the distance of the most distant village of this pargana from the nearest police station after this outpost is abolished ;
- (f) whether it is a fact that this pargana is surrounded by Gaekwadi territory on three out of the four sides ;
- (g) what is the population of Sarbhon ;
- (h) what is the minimum population standard laid down by Government for keeping a police outpost ;
- (i) whether it is a fact that Sarbhon pargana is a separate entity entirely surrounded by a river on the north and a river on the south and by Gaekwadi territory on the remaining two sides requiring special police protection.

The Honourable Mr. J. E. B. HOTSON : (a) (i) Two Head Constables and one Constable.

(ii) Two Head Constables and one Constable.

(b) It was intended to remove this outpost, but Government are now advised that it is desirable that it should be retained, though perhaps at a reduced strength.

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

(f) Yes.

(g) About 2,500.

(h) No standard has been laid down. Many other factors besides population require consideration.

(i) The situation of the pargana is roughly as described. Whether it requires special protection because of its situation is a matter on which opinions may differ.

MHOWRA FLOWERS IN BARDOLI AND MANDVI TALUKAS

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

(a) what quantity of Mhowra flowers is being sold every year in the Bardoli and Mandvi talukas of the Surat District ;

(b) how much of this is purchased :

(i) for human consumption,

(ii) for consumption by cattle,

(iii) for illicit distillation ;

(c) what is the number of merchants in Kadod, taluka Bardoli, who are selling Mhowra flowers ;

(d) what is the stock of Mhowra flowers with them ;

(e) what steps Government have taken or propose to take in order to see that Mhowra flowers are not utilised for illicit distillation ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Actual figures are not obtainable but about 8,000 Bengal maunds are sold in the Mandvi Taluka and 1,000 in the Bardoli Taluka.

(b) (i) So far as can be ascertained, none ;

(ii) About 5 per cent. of the quantities mentioned in the reply to clause (a).

(iii) About 95 per cent. of the quantities mentioned in the reply to clause (a).

(c) There are 4 large regular dealers in Mhowra flowers at Kadod who carry on a brisk business throughout the year. In addition there are 8 smaller dealers who conduct such business during the Mhowra season only.

(d) The figures of actual stocks with the said 4 dealers cannot be ascertained, but it is approximately 200 Bengal maunds.

(e) Every endeavour is being made by the Excise staff to prevent the Mhowra flowers being used for illicit distillation. The question of the extension of the provisions of the Mhowra flowers sections of the Abkari Act to the whole of the Surat District is under the consideration of Government.

DUMALDARS AND TALATIS

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(a) whether dumaldars of alienated villages are recently not allowed to issue orders to talatis of their villages direct, but are asked to do so through the mamlatdars of the talukas ;

(b) whether it is a fact that even *Vasul Baki Patraks* to be supplied by talatis to dumaldars are required to be sent to the dumaldars through the mamlatdars of the talukas ;

(c) whether it is a fact that at the time of the introduction of the talati system in certain parts of the Deccan the dumaldars were informed that the talatis would serve them in the same manner as the old kulkarnis had been doing ;

(d) whether any orders had been passed by Government defining the control to be exercised by dumaldars over talatis ;

(e) if so, what are those orders ?

The Honourable Mr. J. L. RIEU : (a) No. Dumaldars in some places however prefer to issue their orders through the Mamlatdar with a view to secure prompt execution.

(b) No. In some places however in order to remove the old standing complaints on the part of jahagirdars regarding delay in the punctual submission of the *Vasul Baki Patraks* it has been directed that these should be submitted through the Mamlatdar with a view to his taking notice of any inordinate delay.

(c) No.

(d) No.

(e) Does not arise.

WATER OF STREAMLET NEAR PALSHI DHARAN

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether it is a fact that the water of the streamlet adjoining

the village of Deur in the Koregaon Taluka near the Palshi Dharan has run short on account of the sluices of that Dharan remaining blocked?

The Honourable Mr. J. L. RIEU: No. The streamlet is more than two miles above the Palshi Dharan.

LAND RENT PAYABLE TO THE THAKOR OF KOTH-SANAND

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

(a) whether one Shivabhai Bapudas cultivates survey No. 2 of Rupgadh, a village of the Koth-Sanand estate in the Dholka Taluka of the Ahmedabad District;

(b) whether it is a fact that though the said cultivator personally went to the Upari karkun of the said estate to pay Rs. 45-5-0, the rent of the said survey number, the amount was not received;

(c) whether it is a fact that, though the said cultivator sent his rent by a money order on 22nd June 1925, it was not received by the Thakor of the Koth-Sanand estate;

(d) whether it is a fact that the Thakor has recently made a demand of the rent plus a fine of Rs. 65 from the cultivator;

(e) whether the cultivator has protested to Government against this demand of the Thakor;

(f) if so, what action Government have taken in the matter?

The Honourable Mr. J. L. RIEU: (a) No. Shivabhai cultivated survey numbers 98/1 and 411 of Rupgadh, the latter unauthorizedly in Samvat year 1981.

(b) Yes, because the payment due from Shivabhai for cultivating the land included vighoti and fine and Shivabhai offered the amount of vighoti only.

(c) Yes, owing to the absence of his account books.

(d) Yes. The fine was demanded because Shivabhai cultivated survey number 411 without the permission of the Thakor.

(e) No, but in June last he submitted a petition to the Mamlatdar of Dholka that a certain survey number had been wrongly classified as waste in the Pahani Patrak and that its rent was not accepted by the Upari Karkun.

(f) The Mamlatdar declined to interfere as the redress applied for was beyond his competence to grant.

ELECTRIC SUPPLY CHARGES: PREFERENTIAL TREATMENT: AHMEDABAD ELECTRICITY COMPANY, LIMITED

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

(a) whether they are aware that section 23 (1) of the Indian Electricity Act does not permit a licensee to show undue preference to any person;

(b) whether it is a fact that the Ahmedabad Electricity Company, Limited, has shown undue preference to some cotton mills and the

B. B. & C. I. Railway Company by supplying them electrical energy at cheaper rates than those given to the other consumers of electrical energy in Ahmedabad ;

(c) if the answer to (b) is in the affirmative, what steps Government have taken against the Ahmedabad Electricity Company, Limited, for contravention of the provisions of the Indian Electricity Act ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Under Section 23 (1) of the Indian Electricity Act, 1910, read with sub-sections (3) and (4) of that section and also with section 22 of the Act every person in the area of supply is entitled to a supply on the same terms as those on which any other person in the same area is entitled to in similar circumstances to a corresponding supply. Government are accordingly advised that the cheaper rate charged to the B. B. & C. I. Railway at Ahmedabad will not amount to undue preference as an individual consumer cannot be said to be in the same circumstances as those of the Railway. As regards cotton mills Government understand that no cotton mills are supplied with energy at present.

(c) In view of the answer to (b) above, the question does not arise.

NATIVE INSTITUTION, AHMEDABAD : BUILDING GRANT

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

(a) whether they gave a building grant to the Native Institution, Ahmedabad ;

(b) if so, the amount of the grant and the year or years in which it was paid ;

(c) whether they are aware that the Native Institution has been closed since long and the building is not used for educational purposes ;

(d) if the answer to (c) is in the affirmative, whether they have taken any steps to recover the building grant paid ?

The Honourable Mr. B. V. JADHAV : (a) No building grant was given to the Native Institution, Ahmedabad.

(b) and (d) The questions do not arise in view of the answer to (a) above.

(c) Yes.

HIGH SCHOOL, SURAT, HEADMASTERSHIP

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

(a) whether they are aware that there has been great discontent in the subordinate educational service by the sudden promotion of Mr. Khalique with only nine years' service to the headmastership of the Surat High School over the heads of many tried and experienced servants of the Educational Department, with equal qualifications and with more than twenty years' service ;

(b) on what grounds tried, experienced and competent servants of the Educational Department have been superseded and deprived of their due preferment just before their retirement from the service?

The Honourable Mr. B. V. JADHAV : (a) Government have seen certain complaints in the Press regarding this appointment.

(b) The honourable member for Ahmedabad District is referred to Government Resolution No. 3841, dated the 7th December 1925, copy of which is in the Reading Room for the members of the Legislative Council.

HONORARY BENCH MAGISTRATES, NADIAD

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

(a) whether it is a fact that the same persons have been appointed as honorary bench magistrates in Nadiad as in the past year though more qualified persons are available and willing to serve;

(b) why applications are not invited from willing persons and selection of better educated persons is not made;

(c) whether they are aware that there is great discontent against the way in which honorary bench magistrates are selected in Nadiad from year to year?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) Government do not propose to invite applications for appointments as Bench Magistrates. They have no reason to suppose that the present system of selection does not secure the most suitable men.

(c) No.

RAILWAY BRIDGE OVER THE NARBADA

The THAKOR of KERWADA (Gujarat Sardars and Inamdars) : Will Government be pleased to state—

(a) whether it is a fact that the railway bridge near Broach permits trains crossing it only at a very slow pace because of its unsafe condition;

(b) whether this is due to the fact that it has become very old and is no longer safe for trains going over it at normal speed?

The Honourable Mr. J. L. RIEU : (a) The Agent, B. B. & C. I. Railway Company, reports that such is not the case. The reason why the speed of trains over the Nerbudda Bridge is restricted is not that the bridge is unsafe, but that with the loads now running, a higher speed would produce an undesirable degree of stress in the girders.

(b) No. The reason for the restriction is in no way connected with the age of the bridge. The girders, which were designed some 50 years ago, are in excellent condition and are fully equal to carrying the loads for which they were designed.

OVERBRIDGE AND PLATFORM SHED, BROACH STATION

The THAKOR of KERWADA (Gujarat Sardars and Inamdars): Will Government be pleased to state—

(a) whether their attention has been drawn to the defective arrangements at Broach station in connection with the overbridge and the want of shade on the up platform owing to which all passengers are exposed to the heat in summer and rains in the rainy season ;

(b) whether they propose to take any action in the matter ?

The Honourable Mr. J. L. RIEU: (a) Government are aware that at Broach station there is no roof over the foot overbridge, and that the shed on the up platform does not extend over its whole length.

(b) As regards the question of providing a roof on the overbridge Government are in communication with the Railway Company. The question of extending the shed on the up platform is under the consideration of the latter.

MOTION FOR ADJOURNMENT

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, before the ordinary business is taken up, I beg to request your permission to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the press communiqué issued by the Government of India bearing on the Report of the Currency Commission in so far as it affects very seriously the agricultural, industrial and capitalist interests of this presidency. I have given you, Sir, written notice as required by the Standing Orders.

The Honourable the PRESIDENT: The honourable member sent a notice yesterday, which was communicated to His Excellency the Governor and he has intimated that he disallows the motion under rule 22. In order to remove any possibility of misapprehension, His Excellency has asked me to explain in some detail the reasons which have influenced him to disallow this resolution. Honourable members' attention may be drawn to rule 22, which bears on the subject, and it reads as follows :—

“The Governor may within the period of notice disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the local Government, and if he does so the resolution or part of the resolution shall not be placed on the list of business.”

His Excellency has disallowed this resolution for adjournment on the ground that it relates to a matter which is not primarily the concern of the local Government, and I am sure honourable members will recognise that the question of currency, on which the Commission has reported, is a central subject which deals with the whole of India and every section of the population in the whole country is affected thereby. The words in the rule to which special attention may be drawn are “primarily the concern of the local Government”, and I should like to ask the honourable mover to tell me how the Report of the Currency Commission, which affects the whole of India, can be regarded as primarily the concern of the Bombay Government. I cannot conceive that that could possibly

[The President]

he contended. Honourable members are aware of the constitution under which the central and the provincial legislatures are working. The central legislatures deal with all matters affecting the whole country while provincial legislatures are dealing with provincial subjects. In order that the whole of the country should be represented on the central legislatures each province has received its proportionate share of representation so that each province can make its voice heard through its elected members. Provincial legislatures are left to deal with all provincial matters which are the concern of each provincial Government. The distinction is quite clear, and any encroachment by provincial legislatures upon the work of the central legislature is duplicating the work and is not in consonance with the constitution. If any other view was taken, it would mean that the same subject could be discussed in the central legislatures as well as in each of the provincial legislative councils, a form of multiplication of duties and functions which is not contemplated by the constitution. On the whole, I am inclined to think that, on the ground which His Excellency has asked me to state to the House, the motion cannot be allowed.

Mr. LALJI NARANJI : May I give you an explanation, Sir ?

The Honourable the PRESIDENT : No explanation is called for, when the motion is disallowed.

Mr. LALJI NARANJI : In your remarks you yourself mentioned that I might explain.

The Honourable the PRESIDENT : If the honourable member is going to explain how this subject is primarily the concern of the local Government, I might give him a few minutes to do so, but he cannot discuss the motion which has been disallowed.

Mr. LALJI NARANJI : Of course, I bow to the ruling, and if His Excellency the Governor has disallowed the motion, I do not want a debate on this.

The Honourable the PRESIDENT : The resolution has been disallowed by His Excellency on the ground that this is not primarily the concern of the local Government. I want the honourable member to bear in mind those specific words which can have no other meaning. If he wants to show that this subject is primarily the concern of the local Government, I may allow him a few minutes to point it out. He must remember that the resolution has been disallowed and there can be no discussion.

Mr. LALJI NARANJI : I only wish to say, Sir, that you will remember that under your own Presidentship this House was allowed to

The Honourable the PRESIDENT : That is not the issue before the House. Will the honourable member please tell me how he contends that this is primarily the concern of the local Government ?

Mr. LALJI NARANJI : We are discussing here the press communiqué issued by the Government of India and not the central subject itself

The Honourable the PRESIDENT : I would again ask the honourable member to tell me how he contends that this subject is primarily the concern of the local Government.

Mr. LALJI NARANJI : I only wish to remind you, Sir, that this House discussed the question of the excise duty, which was also primarily a central subject, but as it affected this presidency, this House was allowed by you, Sir, and His Excellency the Governor also allowed, to discuss the subject. In view of this decision and the press communiqué issued by the Government of India, this House is, according to me, entitled to discuss the question.....

The Honourable the PRESIDENT : I thought I had explained the position quite clearly. Every central subject affects every part of India. There is no question about that, but that is the function of the central legislatures. They deal with matters which affect every part of the country and every part of the country is represented on them. The local legislature can deal only with those subjects which are primarily the concern of the local Government. How can the question of currency and exchange be regarded as primarily the concern of the local Government ?

The thing is so obvious that no further discussion is called for. His Excellency having disallowed the motion it cannot be discussed.

(Further consideration of resolution regarding Salaries of Primary Teachers.)

Question again proposed :

In view of the pecuniary hardships of the primary teachers, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye Scheme from March 1926.

Mr. R. D. SHINDE (Nasik District) : May I be permitted to make a personal explanation regarding the interruptions made when I was speaking yesterday ? When I said yesterday that the honourable member Dr. Paranjpye was responsible for the present scheme Dr. Paranjpye rose up and said that he was not. I have ascertained the facts from the authorised publications of Government and I find that he left charge of the office on the 8th of December. The press note which was issued was on the 3rd December of that year.

The Honourable the PRESIDENT : I should like to explain in view of what I said at the conclusion of yesterday's debate that though the matter had been fully discussed and though I said that in my opinion the honourable mover should be asked to reply and then the Minister should make his concluding remarks, the Honourable Minister has represented to me that if his observations are made after the mover's reply the non-official members will not be able to deal with the points which he would make. He has, therefore, asked me whether I would allow him to speak first so that those honourable members who have not taken part in the debate may have the opportunity of dealing with his speech if they so desired. I think it is but fair that both sides of the case should be fully heard and I therefore think the best procedure would be to allow the Honourable Minister to make his speech now. I hope honourable members will agree that that is a better procedure than concluding the debate at this stage.

The Honourable Mr. B. V. JADHAV : Sir, the honourable member from Khandesh and others on the opposite side who have supported the resolution in favour of the adoption of the Sathe-Paranjpye scheme

[Mr. B. V. Jadhav]

have paid a high tribute to the work of the primary teachers to which I very gladly subscribe. Primary teachers have been doing the work of regenerating the nation and as education spreads and is made compulsory and universal the scope of their work will expand. It is therefore necessary that their well-being and contentment should be looked after by honourable members of this House. I have had the good fortune of passing through the hands of many good teachers to whom I am grateful even to this day and I feel sure that every one here would endorse that sentiment.

An Honourable MEMBER : Lip sympathy ?

Sir VASANTRAO A. DABHOLKAR : What about elections ?

The Honourable Mr. B. V. JADHAV : I am charged at the outset with having only lip sympathy. I may retort in the same strain and say that the sympathy of some of the members on the opposite benches is election sympathy.

Mr. D. B. ADWANI : I rise to a point of order, Sir. Is it proper for the Honourable Minister to say that we have election sympathy ?

The Honourable the PRESIDENT : Did the Honourable Minister imply any motives.

The Honourable Mr. B. V. JADHAV : I did not imply any motives. I simply represented the sentiments which were repeated yesterday by the honourable member from Hyderabad. I have heard that some of the new candidates for elections, that is, those who are not in this House have actually issued an election manifesto in which they have promised to support the teachers in their demands.

Mr. P. G. JOSHI : Ministerships also !

Mr. J. C. SWAMINARAYAN : I rise to a point of order.

The Honourable the PRESIDENT : He is not attributing motives to the House. He simply said that this statement is made in election manifestos.

The Honourable Mr. B. V. JADHAV : The primary teachers have been a noble band of workers in all ages and in all countries. The remuneration they have to accept is generally not in keeping with the dignity of the work that they have been doing. I am not stating this in order to refuse the Sathé-Paranjpye scheme or in order to controvert what has fallen from honourable members already. But Sir, I shall have to say that some of the statements made in this House require a good deal of consideration. The honourable mover of the resolution drew out a very fine picture....

Dr. R. P. PARANJPYE : A very tragic picture.

The Honourable Mr. B. V. JADHAV : I am thankful to the honourable member for the word. The honourable mover of the resolution drew out a very tragic picture of the abject misery of the school masters working at night at annas twelve to supplement their meagre income. I really

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feel for the poor man, but I may bring to the notice of honourable members that even the complete adoption of the Sathe-Paranjpye Scheme will not help that poor man to any appreciable extent. This man makes annas 12 or a rupee a day by working for a few hours in a factory, but I do not think the addition of a rupee or two to his salary per month will induce him to give up his night work which brings him at least Rs. 20 for doing that sort of work. So the picture of the poor teacher will remain. I am sorry to observe that the honourable member for the Bombay University trotted out his usual argument and insinuated that the present Minister was unwilling to adopt the Sathe-Paranjpye Scheme because he fears that the Brahmin and non-Brahmin question came in the way.

Dr. R. P. PARANJPYE : I did not make that allegation. I wanted to appeal to all honourable members, whether Brahmin or non-Brahmin, that this question had no aspect of that nature.

The Honourable Mr. B. V. JADHAV : I do not think, Sir, there was any necessity to allude to the Brahmin and non-Brahmin question on this occasion. I never imputed any motives to the honourable member and I am quite sure that he will not be justified in attributing any motives to me. Ever since I took the oath of office, Sir, I have kept up my promises and I flatter myself that no member of this House will have any cause of complaint.

An Honourable MEMBER : Question.

The Honourable Mr. B. V. JADHAV : Some of the honourable members say that they question my statement. I think they are judging others by the standard of their own hearts.

The Honourable the PRESIDENT : The Honourable Minister is stretching the limits of fair debate. He makes clearly a charge that the honourable members who interrupted him by saying "Question" are dishonest and professing one thing and acting in a different way. I wish the Honourable Minister would withdraw his words. Will the Honourable Minister withdraw his remarks ?

The Honourable Mr. B. V. JADHAV : I submit to your decision, Sir, and withdraw those remarks.

I am sorry, Sir, that the honourable member for the University made certain statements about which I shall have to speak later on, and I am afraid that in several points he has made inaccurate statements. He was the father of what is called the Sathe-Paranjpye Scheme. In 1920 Government appointed a committee to consider the question of the salaries of primary teachers and two members of that committee drafted the scheme which is now known as the Sathe-Paranjpye Scheme. At that time Government did not accept that scheme but they accepted a revised scheme and that revised scheme was brought into force in the year 1920. In 1921 the reformed constitution came into operation and my honourable friend became the Minister. He stated in this House that soon after he took office he adopted the scheme partially and it was announced in a press note that Government had sanctioned the

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following minima rates of pay for primary school teachers with effect from the first of March 1921 :—

	Rs.
Unqualified assistants	20
Qualified and untrained assistants ..	25
Qualified and untrained head-masters ..	30
1st-year trained teachers	30
2nd-year trained teachers	35
3rd-year trained teachers	40

Subsequently, Government sanctioned the minimum pay of Rs. 25 per mensem for unqualified headmasters. The introduction of the above minima was intended to be the first instalment of the scheme for revision of pay of primary school teachers. In the budget of 1921 seven lakhs were provided and the primary teachers were paid the higher salary as detailed in the press note. If I understood the honourable member right, I think that he wanted to take the whole credit to himself for this advance in teachers' salaries. But I beg to state that it was you, Sir, as the Member in charge of the Educational port folio in 1920 who made a provision in the budget for bringing the scheme into operation. Therefore, the whole credit for bringing into effect this scheme early in 1921 really belonged to you, Sir.

The honourable member for the University stated here that the finances in 1922 were in a very bad way and nothing could be done and that he had to accept a cut of several lakhs. But he said nothing as to what he did in the next year. In 1923 he brought out another press note. The second paragraph of this press note reads :—

"The introduction of the above minima was intended to be the first instalment of the scheme for the revision of the pay of primary school teachers. Owing to financial stringency, however, no provision could be made either in the budget for 1922-23 or in that for the current year for the introduction of the remaining portion of the scheme."

Therefore, in 1923 the honourable member took the opportunity of giving what he considered to be the best scheme for the primary teachers. It was a final settlement of that question. The third paragraph runs thus :—

"Government have therefore decided that, subject to the approval of the new Legislative Council, the scheme for the revision of the pay of the teachers in question explained in the accompanying memorandum should be brought into effect from 1st March 1923 (i.e., for pay for March 1923).

The fourth paragraph reads as follows :—

"Government have also decided as a special case to bear the full extra cost of the scheme in the current year, both in the case of Municipalities and District Local Boards. The cost is estimated at Rs. 7 lakhs approximately and is proposed to be met from the provision of Rs. 16 lakhs made in the current year's budget for carrying out the recommendations of the Compulsory Primary Education Committee".

It will be seen that this was the final adjustment of the question of the revision of the salaries of primary school teachers. It was a decision taken by my predecessor, the honourable member Dr. Paranjpye, in 1923 before he laid down the reins of his office. The press note is dated the 3rd December 1923 and it is evident that that decision must have been taken at least a couple of weeks before and he laid down his office

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on the 8th December 1923. So, it will be seen that the responsibility of rejecting the Sathe-Paranjpye Scheme *in toto* and adopting this modified scheme is solely his. It is his child and I am sorry to see that he is rather afraid to own it.....

Mr. J. C. SWAMINARAYAN: The Honourable the Minister then adopted that child as his.

The Honourable Mr. B. V. JADHAV: It was there, I could not help it. I had to accept the considered opinion of Dr. Paranjpye, a known educationist, and I had to adopt the scheme because I also thought that it was just. As a matter of fact, I had no choice in the matter. The budget was ready prepared, the money was allotted and the scheme was already published. It was my duty simply to lay the scheme before this Council and to ask this Council to vote the additional seven lakhs, and this Council in its first session set its seal of approval over that scheme, granted that amount and accepted the responsibility for it.....

Mr. B. G. PAHALAJANI: Was it specifically brought to the notice of the Council?

The Honourable Mr. B. V. JADHAV: It was placed as a new item and it was there in the budget.

Mr. B. G. PAHALAJANI: I challenge that statement that it was placed as a new item. It was never so placed.

The Honourable Mr. B. V. JADHAV: The scheme was published on the 3rd of December 1923. It was before the public for more than two months and I think it was sufficiently debated and considered.....

An honourable MEMBER: Was the scheme considered by this House as having superseded the Sathe-Paranjpye Scheme?

The Honourable Mr. B. V. JADHAV: The Sathe-Paranjpye Scheme was never before this House and it was never placed before it, and therefore it was not necessary to bring to the notice of this House that the Sathe-Paranjpye Scheme was superseded by the new scheme. The Sathe-Paranjpye Scheme formed what may be called a minority report and it was not accepted when the report of the Committee was first considered by Government in 1920. In succeeding years the framer of that minority scheme did not like to adopt it in 1921 and took no steps to bring it into operation in 1923. In 1924 there was a resolution before this Council and at the time of the debate on that resolution this Council accepted the amendment moved by the honourable member Mr. Surve. Yesterday the honourable member Moulvi Rafiuddin made certain pungent remarks about this Surve Committee and its terms of reference. But I may point out to the House that the terms of reference were adopted by a resolution of this House. I do not think that my honourable friend can with any justification now say that the terms of reference ought to have been this and that.

Mr. P. G. JOSHI: Does it take away the right of any honourable member to say that it should have been in a particular manner?

The Honourable the PRESIDENT: No one's right is taken away. The Honourable Minister is simply stating the facts which actually

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occurred in the House that the terms of reference were decided upon by a resolution of this House. Every honourable member is entitled to change his opinion on further consideration.

The Honourable Mr. B. V. JADHAV : The Survey Committee's report was signed by all and only the honourable member for Surat and the honourable member for Thana appended minutes of dissent. The principal points contained in the minutes of dissent are that the initial salary given under the Sathé-Paranjpye scheme or rather the Government scheme was too high by about Rs. 5 per month and they recommended that the salary should be considered as Rs. 5 less. They also made certain suggestions about increments. These minutes of dissent show that the scheme adopted by Government is not illiberal; but on the contrary a little more liberal than it ought to be. Now, Sir, according to the Sathé-Paranjpye Scheme a certain minimum has been fixed and every member of this House knows that the minimum salary is being paid now to the school teachers from the year 1923. The whole complaint about the Sathé-Paranjpye Scheme is that it provides more rapid increments. But to counterbalance it the minimum salary under the scheme is rather high. Some of the local bodies have begun to engage new men on Rs. 15 and Rs. 20.

The resolution here is for the adoption of the Sathé-Paranjpye Scheme *in toto*. But this scheme applies only to primary school teachers who were in the service of Government before 1923. After 1923 the local boards have appointed new teachers on different terms which are much lower than those of the Sathé-Paranjpye Scheme. If this House considers that the Sathé-Paranjpye Scheme should be adopted *in toto* to old teachers, in fairness the new teachers whom the district local boards have appointed should be benefitted to the same extent. If at all the scheme is to be accepted it should be made applicable to all. In that case Government will be compelled to find an additional crore of rupees. I want to inform the House that at present there are 6,66,000 children learning in the primary schools. If the compulsory primary education scheme is put into force the number of pupils will be three times more, that is, about 20 lakhs. The number of teachers will be about 70,000. At present there are about 25,000 teachers. The cost of teaching nearly 13 lakhs more of pupils at the rate of Rs. 20 per pupil will amount to one crore and more. I think these figures can be accepted without any objection.

Dr. R. P. PARANJPYE : That is the total.....

The Honourable Mr. B. V. JADHAV : Two-third of this will be borne by Government and one-third by the local bodies—about Rs. 66,00,000 will have to be borne by Government. The addition due to the Sathé-Paranjpye Scheme will be about one-third. So, the introduction of the Sathé-Paranjpye Scheme for the old teachers as well as the new teachers that will be appointed by the local boards will require nearly 50 lakhs.

MOULVI RAFIUDDIN AHMAD : On a point of information, Sir.....

The Honourable Mr. B. V. JADHAV : I cannot allow the honourable member to interrupt me.

The Honourable the PRESIDENT: Order, order. The Minister has got only 30 minutes. If he is interrupted and he has to go on explaining each time, his time will be up. I can quite appreciate his objection.

The Honourable Mr. B. V. JADHAV: Then, Sir, the local authorities will have to bear their share of the burden. When they were consulted by the Surve Committee, the majority of the district local boards replied that they were not prepared to accept the scheme. There are here in this House presidents of district local boards and chairmen of school boards of district local boards. They will, I hope, enlighten the House whether the finances of the district local boards will be able to bear this additional burden.

If the Sathé-Paranjpye scheme is to be adopted only in the case of old teachers and the new teachers are left to be employed on any terms that the district local boards like, then the difference between the salaries of the two classes will be very great, and there will be consequent discontent among the new teachers. The number of new teachers will be ultimately twice as much as the number of old teachers. If you try to satisfy one-third of the teachers, you will create dissatisfaction among two-thirds of the teachers. This House will have to take this into consideration.

In conclusion, Government will be prepared to consider this resolution favourably if the members of this House will promise to support Government in levying additional taxation for the necessary amount. The honourable member from Nasik city yesterday talked about retrenchment. I am very glad to have, Sir, among members of this House, the honourable member from Surat city, who was the Chairman of the Retrenchment Committee. He will be able to say what possible amount can be saved by retrenchment, and he will convince this House that that amount will not be a very large sum. This House will have to make provision by additional taxation for the amount that will be required to satisfy the demand.

At the same time it is but just that the new teachers that are being appointed by the local authorities should get the same salary as the old teachers who were employed by Government. In that case Government will have to be invested with plenary powers to compel the district local boards to give teachers the same scale of pay as is laid down in the Sathé-Paranjpye scheme. At present neither the District Local Boards Act nor the Primary Education Act contain this provision. Therefore, this provision will have to be made by legislation. I would ask the private members of this House to promise to bring such a legislation in this House and get it passed to show that their intentions are *bona fide*.

Mr. C. M. SAPTARSHI: You can bring it yourself.

The Honourable Mr. B. V. JADHAV: A bill to amend the District Local Board Act or the Primary Education Act ought to be brought forward in this House by a private member to prove that private members are really anxious to see that the Sathé-Paranjpye scheme is adopted in the case of primary teachers. If the House gives that assurance and acts according to that assurance after the elections are

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over, then Government will have to consider this question very favourably.

Mr. A. N. SURVE (Bombay City, North) : Sir, the honourable member Dr. Paranjpye yesterday termed my amendment which formed the terms of reference of the Surve committee as Machiavelian. Well, how it was Machiavelian, he best knows. I say, that the reasons which forced me to move that amendment were all the outcome of his actions. How they were the outcome of his actions, I am going to explain now.

To begin with, the terms of reference raised three main issues. The first was, will the granting of the Sathé-Paranjpye scheme retard the spread of education ? The second was, will the local bodies be able to bear the burden ? And the third was, in which particular areas local allowance should be given ? Dr. Paranjpye was pleased to say that the issues raised were altogether uncalled for, because everybody knew that if more money was spent on teachers' pay, the spread of education will be retarded. If he admits that, then I really do not see any reason why he should have called these terms of reference as Machiavelian. Because, if the progress of education is going to be retarded, then it is our serious concern to see whether the adoption of the scheme will be in the real interests of the presidency. He said that more money could be provided. But may I ask where that money is to come from ? He has quite conveniently forgotten the state of affairs that was in existence in the years before the Primary Education Act was passed. At that time the local boards used to get over 90 per cent. of their total expenditure on primary education from Government. The moment the Primary Education Act came into force, a statutory standard was laid down, and that standard fixed the Government contribution at half of the total expenditure in the case of the municipalities and two-thirds of the total expenditure in the case of the local boards. Sir, it is my painful duty, but I feel it my duty, to mention one fact. When the Primary Education Bill came before this House for consideration, the select committee had recommended that the municipalities should have two-thirds of the total expenditure from Government and that the local boards should have three-fourths. I ask my honourable friend (Dr. Paranjpye) to say if he did not sign that report of the select committee without a minute of dissent. But when the bill came before the House with the report of the select committee, he turned round and brought an amendment to reduce the grant to municipalities from two-thirds to half, and the grant to the district local boards from three-fourths to two-thirds. Sir, this is the crux of the whole question. In the select committee he said "Give more", but in the Council itself he conveniently forgot what he had signed in the select committee and brought an amendment restricting the grant to two-thirds.....

Dr. R. P. PARANJPYE : Sir, may I point out that the honourable member is completely misrepresenting me ? At that time, it was decided by His Excellency the Governor that that change in the bill from half to two-thirds and two-thirds to three-fourths was illegal and was out of order, and therefore I had to bring that amendment.

Mr. A. N. SURVE: Whatever his explanation, I accept it. But I am stating facts. I do not know what passed behind the scenes. I am stating to the House that at the time the bill came from the select committee the bill was in a certain form, but when it actually passed, it took a different form, and I have given the real figures. That is why I was driven to inquire whether the local bodies would be able to bear their burden in view of the lower proportion and whether the progress of primary education would be retarded. If the lesser proportion had not been fixed, then I would not have been under any necessity to bring in that amendment.

Now, coming to the local bodies themselves, it is clearly stated in the report of the Surve Committee that the majority of them are not able to bear the burden. Therefore, you will also see that the issue raised by my amendment was not only necessary but was also quite justified. Had I not moved my amendment at that time, the consequence would have been this, that the House would have sanctioned something which the local bodies would not have been able to carry out. Therefore, the term used by the honourable member Dr. Paranjpye was quite uncalled for. Now, Sir, in this way, I have shown how the father of the Sathe-Paranjpye scheme has practically killed his own scheme. Had it not been for the fixing of this statutory limit of the grant which the Government has to give to the local bodies, this question would never have arisen. If the Government had followed their old policy of bearing liberally the greater part of the expenditure on primary education, I am quite sure that nobody in this House would have come forward to say "Do not give any increase in salary to the teachers, whether they ask for it according to the Sathe-Paranjpye scheme or the Sholapur scheme". Everybody would be willing to give as much as it is possible to give.

Now, Sir, referring to the remarks passed by the honourable Member Mr. Shivdasani, I have not been quite able to follow him. He made a preface that our progress towards self-government is retarded on account of the lack of education. He starts with that proposition, and still, how does he wind it up? He says, well, if you are thinking about primary education, it does not consist merely of the three 'Rs.'

Mr. H. B. SHIVDASANI: I said the teacher's duty was not merely to teach the three 'Rs.'

Mr. A. N. SURVE: I beg to differ from him, and I say that as far as primary education is concerned, the question of quality does not arise; it is only a question of numbers. Primary education for a larger number is what is urgently needed at the present moment.

Then, Sir, coming to that committee itself, it is by a strange coincidence that it is named after me. I do not know why the committee is named after me and why I am given that odious prominence. After I had moved my amendment in this House I ceased to have anything to do with what followed. I was not a member of the committee; I had nothing whatsoever to do with the proceedings of the committee. I had given my own opinion about the question of the attendance allowance. I had said that the allowance question required close

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examination. I myself thoroughly disapproved of it, but you find that the recommendation of the committee is to give that allowance only. Sir, I really do not know why I should be made the target for criticism as regards the committee when the matters stand as I have explained them to the House now.

Then, coming to the main question and my personal attitude towards it, I may say that I can support not only the Sathe-Paranjpye scheme, but even a scheme to pay the primary teachers double of what they are demanding. But there are difficulties which we must face. What are those difficulties? The fundamental difficulty is that we have no power to earmark money for any particular purpose. Everybody in this House is aware that whenever the question of new taxation has come up, I have been the first to bring forth the suggestion with such emphasis as I possess, for earmarking the money for the progress of education. But do we get any response to that? We do not get any response. Then the second point is that not only here that earmarking is not allowed, but with my limited information of the local bodies, I can say that earmarking of money is not allowed in the local bodies also. The Honourable Minister will correct me if I am wrong.

The Honourable Sir GHULAM HUSSAIN: It is bad finance to earmark.

Mr. A. N. SURVE: Therefore, Sir, you will see that there is a two-fold difficulty. Firstly, there can be no earmarking of money. Secondly, there is the statutory limit of two-thirds and half the expenditure in the case of local boards and municipalities respectively. The practical result of that statutory limit is that it places the Government in this position. It can say to the local bodies "Produce your one rupee, and we will pay Rs. 2". If the local boards do not produce their one rupee Government will not produce their Rs. 2. Therefore, I say, even if we pass this resolution, how are you going to give effect to it, in the present state of affairs of the local bodies themselves? That is the difficulty. We ought to look at the question in that light, and then press the resolution. Therefore, I say I am quite willing to back up any scheme, Sholapur, or Sathe-Paranjpye, but on this condition. First of all, we must have the power of earmarking money. Otherwise what would be the consequence in the absence of such power? It would be that Government would be taking the money by additional taxation, but we may not get the whole of it for the spread of primary education. Therefore, additional taxation for primary education will be merely a blind. The second point is that in the local bodies themselves let there be more agitation. Let them have more money and obtain more autonomy, so that in course of time the local bodies may not have to depend on Government for support. Let us so direct our course that we may not have to undergo the humiliation of coming here and saying "Please give pay to the teachers according to the Sathe-Paranjpye scheme". The thing is in our own hands. Let us work and show Government that we are able to manage our affairs.

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Finally, I may say, I have an open mind. If the supporters of this resolution will convince me that, in the face of the difficulties which I have placed before the House, it is a practicable proposition, I am willing to support it.

Rao Saheb D. P. DESAI *rose*.

The Honourable the PRESIDENT: I should like to point out that it would be desirable, after the honourable member Rao Saheb Desai has spoken, that somebody should ask for closure. There would be then the two replies, and the voting can take place before the tea interval.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the resolution, and I must here frankly admit that the Ministerial statement has disappointed us. He stated that he has simply followed the policy laid down by his predecessor. But here, Sir, I may bring to his notice the fact that usually the press notes as well as the Government resolutions are at times indefinite especially as they affect the financial position. They never commit Government to any particular course of action. They are at times non-committal when financial matters are concerned. But even when financial matters are not concerned, the Government resolutions are on some occasions vague. I bring to his notice this fact about the usual nature of the press notes and Government resolutions. But in this case the press notes go further. The press note commits Government to a particular scheme. It states that the first instalment has been granted and has been carried out in practice. And owing to financial stringency the question of salaries of primary teachers could not be taken up and it is true that financial stringency was felt in 1922. I was a member of the Council at that time and had something to do with that cut in 1922. I may bring to the notice of this House that the non-official side of the House was perfectly willing to undertake the responsibility of cuts in various departments. But the Government then stated that as they were quite competent and as they knew their departments better than the non-official members, they would be better able to effect the cut of Rs. 60 lakhs and the non-official side agreed to that. But the understanding or rather the impression was that the medical department, educational department, and such nation building departments should not suffer by the cut. But somehow or other, the educational department also had its share of the cut. But whatever it may be, Sir, the fact remains that since 1922, owing to the financial stringency, this matter has been held over. But since my honourable friend the Minister came in power, we have passed so many financial bills that I am surprised that he ignored this question altogether of bringing into effect the question of primary teachers' salaries.

Much has been said about the datum line of the district local boards. Perhaps the Honourable Minister is aware that this scheme was laid down by the Honourable the President when he was Education Member and the transfer of the control of the schools is not still completed. There are yet many local boards to whom the schools have not been transferred,

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and this fact should not make the district local boards to bear this responsibility. And, in that connection, I may just bring to the notice of the Honourable Minister himself that when Government wanted to increase the salary of vaccinators, whose pay was borne by the district local boards, they stated that as their pay was inadequate and as the pay of all the services was increased, they would like to give them additional pay, and Government themselves bore the additional expense of the vaccinators' pay. So, in this matter also if Government are prepared, they can bear any additional expenditure that may result from the introduction of the Sathé-Paranjpye Scheme. But, however, one great principle that this Government has itself laid down ought never to be departed from, the principle that no servants should get less pay than the provisional and war allowances put together. And when you have carried out this policy in all other departments, there is no reason why you should not carry out the same policy in the case of the primary teachers. According to that policy, the pay of these teachers should not have been less than Rs. 90 or Rs. 96. That policy, of course, is not carried out so far as the primary teachers are concerned.

Mr. G. B. PRADHAN : I move the closure.

The Honourable the PRESIDENT : I accept it. The honourable mover of the resolution to reply.

Mr. S. S. DEV (West Khandesh District) : Sir, when there is a hit here and hit there, on this side and on that side, my heart is sinking within me and when there are fights between the present Minister and the past Minister, I feared myself whether the poor teacher was going to be killed. There were many side-issues raised and on those side-issues there were differences of opinion. But on the main question,—I very carefully listened to all the speeches,—I have not heard one voice against it in this House from any part. I think even the Honourable Minister, the past Minister, Dr. Paranjpye, has given expression to very good sentiments. But I only wish that he had expressed all these sentiments, which he did yesterday, while he was a Minister. I can only now hope that the Honourable the present Minister will correct the mistake which he has made, when he gets up to give a reply to my reply. We all admit, as Dr. Paranjpye to-day admits probably for the first time after he held the portfolio as a Minister of Education,—I am open to correction but I shall very probably be right when I say without reading all his speeches when he occupied that post, never did he once utter that the Sathé-Paranjpye Scheme was a reasonable scheme. If he had expressed all these sentiments when he was a Minister, it would have been a good thing. I only now wish that the present Minister does not commit that mistake. Let him once for all declare that it is a reasonable scheme. I am only concerned with the main question. I am not in the least concerned with the side-issues. For instance, it has been also said that this is an election campaign. How can it be ? The question has been agitating the presidency since 1917, even before the reformed Council. The question was first brought before this House in February 1924 by

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way of resolution. So, is it for election campaign? And is it going to be an election campaign till the end of the world? If it had been moved for the first time in this session, I could perhaps understand that it was an election campaign. Whatever it be, Sir, none can charge me with such a motive. I have no ambitions in that connection, and be it far from me that I advocate the cause of the primary teachers because I have any other objects in view. I have moved among these primary teachers and I have seen what they are and I feel for them, and therefore, I only wish that the Honourable Minister does not commit the same mistake which his predecessor committed, and let him come forward boldly and say that the Sathe-Paranjpye Scheme is just. He has seen the force of the speeches made in this House. Yesterday there were fourteen speakers in this House and we had two more speakers to-day. But he will remember and he must have noted as a Minister responsible to this House that practically we are all unanimous in saying that it is a just demand and the question is: Should anything hinder us from doing justice to the primary teachers for any consideration? If you once for all admit that it is a just demand, that it is long overdue, to quote the language of my honourable friend, Rao Bahadur Kambli, when he gave his whole-hearted support to this resolution when it was moved last time, that the teachers are claiming—these are his words “that the teachers are claiming much less than what they are entitled to”, if that is so, let the Honourable Minister come forward and say that it is a just demand. Nothing should deter this House and no other consideration should prevent this House from taking a step which justice demands. Throughout the speeches made yesterday and to-day it is obvious that this is a just demand and therefore it is for the Honourable Minister to respond to the wishes of this House. As I said, if there had been more time we would have had more speeches in support of the motion. I know our friends Messrs. Mavlankar, the two Pradhans and Messrs. Chaudari and Dongersing were going to make speeches in support of this resolution, but there was not sufficient time. When we see that there are so many honourable members who have agreed that the demand of the primary teachers is just, I do not think that the main issue should be clouded or confused by bringing in other considerations.

Coming to the Surve Committee's report, I would remark that Mr. Surve himself disowns it and rightly too. The Surve Committee report is disowned by the other members of that committee also. There were five members on that committee and only two support and three disown that report. The honourable members Messrs. Shivdasani and Pradhan have written their dissenting minutes and I wish to bring to the notice of the House the dissenting minute of the third honourable member Sir Ghulam Hussain—which is more important. The Honourable Member is entirely in accord with the view which we advocate that the demand is just. Let me read only a few lines:

“..... a revision of the salaries of the primary teachers is demanded by the interests of primary education itself. The basis of primary education is to be changed from voluntary to compulsory. The success of this measure will depend on the quality of the teachers. These must be efficient, contented and zealous. The object of universal

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adult literacy cannot be achieved by a corps of perfunctory and dissatisfied workers. The interests of primary education are, therefore, bound up with the interests of the primary teachers."

That is to say, the Honourable Minister is right in saying that the regeneration of the country is in their hands and are we going to entrust the education of children in the hands of dissatisfied primary teachers. Therefore one thing is clear to me, namely, that the whole House is unanimous in saying that the demand is just. This question is above all caste considerations. Among primary teachers there are Hindus; Muhammadans, Brahmins and non-Brahmins and considerations of caste must not come in. When I am speaking on behalf of primary teachers, I feel I am a Hindu, I feel I am a Muhammadan, I feel I am all. Therefore when you have to consider this question in its pure abstract aspect whether the demand is just, no other considerations should be allowed to come in our way.

I may give expression to one other thing. In the first session in February 1924 when this resolution came up all the non-official European members were with us. After I returned from the sessions I addressed a public meeting and said with pride and delight that the claims of the primary teachers are so just and that their condition is so pitiable that the resolution had the support of even the non-official European members. I think as you the other day gave us an advice, that it is far better to express our opinion more emphatically by recording our votes than by making speeches. I therefore wish that those who have had no opportunity to make speeches because of want of time will record their votes in favour of this resolution.

Lastly, I conclude by asking "would it be possible to carry our own Ministers with us and leave the Government to itself?" Because after all they are of us and will come to us. For instance even you, Sir, have expressed distinctly that the claim is just and you cannot go back on it and therefore would it be possible on the last day but one of this Council that we could carry our Minister with us (Laughter)? It will be a rare spectacle to the world.

I submit that whenever there were hits I was greatly nervous, for one reason, namely that it may hurt the cause which we all have at heart. Please forget all those remarks which have wounded the feelings and all those side issues and concentrate your attention on the one main issue whether this is a class of men who deserve our utmost sympathy. If they do, then it is but right that they ought to get this justice. I appeal to the whole House to carry this resolution.

The Honourable Mr. B. V. JADHAV : I do not think I have much to add to what I said before. I made a statement that the practical way to carry out this resolution was to get an assurance from the honourable members on the other side. But, Sir, I was greatly disappointed that even the mover of this resolution has not thought it necessary to even allude to the proposal I made. The policy of the transferred side is the policy of the majority of this House and Ministers have either to carry it out or to resign. If the members of this House

[Mr. B. V. Jadhav]

are really in earnest they should provide funds to carry out the reforms and they should at the same time do justice to all the teachers, old and new. If members of this House are of one mind in that respect then Ministers, whoever they may be, are bound to carry out their wishes and to translate their desire into action.

Question put and carried.

**BILL NO. V OF 1926 (A BILL FURTHER TO AMEND THE CITY
OF BOMBAY POLICE ACT, 1902)**

(As amended by the Select Committee)

The Honourable Mr. J. E. B. HOTSON : Sir, I present the report* of the select committee.

The Honourable the PRESIDENT : The report is presented.

The Honourable Mr. J. E. B. HOTSON : In asking the House to consider this bill I will only touch briefly on the many points which arise. You will see that the select committee has gone as far as it is reasonably practicable to go in meeting the objections which were brought against the bill in its original form at its first reading. There were three main objections. The first was that the bill allowed the police to go even into a private place and there to carry out the provisions of the section. The second was that no exception was made in favour of animals regarded as specially sacred, and the third was that no opportunity was given to private charity to step in where the owner failed to do so. Amendments have been made by the select committee to meet each of those points.

There is now only one small practical question at issue between the members of that committee, which is merely whether the words "as far as possible" should be retained in the second proviso. It is possible that an amendment may be moved to omit those words ; if so, I shall have a further opportunity of speaking about that and explaining why they are necessary. I will now only say that the select committee has gone so far in its desire to avoid giving offence to any of our brethren that, in the opinion of many of those who support the bill, these provisions have reduced its usefulness.

There are a few minutes of dissent. I will not detain the House by dealing with each of them in turn because so much more time has been taken to-day with the first business than was expected, that I am sure the House will excuse me, and those members who have written minutes of dissent will excuse me, if I do not deal with each of them. I will only say specially as regards the point of publicity that the bill has been before the House for practically six months, and that if associations or individuals had felt very strongly about the bill, they have had six months in which they could have brought their feeling to the notice of this House and of Government. I think, Sir, I am right in saying

[Mr. J. E. B. Hotson]

that until the occasion of the first reading the other day no representations had been received and I think we are therefore justified in concluding that the provisions of the bill do not seriously offend against anybody's principles. I have pointed out before to the House that the words in the bill in its original form, not in its amended form, are almost exactly the same as those in the law now in force in Calcutta, which is mainly a Hindu City. I do not know whether any amendments are likely to be moved. If there are any, I shall explain further any points that may arise, but I hope that the House will recognise that the select committee has done its best to arrive at a compromise which all parties can accept without any serious sacrifice of principle, and will give the bill a unanimous second reading.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I invite your attention, Sir, to Rule 19 (3) of the Bombay Legislative Council Rules, which reads :

" If any question arises whether a Bill is or is not a Bill which requires sanction under the Government of India Act, the question shall be referred to the authority which would have power to grant the sanction if it were necessary, and the decision of that authority on the question shall be final."

You, Sir, were pleased to rule at the time of the honourable member Mr. Addyman's Bill on a question being raised, that the authority that had to decide this question was the authority which had to give sanction and therefore that bill had to lapse. In this case we are told that the question had been referred to the Government of India. My point of order is, that the Government of India is not the authority to sanction. According to section 80-A of the Government of India Act, it is the Governor General, not the Governor General in Council or the Government of India, it is the Governor General himself who has to give previous sanction. If the Government are prepared to show that the Governor General, not the Government of India, has taken into consideration this point and given a ruling on that point, that would be binding upon you, Sir, and upon this Council, but if the Governor General in Council or the Governor General in India has considered it, then it is not a decision that is binding upon us. Therefore the Honourable the Home Member must show that the Governor General himself has considered the point and given that ruling. That is my point of order.

The Honourable Mr. J. E. B. HOTSON : This point of order was raised before but it was overruled.

The Honourable the PRESIDENT : It was not overruled. A point of order was raised and a letter was shown to the member.

The Honourable Mr. J. E. B. HOTSON : I can again show the letter which is signed in the ordinary form by the Secretary to the Government of India through whom on all occasions the orders of the Governor General are conveyed to this Government and the letter says that the bill does not require the previous sanction of the Governor General. I do not think there is anything further to say. This is the usual form, the invariable form, in which the sanction of the Government of India is

[Mr. J. E. B. Hotson]

conveyed to this Government. There is every reason to suppose and it is clearly implied by the letter that the Governor General himself ordered this letter to be written.

The Honourable the PRESIDENT: Order, order. The file of correspondence has been handed over to me. I should like to invite the attention of honourable members to the facts of the case. The Secretary to the Government of Bombay wrote to the Secretary to the Government of India in the Home Department in the following terms :

" I am directed by the Governor in Council to submit herewith a copy of a draft bill further to amend the City of Bombay Police Act, 1902, together with the statement of objects and reasons and to state that it requires the previous sanction of the Governor General under section 80A (3) of the Government of India Act as regulating a central subject, civil law including civil rights. I am therefore to request that you will be so good as to obtain the requisite sanction of the Governor General to the proposed bill as soon as possible..... "

So far as this letter is concerned there is no ambiguity. They have asked that the sanction of the Governor General should be obtained, and this is the reply that has been received :

" With reference to your letter of..... addressed to the Secretary to the Government of India in the Home Department, I am directed to state..... "

Here it is not stated by whom he was directed. That is the object with which I read the letter. In the letter written by the Government of Bombay the Governor General's sanction was specifically asked for but the reply does not say whether the writer was directed by the Governor General or by the Governor General in Council. Being a reply to the letter written by the Government of Bombay, the ordinary interpretation would be " I am directed by the Governor General ". The reply proceeds to say that the bill does not require sanction and that is a conclusive answer to the point of order.

Mr. G. B. PRADHAN: Is it not the procedure, Sir, that the correspondence of the Governor General should be addressed by the Private Secretary and that the correspondence of the Governor General in Council addressed by the Secretaries of departments.

The Honourable the PRESIDENT: That is a matter at the express pleasure of either the Governor or the Governor General. I admit that a more suitable procedure would be for the Governor or the Governor General to reply through his Private Secretary, but that is a matter of their discretion.

In such cases I understand, that the prevailing practice has been the department of the Government of India concerned sends the reply. I have already drawn the attention of Government that all these communications which are meant to be directions by His Excellency the Governor General or the Governor should be addressed by the Private Secretary. As these questions are constantly arising, I hope the Government of Bombay will represent the matter to the Governor General in order that the distinction made in the Government of India Act as between the Governor General and the Governor General in Council may be clearly maintained in the correspondence.

[The President]

On the present occasion I must rule that, in view of the reply received the Governor General's decision is that no sanction is required.

After Recess.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move

that Bill No. V of 1926 be recommitted to the select committee with instructions to elicit the opinions of Hindu and Jain associations of Bombay and to make alterations in accordance with those opinions.

Sir, public meetings are being held in Bombay to protest against such a bill. Not only the Jains and Hindus are protesting against the bill, but even Parsi and Christian associations are joining hands with the Hindu and Jain associations. The public of Bombay fear that if this bill is passed, it will be a fruitful source of trouble in the hands of the police authorities, and consequently they are of opinion that it is desirable that an opportunity should be given to the public of Bombay to express its opinion so that the bill may be amended so as to be acceptable to the public of Bombay as well as to Government. Therefore, I move that the bill be recommitted to the select committee with instructions to circulate it among the public of Bombay, among the various Hindu and Jain associations and various other public associations of Bombay and to amend it in view of the opinions expressed by them.

Question proposed.

Mr. R. G. PRADHAN (Nasik District) : Sir, I rise to oppose this amendment. It will be seen from the bill as it has emerged from the select committee, that it has been practically recast and many important changes have been made to meet the sentiments of those Hindu communities who are very sensitive on this question. Every conceivable argument that could be advanced was advanced in the select committee and was considered by the committee, and I may say that the Honourable the Home Member went to the length of giving in to as full an extent as he could without sacrificing the fundamental principle of the bill. The members of the select committee.....

Mr. P. G. JOSHI : I rise to a point of order, Sir. I understand that there is a motion for postponing the consideration of this Bill by Mr. Surve. I think that motion should have precedence.

The Honourable the PRESIDENT : Both motions are for postponement.

Mr. R. G. PRADHAN : We are all aware of the sentiments of the Jain community on the question of killing animals, and all those sentiments, and I might even say prejudices, were fully taken into consideration in considering this bill. While I concede the principle that we must safeguard the interests and consider these prejudices of a minority, it must not be carried so far as to act prejudicially against the interests and prejudices of the majority. Just as no majority has the right of tyrannising over a minority, so also no minority has the right to tyrannise over the majority. All these conflicting considerations, views and prejudices were fully considered in the select committee, as will be clear from a careful perusal of the bill as

[Mr. R. G. Pradhan]

it has emerged from the select committee, and I do not think that it is necessary to recommit the bill to the select committee.

Sir VASANTRAO A. DABHOLKAR: Sir, I rise to oppose the amendment moved by my honourable friend Mr. Swaminarayan. If this bill is recommitted to the select committee, as we are now at the end of the session, what committee will be in power to go over the same bill and report to the new Council when it meets in February next? As regards the question of publicity, as a member of the select committee, I can say that in the way we have been getting the letters I am quite sure that sufficient publicity has been given to this bill. The bill has been before the public since February last.

As far as the second clause of the bill is concerned, very much latitude has been given for the feelings of Jains as stated by my honourable friend from Nasik. Any person passing by the road, if he so wants, can send that animal to a veterinary hospital or a pinjrapole. That being so, the feelings of the Jain community are properly respected. When these safeguards are provided, there is no necessity to postpone the bill. If we postpone the bill there is another evil. At present in some of the streets of Bombay we can see diseased animals lying without any treatment. This state of affairs may continue. But if the bill is passed, an animal of that type will be removed by any philanthropist to a veterinary hospital or pinjrapole. In these circumstances, I oppose the amendment.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I support the amendment for the following reasons. I was a member of the select committee, and the points advanced by my honourable friend, Sir Vasant Rao Dabholkar, for getting this bill passed now are not correct. The bill provides discretion to the veterinary surgeon to certify whether the animal can be removed without causing it any agony or suffering. But it also gives discretion to the veterinary officer to give a certificate to the police officer to shoot the animal even in a public place, after screening if possible. But this "if possible" and all the other safeguards which are made dependent upon the discretion that is given to the police officer or the veterinary officer are not sufficient in the opinion of the communities which live in parts of Bombay City which are most thickly populated. I am really surprised that some of the honourable members from the mofussil who are very little in touch with the people of Bombay, and especially with the orthodox communities of Bombay, should come forward and lead the House to entertain a wrong belief about the matter. For so many years there has been no such bill on the statute book, and if this bill is not passed for another six months or one year, I do not think that the agonies of the animals will be so great as to enlist the sympathy of my honourable friend Sir Vasant Rao Dabholkar, who was in favour of modifying this bill. I must say that the bill has been modified, but it has not been modified in the way in which it ought to have been modified. No discretion should be given to the police officer or to the veterinary surgeon for allowing the animal to be shot in the street. The select committee that has approved of the bill

[Mr. Lalji Naranji]

as amended has given this discretionary power both to the police officer and to the veterinary surgeon. I would point out to this House that after this bill was discussed in this House, a number of telegrams from those associations which are chiefly concerned in the matter in Bombay have been received by the Honourable the Home Member, and I am sure he will acquaint the House with all the telegrams that he has received. Some of the telegrams I have already handed over to the Honourable the Home Member.

The Honourable Mr. J. E. B. HOTSON: I rise to a point of order. The honourable member is speaking on the principle of the bill and not on the motion to recommit it to the select committee. His object is that no animal should be killed. The whole object of the bill, which has been read for the first time, is that animals ought to be killed in certain circumstances.

The Honourable the PRESIDENT: I have informed honourable members that this House has the power of defeating a bill on three occasions, the first reading, the second reading and the third reading. Even if the bill has passed the second reading and it has been read clause by clause, the House has the power to throw it out when the third reading is moved. No amendments of principle are allowed, but if any honourable member wishes to urge that it should be thrown out, he is quite in order.

Mr. LALJI NARANJI: The Honourable the Home Member has been given the telegrams that I have received, before the select committee began its sittings. After that even I have received a number of telegrams from different associations, which have been printed in the papers. They are from the Shroffs' Association, the Bullion Exchange, the Rice Merchants' Association, the Ghee Merchants' Association, etc. Sir, all these associations are chiefly concerned in two localities, in Bhuleshwar ward and Mandvi ward.

The Honourable the PRESIDENT: May I draw the honourable member's attention to one fact. At present we are discussing the honourable member Mr. Swaminarayan's amendment to recommit the bill to the select committee. If the honourable member confines himself to that now, I will allow him to speak on the motion for the second reading, when all the points that he is now raising would be more relevant.

Mr. LALJI NARANJI: I only wish to show the effect of the amendment of my honourable friend Mr. Swaminarayan. A fear was expressed that if the amendment is accepted, the bill will not be carried in this session, and the honourable member Sir Vasantao Dabholkar said that the bill will be delayed for six months or even one year, because the bill could not be taken up during the Budget session. What I wish to say is that those people who have protested against this bill should be given an opportunity of expressing their opinion fully and Government ought not to hurry this bill forward in this way, against the wishes of the people in whose locality this bill is going to be operative. I support the amendment.

Dr. R. P. PARANJPYE (Bombay University): Sir, after reading the report of the select committee on this bill, I feel that the bill, as originally drafted, has been greatly emasculated. I feel, therefore, that, whatever might have been the real effect of the bill as originally drafted, the effect of the bill as amended by the select committee is not going to be of any very great consequence, either one way or the other. Consequently, that being the position, I think the Government would do well in accepting the contention of some honourable members on this side of the House to postpone it for some time.

The Honourable the PRESIDENT: This is a motion for recommitting the bill to the select committee.

Dr. R. P. PARANJPYE: That is what I mean; recommitting the bill to the select committee and getting public opinion on the matter. I do not consider that the matter is of such a dreadfully urgent nature that the heavens would fall if the bill is not passed finally at this session. I think it would be a very graceful act on the part of Government, if they accept the contention of honourable members on this side of the House.

Dr. K. E. DADACHANJI (Bombay City, South): Sir, I rise to oppose the amendment. We have considered all these points in the select committee. We have considered all the telegrams that were sent to Government and read out by the Chairman. All those aspects have been considered, and the bill has been thoroughly revised and thoroughly overhauled. I was very glad to find that the Chairman of the select committee was over-indulgent in this respect. He allowed all sorts of suggestions to be made and various recommendations to be embodied into the bill. After all this, I am surprised to hear my honourable friend Mr. Swaminarayan, who has suggested the recommitment of the bill to the select committee. Nothing will be gained by following such a course. None of the telegrams and representations has suggested what other alternative should be adopted. If the animal is not to be skinned, what is to be done? Here is an evil in the city of Bombay. Animals die in the streets before human eyes in a state of great agony and suffering. How to dispose of that animal, that is the question. Without suggesting any other means, they all say that human feelings will be roused if it is shot, but if it is left in a dying condition, in great suffering, for hours together, does it not rouse the agonies of human beings? I cannot understand that, Sir. Those who have got human feeling, those who have got feelings for animals, they must feel that an injured animal, which is injured and is dying and is gasping for breath, should not be allowed to remain there to the gaze of children, women and adult males, without doing something to it. The only other alternative is to suggest what are called lethal chambers—travelling lethal chambers. Large chambers should be made for this purpose, and the dying animals should be confined to lethal chambers to die in peace. But objections were raised when in the Bandra slaughter-house animals were subjected to this process. The Council therefore will not, I hope, pass this amendment. The bill has already been shorn of its undesirable parts and it is in consonance with the wishes of the people, it is modified and it

[Dr. K. E. Dadachanji]

should be passed. As has been already pointed out by my honourable friend Sir Vssantrao Dabholkar, no member of the public is prevented from removing the animal to a veterinary hospital or to a *pinjrapole*. Any member of the public has that power. Where is the harm done? We do not see any harm. The proposal made in the bill is far better than allowing the animal to die and rot in the street, to the danger of health of the various people concerned.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am still unconvinced by the arguments of the honourable members who oppose my amendment. The bill as it has emerged from the select committee is not such as is acceptable to all of us. I have received so many telegrams from the associations of Bombay regarding this bill, and only for illustration I may mention the communication I have received from the Secretary, Humanitarian League, which will convince the honourable members of the House that it is unnecessary to have this bill and even if the bill is passed, it would be mischievous. He says:

"A sad incident took place in August 1923. A police officer shot a horse of a hackney victoria driver, slightly injured in an accident. The driver was sent to a veterinary doctor but before the driver came back, the police officer shot the horse. This inhuman action was brought to the notice of Police Authorities who could not justify it."

So, you see it is likely that the powers which are to be vested in the police officers may be abused in the way in which mention has been made by the Secretary of the Humanitarian League. Therefore, it is necessary to consult all these people. They have spent thousands and lakhs of rupees for kindness to animals, and if a reference is made to all these associations, an arrangement can be made by which all animals can be removed to pinjrapole or hospitals, just as in the case of human beings however bad an accident may be to which a human being is subjected, we make arrangements to remove a human being to a hospital. He may be on the point of death and he may be suffering very great agony; still we have made arrangements for human beings to be removed to hospitals. Similarly, if such associations as are interested say that it is possible for them to remove such animals to pinjrapoles or hospitals, why should they not be consulted? Clearly, it is better for Government to take these associations which are doing public work into confidence and not to rush the bill in the way in which it is intended to be done. Therefore, I propose that the bill be recommitted to the select committee for eliciting public opinion.

The Honourable Mr. J. E. B. HOTSON: Sir, as I mentioned earlier this afternoon, this bill has been before the House and before the public of Bombay for six months already. I think, if there had been any very strong feeling about the bill, we should have heard of it. It is more than a week since the select committee signed its report. I am much surprised to hear from one honourable member that in that time many telegrams and letters have come in from Parsis and from Mussalmans on this subject. We have on our records only one such

[Mr. J. E. B. Hotson]

telegram, and that is sent by Sir Jamsetjee Jeejeebhoy as head of the Panjrapole Committee of Bombay. All the others come from one small section of the Bombay public only and from no one else. As my honourable friend opposite has said, it is not right that one section of the community, one small section, should impose its will against the reasoned desires of the great majority of the population. I do not think that by giving further time for opinions we should gain very much. We have heard from my honourable friends Mr. Lalji Naranji, Mr. A. N. Surve, Mr. Swaminarayan, and Sir Vasantao Dabholkar almost everything that could possibly be urged against this bill, everything that could possibly be urged in the way of amendment of any provisions of the bill. I do not think anyone could say more. Certainly, in any of the telegrams we have received there has been no constructive proposal of any kind whatever. Each single petition or objection is directed against the principle of the bill entirely and not against any detail of the provisions of the bill. I hope that the House will reject this amendment.

Question put and lost.

Mr. A. N. SURVE (Bombay City, North) : Sir, I rise to move, under standing order VIII, 2 (a), that Bill No. V of 1926 as reported by the select committee be read a second time on a date which will be first available for Government bills other than money bills (if there be any) during the budget session of 1927.

Sir, I move this amendment for a different set of reasons altogether. First of all, when the bill was read a first time, we started with the principle that it was revolting to the sight to allow an animal to suffer great pain if there was no hope.....

Sir VASANTRAO A. DABHOLKAR : Sir, I rise to a point of order. I want to know whether a bill can be read a second time in the new Council.

The Honourable the PRESIDENT : The point struck me and I was looking it up. I find that Rule 21A lays down :

"On the dissolution of the Council every bill which has been introduced in the Council and has not been passed by the Council shall lapse."

That being so, any amendment transferring or postponing any measure from this Council till the commencement of the first sessions of the new Council which is January is out of order. The amendment must therefore be ruled out of order.

Mr. P. G. JOSHI : I would like to move that the consideration of this bill be postponed *sine die*.

Question proposed.

The Honourable Mr. J. E. B. HOTSON : Sir, I think this amendment is equally out of order with the last one. We cannot postpone the consideration of a bill beyond the life of the present Council.

The Honourable the PRESIDENT : *Sine die* does not fix any particular period.

MOULVI RAFIUDDIN AHMAD : I want to ask, Sir, whether the postponement of this bill means its rejection.

The Honourable the PRESIDENT : Yes, especially in the present circumstances. It is another way of throwing it out.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, I think that this is the proper course to be taken. A new bill can be brought forward in a modified form which will be acceptable to the people of Bombay. Two points were made by the Honourable Home Member and Dr. Dadachanji. They are that no constructive suggestion has been made in the telegrams which the Honourable the Home Member received. I will refer him to the telegram from the Indian Merchants' Chamber. Though they were not opposed to the principle, they want to modify the bill so as to be acceptable. The second point made by Dr. Dadachanji was that no constructive proposition was made to remove the animal. If the animal is removed by the pinjrapole or if it is removed to the veterinary hospital that should be allowed and no discretion should be given to the veterinary officer or the police officer.

The Honourable Mr. A. M. K. DEHLAVI : I want to point out that the amendment moved is inconsistent with the ruling which you have given. The word 'postpone' connotes that the bill does not die or lapse till the end of the life of this Council, while the ruling given by you is that it would lapse after this Council is over. So the amendment proposed is inconsistent with the ruling given.

The Honourable the PRESIDENT : The Honourable Minister is referred to the Standing Orders which are quite clear on the subject. At any stage of the consideration of a bill an amendment to postpone it *sine die* can be moved. The Honourable Minister does not seem to have followed the underlying principle on which that ruling was given. The term of office of this Council extends till January 1927. The budget sessions cannot be held till February-March 1927. Therefore, that was postponement to a period when in any case this Council will no longer be in existence. We cannot take into consideration at this stage whether His Excellency will dissolve or will not dissolve the Council. His Excellency can allow the Council to remain in existence till the full term of office, which is January 1927. There is at present nothing to show that His Excellency will not continue the life of the Council till January next and hold one or two more council sessions if he so desires.

Mr. PUNJABHAI THAKERSI (Bombay City, North) : Sir, although this bill has been rendered less offensive by the select committee, still as a Jain I support the amendment that the bill be postponed *sine die*. I cannot be a party to a measure which would authorise anybody to take away the life of any animal. I would ask honourable members whether under similar circumstances they would be prepared to justify the taking of human life ? If not, how can we sanction a measure of the kind before us ? I therefore urge that Government will be pleased to

[Mr. Punjabhai Thakarsi]

postpone this bill as it will create great discontent among the Hindus and especially the Jains of this presidency. Also Government has not so far consulted many public bodies in the presidency. It is therefore but fair that the bill should be postponed *sine die*. I would therefore support the amendment moved by my honourable friend Mr. Joshi.

The Honourable Mr. J. E. B. HOTSON: Government do not propose to accept the amendment and I hope it will be rejected.

Question put: House divided: Ayes 27; Noes 50; amendment lost.

Division No. 9.

Ayes

ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
ANGADI, Rao Bahadur S. N.
BHOPATKAR, Mr. L. B.
CHAUDHARI, Mr. L. S.
DESAL, Rao Saheb D. P.
DEV, Mr. S. S.
GANDHI, Mr. C. M.
GUNJAL, Mr. N. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
LALJI NARANJI, Mr.
MAVALANKAR, Mr. G. K.

MUJUMDAR, Sardar G. N.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
PAHALAJANI, Mr. B. G.
POWAR, Mr. M. B.
PUNJABHAI THAKERSI, Mr.
SAHEBA, Mr. H. D.
SARDESAL, Mr. S. A.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
VELKAR, Dr. M. B.

Tellers for the Ayes.—Mr. LALJI NARANJI and Mr P. G. JOSHI.

Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan
Saheb
ADAM, Mr. C. G.
AHMAD, MOULVI RAFIUDDIN
ANDERSON, Mr. F. G. H.
BALAK RAM, Mr.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb SHEB MAHOMED
KHAN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Sir VASANTRAO A.
DADACHANJI, Dr. K. E.
DALAL, Mr. A. R.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DUGUMD, Mr. A.
FRAMJI, Mr. K. S.
GHULAM HUSSAIN, the Honourable Sir
HAMID M. ABDUL ALI, Mr.
HARRISON, Mr. R. T.
HATCH, Mr. G. W.
HOTSON, the Honourable Mr. J. E. B.
JADHAV, the Honourable Mr. B. V.

JEHANGIR, the Honourable Mr. COVASJI
KAY, Mr. J. A.
KAZI INAITULLAKHAN
KHURRO, Mr. M. S.
LOWSLEY, Mr. C. O.
MANSURI, Khan Saheb A. M.
MEHTA, the Honourable Sir CHUNILAL
NEKALJAY, Mr. R. S.
PATEL, Mr. A. E.
PATHAN, Khan Bahadur JAN MAHOMED
KHAN
PATIL, Mr. D. R.
PIR RASULBAKSH SHAH, Khan Saheb
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SHANKARRAO JAYARAMRAO ZUNZARRAO.
Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
THAKOR of AMOD, the
THAKOR of KERWADA, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
WADIA, Mr. C. N.
WEBB, Mr. M.
WOODS, Mr. E. E.

Tellers for the Noes.—Sir VASANTRAO A DABHOLKAR and Dr. K. E. DADACHANJI.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to oppose the second reading of the bill and I do so for the following reasons. I have said that in the select committee the principle of the bill had undergone a considerable change. The bill started with the principle that if the animal could not be cured it must be killed in order to relieve it from its suffering. That was the principle with which we started, but in the select committee you will find that firstly as regards temples and secondly as regards cows and bulls exceptions have been introduced. You will see therefore that the original principle of the bill has been abandoned.

The second point I would like to point out is about pinjrapoles and veterinary hospitals. Now a provision has been made that if arrangements could be made the diseased or injured animal should be carried to these places, but this provision gives rise to other considerations. Pinjrapoles and veterinary hospitals are not unlimited as regards their accommodation. Their accommodation may have been fully occupied and in such a case if you allow any animal to be carried there, it will not be admitted but it will be refused admission. The bill authorises that a veterinary surgeon can authorise that the animal may be removed there but what will happen if at the door of the pinjrapole or the veterinary hospital the animal is refused admission? The certifying veterinary surgeon cannot exercise his power again because according to the bill he can only pass his order once. He is called to the spot where the animal is lying and he passes his order, in execution of which the animal is carried to the pinjrapole, but if it does not obtain admission, then what is to happen in that case? That point will have to be considered, and for that reason the heads of pinjrapoles and managers of veterinary hospitals are required to be consulted.

Then the next point that strikes me is that a novel thing has been introduced. You will see in the first proviso that even a stranger has been given the power of removing the animal. If the owner or his agent is absent, a third person a stranger can come on the scene and he is allowed to remove the animal to the pinjrapole. Now, this enabling clause is a breach of the civil law. Under the law of torts nobody can deal with the property of another without exposing himself to an action for tort. The Honourable the Home Member will kindly explain to me how he can empower a stranger to interfere with the property of another person. The stranger will clearly be liable in torts for an action of trover notwithstanding his charitable motives. Therefore, I say that this clause is introducing a novel change in the civil law.

Another further point is that I had suggested that the bill should be translated into Marathi language, because this is a matter with which the sentiment of a large section of the population is concerned. You

The Hon. Member in Bombay the majority of inhabitants is Marathi-speaking which I should not know what change is going to take place in the law Marathi. The duty of the legislature to give them an opportunity to know to make its an expression to their opinion. That has not been done necessary therefore justified in opposing the second reading of this bill. circumstances about the number of animals that will be killed, I ask of the Hon. Member as to the number of animals that will

[Mr. A. N. Surve]

be killed in the course of one year. Such cases will be very rare and very few. Therefore, it is not at all justifiable to rush into legislation in such a hurry. No harm will be caused and it would be very advisable to give the people of Bombay an opportunity of expressing their views. The bill as amended by the select committee was published only on the 30th of July and to-day is the 5th of August. Primarily the people of Bombay are concerned with the provisions of this bill and they have not had sufficient time to consider the import of this measure. Notwithstanding the shortness of time the names of the bodies from whom representations have been received are put up on the Notice board. It indicates that in Bombay the public sentiment is keen on this point. In the year 1921 or 1922, I do not exactly remember the year—a pigeon was shot and in consequence of that there was a riot. At that time I had asked a question and as a result of that the Police have put up notices at Kabutarkhanas that no pigeon is allowed to be shot. This will show the temper of the Bombay people on this question. For all these reasons I submit that the bill be not read a second time.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, as a member of the select committee I have not been able to understand the reasons that have been adduced by the honourable member that sat down just now. In the first place I do not understand how the omission of certain animals from that category has altered the principle of the bill. The omission has been expressly made at my request as it would arouse religious objection by certain communities.

Then in the absence of the owner or person in charge of the animal a stranger has been allowed under this bill to remove the animal to a pinjarapole or a veterinary hospital. This has been done expressly at my request. Supposing that the owner or the person in charge of the animal is not present there then a stranger who is willing will be allowed to take the animal to the pinjarapole or any veterinary hospital and the proviso runs this :

“Provided that if in the opinion of the veterinary practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal, or in their absence any other person on the spot is willing and offers to remove the animal to a veterinary hospital or pinjarapole.”

Supposing there was a person present who in the absence of the owner or person in charge of the animal was willing to remove the animal to a pinjarapole or veterinary hospital why should he not be given permission to do so. This has been done at the request of the select committee. Here I find the honourable member Mr. Surve moves for postponement of the bill for this amendment. If he opposes it on the ground that it has not had sufficient publication, there was no urgency and the committee could have understood him. Certain animals were omitted from the bill for this purpose and the power was given to a stranger to remove the animal if he is so willing, in the absence of the owner or person in charge of the animal to curtail the power of the police. These beneficial amendments adduces as arguments for postponing the bill.

[Mr. G. B. Fradhan]

I do not understand what he spoke about civil rights. If the person in charge or owner is not willing to take the animal to the pinjarapole or veterinary hospital the animal is going to be shot and it is not going to be returned to him. The owner is given an option to remove the animal, if the animal can be removed without much suffering. If either the owner or the person in charge is absent the option is given to a stranger to remove the animal. If none is there the animal will be shot. I do not know where civil right comes in.

Mr. P. G. JOSHI (East Khandesh District): Sir, I rise to oppose the bill, because it is not urgent. The sentiment of the Hindu community, especially the Jain community, is keen on the point. I do not think that Government will lose anything by postponing this bill to the next Council. You are aware, Sir, that a similar bill was brought last year and it was thrown out. I do not think that Government have any ground to say that they have lost anything by that.

I am very glad to see the honourable member Mr. Surve is opposing this bill on the ground of damage to civil rights. I would have very much liked if these arguments had occurred to him when we were considering the rights and property of Joshis. I do not think diseased animals are more valuable than the rights and property of Joshis. All the same, I am very glad to see that he has just now put forward sound and reasonable arguments against this bill; and his argument about the civil rights is the strongest of them. For the reasons I have stated I oppose the second reading of this bill.

Mr. S. A. SARDESAI (Bijapur District): Sir, I oppose the second reading of this bill, simply because the animals are to be destroyed in case the owner or the person in charge does not remove it or if a stranger is unwilling to do so. If the select committee had so framed the clause that the animal should be removed to the veterinary hospital or a pinjarapole for treatment, I would have supported the bill. The feeling of the Hindus, especially the Jains, ought to be taken into consideration. They may think that the animal should be preserved instead of being shot. After all we are human beings and are likely to err. In many cases it has happened, even in the case of human beings, that a person who was declared by a doctor that he would die had had wonderful cure. The same rule applies to animals also. The opinion of the veterinary surgeon whether an animal will die and therefore should not be treated cannot be taken as final. For these reasons I oppose the second reading of the bill.

The Honourable Mr. J. E. B. HOTSON: Sir, there is just one point which I should like to explain, that is, why the bill was not translated into Marathi. The House allowed only four days for the select committee to make its report. The committee almost agreed that it was not necessary to translate it even into Gujarati and thought that in the circumstances an English report was sufficient. But on further consideration we came to the agreement that, since almost the whole of the people who feel that their religious sentiments are affected by the

[Mr. J. E. B. Hotson]

bill are Gujarati speaking people, we ought to translate it into that language; and we did so. If we had had to translate it into Marathi we could not have sent in the report within the time allowed by the House. As we thought that there were very few Marathi speaking people who were actually opposed to the principle of the bill, we thought it was not necessary to publish the bill in Marathi.

The other point raised by the honourable member about civil rights has already been answered. I do not think I need say anything more.

Bill read a second time. Question put and carried.

Bill read clause by clause.

Clause 2 (New section 29A of Bom. IV of 1902.)

After section 29 of the City of Bombay Police Act, 1902, the following section shall be inserted namely:—

"29-A (1) *Destruction of suffering or unfit animals.*—Any police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed.

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal, or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Pinjrapole within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police Officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

Explanation.—For the purpose of this section bull does not include bullock.

(2) *Power to appoint Veterinary Practitioners.*—The Governor in Council may appoint such persons as he thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act."

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, I wish to move the amendment which stands in my name, namely:

From clause 2 "29-A (1)" delete the words: "The police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed" and the provisos following and put in their place the following words:

"The police officer may at once remove the said animal either to a pinjrapole or to the veterinary hospital for treatment and remedy of the disease or injury."

Sir, this amendment is, I believe, a practical and constructive amendment which will solve the difficulty of those people who think that there is no constructive proposition made to this House. If an animal is found in a street suffering from an agony which in the opinion of the veterinary surgeon is such as is described, it should be removed and treated through the agency of the veterinary hospital or the pinjrapole. So much has been said of this bill that I do not wish to repeat the same arguments. I believe that the House will accept this constructive

[Mr. Lalji Naranji]

proposition and give relief to the injured animals for which they have shown so much anxiety.

Question proposed.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support this amendment, only for this reason. There is a pinjrapole in Bombay and there are other charitable associations who would be very willing to remove the animal and treat it, so that there is no necessity for Government to destroy it through the agency of the police or some other people. If there is such an urgency of course Government may do whatever they like. But there are many charitable associations in Bombay who can afford to take care of these animals and treat them until they die a natural death. With these few remarks I support the amendment before the House.

Mr. C. G. ADAM: Sir, I rise to oppose the amendment. I would just like to point out, Sir, that if this amendment is carried it would put the police officer in an awkward position. I will read the essential wording as it will be when it is amended:—

“Any police officer who finds any animal in such a physical condition, that it cannot without cruelty be removed, may at once remove the said animal either to a pinjrapole or to the veterinary hospital for treatment.....”

In other words, Sir, a police officer may only remove the animal, if he is satisfied that to do so would inflict cruelty upon it. I do not think that he can take that unpleasant responsibility, and I do not think the House will agree to impose such a responsibility upon him.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, the point made by the honourable the Home Secretary is that it will put an awkward duty on the police officer if he is to remove an animal of that condition. The object of my amendment is to get the animal removed to a hospital or a pinjrapole. The House has to consider what is the best course, to remove an injured animal to a veterinary hospital or pinjrapole or to relieve its suffering by shooting it to death. Those who consider that it is better to shoot the animal may vote against me, but those who are of my opinion that it is better to treat the animal in a veterinary hospital or in a pinjrapole will vote for my amendment.

The Honourable Mr. J. E. B. HOTSON: Sir, I have nothing to add to what has been said by my honourable friend the Home Secretary.
Question put and lost.

The Honourable the PRESIDENT: The next amendment stands in the name of the honourable member Mr. Surve. It is practically identical to this. Therefore we cannot deal with it.

His second amendment also is identical, because the deletion of the two provisos has been covered by the last amendment.

The next amendment is from Sir Vasantrao Dabholkar.

Sir VASANTRAO A. DABHOLKAR: Sir, I beg to move:

In clause 2, second proviso to “Section 29-A (1),” omit the words “as far as possible” which follow the words “it shall”.

[Sir Vasantao A. Dabholkar]

Sir, in this bill the Honourable the Home Member has accepted the necessity of providing a screen when such animals are destroyed. He consented to this provision owing to our persuasions. Having consented so far, there is a slight change I would ask him to make. I would like to point out to the House that if an animal is to be destroyed in any crowded street inhabited by Hindus, it should be screened. In the bill it is left to the discretion and good sense of the police officer. If the police officer does not take the necessary precaution to screen the animal which is to be shot in a Hindu locality, then perhaps there will be every possibility of feelings being wounded. As I have said before, the principle of screening as far as possible has been admitted by the select committee. I hope the Honourable the Home Member will have no objection to accept my amendment to drop the wording "as far as possible".

I would not press my amendment provided the Honourable Member will give me an assurance that he will see that the head of the Police Department in Bombay will take all the necessary precautions to see that in crowded streets inhabited by the Hindu community, whenever destruction of any animal takes place it will be properly screened. If this assurance is given to the House, I will not press my amendment.

The Honourable the PRESIDENT: The honourable member should remember that Mr. Surve has got an identical amendment.

Sir VASANTAO A. DABHOLKAR: In that case, I beg to move the amendment. I would not ask for the assurance.

Question proposed.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, this is a very reasonable amendment. This amendment will avert many dangers that may happen after the passing of this bill. The proposal of Sir Vasantao Dabholkar is a very reasonable one. He tried to explain to the Honourable the Home Member in the select committee the necessity of his amendment, and it was left to the good sense of the Honourable the Home Member to accept the amendment. I still appeal to him to accept this amendment and thus avert the many disasters that may arise from a small incident in future.

Why should any discretion, by putting in the words "as far as possible", be given to the police officer, and why should it not be made compulsory to screen the animal if, as a last resort, there is no other alternative but to shoot it to relieve it of its agonies? Sir, it has been stated by the Honourable the Home Member that many concessions have been made, but I do not see any real concessions. On the one hand there are concessions, but on the other hand, by the addition of provisos and such words these concessions are taken away, to which I object. This concession will prove of no avail. So, for the safety of Bombay, and for the purpose of averting such dangers which may arise from the loose words like this in the Act, I believe the appeal of my honourable friend Sir Vasantao will be fruitful on the Honourable the Home Member.

Sir VASANTAO DABHOLKAR: I have nothing to say in reply

The Honourable Mr. J. E. B. HOTSON : Sir, I am very sorry that it is impossible to accept this amendment. It would make the working of the bill so difficult that it would almost be impossible. I should like to point out that the Commissioner of Police and the officers serving under him are reasonable and intelligent men. It is quite certain that, if an occasion arises for shooting an animal in a crowded street inhabited mainly by persons of the classes to whom killing of animals is obnoxious, the police will undoubtedly take every measure in their power to prevent the feelings of the public being harassed. But to say that, in every case they must screen their deed of mercy from the eyes of the public would be to impose upon them an impossible duty. There may be occasions on which an animal is found wounded in some distant part of the town, where there is nobody who has any objection whatever to its being killed. It would then be useless to take these precautions. There may be other occasions on which also, perhaps owing to the distance of the spot, there are no materials available wherewith to screen it ; and, in the third place, even if every effort were made to screen it, somebody might come forward and say " I saw it being done, and the provisions of the law have not been fulfilled " although the police had done their best. But I can assure my honourable friend that I shall bring the remarks which have been made to-day to the notice of the Commissioner of Police, and I have not the slightest doubt that he will impress upon all the officers upon whom the extremely disagreeable and painful duty imposed by this law will fall that they should do everything in their power to avoid unnecessarily injuring the feelings of anybody at all.

Question put and lost.

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to move that :

After the Explanation to section 29-A (1) add the following explanation :

" Explanation 2.—The work of destruction shall be performed by a person who is a non-Hindu and who is specially trained to kill animals without pain."

I have explained the reason why I propose that a non-Hindu should be selected to do that work. It is stated in my minute of dissent, as follows :

" I had urged that the Hindu police officers be exempted from the duty of killing animals, e.g., bullocks, etc. It is a duty repugnant to their religious sentiment, and when they joined service it was not contemplated by them that Government will impose a duty on them which is in clear contravention of their religious belief. "

Another point is that we have had so far no assurance whatever to whom the work of destruction will be entrusted. There has been one case in Bombay where a police officer had to shoot a horse. He shot at it several bullets, and still that horse was not killed. Therefore, I want to have a clear assurance from Government that the work of killing will be entrusted to a person who is trained to do the work without inflicting additional pain upon the animal which is to be shot. I hope that my amendment will commend itself to the House.

Question proposed.

Rao Sahab D. P. DESAI (Kaira District) : Sir, I wish to move the following amendment to the amendment proposed by my honourable friend Mr. Surve. It is as follows :

Between the words " performed " and " by " the following words may be added :
" by chloroform or opium ".

[Rao Saheb D. P. Desai]

The work of killing the animal is generally done by shooting the animal and it suffers a lot during the time, and, as the honourable mover of the amendment has just stated, sometimes more than one shot is required to be fired. So, in order to avoid that I move that that work should be done by the administration of chloroform and opium to the animal concerned, and that too by a person who is skilled in these matters.

Amendment to the amendment proposed.

The Honourable the PRESIDENT: The explanation, as proposed to be amended, will read as follows:

"The work of destruction shall be performed by chloroform or opium by a person who is a non-Hindu and who is specially trained to kill animals without pain."

Mr. R. G. PRADHAN (Nasik District): Sir, I oppose the amendment, particularly that part of the amendment which says that the work of destruction shall not be performed by a person who is a Hindu. This amendment makes a distinction, which I might call a racial one. It makes a distinction between Hindu police officers and non-Hindu police officers. Now, if Hindus want to be police officers, they must be prepared to accept all the duties and the responsibilities attaching to their office. Of course, I can quite understand the Government exempting a Jain police officer from performing this duty, which he will certainly find very repugnant to his sentiment. But there is no reason whatsoever why all Hindus should be exempted from this obligation, which they are bound to discharge, if they want to perform the duties of their office. Suppose, tomorrow a war is declared, and we Indians are called upon to go to the front, will it be right for us to say that Hindus should be exempted from going to the battlefield because they are Hindus.

The honourable member Mr. Surve may feel very nervous about this. But I hope and believe that all Hindus are not of that kind of mentality. We are prepared to kill and we will kill, if it is our duty to do so and I do not think that this amendment would be at all fair to those Hindu police officers who would be quite prepared to do their duty. I do not think that it will be in the interest of the officers themselves that such a discrimination should be made. I therefore strongly oppose this amendment, particularly, as I have said, that part of the amendment which says that the Hindus should not be allowed to kill the animals. Of course, I have no objection that as far as possible, this work should be entrusted to police officers, whether Hindus, Mahomedans or Parsis, who may be trained in the work of killing animals. But I do object to the discrimination proposed in the amendment.

Sir VASANTRAO A. DABHOLKAR: Sir, I entirely agree with my honourable friend who just preceded me, and if this amendment is passed by this House, it will interfere with the discipline of the department. My honourable friend has pointed out about the war. But I notice from the minute of dissent of my honourable friend Mr. Surve that he says that when the Hindu police officers joined service it was not contemplated by them that Government would impose a duty on them which was against their religion. May I know from the honourable member how many Hindu sepoys are there in the police department, and is it their

[Sir Vasantao A. Dabholkar]

duty or religion to destroy men, human beings, when there are riots? Did they not join the service with open eyes? If they are ordered to shoot men who are rioting, they have to do it, and they go there with open eyes to join the service. Here, the honourable member Mr. Surve says if a Hindu inspector before joining the service had known that this bill was going to be passed, that he would not have joined. From this you will find, Sir, the fallacy of the amendment moved by the honourable mover. Assuming that this House passes the amendment that non-Hindus only should destroy the animals, now the honourable member knows for certain that certain duties are assigned to these officers. In case a non-Hindu officer is not present at a certain hour, being off duty or otherwise, are you going to allow the animal to remain in agony till that non-Hindu officer is available and can come? Under these circumstances, Sir, in my opinion the amendment is absolutely impracticable and, if this is passed, as I said before, it will interfere with the discipline of the police.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I certainly rise to oppose this amendment, because it indirectly throws the act of butchery upon Mahomedans. Even Mahomedan butchers would not like to kill an injured animal that is dying. Therefore, Sir, I think, the amendment is prejudicial to the Mahomedan community. If killing is a matter of a duty, every officer has to perform it. I think however it would be better if this duty were given to the European police sergeants, whose marksmanship is perfect and who are accustomed to such things in their country. As far as possible, the Police Commissioner should ask the European sergeants to perform this duty. I am much opposed to this amendment.

Dr. K. E. DADACHANJI (Bombay City, South): Sir, I oppose the amendment moved by my honourable friend Rao Sahab Desai. He says that instead of shooting the animal, chloroform or opium should be used for killing it. But he does not understand the symptoms of chloroform and opium poisoning. That would add greatly to the agony of the animal.

Rao Sahab D. P. DESAI: Use chloroform.

Dr. K. E. DADACHANJI: No, chloroform will not do, Sir. Chloroform and opium poisoning will greatly add to the agony of the animal. If anything is required, shooting is the only thing.

Dr. R. P. PARANJPYE: I ask for a closure.

The Honourable the PRESIDENT: I accept it. The honourable member Mr. Surve to reply.

Mr. A. N. SURVE (Bombay City, North): Sir, the honourable member for Nasik as well as the honourable nominated member from Bombay, Sir Vasantao Dabholkar, have altogether lost sight of one fact. The Hindus, especially the Kshatriyas, are never backward in killing anybody

[Mr. A. N. Surve]

in open fight. I do not know whether he knows it, but my community had raised one double company, during the great war and it had seen war service, Sir, the Kshatriyas would be never backward to face anybody in open battle. But to kill a disabled animal which is just about to die that kind of butchery we are incapable of. Whether Knights or no Knights, that is not our chivalry.

The second point is about the administrative difficulty raised. May I enquire, if a man whose duty it would be to do this work falls ill, what would happen then? The Bombay police has a large contingent of sergeants. When I drafted this amendment, the very idea that was before my eyes was that this work should be entrusted to the sergeants. I never wanted that only the Hindus should be exempted. But I must restrict my activities to the constituency that I represent. If the honourable Moulvi Sahab is going to move his amendment in this connection for exempting Mahomedans from this duty I am willing to accept it. So, you will see, Sir, that the idea at the back of my mind is a perfectly reasonable one and I hope that it will commend itself to this House.

The Honourable Mr. J. E. B. HOTSON: I think, Sir, that several honourable members have opposed this amendment and there is really nothing which I need add to the arguments that have been already adduced against it.

Question put (Rao Sahab Desai's amendment) and lost.

Question put (Mr. A. N. Surve's amendment) and lost.

Clause 2 ordered to stand part of the bill.

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

The preamble ordered to stand part of the bill.

The Honourable Mr. J. E. B. HOTSON: Sir, I now move that the
Third reading. bill be read a third time and passed.

Bill read a third time. Question put and carried.

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

Mr. S. K. BOLE: Sir, the resolution that stands in my name runs thus:

"This Council recommends to Government not to give any grant to the municipalities and local boards which refuse to give effect to the resolution passed by this Council allowing members of the depressed classes the use of wells, tanks, water-taps, dharamshallas, dispensaries and schools built and conducted by such local bodies."

The House may perhaps remember that this Council had passed a resolution allowing the use of wells, tanks, water-taps, dharamshallas, dispensaries and schools built and conducted by the local bodies to the members of the depressed classes. I am glad to say that Government have issued instructions to give effect to the resolution. But at the same time I am sorry to say that all the municipalities and local boards have not given effect to this resolution. When Government do not give effect to resolutions passed by the Council, the municipalities and local

[Mr. S. K. Bole]

boards criticise the actions of Government. But it is now the municipalities and local boards that are to give effect to the resolution passed by this Council. I find that a few municipalities and local boards have given effect to this resolution. It is very easy to give explanations and say that the condition of the depressed classes must be improved. What is wanted is not lip sympathy, but practical sympathy. They must come forward to give effect to this resolution. But I think that Government should move in the matter as the municipalities and local boards will not move in the matter and the proper way therefore would be not to give any grant to such municipalities and local boards. I think that this resolution is so simple that no further remarks are necessary from me and I hope it will be accepted by the Council.

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I can very well understand the sympathies of the honourable the mover of this resolution for the depressed classes. But that is not the question. The resolution should be given effect to no doubt, but the practical difficulties in the way of putting this resolution into effect must I think be known even to the honourable the mover himself. I do not know if the honourable mover has ever gone to the villages. We are trying our level best to allow depressed classes to draw water from the same well and everywhere we find that the sentiment of the orthodox Hindus is very strong. It is not that the educated people have no sympathy. Every one of us would like to see that we drink water from the same well from which the depressed classes drink. But under the present circumstance if the resolution is put into effect we would be faced with a storm of opposition. Orthodox opinion is too strong and while I sympathise with the resolution I think that if this resolution is given effect to it may have some disastrous effect in practice. Without meaning any disrespect either to the mover of the resolution or to the depressed classes in whose interests this resolution has been brought forward, I think the mover of the resolution will be content with the assurance on the part of this House and also on the part of Government.

Mr. R. S. NEKALJAY : Sir, I rise to a point of order. I want to know whether the honourable member is supporting this resolution or sympathising with this resolution.

The DEPUTY PRESIDENT : That is no point of order. The honourable member can proceed.

Rao Bahadur S. N. ANGADI : I think it will be received in the House with great pleasure that I am supporting the resolution. But the question is whether the resolution if carried into effect would not have disastrous results. If the resolution is carried into effect and if the Government insist that these wells should be kept open....

Mr. P. G. JOSHI : Will the heavens fall ?

Rao Bahadur S. N. ANGADI : There is no question of the heavens falling or Joshis falling. But I do not think that in practice it would have any salutary effect. Though every one sympathises with the degraded

[Rao Bahadur S. N. Angadi]

condition of the depressed classes the time is not ripe for such a resolution being carried into effect. I hope, Sir, I would not be misunderstood.

The THAKOR of KERWADA: Sir, I remember that a similar resolution was moved by my honourable friend Dr. Paranjpye and it was carried, if I am not mistaken. In view of that fact, I do not think there is any necessity for a resolution of this nature. The resolution was accepted—and though I have not got the papers with me—Government issued instructions to local boards and the local board with which I am connected did receive some resolution or notification or a Press Note in virtue of which the local board issued notices very widely that public places like dharamshalas and wells should be open to everybody without any distinction of caste or creed. We are trying to enforce this as far as we can. But I am sorry to say that the people for one reason or other do not avail themselves of the permission that is being given to them. I really wish, Sir, that those gentlemen who are interested in the social advancement of the country as a whole would induce those classes who have strong objection against the well being used by the depressed classes to forego their objections. Personally I myself and many gentlemen of my community have no objection whatever. We have been taught to be more democratic according to the precepts of Islam. The difficulty would be this. If in spite of this resolution and in spite of the willingness of the local authorities concerned, the depressed classes do not make use of the wells, is it fair that the local board should suffer for it? If the people come to an arrangement, do you think the municipality should be deprived of the benefit of this grant?

If people voluntarily do not choose to take advantage of the permission given to them by a district local board in this respect, then no technical difficulty should be placed in the usual grant being given to that district local board by Government. With this reservation, I am prepared to support the resolution. The local inhabitants should come to some understanding as regards the use of water; they should not make the district local board suffer. If this is acceptable to the mover of the resolution, I am prepared to give him my support.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support this resolution. It is a resolution which ought to commend itself to the acceptance of this House. This House has some time back passed a resolution that members of the depressed classes should be at liberty to use wells, tanks, water-taps, dharamshalas, dispensaries and schools built and conducted and maintained by local bodies, and this resolution recommends to Government not to give any grant to those local bodies which refuse to give effect to that resolution. I beg to submit that if this House passes a resolution, it intends that that resolution should be brought into effect. It is no use to assemble here, spend our time and pass a resolution if it is not going to be given effect to; and when this House has seriously passed a resolution that these wells, tanks, water-taps, dharamshalas, dispensaries and schools built and conducted by such local bodies should be thrown open to all classes of the people, especially to depressed classes, I think, Sir, that once such a resolution

[Rao Bahadur S. T. Kambli]

is passed the House must see that it is put into effect. The honourable mover of this resolution recommends a certain action to be taken by Government and that action is one which will enable the Government to see that the resolution is given effect to by the local bodies of the Presidency. It is a matter of common knowledge that local bodies in this presidency receive various grants from Government and if it is made a condition precedent to the giving of such grants that the resolution passed by this House is brought into operation by the local bodies, I think it will go a great way in enforcing this resolution. It is an accepted principle that, when wells, tanks, water taps and other objects mentioned in this resolution are built at public expense by spending public monies, no member of the public should be prevented from using these things, and if any member of the public is prevented from using any of these objects, certainly he has got a civil right of going to a court of law and to restrain public bodies from preventing him from using them. Everybody who is a tax-payer, every citizen, every inhabitant of a local area in which these things are maintained and conducted by public bodies, has got a right—a civil right—to use them, and I do not think that anything will be gained by local bodies by preventing or conniving at the prevention of any member of the public, even though he is a member of the depressed classes, or whoever he may be, from using such objects. I beg to submit, Sir, that the mover of this resolution is taking a stand which this Council ought to have taken long ago. The very fact that this resolution has not been given effect to by some of the local bodies is a great blot on the administration of local bodies. I found in the pigeon-hole to-day a statement issued by the Government showing the places where members of depressed classes are prevented from attending public schools. I do not see any reason, imaginary or real, why members of depressed classes should be prevented from attending schools which are built out of local funds and which are maintained by local bodies out of local funds, and if the members of the depressed classes are contributing or have been contributing to the local funds, it will be a sheer injustice and it will be a cruelty of the worst sort to prevent them from attending schools. I see in that press note a suggestion (or recommendation or advice) that persuasion should be tried with villagers to allow members of depressed classes to attend schools. I do not see any reason why persuasion only should be used. I beg to submit that here is a case in which coercion must be employed, legal coercion of whatever sort which is necessary for enforcing this resolution. To prevent any member of the public from attending a public school will amount to a denial of exercise of ordinary public rights; nay, it will mean sheer injustice, and sheer illegality. I beg to submit, Sir, that when such cases are brought to the notice of the members of this Council, namely, that members of depressed classes are prevented from attending public (not private) schools, built, maintained and conducted out of public funds, it is clear that there is a pressing necessity to pass this resolution. It may be that the sentiments of certain persons may be injured. It is not a question of mere sentiment, but it is a question of the right of every citizen to attend a public school,

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to draw water from a public well, to drink water at a public water tap, to use a public dharamshala, to receive treatment at a public dispensary and so on without let or hindrance from anybody else so long as these institutions are built out of public funds and maintained and conducted out of public monies. So, I beg to submit that the time has arrived when coercive measures must, if necessary, be employed to force the public bodies such as municipalities and district or taluka local boards to give effect to the resolution passed by this House. It would be nothing more than simply asking them to do what they are bound to do in discharge of their public duties. It is a most imperative duty which the local bodies owe to the public that they should throw open to the public use all wells, tanks, water taps, dharamshalas, dispensaries and schools built and maintained at public expense. In asking, therefore, this Council to pass this resolution, the honourable mover is simply asking it to do an act of sheer justice and to prevent the perpetration and perpetuation of cruelty upon a very large section of the people whose welfare we are bound to protect. It has often been urged in this Council on several occasions that this Council should take special interest in the welfare of the helpless depressed classes, and towards the achievement of this end a provision was made in the recently passed Local Boards Act of 1923, reserving a special seat for members of the depressed classes in the group of nominated members. Such being the anxiety and the solicitude shown by this House, I beg to submit that this House will not in any way go wrong in accepting this resolution. As I said, this resolution does not ask for any favour but asks this Council to take steps to do an act of simple justice and in order to compel local bodies to give effect to a righteous resolution previously passed by this House; it is asking Government to adopt certain measures to force recalcitrant local bodies to perform a simple duty which they are bound to perform under the Local Government Acts.

With these words, I commend this resolution to the acceptance of this House.

Mr. NOOR MAHOMED (Hyderabad District): Sir, this is another family quarrel, and I do not know whether I am justified in speaking upon such a subject, but, Sir, I am persuaded to do so on account of the speech that was made by the honourable member in front of me (Rao Bahadur Angadi) who also happens to be the president of a district local board. It seems to me that if there are members of the Non-Brahmin party, who try to get all their rights from the Brahmin party and when the turn comes to give rights to others they refuse to do bare justice to human beings who happen to be, according to them, in a "lower" grade of society, then certainly the Non-Brahmin party is not based on any very great or sure foundations (Hear, Hear). If, Sir, the Non-Brahmin members or any members of the Non-Brahmin party refuse to do mere justice to human beings, as is demanded by this resolution, then I think there is every reason for us to suspect the professions of the members of the higher classes of the Hindu society and of the

[Mr. Noor Mahomed]

Brahmin class. I think the day will not be distant when the people, who are placed by the tyranny of the higher classes into a lower grade of society, even at the present time, will find themselves driven to other religious folds. There will then be no reason at all for the Hindu society to complain that Mahomedan or Christian Missionaries are inducing members of depressed classes to change the religion of their birth. What justification will there be for the Hindu community, which refuses to allow members of depressed classes to use wells, public wells, not private wells, built out of public funds, at this time of day, to claim rights and more rights from the Government? If the Hindu society refuses to allow other human beings, fellow creatures at that, to attend public schools and if the Hindu society persists in continuing to put the depressed classes into the lowest grade of humanity in the present day, when the president of a district local board representing so many lakhs of people in this House refuses to allow his fellow brothers bare elementary human right of having water to drink, what right have they to ask for more rights from the bureaucracy? I do not think it is right to ask for rights and when their own turn comes to give to others they should fight shy of doing a duty which one human being owes to another.

Before we accuse people coming from other lands, we should see how we ourselves behave towards our own people. It is a matter of shame that we should have these weaknesses and be compelled to speak of them. We, Sir, who belong to non-Hindu communities can exercise better judgment on questions like the one before the House. I think we will all be justified in asking Government to accept this resolution at once. I think the Mahomedan Minister in charge of the portfolio of local self-government will be doing a splendid act by accepting this resolution and giving effect to it. In Sind, Sir, we Hindus and Mahomedans are free from this question of untouchability. Even bhungis and high class people will draw water from the same well and read in the same class. It is a great shame that the people of the Deccan should not allow a low class man to draw water from public wells specially when there is scarcity of water. How can they consistently ask for greater political rights when they themselves deny elementary rights of human beings. It is time that we should mend ourselves. I trust all of us will vote for this resolution.

Mr. A. N. SURVE (Bombay City, North): Sir, when this resolution was moved at the last session, I had moved an amendment to the following effect:

"Omit the words following the word 'schools' in the last line and substitute therefor the following:

'which are built and maintained out of public funds or are administered by bodies appointed by Government or administered by statute'."

This amendment was accepted by the honourable mover, Mr. Bole. I was under the impression that the resolution would be considered to-day to be amended by my amendment.

The Honourable the PRESIDENT: Order, order. The motion before the House will be as it stood on the last occasion. The motion before the House is:

"This Council recommends to Government not to give any grant to the municipalities and local boards which refuse to give effect to the resolution passed by this Council allowing to the members of the depressed classes the use of wells, tanks, water-taps, dharamashallas, dispensaries and schools which are built and maintained out of public funds or are administered by bodies appointed by Government or created by statute."

That is the form in which the resolution is being discussed.

The Honourable Sir GHULAM HUSSAIN: Sir, I am not wanting in sympathy for the depressed classes. I have advanced their rights much more than any one else in this House. (An Honourable Member: Self-praise). I well deserve it. Others may have spoken on the platform for greater rights for the depressed classes, but I have actually given them such rights by statute. Every day of my life, I fight the cause of the depressed classes. In the local bodies we have nominated them, and there cannot be a greater proof of my love and regard for the depressed classes. Moreover, I belong to a religion which knows no caste nor creed. Again, I come from a province which, including the Hindus, does not recognise any distinction between the depressed and advanced classes.

I would very much like that the depressed classes should be given the free use of these places mentioned in the resolution. That is why I accepted your last resolution and sent a copy of it to all the local bodies. Now, I want to place all the facts before the House to show how far the local bodies have given effect to it. Let us first of all take the dispensaries, dharamshalas and school buildings, maintained out of the public funds. No local body, so far as I know, has refused admission to the depressed classes to these places. As to the wells, tanks and water-taps, the resolution has been given effect to by a very large number of district local boards and municipalities. I shall read out the names of the local bodies that have allowed the depressed classes the use of these places: Broach, Surat, Dharwar, Belgaum, Kolaba, Ratnagiri, Kanara, West Khandesh (so far as possible), East Khandesh, Bombay Suburban district, the whole of Sind, Ahmedabad, Kaira. These are the district local boards that have agreed to give effect to this resolution. That shows that we have not made small progress in the matter. Coming to the municipalities, a very large number of them have accepted even the other part of the resolution relating to tanks, etc.

The next important point is that we have now representatives of the depressed classes on the local bodies. After the new Acts, the representatives of the backward classes have captured a large number of seats on the local bodies which are predominantly elected. So, I think that, instead of wasting their enthusiasm in this House, it would be much better if this cry were raised in the local bodies concerned. They are the representatives of the people and can compel the board concerned to give effect to this resolution.

As the resolution stands, another difficulty that presents itself to me is this. The resolution says, "Do away with the grant". Now, certain grants are given to the local bodies under statutes. Suppose th

[Sir Ghulam Hussain]

Council passes the resolution and we stop the grants, those local bodies can go to the courts and sue for those grants. How is this Council going to meet the situation ?

Mr. H. B. SHIVDASANI : What are those grants ?

The Honourable Sir GHULAM HUSSAIN : Under the Primary Education Act, we have to give the local boards two-thirds of their total expenditure on primary education, and the municipalities half the total expenditure. Take again another grant—the grant for health officers and chief officers. Under the statute, we have to give them those grants. What are we to do in those cases ? Suppose we say “ We shall not give you the grants which we have to give you under the statutes,” what will be the position of Government ? The local bodies will go to the courts and get the grants.

Well, I, as a Minister, ought to welcome this resolution. You are giving me additional powers. In addition to the bludgeon powers which we have in the case of any refractory municipality or local board, you want to give this further power to Government, which they never had before. For, you say “ If we misbehave, take away our grants altogether.” Again, what do you want from these local bodies ? You want to exact submission by starving them. I think that is hardly fair. You ought to use persuasion with them. So far, most of the municipalities have given effect to the resolution of this Council.

Again, there will be another question. The local bodies have complete internal autonomy. What business has this House to interfere with their internal autonomy ? It is all very well to pass the resolution ; but if Government take action then the very members of this Council will say that Government is interfering.

Then, Sir, the resolution is not a practical proposition. Otherwise, I would have most willingly accepted it. Firstly, we give the local bodies certain grants by statute, and we cannot withhold those grants. Secondly, the course proposed by the resolution would be interfering with the internal autonomy of the local bodies and giving more powers to Government. Hitherto, even in the cases of refractory municipalities and local boards, Government have never punished the local boards or municipalities by refusing them grants. Now, honourable members want to give Government this additional power. It is for them to decide. It is more or less a question of forcing the representatives of the people in the local bodies, and by means which are most questionable and undesirable.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Mr. President, I entirely agree with what the Honourable Minister has just now said. Everybody will sympathise with the object of the mover of the resolution, but there are practical difficulties I can myself see. When we passed a resolution according to the recommendations of the Legislative Council that all the taps and wells should be kept open for the depressed classes, the depressed classes themselves had not the courage to go to those taps and wells as people would not allow them to go there.

[Mr. G. B. Pradhan]

Am I to understand from this, that we have refused to give effect to the resolution? We did resolve that the resolution suggested by Government should be accepted, but there are actual working difficulties. Now, even before this resolution was passed we did open a school for the depressed classes, and we also resolved that depressed classes students should be free to go to any other school. If the depressed classes did not go, what is the municipality to do? The mover of the resolution wants that the Government should take drastic action against any local body which does not give effect to the resolution. Now, will he be satisfied if a municipality simply passes a motion accepting the resolution? If in actual working, most of the people are not yet prepared and do not allow the depressed classes to utilise any wells or *dharamsulas*, what is the municipality to do?

Now, as regards representation of the depressed classes, I do see that depressed classes are being nominated. There is a member of the depressed classes in our city municipality. So, anything that is possible to be done is being done, and I do not think that any such drastic power should be given to Government to interfere with the autonomy of local bodies. If we do so, local self-government will be a farce. We are being given wider and wider powers, but this resolution seeks to curtail our powers.

Everybody who has got some education does see that the ban against the depressed classes should be removed; that there should be no temptation for them to change their religion. As soon as a Mahar or a Dhed ceases to be a Hindu he is admitted into the streets. Everybody knows that. Everybody knows that that is a temptation for them to change their religion. So, everybody who has got some education is ready and willing to extend his sympathy towards these classes. But there are difficulties in the working.

The resolution as it is worded should not be accepted. If the mover of the resolution merely seeks to make a recommendation to the local bodies that all these institutions should be kept open to the depressed classes, we are quite ready and willing to accept the resolution. But we cannot possibly agree with the view that if a certain resolution is not carried out by a local board or municipality, the grants to that local board or municipality should be stopped. That is a proposition to which certainly I cannot subscribe.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, the Honourable Minister has made rather a chilling speech. He has said that certain municipalities and district boards have already accepted the resolution, that was passed three years ago and that in the case of others there were difficulties. Now, I want to ask him and I want to ask the House, if three years ago a resolution was passed and it is a dead letter and Government did nothing to carry the same into effect then what is the use of their lip sympathies with the depressed classes. I will give you an instance.

THE THAKOR OF KERWADA: Sir, the honourable member says that it is a dead letter. It is not a dead letter: it has been given effect to.

MOULVI RAFIUDDIN AHMAD : I have said it is a dead letter for this reason. Member after member has spoken here and told us that the municipalities and the local boards were unable to give effect to them. The only inference seems to be that time and education will produce evolution ; and then only the lot of the depressed classes will improve. Until then, nothing can be done. Sir, I desire that some speedy measures should be undertaken in their behalf. I maintain here that the greatest sympathy for the depressed classes is shown by the Mahomedans. I will give you an instance. I went to a Collector some years ago, and I was told that there was a school for the depressed classes to which no Brahmin liked to go nor any non-Brahmin either ; and at last only a Mahomedan consented to go there. But I want Government to go a little further. It is not so much the wording of the resolution, as the spirit of it which I ask the Honourable Minister to carry out. I want him to take power from the House for the purpose but I am sorry to say he says, no more power should be given to Government. The right course for him would have been to be neutral and let the House do what it likes with the resolution. It is only a recommendation, after all, and it is not binding upon him. Why should he think this resolution would be binding, when he knows that several of the resolutions that are carried in this House are not binding. But we know the result of passing this resolution would be a check upon the local bodies and its moral effect would be very great.

I have heard the honourable member for Thana (Mr. G. B. Pradhan). What he says is this : " what is the use of passing this resolution ? " Then, what are we to do ? I ask him, if he has suggested any amendment. Does he wish to see that the present condition of things should go on ? Is there nothing which this House could do which will show in a practical manner their sympathy for the depressed classes ? If the Honourable Minister cannot accept the resolution in its present form, would he suggest some amendment which he could accept ? If the resolution is rejected, the municipalities and local boards will consider themselves free to act as they like and they will be in a position to quote the indifference of the Legislative Council, and the depressed classes will be deprived of even the moral support of this House. The depressed classes are no doubt exceedingly grateful to the Honourable Minister for giving representation to them by nomination. But what is the position of their member in a Board ? He does not carry much weight ; unless Government supports this resolution public opinion will be further hardened against the depressed classes. There was so much humanity shown to animals in this House an hour ago ; here are human beings treated worse than animals and yet there is no demonstration of humanity for them. I want this resolution to be passed. If it cannot be done in the form in which it stands, then I want some amendment to be suggested. I want the Honourable Minister to suggest something, or to accept a recommendation in some form, so that the House should show their sympathy towards these depressed classes, in a manner which would prevent local bodies from treating

[Moulvi Rofiuddin Ahmad]

as a dead letter the recommendation of this Council. With these words, I support the resolution.

The Honourable Mr. COWASJI JEHangIR : Sir, I must say, when I saw this resolution on paper, I did not expect such an interesting debate, and I am tempted to say a few words on account of the speech made by my honourable friend opposite, and my honourable friend who happens to be chairman of a local board. We have all expressed sympathy for the depressed classes in the House—Mahomedans, Brahmins, non-Brahmins, Parsis and Europeans—but when it comes to a question of putting our sympathy into practice, we generally find that there are difficulties, which we are not always prepared to face. What my honourable friend the Minister, I think, meant to say was that a large number of municipalities and local boards had passed resolutions supporting the resolution passed by this House, but those resolutions remain mere paper resolutions, because of the orthodoxy of a large number of people. The people themselves refuse to put the resolution into effect, and that the local boards and municipalities had no statutory power to compel the people to follow the resolution passed by this House and supported by the municipalities and local boards themselves. I am afraid that this resolution, even if it is passed, is likely to be another paper resolution, and that is.

Mr. P. G. JOSHI : I rise to a point of order. I should like to know, if it is not in the power of the Government to accept the resolution, whether the resolution would be in order. The resolution recommends that the grant should be refused, and there are no powers in the Government to refuse the grants, because there are statutory obligations. Therefore I think this resolution would not be in order.

The Honourable the PRESIDENT : The resolution is perfectly in order.

The Honourable Mr. COWASJI JEHangIR : I was just coming to the point raised by my honourable friend Mr. Joshi. This resolution, as it stands, must remain a paper resolution, unless this Council is prepared to allow Government to bring in amendments to many statutes which compel Government to give the local bodies financial assistance. They are bound to give this financial assistance, and the House will have to allow Government to amend these Acts to give power to Government, to withhold these grants, if the municipalities and local boards refuse to put this resolution into effect.

Now, there are two things, which the local bodies can do immediately. They can first pass resolutions supporting the resolution passed by this House. May I ask my honourable friend from Thana (Mr. Pradhan) why it is that every municipality has not passed such a resolution? Leaving aside the question whether they can put it into effect or not, why have they not shown even lip-sympathy? I think that is a question which this House has a right to ask the municipalities and local boards. Even if they realise, as my honourable friend the chairman of the Thana

[Mr. Cowasji Jehangir]

municipality has realised, that such a resolution passed by the municipalities will be ineffective, still he has shown lip-sympathy, which the next generation will see is put into effect. But if there are municipalities and local boards which refuse to-day to extend even lip-sympathy, can we expect from the next generation more than lip-sympathy? Therefore, what I think my honourable friend Mr. Bole wants is that every municipality and every local board should at least give lip-sympathy now. And why should municipalities refuse to pass such a resolution? That is the question. If my honourable friend is not prepared to answer that question, I hope somebody else will answer it, but I want an answer to that question. Why are there so many municipalities to-day in this presidency which have not a majority which will stand up and say "we at least of this municipality are prepared to allow the depressed classes to share in the amenities that we provide". I think it is a disgrace that there should be any municipalities or any local boards which refuse by a majority at least to say that they are prepared to do so. They may not be able to put their liberal ideas into effect. Government have very often liberal ideas which they cannot put into effect. I am not complaining against the local bodies not being able to put them into effect, but I do complain, not as a Member of Government but as a citizen of Bombay and of the presidency, that there should be any municipality or any local board which, by a majority, should refuse to pass a resolution of this sort. And it is to compel the municipalities that we pass these resolutions. We further hope that even if we are not able in the present generation, at least in the next generation we will be able to put the resolutions into effect. I submit, therefore, that though this resolution as it stands is impracticable because it does not authorise Government to bring in any legislation to compel the municipalities to put it into effect, and although I know very well that when Government brings in such a bill, although there will be a majority to pass this resolution, it will be very difficult to pass any legislation, which will compel any municipality to put the resolution into effect, still I think at least a moral pressure should be put upon those municipalities who have refused to give effect to the wishes of this honourable House.

Mr. H. B. SHIVDASANI (Surat District): Sir, we were all very much disappointed to hear the speech of the Honourable Minister for Local Self-Government. If he had merely followed the spirit of the resolution, the honourable mover of the resolution would have been, I think, quite satisfied. Government give two kinds of grants to the local bodies. They give certain grants which they are compelled to give under statute and there are other grants which are discretionary grants, and the amount which the Government give as discretionary grants is not an insignificant one. I believe that in the last budget the grants (discretionary) to local boards amounted to about Rs. 19,00,000. Now, if the Honourable Minister had accepted the spirit of the resolution and agreed not to give discretionary grants to those local bodies who refuse to allow depressed classes to make use of wells, etc., he would have met

[Mr. H. B. Shivdasani]

the honourable mover of the resolution in the spirit if not in the letter of his motion. He has tried to excuse himself by talking of internal autonomy. Of course, Government have given some autonomy to local bodies but it is within restricted limits. Local bodies are not completely self-governing and they have not got internal autonomy in the widest possible sense. Under many sections of the Act they are under the control of the district officers. Therefore, it need not be a matter of surprise if Government lays down certain principles for the guidance of the local bodies. I may say Government in all countries lays down certain broad principles which are to be followed by the local bodies. It is no reply to say that the local bodies are autonomous; for, they are autonomous within certain limits but have to carry out some broad principles which are laid down by Government. The Honourable Minister says it would amount to punishing the local bodies. Of course, if they refuse to move with the times, Government should take certain measure with a view not to punish them, but with a view to improve them. It can hardly be called punishing them. Moreover, it is desirable in a matter of this sort that there should be uniform practice in the whole of this presidency, and so, if we leave it to the representatives of each local body to decide for themselves as they like, it would not lead to this result. The honourable member for Thana told us that, in some cases, though the local bodies passed the resolution, the representatives of the depressed classes themselves have not the courage to make use of those facilities. That only shows how much *zoolum* the higher classes have been doing on the depressed classes. And, if that is so, there is the greater reason for enforcing this resolution in those areas. (An Honourable Member: In what way?) If a municipality or local body passes a resolution, it will have complied with the resolution of the honourable mover. The resolution merely requires that the local body should allow the depressed class members the use of wells, etc. If a resolution of that kind is passed, they will have complied with this resolution and they need not be afraid that the grant would be taken away. Of course, there may be practical difficulties, but there will be practical difficulties in carrying out any and every reform. But all those difficulties must be overcome. I think the British Government have followed a very timid policy in this presidency. They have refused to take part in any social legislation. Probably, being an alien Government, they were afraid that they would be accused of tampering with the religion of the various communities. In spite of the Proclamation of Queen Victoria about equality between the different classes and communities, Government have not given practical effect to it. In local boards I know there will be great prejudice from the orthodox communities in the local bodies and such opinions take a long time to change. But they have had a sufficiently long time to move with the times. The resolution was passed four or five years back, and still if after the lapse of five years the local bodies have not passed a resolution to allow the depressed classes to make use of the wells, and are not prepared to pass such a resolution, I think it is quite necessary and

[Mr. H. B. Shi. dasani]

desirable that Government should in such cases make use of their power of refusing discretionary grants. The resolution does not give to Government any power which Government does not already possess, but only asks Government to use that power in a particular manner, and I hope that the Honourable Minister will actively carry out the resolution and will see that all the local bodies do allow the depressed classes to make use of the wells, dharamshallas, etc.

Dr. R. P. PARANJPYE (Bombay University): Mr. President, I wish to move the following amendment to this resolution :

"For the words 'not to give any grant to the municipalities and local boards' substitute the words 'to reduce any discretionary grants that are paid to municipalities and local boards in the case of those bodies'."

If you will kindly allow me to move it, I will do so. The effect of my resolution will be.....

The Honourable the PRESIDENT: The honourable member might read the whole resolution as it will read if his amendment were allowed.

Dr. R. P. PARANJPYE: My resolution will begin in this manner :

"This Council recommends to Government to reduce any discretionary grants that are paid to municipalities and local boards in the case of those local bodies which refuse to give effect to the resolution passed."

The Honourable the PRESIDENT: I think the honourable member had better make his observations to-morrow. Before I adjourn the House, I should like to inform honourable members that His Excellency the Governor intends to come here at 6-40 p.m. to-morrow and prorogue the Council.

The House will now adjourn till half past one on Friday, the 6th August 1926.

6 AUG. 1926]

Friday, the 6th August 1926

The Council re-assembled at the Council Hall, Poona, at 1-30 p.m. on Friday, the 6th August 1926, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb
 ABDULPURKAR, Mr. N. A.
 ADAM, Mr. C. G.
 ADDYMAN, Mr. J.
 ADWANI, Mr. D. B.
 AHMAD, MOULVI RAFIUDDIN
 ANDERSON, Mr. F. G. H.
 ANGADI, Rao Bahadur S. N.
 BALAK RAM, Mr.
 BEDREKAR, Khan Bahadur I. M.
 BHOPATKAR, Mr. L. B.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb SHEER MAHOMED KHAN
 BOLE, Mr. S. K.
 BUNTER, Mr. J. P.
 CHATFIELD, Mr. G. E.
 CHAUDHARI, Mr. L. S.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Sir VASANTRAO A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. A. R.
 DALVI, Mr. B. K.
 DEHLAVI, the Honourable Mr. A. M. K.
 DESAI, Rao Saheb D. P.
 DEV, Mr. S. S.
 DUGUID, Mr. A.
 FRAMJI, Mr. K. S.
 GANDHI, Mr. C. M.
 GHULAM HUSSAIN, the Honourable Sir
 GUNJAL, Mr. N. R.
 HAJI KHAMISO GUL MAHOMED
 HAMID M. ABDUL ALI, Mr.
 HARRISON, Mr. R. T.
 HATCH, Mr. G. W.
 HOTSON, the Honourable Mr. J. E. B.
 JADHAV, the Honourable Mr. B. V.

JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Rao Bahadur S. T.
KARKI, Mr. M. D.
KAY, Mr. J. A.
KAZI INAITULLAKHAN
KHUHRO, Mr. M. S.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
LOWSLEY, Mr. C. O.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MEHTA, the Honourable Sir CHUNILAL
MUJUMDAR, Sardar G. N.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
PAHALAJANI, Mr. B. G.
PARANJPYE, Dr. R. P.
PATEL, Mr. A. E.
PATHAN, Khan Bahadur JAN MAHOMED KHAN
PATHAN, Mr. A. F. I. K.
PATIL, Mr. D. R.
Pir RASULBAKSH SHAH, Khan Saheb
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PUNJABHAI THAKERSI, Mr.
RAHIMTOOLA, Mr. HOOSENALLY M.
RIEU, the Honourable Mr. J. L.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAI, Mr. S. A.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKOR of AMOD, the
THAKOR of KERWADA, the
THOMAS, Mr. G. A.
TURNER, Mr. C. W. A.
VELKAR, Dr. M. B.
WEBB, Mr. M.
WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order, Questions.

AIDED SCHOOLS AND MISSION SCHOOLS AT SHOLAPUR : GRANTS

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

- (a) the names of the Mission Schools and other educational institutions in Sholapur to which grants were given in 1924-25 and 1925-26 ;
- (b) the amounts given as grants to each of them in said years ;
- (c) the incidence of the grants per pupil in each school and institution ?

The Honourable Mr. B. V. JADHAV : (a) to (c) The accompanying statement gives the required information.*

DEPRESSED CLASS GOVERNMENT SERVANTS, SHOLAPUR DISTRICT

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state what is the number of depressed class Government servants in the Public Works, Police, Revenue, Judicial and Education Departments of the Sholapur district ?

The Honourable Sir CHUNILAL MEHTA :

Revenue Department	..	} Nil.
Judicial Department	..	
Police Department	..	

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Public Works and Education Information has been called for. Departments.

The Honourable Sir CHUNILAL MEHTA : I would like to add, since the above reply was printed we have received information from the Public Works Department that the number of depressed class Government servants is 2.

HISTORICAL RESEARCH SOCIETIES

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to state—

- (a) how many Historical Research Societies there are in the Presidency ;
- (b) what are their headquarters ;
- (c) whether they are aware that the Bharat-Itihas-Samshodhak Mandal of Poona has been doing very useful service in the cause of history by collecting, preserving and publishing important historical material ;
- (d) whether any of these societies receive any pecuniary help from Government, if so, what ?

†The Honourable Mr. B. V. JADHAV : (a) Four.

(b) Bombay, Poona and Dhulia.

(c) It is reported that the Mandal is doing useful work in historical research.

(d) Two societies receive grants from Government but these are not paid for historical research. The amounts of the grants are Rs. 21,000 and Rs. 3,600.

* Kept in the Secretary's office.

† Vide also page 734.

Mr. S. S. DEV : With regard to (d) which are the societies which receive grants from Government ?

The Honourable Mr. B. V. JADHAV : The Bombay Royal Asiatic Society.

Mr. S. S. DEV : Are the grants annual ?

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

MOULVI RAFIUDDIN : May I know whether it is for historical research that grants are paid to these societies ?

The Honourable Mr. B. V. JADHAV : The amounts are not paid for historical research only.

Mr. R. G. PRADHAN : Is the Royal Asiatic Society a society for historical research ?

The Honourable Mr. B. V. JADHAV : (Inaudible.)

Sardar G. N. MUJUMDAR : May I know the second institution which receives the grant from Government ?

The Honourable Mr. B. V. JADHAV : I do not remember just now.

ANNEWARI, SHOLAPUR DISTRICT

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased to give in a tabular form the "Annewari" valuation of the principal crops of the Sholapur district ?

The Honourable Mr. J. L. RIEU : A statement containing the requisite information is placed on the Council table.*

ANNEWARI AND LAND REVENUE SUSPENSION, SHOLAPUR DISTRICT

Mr. N. A. ABDULPURKAR (Sholapur City) : Will Government be pleased—

(a) to place on the Council table a statement as to the annewari of crops in the several groups of the talukas in the Sholapur district for the year 1925-26 ;

(b) to state in what villages of the Sholapur district suspension of the whole land revenue due for the current year has been ordered :

(c) to state whether the annewari assessed by the taluka officers has been checked by the superior officers and found to be correct ;

(d) to state whether it is a fact that both the kharif and the rabi crops are much below the normal in almost all the talukas of the Sholapur district ?

The Honourable Mr. J. L. RIEU : (a) A statement showing the annewari of crops by number of villages in each taluka is placed on the Council table.*

(b) In the villages of Karola and Umbre.

(c) Yes. It was corrected where necessary.

(d) No.

* Kept in the Secretary's office.

NASIK MUNICIPALITY AND ROAD LIGHTS

Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

- (a) the distance between Nasik City and railway station;
- (b) how many municipal or local light stands there are on the said road;
- (c) whether they are aware that great inconvenience is felt by the public, owing to there being no lights on the road between Nasik City and railway station;
- (d) if so, what steps they intend to take in the matter?

The Honourable Sir GHULAM HUSSAIN : (a) 5½ miles.

(b) There are no Municipal or P. W. D. lights on the road beyond municipal limits. Within municipal limits, lights have been provided in the inhabited parts of the road.

(c) No complaints of this sort have been received so far.

(d) This question does not arise.

HISTORICAL RESEARCH SOCIETIES

*The Honourable Mr. B. V. JADHAV : I am sorry I made a mistake in giving a reply to Mr. Abdulpurkar's question about grants to historical societies. The sum of Rs. 21,000 is given to the Bhandarkar Research Institute in Poona and Rs. 3,600 to the Royal Asiatic Society.

EKruk TANK, SHOLAPUR

Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state the result of Mr. Cowasji Jehangir's recent visit to Sholapur in connection with the grievances of the Irrigators of the Sholapur district owing to Ekruk tank water being stopped for sugarcane and allied crops for the last five years?

The Honourable Mr. COWASJI JEHANGIR: The matter is under consideration.

Mr. N. A. ABDULPURKAR: How many days Government will take for consideration?

The Honourable Mr. COWASJI JEHANGIR: The question is rather complicated and I would try to dispose of the matter as soon as possible.

CATTLE BREEDING DEPOT, SHOLAPUR

Mr. N. A. ABDULPURKAR (Sholapur City): Will Government be pleased to state—

- (a) whether they have received any proposal from the Agricultural Department for opening a Khilar Cattle Breeding farm at Sholapur;
- (b) whether it is a fact that they have selected the Motibag and Butramana sites at Sholapur for the proposed farm;
- (c) if so, when they intend to open the farm?

The Honourable Mr. A. M. K. DEHLAVI: (a) No.

(b) and (c) Do not arise.

HOUSING PROBLEM, RATNAGIRI DISTRICT

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

(a) whether they have received any resolution from the Hotkari Bhandari Shikshan Sangh of Vengurla in the Ratnagiri district regarding the housing problem ;

(b) if the answer is in the affirmative, what they intend to do in the matter ?

The Honourable Sir GHULAM HUSSAIN : Enquiry is being made.

DEPRESSED CLASS HOSTEL, POONA

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

(a) whether the depressed hostel at Poona is permanent ;

(b) whether the present incumbent of the post of Superintendent is permanent and entitled to pension ?

The Honourable Mr. B. V. JADHAV : (a) There can be no guarantee that the hostel will be continued indefinitely.

(b) The present incumbent is a permanent servant of Government, though not in the Educational Department ; as such he is entitled to pension under the ordinary rules.

DEPRESSED CLASS HOSTELS—GRANTS-IN-AID

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

(a) whether they give any grant to private hostels started for depressed class students in the Presidency ;

(b) if the answer is in the affirmative, to what hostels ?

The Honourable Mr. B. V. JADHAV : (a) Yes, although not regularly in all cases.

(b) (i) The Depressed Classes Mission Hostels at Poona and Parel (Bombay).

(ii) The Shri Shahu Chhatrapati Boarding House for the Depressed Classes at Nasik.

KHOTI VILLAGE TENANTS, KOLABA DISTRICT

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

(a) whether they have received any representation from the tenants in the Khoti villages of the Kolaba district ;

(b) if the answer is in the affirmative, what steps they intend to take in order to redress the grievances of the tenants ?

The Honourable Mr. J. L. RIEU : (a) No. The Collector of Kolaba interviewed representatives of the Khoti tenants of the Mangaon taluka in April last, who were instructed to attempt settlement on certain lines suggested by the Collector and to communicate to him the results. Nothing has since been heard from the tenants. The attention of the Honourable Member is however invited to Government Resolution No. L.C.—2083, dated 21st July 1926, regarding report on enquiry into the alleged grievances of tenants in the districts of Ratnagiri and Kolaba, which has been supplied to him.

(b) Does not arise.

KHOTI VILLAGE TENANTS, KOLABA AND RATNAGIRI DISTRICTS

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

(a) whether the Commissioner, Southern Division, has submitted a report of the enquiry that he made regarding the grievances of the Khoti tenants in the Ratnagiri and Kolaba districts ;

(b) if so, whether they intend to publish the report ;

(c) whether they intend to take any steps in the light of the report ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) and (c) The attention of the Honourable Member is invited to Government Resolution No. L.C.—2083, dated 21st July 1926, a copy of which has been supplied to him.

Mr. S. K. BOLE : Do Government intend to frame a tenancy bill as recommended by the Commissioner, Southern Division, for the protection of the tenants ?

The Honourable Mr. J. L. RIEU : The matter is under the consideration of Government.

GRANTS TO THE SHRI SOMVANSHIYA SHIKSHAN K. V. FUND

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

(a) whether they have received a representation from the honorary secretary, Shri Somvanshiya Shikshan K. V. Fund, Nasik, requesting payment of an annual grant and a building grant ;

(b) if so, what they have done in the matter ?

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

(b) The representation is under the consideration of Government. A maintenance grant of Rs. 388 was sanctioned last year (1925-26) for the hostel for depressed class students maintained by the Managing Committee of the Fund.

WATER SUPPLY, ISLAMPUR

Khan Bahadur D. B. COOPER (Satara District) : Will Government be pleased to state—

(a) whether they are aware of the fact that the people of Islampur approached Government for the first time for getting a supply of drinking water so far back as in the year 1881 ;

(b) whether it is a fact that the municipality under the advice of the Collector of Satara and the Commissioner, Central Division, in the year 1911, raised its income to enable it to bear the burden of the water works expenditure, by raising the house tax and levying special sanitary cess, the wheel tax and the toll tax ;

(c) what is the extra amount so collected from the people every year during the past fifteen years ;

(d) what relief the people have got for the extra tax paid by them ;

(e) whether the attention of Government was particularly drawn to the sufferings of the people of Islampur owing to their not getting sufficient drinking water, in the year 1914, by the Honourable Mr. Annasaheb Patwardhan, a member of the Legislative Council ;

(f) whether they took any action in the matter and, if not, why not ;
 (g) when the Islampur Municipality approached Government for help to commence the work after the period of the Great War was over ;

(h) what help Government have given to the Municipality in the matter uptil now ;

(i) when they expect to come to a final decision on the question of water supply for Islampur town which was raised 46 years ago ?

The Honourable Sir GHULAM HUSSAIN : (a), (b), (c), (d), (e), (f), (g), (h) and (i) : Information has been called for.

TODDY IMPORTATION INTO BOMBAY CITY

Sir VASANTRAO A. DABHOLKAR : Will Government be pleased to state—

(a) whether it is a fact that they propose to import toddy into the City of Bombay from Sanjan and other places ;

(b) whether it is a fact that if toddy is brought from such places which are at some distance from the city it will be fermented ;

(c) whether it is a fact that it is against abkari rules to allow fermented toddy to be sold ; and

(d) if the answer to (a) is in the affirmative, the reasons for bringing toddy into Bombay from such long distances ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes. The proposals are under consideration.

(b) Yes, it will be somewhat fermented but not more so than the toddy from the present sources of supply.

(c) No.

(d) It is proposed to allow the transport of toddy to the City of Bombay from the Umbergaon Peta in the Thana District as this will provide a good outlet for toddy that is now going to waste at Umbergaon and will provide Bombay with a fresh supply of toddy. The grant of the proposed concession will also remove a base which is beginning to be used for illicit distillation.

Sir VASANTRAO A. DABHOLKAR : With regard to (b) may I know where the present supply of toddy comes from ?

The Honourable Mr. A. M. K. DEHLAVI : From Bombay and round about.

Mr. H. B. SHIVDASANI : Do Government regard toddy as a very useful article of consumption ?

The Honourable Mr. A. M. K. DEHLAVI : The question does not arise.

Mr. H. B. SHIVDASANI : From your reply to (d) it appears you consider it is a very useful article of consumption.

The Honourable Mr. A. M. K. DEHLAVI : The question does not arise.

Rao Saheb D. P. DESAI : Why is it supplied from Umbergaon Petha ?

The Honourable Mr. A. M. K. DEHLAVI : Because there is a shortage in Bombay and there is a surplus at Umbergaon.

Sir VASANTRAO A DABHOLKAR : How does it concern Government if it goes to waste ?

The Honourable Mr. A. M. K. DEHLAVI : It becomes a base for illicit distillation.

Sir VASANTRAO A DABHOLKAR : In reply to a question in the 11th list Government say that prohibition is their goal. Is bringing toddy in larger quantities from outside going to lead them to that goal ?

The Honourable Mr. A. M. K. DEHLAVI : Yes, I am not going against the policy in the readjustment of things.

COUNTRY LIQUOR SHOP AUCTION, AHMEDABAD

Dr. K. E. DADACHANJI (Bombay City, South) : Will Government be pleased to state—

(a) on what date the country liquor shops at Ahmedabad were put up for auction ;

(b) who were the successful bidders ;

(c) whether any complaint was made to the Collector by any one about malpractices or any irregularity at the time of the auction ;

(d) whether it is a fact that one Naoroji Fakirji (Framji ?) sent a complaint to the Government after the shops had been knocked down to successful bidders ;

(e) whether it is a fact that Mr. Naoroji Framji offered double the amount of that fetched at the auction if the shops were given to him ;

(f) whether it is a fact that the licenses were cancelled by the order of Government after they had been signed, sealed and delivered ? If so, what are the reasons for the cancellation of the licenses ?

The Honourable Mr. A. M. K. DEHLAVI : (a) On 15th February 1926 for the first time.

(b) The names of successful bidders are mentioned below :—

Name of shop.	Name of bidder.
1. Madhavpura	.. Mr. Burjorji Bejanji Fanibanda.
2. Railway	.. Mr. Edulji Rustomji Fanibanda.
3. Chudi Ol	.. Do. do.
4. Market	.. Bai Hirabai, widow of Mr. Darasha Shapurji Desai, and Mr. Rustomji Darasha Desai.
5. Raipur	{ Mr. Phirozshaw Behramji Basla. Mr. Jehangirji Nawroji Daruwala. Mr. Cowasji Ardeshir Anklesaria. Mr. Nasarwanji Hiraji Anklesaria.
6. Behrampur	
7. Saraspur	

(c) Government have no information.

(d) Yes.

(e) Yes.

(f) Yes. The licenses were cancelled because, in the opinion of Government, the vend fees received were too low, probably as a result of combination among bidders.

**COUNTRY LIQUOR AUCTION, AHMEDABAD : COMPLAINT
BY MR. FRAMJI**

Dr. K. E. DADACHANJI (Bombay City, South): Will Government be pleased to state—

(a) whether it is a fact that the licensees of the country liquor shops at Ahmedabad asked for a public inquiry into the complaints made against them ;

(b) whether it is a fact that public enquiry was denied to them, and, if so, the reasons for denying the inquiry ;

(c) whether the Collector had made any report adverse to the licensees ;

(d) whether any complaint was made against them by the Inspector of Excise ? If so, what the complaints were ?

(e) whether they referred the complaint of Mr. Naoroji Framji to the Collector for report ;

(f) if so, will they be pleased to lay on the table the correspondence that passed between them and the Collector ;

(g) whether it is a fact that Mr. Naoroji Framji wrote to Government asking for a reward for his services ?

Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) Yes. The inquiry was denied as Government considered that no useful purpose would be served by holding an inquiry.

(c) No.

(d) None, so far as Government are aware.

(e) Yes.

(f) Government do not think that any useful purpose will be served by placing the correspondence in question on the Council Table.

(g) Yes.

Dr. K. E. DADACHANJI : Was any reward given to Mr. Nowroji Framji ?

The Honourable Mr. A. M. K. DEHLAVI : None.

Mr. P. G. JOSHI : What were the services for which reward was asked for ?

(No reply.)

THE HAFKINE INSTITUTE

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

(a) whether the officers of the Hafkine Institute, at Parel, are permitted practice outside the legitimate activities of the Research Institute ;

(b) whether it is a fact that they have been utilising the resources of the Institute for their private work ;

(c) whether it is a fact that the Secretary of State for India has debarred officers of the Institute from such practice;

(d) whether they are aware that such or similar practices or use of public resources have been considered by them as incompatible with the interests of all true research and the aims of the Haffkine Institute;

(e) whether they are aware that there is already great public dissatisfaction against these practices?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

EDUCATIONAL SERVICE: VACANCIES

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

(a) the number of selection posts vacant in the subordinate educational service;

(b) the dates when each such vacancy occurred and the reasons for not filling it up?

The Honourable Mr. B. V. JADHAV: (a) Four (i) two in the Teaching Branch (Women) and (ii) two in the Inspecting Branch.

(b) The posts mentioned in (a) (i) have been kept vacant for want of suitable lady graduate teachers because of the large proportion of higher appointments for women teachers; those mentioned in (a) (ii) have been kept vacant owing to the uncertainty which at present exists, owing to the transfer of control of primary education to the District Local Boards, as to the strength of the cadre in future. Government do not consider that any useful purpose would be served by calling for information of the dates of the vacancies.

FILM CENSORS: APPOINTMENT AND EMOLUMENTS

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

(1) the names of the persons appointed as members of the Board of Film Censors in the City of Bombay;

(2) the fees given to each of them for attendance at the meetings of the said Board;

(3) the fees given for the examination of the films to the members after they are examined by the Inspector;

(4) whether the members of the Board are elected, if so, by whom? If not, by whom they are appointed?

The Honourable Mr. J. E. B. HOTSON: (1) The members of the Board of Film Censors are:—

Mr. P. A. Kelly, C.I.E., Commissioner of Police, Bombay, President (*ex-officio*).

Mr. W. W. Nind, Collector of Customs, Bombay (*ex-officio*).

Mr. H. Hamill, Principal, Elphinstone College, Bombay.

Mr. Salebhai Karimji Barodawalla.

Mr. N. V. Mandlik.

Mr. Byramji Jijibhoy.

(2) Rs. 16.

(3) Every member deputed to re-examine a film unfavourably reported on by the Inspector or one in regard to the suitability of which the Board is doubtful, is paid a fee of Rs. 2 per thousand feet or fraction of a thousand feet of film examined subject to a minimum of Rs. 10 and a maximum of Rs. 20 for each occasion.

(4) Members are not elected. They are appointed by Government.

FILM CENSORS : MEMBERS OF BOARDS AND INSPECTORS' QUALIFICATIONS

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

(a) the pay of the Inspector of Films and his qualifications ;

(b) the qualifications of each of the members of the Board of Film Censors ?

The Honourable Mr. J. E. B. HOTSON : (a) The scale of pay of the Inspector is Rs. 300—25—500 *plus* a carriage allowance of Rs. 60 per mensem. The present Inspector is an M.A., LL.B. of the Bombay University and has travelled both in Europe and Japan.

(b) Attention is invited to the replies to the question put by the Honourable Member for Ahmedabad and Surat Cities and to the supplementary questions thereto printed at page 446, Volume XVII, Part VI, of the Council Debates.

FILM CENSORS : CENTRAL BOARD

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

(a) whether it is a fact that the Government of India have declared their intention to have one Board of Cinema Film Censors for the whole of India in Bombay or Calcutta ?

(b) If the reply be in the affirmative the views expressed by the Bombay Government on this suggestion of the Government of India ?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) Does not arise.

PUBLIC FUNDS, WEST KHANDESH

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) whether they hold any public funds in deposit in West Khandesh ;

(b) if so,

(i) what the several public funds are,

(ii) the purposes for which they were raised,

(iii) the years in which they were raised,

(iv) the names of places which contributed to them ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) A statement* furnishing the information is placed on the Council Table.

*Kept in the Secretary's Office.

Mr. S. S. DEV : In the statement kept in the Secretary's office as stated in the reply, I find a sum of Rs. which was raised in the year 1852. What has become of that amount ? Is it lying idle all these years ?

The Honourable Mr. J. L. RIEU : If the honourable member will give me notice, I shall make enquiries.

Mr. S. S. DEV : I do not want to ask my next question about Historical Research Societies as it has already been asked by the honourable member for Sholapur City and replied to.

GUINEA-WORM AT DIGHAVE

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state—

(a) whether they are aware that the disease of guinea-worm is prevalent on a large scale in the village of Dighave in the Sakri Taluka of West Khandesh ;

(b) if so, whether they are aware that the disease is due to the fact that the villagers have to use dirty water from only two wells both of which are step wells ;

(c) why no steps have been so far taken to remove the cause of the disease at the village ?

The Honourable Mr. B. V. JADHAV : (a) The disease is not prevalent on a large scale.

(b) Yes.

(c) Twice this year potassium permanganate was mixed in the water of these two wells and the disease disappeared. The District Local Board is responsible for doing this work.

Mr. R. S. NEKALJAY : What is the source of this disease ?

The Honourable Mr. B. V. JADHAV : Contamination of water is the source of the disease.

SARBARAI OF A TOURING OFFICER IN WEST KHANDESH

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state—

(a) whether they have issued any orders prohibiting their officers while on tour from being entertained at the cost of villagers during the days they encamp at villages ;

(b) whether they are aware that the Sub-Divisional Magistrate for Nawapur had camped at Visarwadi in Nawapur Taluka in April or May last for about a fortnight and the villagers had to collect about three hundred rupees for the Sarbarai (entertainment with *Shitapuri*, milk, ghee, tea, cigarettes, pansupari, etc.) of the officer and his staff ?

The Honourable Mr. J. L. RIEU : (a) The Collectors have been asked to pay special attention in the matter of the exaction of petty services in some form or other by subordinate officers and to see during their tours that no avoidable hardship is caused to the civil population by their subordinates. Beyond this there has been no occasion to issue special orders prohibiting touring officers from being entertained at the cost of villagers during the days they encamp at villages.

(b) Enquiries prove that there is no foundation for these allegations.

Mr. S. S. DEV : Have Government warned the officer and his staff mentioned in (b) ?

The Honourable Mr. J. L. RIEU : No, they required no warning because the allegations proved to be wholly unfounded.

LIQUOR SHOPS

Mr. C. M. GANDHI (Surat City) : Will Government be pleased to state the number of country liquor shops, toddy shops, and toddy booths as well as the number of foreign liquor shops and refreshment rooms on 1st January 1924 and on 31st March 1926 in the whole of the Presidency ?

The Honourable Mr. A. M. K. DEHLAVI : As regards information about the number of liquor shops, etc., on 1st January 1924, the honourable member is referred to the Excise Administration Report for the year 1923-24. A statement showing the number of shops, etc., on 31st March 1926 is appended.*

Mr. C. M. GANDHI : I find that the number of country liquor shops and toddy booths has increased. Does the Honourable the Minister for Excise consider that that is the way to reach his goal of prohibition ?

The Honourable Mr. A. M. K. DEHLAVI : I should like to verify that.

Mr. C. M. GANDHI : The Administration Report of the Excise Department for 1923-24 shows (pages 3 and 4) that the number of liquor shops has been increased by 66 and tree booths by 46. Will the Honourable the Minister say whether he considers that that is the best way of reaching the goal of prohibition ?

The Honourable Mr. A. M. K. DEHLAVI : The increase is not in the number of liquor shops, but may be due to increase in tree foot booths. I shall inquire.

PANCHAYAT ON RIGHTS AND DUTIES OF BALUTEDARS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether any panchayats were appointed to define the rights and duties of balutedars under section 18 of the Watan Act in the Poona District or in any other district ; from the passing of the Watan Act to the end of December 1925 ;

(a) if not, why not ;

(b) whether they had received any applications in the matter ;

(c) if so, what action was taken by them in the matter ?

The Honourable Mr. J. L. RIEU : The requisite information for the last five years is contained in the appended statement.*

REGISTRATION DEPARTMENT : SEARCHES AS TO TITLES OF PROPERTIES

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

* Kept in the Secretary's Office.

(a) whether they are aware that under the existing system of the Registration Department, a purchaser of immoveable property is required to satisfy himself up to a period of sixty years of the actual incumbrances, if any, on the property by payment of inspection fee which is a great hardship;

(b) if so, do they intend to take any steps in the matter?

The Honourable Mr. A. M. K. DEHLAVI: (a) No period is enjoined by the Department. It may be the practice for persons to assure themselves of the fact for a period of sixty years in order to safeguard their own interests. The maximum fee leviable for a search for any number of years is fixed at Rs. 5 for one document and at Rs. 10 for all the documents relating to one property;

(b) No.

JUDICIAL DEPARTMENT: SECURITIES FROM SUBORDINATES

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have made any provision for taking securities from the subordinates in the Judicial Department who have to handle public money in such cases as are described in Circular No. 15 of the Manual of High Court Circulars, pages 321-22, new edition of 1925, as is the case in the Revenue Department;

(b) if not, do they intend to do so?

The Honourable Mr. J. E. B. HOTSON: (a) Yes.

(b) Does not arise.

JUDICIAL DEPARTMENT, POONA: DEPARTMENTAL EXAMINATION

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) what they mean by "necessary number of candidates have not come forward" as stated by them in reply to my question No. 6 of the 24th list of Questions and Answers of the first session of 1926 in the matter of the Departmental examination in the Judicial Department in the Poona District;

(b) whether the examination relates to newly employed men or to men already in service after 1908 under Chapter XIV, Rule 9, of the Manual of High Court Circulars, page 223?

The Honourable Mr. J. E. B. HOTSON: (a) The words "the necessary number of candidates" mean "a number of candidates sufficient to justify the holding of the examination".

(b) The rules apply only to men who join the service after such date as the District Judge may select.

DISTRICT LOCAL BOARD BUDGETS

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have framed any rules to give effect to the recommendations of the Decentralisation Committee in the matter of circulation of the Local Board Budget before its discussion;

(b) if so, which are they? If not, whether and when they mean to do so?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) in the negative.

SCHOOL BOARD, POONA

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether it is a fact that the School Board of Poona, created under the Primary Education Act, has not as yet received control of primary education from the Educational Department owing to certain matters being under discussion for the last year and a half;

(b) if so, what are the matters which have required such a long time for consideration;

(c) how long they will wait, if the Poona District Local Board does not take over the control of the primary education, on some ground or other?

The Honourable Mr. B. V. JADHAV : Information is being collected.

DISTRICT LOCAL BOARD CORRESPONDENCE

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they have made any rules or orders regarding the payment of postage on correspondence between unofficial local board members and the local board officers in which they are often involved in the discharge of their duty on the lines stated in Government Resolution No. 1106 of 27th March 1922;

(b) if so, which are they; if not what action they propose to take in the matter?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The orders on the subject were issued in 1886 under which members of Local Boards when forwarding by post correspondence relating exclusively to Local Fund questions must use ordinary stamps and can, if they so desire, recover their value from Local Funds.

SCHOOL BOARD MEMBERS : TRAVELLING ALLOWANCE

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they have made any rules or orders in the matter of payment of travelling allowance to members of school boards who are also members of the local boards of the same district;

(b) if so, which are they; if not whether they propose to take any action in the matter?

The Honourable Mr. B. V. JADHAV : (a) and (b) The question is under consideration.

DISTRICT LOCAL BOARD MEMBERS : TRAVELLING ALLOWANCE

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state whether the principle laid down in Finance Department Resolution

No. 502 of 24th March 1926 in the matter of travelling allowance to members of the Legislative Council has been made applicable to members of the District Local Boards?

The Honourable Sir GHULAM HUSSAIN : The answer is in the negative.

TAGAI LOANS IN INAM VILLAGES

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether it is a fact that Tagai is not generally given to the Agriculturists of Inam villages;

(b) if so, whether they have framed any scheme for giving Tagai to agriculturists of Inam villages through the medium of the Inamdars as stated in the Bombay Government Resolution dated 15th July 1900 No. 1285-P;

(c) whether Inamdars will be given advances for payment of Tagai to agriculturists in their Inam villages?

The Honourable Sir CHUNILAL MEHTA : (a) and (b) No. The rules for the grant of tagavi advances in alienated villages were laid down in Government Resolution No. 3578 dated 4th November 1912 which was published under No. 3582 of the same date in the supplement to the *Bombay Government Gazette* of 14th November 1912. The grant of advances is however subject also to the rules laid down in Government Resolution No. 1881 dated 15th July 1924, a copy of which was placed on the Council table in July 1924 in reply to a Question put by Mr. Kalbhor at that sessions.

(c) In view of the reply to clauses (a) and (b) above, Government do not consider it necessary to give advances to the inamdars.

Sardar G. N. MUJUMDAR : What is the reason why Government do not give the tagai through the inamdars?

The Honourable Sir CHUNILAL MEHTA : Will the honourable member please explain why it should be given through the inamdars?

Sardar G. N. MUJUMDAR : Why do Government not think it necessary to give the tagai through the inamdars?

The Honourable Sir CHUNILAL MEHTA : Because they are giving it direct.

VILLAGE PANCHAYATS COMMITTEE REPORT

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state when they expect to publish their orders on the report of the Village Panchayats Committee?

The Honourable Sir GHULAM HUSSAIN : The report is still under consideration. The orders of Government will be issued as early as possible.

MEDICINES IMPORTED FOR GOVERNMENT USE

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the approximate value of the total imports of foreign

medicines into the Bombay Presidency during 1925-26 which were requisitioned by Government and semi-Government bodies for their dispensaries?

The Honourable Mr. B. V. JADHAV: The information is being collected.

JOPUL CANAL SCHEME

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they have under consideration any scheme known as the Jopul Canal Scheme in the Dindori Taluka of the Nasik District;

(b) if so, will they be pleased to give the details of the scheme and lay on the Council table the plans and estimates?

The Honourable Mr. COWASJI JEHangIR: The information has been called for.

PRIMARY EDUCATION: TAKING OVER BY DISTRICT LOCAL BOARDS

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) the names of the District Local Boards in the Presidency which have taken over the control of primary education;

(b) the taxes levied or proposed to be levied by each of them, if any, to meet the necessary expenditure on free and compulsory education in their respective districts;

(c) whether any of them have submitted to Government any schemes regarding (i) compulsory education under section 10, (ii) regulations under section 27 (3) or (iii) curricula under section 17 of the Act;

(d) if so, which boards and in what manner?

The Honourable Mr. B. V. JADHAV: Information is being collected.

PRIMARY EDUCATION: PROPOSALS OF POONA DISTRICT LOCAL BOARD

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether they intend to accept the proposals of the Poona District Local Board in the matter of transferring the control of education from the Educational Department to the Board;

(b) if not, the reasons for not accepting them?

The Honourable Mr. B. V. JADHAV: Information is being collected.

TEMPORARY TEACHERS IN THE POONA DISTRICT

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) whether in the Poona district alone they have employed nearly two hundred primary teachers as temporary on a pay of Rs. 15 each though they should have been confirmed and paid the pay of their certificate long ago;

(b) whether these temporary teachers are allowed to supplement their pay by following any other profession in contravention of rule 1,

chapter 1, of the Code for vernacular masters and mistresses, as they are not permanent Government servants ?

The Honourable Mr. B. V. JADHAV : (a) There are only 75 temporary teachers on Rs. 15 per mensem in the Poona District. On account of the impending transfer of control of primary education to local authorities and with a view to enable local authorities to employ a large number of teachers required by them, Government permitted the local authorities to employ untrained assistant teachers on a pay less than Rs. 25 but in no case less than Rs. 15 per mensem on the following conditions :

(a) that the concession is used in the case of new entrants only ;

(b) that is not used for the purpose of replacing existing teachers by teachers on lower pay or of paying existing teachers less than their present pay ;

(c) that the employment of such teachers should be regarded as temporary only, and subject to such conditions as Government may hereafter determine.

Condition (c) above is intended to secure some form of preliminary training for a teacher before his confirmation. It was also then intended that teachers employed in Local Board Schools on the conditions mentioned above should be employed as far as possible within 5 miles of their homes. These conditions are applicable only to teachers employed after the 30th June 1923. The question of confirmation of these teachers and their permanent pay, if they are confirmed in Local Board service, now rest with the District Local Board, Poona.

(b) Teachers, temporary or permanent, are allowed to receive extra remuneration for special duties recognised by the Department, *e.g.*, for Postal work, Medical work, Co-operative Credit Society's work, etc. They are not allowed to plead as a Mukhtiar or Vakil, to open a shop, etc. No special permission beyond what is allowed by the rule referred to by the Honourable Member for Poona District has been given to the teachers referred to in (a) above.

LAND GRANTS FOR SERVICE

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they have given any lands in Inam to any persons for meritorious services in the military, police, or any other departments during the last three years ;

(b) if so, the names of such persons and the details of the grant ?

The Honourable Mr. J. L. RIEU : It is not possible to collect the information in time for a reply during the current session.

PILGRIMAGES TO PANDHARPUR

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state what arrangements exist and what special arrangements they have made for the convenience of the pilgrims attending the Palkhis

of Shri Tukaram Boa of Dehu, Shri Dnyaneshwar Maharaj of Alandi, Shri Sopandev of Saswad, and other Palkhis proceeding to Pandharpur this year at their camping places on the way in the matter of :—

- (i) Roads and crossing over nallas on the way if suddenly flooded ;
- (ii) water supply for drinking and cooking purposes ;
- (iii) sanitation and medical arrangements ;
- (iv) epidemics ?

The Honourable Mr. B. V. JADHAV : (i), (ii), (iii) and (iv) Information has been called for.

: VESTING OF ROADS AND WELLS IN DISTRICT LOCAL BOARDS

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether it is a fact that roads maintained by the district local board of Poona and the public wells in several villages of the district do not still vest in the local board, and if so, what is the reason ?

The Honourable Sir GHULAM HUSSAIN : Government are not aware of any roads and wells maintained by the district local board, Poona, that do not vest in them. All roads and wells maintained by the board vest in them [*vide* section 81 (1) (b) of the Local Boards Act].

LANDLORDS : INDEBTEDNESS OF —

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

- (a) whether they are aware of the indebted condition of many Sardars, Jahagirdars and Inamdars in the Presidency ;
- (b) if so, whether they intend to bring forward any legislation to relieve them of their indebtedness like the Sind Encumbered Estates Act ?

The Honourable Mr. J. L. RIEU : (a) Government are not aware that Sardars, Jahagirdars and Inamdars as a class are in an indebted condition, although there must be some cases of indebtedness, as there are in every class.

(b) Government are not aware of any need for such legislation at present.

HONORARY MAGISTRATES

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

- (a) the qualifications which are necessary for the nominations of honorary magistrates ;
- (b) whether any educational qualifications are considered necessary ;
- (c) whether they have found any honorary magistrates unfit for their duty and have consequently removed them from their posts during the last three years ?

The Honourable Mr. J. E. B. HOTSON : (a) and (b) Attention is invited to the reply given at the February Session of 1924 to a similar

question from the Honourable Member for Nasik District printed at page 552 of Volume XI, Part XI of the Council Debates.

(c) Yes.

GOVERNMENT SERVANTS : SUBORDINATE STAFF

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to give in a tabular form the following information for the whole Presidency for the last three years :—

- (1) the name of the district ;
- (2) the percentage of the subordinate servants employed in each year from the non-Brahmin castes in the Revenue and Judicial Departments, to bring up their number to the 50 per cent. limit ;
- (3) the number so employed from castes other than Marathas ?

The Honourable Sir CHUNILAL MEHTA : The information required by the Honourable Member will not be available before Council is prorogued.

GOVERNMENT OFFICES IN POONA : RENT PAID BY GOVERNMENT

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the amount of rent they have to pay in Poona for the various Government offices that are accommodated in hired buildings giving the names of the various offices and the amount of rent paid for each of them during the last three years in each year ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

SCHOOL BOARD : DISTRICT LOCAL BOARD, AHMEDNAGAR

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

- (a) whether they have received any complaint dated 12th March 1926 in the matter of election of a member of the school board of the district local board, Ahmednagar, from Mr. Bhau Savlaram Kotasthane, Vice-President of the Vambori municipality ;
- (b) if so, how it has been disposed of ;
- (c) whether the papers of this case will be laid on the Council table ?

The Honourable Mr. B. V. JADHAV : Information is being collected.

V. B. KULKARNI

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

- (a) whether the Collector of Poona received any application within a month or so from Mr. Vasudev Bhikhaji Kulkarni of Nimbgaon, taluka Khed of the Poona district, requesting to be appointed as a Watandar Kulkarni as his term of office had come and as he had not consented to the commutation of his watan ;

(b) whether they have made any inquiry into this matter as they have accepted the commutation of the settlement of the kulkarni watan of Nimbgaon from the brother of Mr. Vasudev ;

(c) whether it is a fact that they did so thinking Mr. Vasudev legally dead under section 108 of the Evidence Act ;

(d) whether it is a fact that he is alive and living in his village ?

The Honourable Mr. J. L. RIEU : (a) Already answered.

(b) Yes. The commutation was effected in the circumstances stated in clause (c) of the question. Both the parties to the settlement were under a mistake as to the matter of fact essential to the settlement. The commutation will be set aside as being void.

(c) and (d) Already answered.

PROVIDENT FUND RULES

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City) : Will Government be pleased to state—

(a) Whether the Secretary of State has issued orders in connection with Provident Fund for Government servants ;

(b) if not, when are these orders expected ?

The Honourable Sir CHUNILAL MEHTA : (a) No.

(b) Powers have now been delegated to the Local Government to frame such rules and the question is under the consideration of the Government of Bombay.

ASSISTANT COMMISSIONERS OF INCOME TAX AND INCOME TAX OFFICERS

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City) : Will Government be pleased to state—

(a) Whether they are aware that the posts of Assistant Commissioners of Income Tax and Income Tax Officers have to be filled up by the Commissioner of Income Tax, Bombay Presidency, with the approval of His Excellency the Governor in Council ; and that while the scale of pay of the former is Rs. 1,000—100—1,500, that of the latter is Rs. 300—50/2—900 ?

(b) How many Assistant Commissionerships of Income Tax there are in the Bombay Presidency, and by the members of which communities they are now held ?

(c) What are (i) the names, (ii) the educational or accountancy qualifications, and (iii) salary, length of continuous service as Income Tax Officer, and appointment held (at the time of selection) of the officers promoted or appointed as Assistant Commissioners of Income Tax from the year 1st April 1923 to this day ?

(d) How many of these officers were Personal Assistants to the Commissioner of Income Tax (the appointing authority), and how many were placed on probation ?

(e) To give similar details as asked above in parts (c) and (d) for the Income Tax Officers ?

(f) To state what steps they propose to take in future to secure justifiable promotion, and adequate representation of the Muslim community in these high appointments ?

The Honourable Sir CHUNILAL MEHTA: The Government of India who were referred to for this information are of the opinion that in view of the fact that the officers in question are appointed under the powers delegated by the Central Government and as all expenditure in connection with the Income Tax Department is a charge on the Central Budget and not on the Provincial Budget, the question put by the honourable member and similar questions can be asked and answered only in the Central Legislature.

SUKKUR BARRAGE : STORE OFFICER

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that a well organized highly paid Stores Department exists on the Sukkur Barrage establishment; .

(b) if so, what is its cost every year, giving exact figures for the last year;

(c) the reasons why the Store Officer is not asked to invite tenders and make purchases directly instead of purchasing stores through the Controller of Purchases, of the Indian Stores Department, at Karachi by paying 2 per cent. commission?

The Honourable Mr. COWASJI JEHangIR: (a) There is a Stores Division on the Lloyd Barrage. It was opened in November last as a separate Division. The organization of the Division is not yet perfected. It is not a highly paid organization. The pay of the Stores Officer and his staff is on the usual scale.

(b) The cost of the staff of the Stores Division from 1st November 1925 to 31st March 1926 is Rs. 11,819. There is no other information as to cost as the Division has not yet been running for a year.

(c) The Stores Division is not organized as a big purchasing agency. Its main function is to store and distribute stores to the various Divisions and only to make direct purchases in exceptional cases and even then only on a more or less small scale. It would not be an economical proposition to so organize the Stores Division as to be in a position to do without the services of the Indian Stores Department. If an attempt is made to do this it would be necessary to employ highly paid technical staff for each kind of stores required. The services of highly paid experts of the Indian Stores Department are obtainable for a percentage payment and this is the most economical arrangement that can be made. The method in vogue is working satisfactorily and no change is considered necessary.

SUKKUR BARRAGE INDENTS

MOULVI RAFIUDDIN AHMAD on behalf of HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that the Sukkur Barrage officers at Mirpurkhas, Hyderabad Sind, and other circles send their indents for required orders to the Store Officer of the Sukkur Barrage at Sukkur;

(b) whether it is a fact that that officer, drawing Rs. 1,200 with free bungalow, has no power to make those purchases but has only

to send those indents to the Controller of Purchases, of the Indian Stores Department at Karachi;

(c) whether it is a fact that the Store Officer draws Rs. 1,200 per mensem with free bungalow, while the Controller of Purchases at Karachi draws only Rs. 750;

(d) whether it is a fact that 2 per cent. commission is paid to the Indian Stores Department by the Store Officer of the Sukkur Barrage for all purchases made;

(e) if stores for the Sukkur Barrage are purchased through the Indian Stores Department, the reasons why there should be a costly Store Department of the Sukkur Barrage maintained separately;

(f) if Government consider it necessary to maintain a separate Stores Department for the Sukkur Barrage, the reasons why the Store Officer's Headquarters are not established at Karachi instead of at Sukkur, so as to facilitate the purchases being made by the Store Officer himself at Karachi, which being the nearest seaport to Europe can also serve as the best distribution centre?

The Honourable Mr. COWASJI JEHangIR: (a) Yes.

(b) The Stores Officer is ordinarily a distributing officer and not a main purchasing officer though he can make local purchase in very urgent cases.

(c) Yes so far as the Stores Officer is concerned. This Government has no official knowledge as to what pay is drawn by the Controller of Purchases, Karachi, as he is not an officer under it.

(d) A charge of 1 per cent. only is paid to the Indian Stores Department, Simla, on the value of goods purchased through their agency and an additional charge of 1 per cent. is paid to that Department for the inspection of goods if and when necessary.

(e) There is no costly Stores Department at Sukkur. In this connection the attention of the honourable member is invited to the reply given to his Question No. 5.

(f) There is no Stores Department established at Sukkur as a purchasing agency. The Stores officer is essentially a storing and distributing officer and Sukkur is the best centre from which to distribute to the majority of Divisions.

RAILWAY SERVICE BETWEEN AMALNER AND JALGAON

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(a) whether they are aware that the people of Erandol, Dharangaon, Amalner, Parola, Chopda and villages surrounding these towns in East Khandesh are much inconvenienced, as no train runs between Amalner, and Jalgaon from 10 a.m. to 6 p.m.;

(b) whether they are aware that this inconvenience could be removed by arranging to run 317 Down train (which stops at Amalner) further up to Jalgaon and back;

(c) whether they have taken or propose to take any action in this matter?

The Honourable Mr. J. L. RIEU: (a) No, but a representation was received by the Agent, G. I. P. Railway, last year regarding the inadequacy of the existing train service.

(b) The extension of No. 317 Down train to Jalgaon would necessitate the engine running tender foremost on the return journey and this is not advisable with a passenger train.

(c) The Agent, G. I. P. Railway, has been addressed in the matter.

POONA TRAINING COLLEGE BOARDING

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(a) the present number of students in the Poona Training College for Men, giving separate figures for Muhammadans, Marathas, Jains, Lingayats, Untouchables and Brahmins;

(b) the number of vegetarians and non-vegetarians;

(c) whether there are separate boarding arrangements for non-vegetarians;

(d) whether there are any special boarding arrangements for Muhammadans, if so, what is the monthly expense per student;

(e) whether it is a fact that there is a separate club for non-Brahmin students at Loni Agricultural School; if so, what is the monthly expense per student;

(f) what is the present average expense per student of the Training College for Men for boarding;

(g) if the expense for non-Brahmin students is less, why separate arrangements for non-Brahmin students are not started at the Poona Training College;

(h) whether such a proposal of starting a separate club for non-Brahmins was ever put forward and what was the decision in the matter?

The Honourable Mr. B. V. JADHAV: (a) The accompanying statement* gives the required information.

(b) Vegetarians 109; Non-Vegetarians (excluding 20 Muhammadans) 108.

(c) Orders have been issued for making separate boarding arrangements for vegetarian and non-vegetarian Hindus with effect from the 1st August 1926.

(d) Yes; Rs. 11-7-4.

(e) Yes; Rs. 9-10-6.

(f) Rs. 11-6-7 per student (Muhammadan and non-Muhammadan).

(g) The question does not now arise.

(h) Yes; in 1921-22. On account of the expenditure involved, it was then not considered necessary to consider the question.

BACK BAY RECLAMATION: CONTRACT WORKS

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

(a) Whether Sir George Buchanan had advised or suggested to Government that the work of dredging should not be done departmentally?

* Kept in the Secretary's Office.

(b) Whether Sir George Buchanan had advised Government to give the work of filling the Back Bay or dredging it on contract ?

The Honourable Mr. COWASJI JEHangIR: The honourable member is referred to the reply given to the question put by the honourable member for the Ahmedabad Millowners' Association.

DREDGER SIR GEORGE LLOYD: OUTPUT OF

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

(a) When they came to know that the dredger "Sir George Lloyd" did not give the expected output ?

(b) What was its output in 1925 ?

(c) What is its output in the calendar year 1926 ?

The Honourable Mr. COWASJI JEHangIR: The honourable member is referred to the reply given to the question put by the honourable member for the Ahmedabad Millowners' Association.

DEVELOPMENT SCHEMES: EXPENDITURE

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

(a) What is the amount of expenditure incurred up to the end of March 1926 on the Back Bay Reclamation Scheme ?

(b) What is the amount of expenditure up to March 31st last on the suburban development schemes ?

The Honourable Mr. COWASJI JEHangIR: (a) Rs. 5,74,87,379, net.

(b) Rs. 2,55,18,348, net.

These figures are not final; they are liable to alteration when the accounts for the year 1925-26 are finally closed.

DEVELOPMENT SCHEMES: COST OF ESTABLISHMENT

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

(a) What is the monthly establishment cost on the Back Bay Reclamation Scheme ?

(b) What is the monthly establishment cost of the other development schemes ?

The Honourable Mr. COWASJI JEHangIR: The average monthly cost on account of pay and allowances of all officers and staff, including the Directorate and overhead establishments, and office contingencies, based on the cost during April and May 1926, is as shown below:—

	Rs.
(a) Back Bay Reclamation Scheme ..	61,000
(b) Other development schemes ..	34,000 (approximate).

Owing to the retrenchments now being made in the Reclamation Branch, the average monthly cost on account of the Back Bay

Reclamation Scheme will be reduced by about Rs. 10,000. There will be a further reduction due to retrenchments likely to be made towards the latter part of the year 1926.

Similarly, there will also be some reduction in the cost of the staff for other development schemes due to retrenchments being made and likely to be made towards the latter part of the year 1926.

BACK BAY RECLAMATION : HARBOUR DREDGING

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

(a) Whether the fact that the Marine authorities and the Port Trust authorities objected to the full use of the harbour for dredging was brought to the notice of Sir George Buchanan ? If not, why not ? If so, when was it brought to his notice ?

(b) If it was brought to his notice, what advice if any, Sir George Buchanan gave ?

The Honourable Mr. COWASJI JEHangIR : The honourable member is referred to the reply given to question put by the honourable member for the Ahmedabad Millowners' Association.

BACK BAY SCHEME : GOVERNMENT OF INDIA COMMITTEE

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

(a) Whether it is a fact that an independent inquiry committee is going to be set up by the Government of India in connection with the Back Bay Scheme ;

(b) if so, when will it be appointed ;

(c) who will form the personnel of the said committee ;

(d) who will be the Chairman thereof ;

(e) whether Sir George Buchanan will be given an opportunity of having his say before the committee ?

The Honourable Mr. COWASJI JEHangIR : (a), (b), (c) and (d) The Government of India have appointed a committee of inquiry consisting of :—

Sir Grimwood Mears	..	..	..	Chairman.
Sir M. Visveswaryya	..	..	..	} Members.
Sir Frederick Thomas Hopkinson	..	..	..
Mr. S. B. Billimoria	..	..	..
Mr. R. B. Ewbank	..	..	..	Secretary.

(e) Yes.

Rao Bahadur S. T. KAMBLI : May I know whether Sir George Buchanan will give his evidence in England or in India ?

The Honourable Mr. COWASJI JEHangIR : I understand that Sir George Buchanan will be examined in England.

LAND REVENUE COMMITTEE'S REPORT

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

- (a) whether the report of the Land Revenue Committee is ready ;
- (b) if so, to place a copy on the Council table.

The Honourable Mr. J. L. RIEU : (a) and (b) The Report has not yet been received by Government.

Rao Bahadur S. T. KAMBLI : May I know whether any time limit was fixed ?

The Honourable Mr. J. L. RIEU : There was no date fixed.

PRIMARY EDUCATION : ADMINISTRATORS AND SUPERVISORS OF LOCAL AUTHORITIES

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

(a) which of the local authorities have agreed to take Government officers, viz., deputy educational inspectors, etc., as administrators and supervisors ;

(b) which have declined to do so ;

(c) which of the district local boards in the presidency have increased the local fund cess from one anna to more than one anna and from what year ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The accompanying statement A* gives the information required.

(c) The accompanying statement B* gives the information required.

BACK BAY RECLAMATION : FILLING OF PLOTS 1, 2 AND 8

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state—

(a) what has been the cost of filling in up to date of plots Nos. 1 and 8 of the Back Bay Reclamation Scheme ;

(b) whether any filling in operation has been undertaken in plot No. 2 and if so how much has been spent thereon ?

(c) what is the amount they expect to spend on plots Nos. 1, 2 and 8 separately to complete the same ?

The Honourable Mr. COWASJI JEHangIR : (a) The cost of filling up to 31st May 1926 in block 1 is Rs. 10,04,575 and in block 8 is Rs. 26,38,799.

(b) No.

(c) Rs. 11,14,000 on block 1 ; Rs. 31,41,000 on block 2 ; and Rs. 12,17,000 on block 8, in addition to amounts already spent.

Notes.—The figures of cost given in the reply are cost of the work of sealing and filling the compartments referred to.

Mr. HOOSEINBHOY A. LALLJEE : May I know whether the calculation has been made on the report of the Engineers' Committee ?

The Honourable Mr. COWASJI JEHangIR : I am inclined to think that the calculations have been made on our own figures.

Mr. HOOSEINBHOY A. LALLJEE : Will there be any difference between the two figures ?

The Honourable Mr. COWASJI JEHangIR : The Engineers' Committee report has been sent to Mr. Kay's committee for report.

Mr. HOOSEINBHOY A. LALLJEE : Can we rely on these figures as materially correct ?

The Honourable Mr. COWASJI JEHangIR : I would rather not give an answer.

Sir VASANTRAO A. DABHOLKAR : What is the opinion you have formed of the Engineers' Committee report ?

The Honourable Mr. COWASJI JEHangIR : That is asking for opinion.

Mr. LALJI NARANJI : Does the figure represent only the cost of filling ?

The Honourable Mr. COWASJI JEHangIR : Yes.

SIR GEORGE BUCHANAN : WORK IN MESOPOTAMIA

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state whether they are aware that Sir George Buchanan was in charge of some dredging work in Mesopotamia and, if so, will they state what was the result of those operations ?

The Honourable Mr. COWASJI JEHangIR : Government understand that Sir George Buchanan was responsible for the execution of certain works in Mesopotamia which included reclamation by means of dredging, but they are not in possession of any details on the subject.

Mr. HOOSEINBHOY A. LALLJEE : Did Government attempt to get any information ?

The Honourable Mr. COWASJI JEHangIR : No ; they did not think it necessary.

MOULVI RAFIUDDIN AHMAD : Was the information supplied to Government by Sir George Buchanan himself or was it obtained from other persons ?

The Honourable Mr. COWASJI JEHangIR : The information was contained in a demi-official letter written to the Director by Sir George Buchanan himself.

THE FIRM OF SIR GEORGE BUCHANAN

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that the name of the firm of Sir George Buchanan was struck off the roll of Engineers ;

(b) if so, whether it was due to the firm's dealings at Karachi ?

The Honourable Mr. COWASJI JEHangIR : (a) and (b) Government have no information.

Mr. HOOSEINBHOY A. LALLJEE : With regard to (a) I think that the honourable member himself at the last budget meeting said that the name was removed from the roll ?

The Honourable Mr. COWASJI JEHangIR : What I said was that it appeared in one list but did not appear in another. If honourable members desire to draw their own inferences they are quite free to do so. But I am not in possession of any other fact.

BACK BAY RECLAMATION : CONTRACTOR Mr. DAMODAR SHET

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that one Mr. Damodar Shet is or was a contractor entrusted with large contracts on the Bombay Back Bay Reclamation works ;

(b) if so the total amount of dealings the Development Department had with this party ;

(c) whether they made any inquiries as to the previous credentials as also the capacity of Mr. Damodar Shet to successfully carry out the contracts entrusted to him, and if so the result of their enquiry ?

The Honourable Mr. COWASJI JEHangIR : (a) Mr. Balkishendas Damodardas Shet was entrusted with some contracts on the Back Bay Reclamation Scheme.

(b) The total amount of contracts carried out by him for the Reclamation Works is Rs. 8,99,400.

(c) He came to this Department strongly recommended, on account of his experience as a Railway Contractor and his reputation for hard work, by the Agent, E. B. S. Railway. He also holds a certificate given as a mark of approbation for his services during the war.

Rao Saheb D. P. DESAI : Is it a fact that this contractor has carried out his contracts to the satisfaction of the officers ?

The Honourable Mr. COWASJI JEHangIR : I believe he has carried out his contracts to the entire satisfaction of the heads of the department.

Mr. G. B. PRADHAN : Was he a contractor in the E. B. S. Railway ?

The Honourable Mr. COWASJI JEHangIR : I do not think he was a contractor.

Mr. G. B. PRADHAN : Was he in the service of the North-Western Railway ?

The Honourable Mr. COWASJI JEHangIR : He was.

Mr. G. B. PRADHAN : Why were his services discontinued ?

The Honourable Mr. COWASJI JEHangIR : I do not know, Mr. President, whether it is fair to the contractor to give an answer to this. I am aware of the fact why his services were dispensed with. He got into some trouble there and he was prosecuted.

Mr. G. B. PRADHAN : What was the result of prosecution ?

The Honourable Mr. COWASJI JEHangIR : He was sentenced to imprisonment. (Hear, hear.)

Mr. G. B. PRADHAN : Is he still a contractor on the Development ?

The Honourable Mr. COWASJI JEHangIR : No.

Mr. G. B. PRADHAN : Is it not a fact that after I gave notice of my question that his contract in the Development Department was cancelled ?

The Honourable Mr. COWASJI JEHangIR : I investigated the case.....

HIGH COURT TAXING MASTER: PERMISSION TO
DO PRIVATE WORK

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state—

(a) whether it is a fact that the Taxing Master of the High Court was allowed to do any private work regarding election petition with remuneration ;

(b) if so, under what rules ?

The Honourable Mr. J. E. B. HOTSON : (a) No.

(b) Does not arise.

Mr. P. G. JOSHI : Is it not a fact that this taxing master was allowed to dispose of election petition No. 2 of 1904 ?

The Honourable Mr. J. E. B. HOTSON : The question asks whether he was allowed to do any private work. The answer is : 'No'. The question asked by the honourable member is different.

MATCH-WOOD

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state—

(a) whether it is a fact that the Western India Match Manufacturing Company, Limited, a Swedish concern, has been permitted to remove certain soft wood species from the forests of Thana and Kolaba on payment of certain charges ;

(b) if so, whether it was the company which itself got the information with regard to the existence of these wood species in those forests or the Forest Department of Government which gave the information to the Company ;

(c) whether any Indian match manufacturing concern had asked the Forest Department of Government for information as to the existence in Bombay forests of wood species suitable for match manufacture ;

(d) if so, whether such an information was given to them by the Forest Department or any other Department of Government ;

(e) whether the information with regard to the existence of certain soft wood species in the forests of Thana and Kolaba Divisions has been circulated to Indian Match Manufacturing concerns of this Presidency ;

(f) whether Indian Match Manufacturing concerns will be allowed to remove their required wood from the forests of Thana and Kolaba Divisions on payment of the stipulated charges ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) The Western India Match Manufacturing Company, Limited, themselves got the information with regard to the existence of these soft wood species in the forests of Thana and Kolaba Districts, and the Forest Department gave them further necessary information at its disposal.

(c) Yes.

(d) The information was supplied by the Forest Department.

(e) The information was supplied to the Director of Industries, Bombay, for answering queries from Indian Match manufacturing concerns.

(f) The right of extraction of soft wood species will be sold by auction or tender in future. Proposals with regard to the preparation of match wood coupes in Thana and Kolaba have been called for from the Conservator.

Mr. G. B. PRADHAN : May I know whether any Indian company is using these woods for the manufacture of matches ?

The Honourable Mr. A. M. K. DEHLAVI : I want notice.

Mr. G. B. PRADHAN : May I know for how long the contract with the Western India Match Manufacturing Company has been entered into ?

The Honourable Mr. A. M. K. DEHLAVI : I want notice.

Mr. G. B. PRADHAN : With regard to part (c) may I know why the information was not given to an Indian Match Manufacturing Company ?

The Honourable Mr. A. M. K. DEHLAVI : I wish to make a very short statement regarding that question. The question came up before Government in the form that every company should receive facilities which this foreign company is receiving. Government are at one in giving every encouragement to the local industry in this respect, and steps are being taken to provide all possible facilities from the forest for match manufacture. They will crystallise in the beginning of the next year.

Mr. G. B. PRADHAN : That was not my question. My question was why this information was not circulated to all Indian companies but was given to the Director of Industries.

The Honourable Mr. A. M. K. DEHLAVI : The Director of Industries is the proper officer and will inform all the industrial centres.

Mr. J. C. SWAMINARAYAN : Why was the information supplied direct to the foreign company and the Indian company asked to depend upon the information supplied by the Director of Industries ?

The Honourable Mr. A. M. K. DEHLAVI : I cannot be quite sure of the facts, but I presume that the foreign company applied for it and

got the information. It was after that that the other companies wanted certain information, and the best and the easiest way was to give them the information through the Director of Industries.

Rao Saheb D. P. DESAI : (Inaudible.)

The Honourable Mr. A. M. K. DEHLAVI : Every possible facility is given to all concerned.

Khan Saheb A. M. MANSURI : Will Government be pleased to state whether they will co-operate with Indian companies by giving them wood from the forests at prices which will enable them to develop this industry ?

(No reply.)

Khan Saheb A. M. MANSURI : Will Government be pleased to state whether they have given wood to Indian companies in order to encourage them to develop the Indian industry ?

The Honourable Mr. A. M. K. DEHLAVI : Yes. The Ahmedabad Match Factory.

Khan Saheb A. M. MANSURI : I am glad to hear that.

THE HAFFKINE INSTITUTE

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state—

(a) whether the officers of the Haffkine Institute, at Parel, are permitted practice outside the legitimate activities of the Research Institute ;

(b) whether it is a fact that they have been utilising the resources of the Institute for their private work ;

(c) whether it is a fact that the Secretary of State for India has debarred officers of the Institute from such practice ;

(d) whether they are aware that such or similar practices or use of public resources have been considered by them as incompatible with the interests of all true research and the aims of the Haffkine Institute ;

(e) whether they are aware that there is already great public dissatisfaction against these practices ?

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

SHAH GAZNI ROZA AT AHMEDABAD

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state what stage has been reached as regards the acquisition of the Shah Gazni Roza at Ahmedabad ?

The Honourable Mr. J. L. RIEU : The question of final acquisition of the land is still under correspondence with the local officers.

Khan Saheb A. M. MANSURI : Will Government be pleased to state whether they are aware that seven thousand rupees, for the price

of the acquisition, has been paid into the Government treasury during the last three years ?

The Honourable Mr. J. L. RIEU : I require notice of that question.

GHADI MASJID, DAHOD : RESTRICTIONS ON ITS USE

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

(a) whether they are aware of the resolution passed by them about handing over the use of the 'houz' and well of the Ghadi Masjid at Dahod to the Mussalmans at Dahod ;

(b) whether they are aware that since then the 'houz' and the well have been handed over to the Mahomedans at Dahod ;

(c) whether it is a fact that the Public Works Department has taken an undertaking from the Mahomedans that the Masjid, the 'houz' and the well are meant for the use of the Mahomedans serving in the Ghadi only and those visiting it on official business ? If so, why ;

(d) whether they are aware that such an undertaking removes all the sanctity of the masjid since according to the Holy Koran a masjid is always open to all and every Mahomedan without any exception ;

(e) what steps they propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

GHADI MASJID, DAHOD : ROAD FROM MASJID TO HOUZ

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

(a) whether they are aware that the main road from the Ghadi Masjid at Dahod to the Houz which is stone-paved is not handed over to Muhammadans ;

(b) whether they are aware that the said road referred to in (a) is still kept by the Public Works Department as also the land surrounding the "houz" and originally belonging to the "houz" of the Masjid ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

MUSAFARKHANA, MEHMEDABAD

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

(a) whether they are aware of the fact that the Mamlatdar's kacheri at Mehmedabad has been located in a "seray" or caravansary (musafarkhana) built by a philanthropic Mahomedan named Malek Mahomed Nizam ;

(b) whether they are aware of the fact that there is a tablet fixed at the entrance of the said building bearing an inscription giving the history as to when it was built and by whom ;

(c) whether there is a masjid attached inside the compound of the said building for the use of Mahomedan travellers and the Moslem public;

(d) whether they are aware of the fact that there is a great inconvenience to Mussalman passengers and travellers owing to the want of a musafarkhana or caravansary at Mehmedabad;

(e) whether they have received any memorial from the Mussalmans of Mehmedabad to hand over the said musafarkhana to the Muhammadans;

(f) whether they are aware that there is great discontent and strong feeling amongst Muhammadans owing to the said musafarkhana not having been allowed to be used for the use of Muhammadan travellers by Government;

(g) what steps they propose to take in the matter?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

RANDER MUNICIPALITY: MAHOMEDAN CANDIDATES

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

(a) whether they are aware that two seats are allotted for Mahomedans in the municipal elections at Rander, one for a Mianbhai and the other for a Borah;

(b) whether they are aware that a "Memon" sent his nomination paper to the Rander Municipal President and it was rejected on the ground that the "Memon" candidate was not a "Mianbhai";

(c) whether they are aware that the Borah Mahomedans also do not consider a "Memon" as a Borah;

(d) whether they are aware that a suit with reference to the said subject is pending in the civil court of Surat?

The Honourable Sir GHULAM HUSSAIN: (a), (b), (c) and (d) Information has been called for.

OFFICIAL ASSIGNEE'S AUCTIONS

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

(a) whether it is a fact that the Official Assignee to Government gives all auction work to one firm only;

(b) if so, the name of the firm;

(c) the commission which is allowed to the firm for such auctions;

(d) whether the Official Assignee invites tenders for such auction work;

(e) whether they are aware that the invitation of such tenders would be both in the interests of the public and the State?

The Honourable Mr. J. E. B. HOTSON: (a) There is no Official Assignee to Government. It is presumed the question refers to the Official Assignee of the High Court who is appointed by the Honourable

the Chief Justice. That official does give all auction work to one firm only.

(b) Messrs. Crawford & Co.

(c) It varies according to the nature and volume of work.

(d) No.

(e) No. It would be impracticable for many reasons to invite tenders. The interests involved are not those of the public or the State, but those of the creditors, who it is considered, would not be benefitted by any change in the system.

Khan Saheb A. M. MANSURI: Will Government be pleased to state whether the Official Assignee has to pay this firm a larger commission than he would have to pay if tenders were invited?

The Honourable Mr. J. E. B. HOTSON: Government are informed that that is not the case.

ANGLO-URDU HIGH SCHOOL, POONA

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

(a) to state how long they have been holding the Anglo-Urdu High School, Poona, in a rented building and the expenditure incurred by them on its rent;

(b) to state whether they are aware that the building at present occupied by the Anglo-Urdu High School, Poona, is not suitable for school purposes and the reasons why it has been held in such an insanitary and totally unfit building;

(c) are not Government models to be copied by the aided schools; If so, will Government be pleased to state whether the aided schools should copy this model;

(d) to place on the table the reports of the various educational inspectors who have visited the Anglo-Urdu High School, Poona, from 1875 to 1925, regarding the school building;

(e) to state whether they intend now to provide the Anglo-Urdu High School, Poona, with its own building constructed on modern lines;

(f) to state within what period they expect to hold the school in its own premises?

The Honourable Mr. B. V. JADHAV: (a), (b) and (d) Information has been called for.

(c) Yes, as a general rule: The building in which this school is at present located is an exception to the general rule.

(e) and (f) The question of providing the Anglo-Urdu High School, Poona, with its own building is already under the consideration of Government but in the present financial situation it cannot be stated when the school will be held in its own premises.

Khan Saheb A. M. MANSURI: May I know from the Honourable Minister what is the exception to the general rule?

The Honourable Mr. B. V. JADHAV: (Inaudible.)

MOULVI RAFIUDDIN AHMAD: Will the Honourable Minister be pleased to state if he has ever personally visited the school, living in Poona as he does?

The Honourable Mr. B. V. JADHAV: No.

MOULVI RAFIUDDIN AHMAD: I want to know whether he has received any reports about the inconvenience of the building sent to him by the Director of Public Instruction. Is it not five years since this complaint has been made?

The Honourable Mr. B. V. JADHAV: If notice is given I shall find it out.

MOULVI RAFIUDDIN AHMAD: May I know if he intends to visit the school after all these questions?

The Honourable Mr. B. V. JADHAV: He will consider it.

KHOTI VILLAGES, RATNAGIRI AND KOLABA

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(a) whether the Revenue Commissioner, Southern Division, has completed his inquiry into the alleged grievances of tenants in the Khoti villages of the districts of Ratnagiri and Kolaba;

(b) whether he has submitted his report to Government on the subject matter of that inquiry;

(c) whether the report, if submitted, will be published for general information;

(d) whether the report will be placed on the Council table;

(e) whether Government intend to take any action on that report;

(f) whether Government intend consulting public bodies interested in the subject matter of the inquiry before taking any action?

The Honourable Mr. J. L. RIEU: The attention of the honourable member is invited to Government Resolution No. L.C. 2083, dated 21st July 1926, a copy of which has been supplied to him.

WELLS FOR THE DEPRESSED CLASSES

Mr. R. S. NEKALJAY: Will Government be pleased to state how many new wells have been dug for the use of Depressed Classes persons exclusively in the following areas during the last five years (1920 to 1925), viz., Gujarat, East and West Khandesh, Sholapur, Poona, Satara, Ratnagiri, Kolaba, Sind and Ahmednagar?

The Honourable Sir GHULAM HUSSAIN: The accompanying statement* gives the information required.

EMPLOYMENT POLICY OF GOVERNMENT

Mr. R. S. NEKALJAY: Will Government be pleased—

(a) to state whether all vacancies in Government posts are filled by candidates possessing the requisite qualifications irrespective of nationality;

*Kept in the Secretary's Office

(b) to state whether any differential treatment is given to members of the depressed classes ;

(c) to lay on the Table a statement as under for the years 1923, 1924 and 1925 :—

No. of situations which fell vacant in the Bombay Presidency.	Filled by.	Nationality of the applicant.	No. of depressed class men.
1. Government offices— ..			
(a) civil ..			
(b) military ..			
2. Quasi-Government offices like Port Trust, Improvement Trust, etc.			
3. Municipal offices ..			
4. Railways ..			

The Honourable Sir CHUNILAL MEHTA : (a) No.

(b) Yes.

(c) It will not be possible to collect this information before the prorogation of this Council.

CRIMINAL CASE : CROWN *versus* THANWARDAS

Mr. NOOR MAHOMED (Hyderabad District) : Will Government be pleased to state—

(a) whether they are aware that in the case of Crown *versus* Thanwardas decided by the Sessions Judge of Larkana, the Judge has commented very severely on the institution of the case as being waste of public time and public money ;

(b) the total expenditure incurred by them on the conduct of this case ;

(c) the amount of fee paid to the Crown and pauper pleaders in this case, each item being shown separately ;

(d) the amount paid to witnesses in this case as bhatta and travelling allowances in the lower court and the Sessions Court respectively ; and also the bhatta and travelling allowance to the Assessors in the Court of Sessions ;

(e) the total amount of expenditure incurred by Government on account of the travelling allowances of the Criminal Investigation Department Police officers engaged in the investigation, conduct and trial of this case ;

(f) for how many and what days the Criminal Investigation Department officers were engaged in the investigation of this case ;

(g) how many days the trial lasted before the committing magistrate and in the Court of Sessions respectively ?

The Honourable Mr. J. E. B. HOTSON : (a) The Sessions Judge made certain comments to this effect.

(b) The total expenditure amounts approximately to Rs. 3,603-3-0.

(c) Rs. 435 were paid to the pauper pleader, Rs. 2,500 to the Public Prosecutor for conducting the case in the lower court.

The fees to be paid to the Public Prosecutor for conducting the case in the Sessions Court are still under the consideration of Government.

(d) Rs. 375-5-0 as bhatta and travelling allowances to witnesses in the Sessions Court.

Ra. 272-14-0 as bhatta and travelling allowances to Assessors in the Sessions Court.

Ra. 20 as bhatta and travelling allowances in the lower court.

(e) Ra. 2,881-15-0 between August 1924 and December 1925.

(f) From 10th August 1924 to 15th August 1924	..	6 days.
From 25th August 1924 to 4th September 1924	..	11 days.
From 18th November 1924 to 24th November 1924	..	6 days.
2nd and 3rd December 1924	..	2 days.
18th March 1925	..	1 day.
25th, 27th and 28th April 1925	..	3 days.
26th June 1925	..	1 day.
3rd and 19th October 1925	..	2 days.

(g) Before the lower court for six months and twenty days.

Before the Sessions Court for thirty-seven days.

Mr. B. G. PAHALAJANI: Does this amount include the pay of the judge for the thirty-seven days during which he worked?

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

Mr. B. G. PAHALAJANI: What is the amount of fees which has been further awarded to the Public Prosecutor for this case?

The Honourable Mr. J. E. B. HOTSON: I do not think it is settled.

Mr. B. G. PAHALAJANI: May I inform the Honourable Member that it is Rs. 2,500 as it was actually paid and taken?

Mr. NOOR MAHOMED: What is the amount of fees paid to the Public Prosecutor?

The Honourable Mr. J. E. B. HOTSON: The honourable the Deputy President says that it is Rs. 2,500.

Mr. NOOR MAHOMED: Is it correct?

The Honourable Mr. J. E. B. HOTSON: I have no information.

CROWN *versus* THANWARDAS

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) whether it is a fact that the case of Crown *versus* Thanwardas was first investigated by a European Superintendent of Police and his subordinates? If so, the reasons which prevented them from sending up the case for trial;

(b) whether any opinion of the law officers of the Crown was obtained before the Criminal Investigation Department Police challenged this case for trial? If so, how long did it take the legal advisers of the Crown to give their opinion;

(c) whether they are aware that Thanwardas, the accused in this case, was in custody for nearly thirteen months ;

(d) whether it is a fact that one Musamat Dharmi was arrested in this case as an accomplice but was not sent up for trial later on ? If so, why was she arrested and why was she not sent up for trial ;

(e) whether it is a fact that Dharmi was subsequently examined as a prosecution witness ;

(f) whether it is a fact that after Dharmi was examined as a Crown witness she was re-arrested on a charge of being an accomplice in this murder and was examined as a Crown witness in the Court of Sessions, while enquiry was pending against herself in the lower court ? For what reasons was this done ;

(g) whether any additional evidence was recorded by the Criminal Investigation Department Police before Musamat Dharmi was arrested the second time ;

(h) whether the Criminal Investigation Department officers investigating this case arrested Dharmi on their own responsibility or under the orders of their superior officers ? If the orders were from the superior officers, whose orders were they ;

(i) whether it is a fact that another accused in this case, Nuru, was in custody for over four months ? If so, was any evidence recorded against him ;

(j) why the case was withdrawn against Nuru ?

The Honourable Mr. J. E. B. HOTSON : (a) The case in question was first investigated by a European Superintendent of Police and his subordinates : the investigation was still proceeding when the Superintendent of Police was transferred ; subsequently the Larkana Police transferred the investigation to the Sind Criminal Investigation Department who sent the case up for trial.

(b) The opinion of the Public Prosecutor was obtained. He took eighteen days to give his opinion, including ten days which were taken up in obtaining papers from two different offices.

(c) Yes.

(d) Mussamat Dharmi was treated as a witness by the investigating officer. The Public Prosecutor considered that she was an accomplice and on his advice, she was arrested. The investigating officer released her on bail under section 169, Criminal Procedure Code, while further evidence was being collected.

(e) Yes, after she was released by the police.

(f) Yes. She was re-arrested in consequence of the order of commitment of the accused to the sessions court. The Committing Court held that she was an accomplice.

(g) No. The Committing Magistrate recorded additional evidence.

(h) She was arrested on the advice of the Public Prosecutor who wrote to the Superintendent of Police, Sind Criminal Investigation Department, to send her up for trial. The Public Prosecutor based his opinion on the order of the Committing Magistrate by whom she was held to be an accomplice.

(i) Yes. Evidence was recorded before he was arrested.

The Honourable Mr. COWASJI JEHangIR: Information has been called for.

LLOYD BARRAGE : ROHRI CANAL CIRCLE : POSTS FILLED

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) the number of vacancies or new posts in the Rohri Canal Circle of the Lloyd Barrage filled up after June 1925;

(b) how many Mussulmans and non-Mussulmans were appointed to those posts;

(c) how many of such non-Mussulmans were non-Sindhis also?

The Honourable Mr. COWASJI JEHangIR: (a) One hundred and eighteen.

(b) Fifty Mussulmans and sixty-eight non-Mussulmans.

(c) Fifteen.

LLOYD BARRAGE : ROHRI CANAL CIRCLE WORKS ESTIMATE

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) whether it is a fact that a large number of the estimates of works in the Rohri Canal Circle of the Lloyd Barrage are exceeding the sanctioned amounts;

(b) if so, what are the causes for the increase, how it is being met and under whose orders?

The Honourable Mr. COWASJI JEHangIR: (a) and (b) Except in the case of Preliminary Expenses and Land no excess is anticipated on the estimates. The excess under Preliminary Expenses is due to adjustment of expenditure on contour survey before the Lloyd Barrage Project was sanctioned. That on Land is due to the project estimate being low. The excesses will be met from savings on other items and will be sanctioned by Government.

HEADQUARTERS OF SUPERINTENDING ENGINEER, ROHRI CANAL CIRCLE

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(a) whether it is a fact that the headquarters of the Superintending Engineer, Rohri Canal, extend from Rohri to Oderolal Circle but his headquarters are at Karachi;

(b) if so, how many miles Karachi is from the nearest point of his jurisdiction?

The Honourable Mr. COWASJI JEHangIR: (a) Apparently the honourable member refers to the jurisdiction of the Superintending Engineer, Rohri Canal Circle, and not to his headquarters.

The charge of the Rohri Canal Circle comprises the whole of the area on the Left Bank of the Indus within the Barrage Canals zone, except

the Eastern Nara area. The Northern limit is Sukkur and the Southern limit is a point some three miles from Jhudo and some sixty-six miles south-east of Hyderabad. The headquarters of this Circle are at Karachi.

(b) Karachi is about 100 miles from Hyderabad which is the nearest point of his jurisdiction.

ENGLISH TEACHERS IN PRIMARY SCHOOLS

Dr. R. P. PARANJPYE (Bombay University): Will Government be pleased to state—

(a) how many English teachers have been engaged in full primary schools and what has been their service under Government;

(b) how many of them were permanent Government servants before they were taken up for this work and how many admitted fresh into the department;

(c) whether it is intended to hand over these schools to the control of the local bodies;

(d) what terms have been made with these bodies about the permanence and prospects of these teachers;

(e) what is the intention of Government regarding them if the local bodies do not choose to take them over?

The Honourable Mr. B. V. JADHAV: (a) 25; a statement* showing the service of each of these teachers is placed on the Council Table.

(b) One was a permanent Government servant; two were Primary teachers in District Local Board Schools; one was in the service of the Rewakantha Agency. Twenty-one were appointed fresh to the posts in question.

(c) Yes.

(d) No other terms have been made except the following:—

The Local Board may engage the present teachers or not as they desire and give them any terms they choose. If any teachers who are permanent servants of Government are not so employed, they should revert to Government service. The services of temporary teachers who are not engaged by the Local Board should be dispensed with.

(e) The teachers who are permanent will be reverted to their permanent appointments, but the services of the others, being temporary, will be dispensed with if the Boards do not choose to take them over.

Dr. R. P. PARANJPYE: If these teachers have been working under Government in Government institutions for more than six years, will not Government consider whether they cannot provide for them in the regular line?

The Honourable Mr. B. V. JADHAV: After the local boards come to a decision on the matter of retaining them Government will consider the question of confirming them.

*Kept in the Secretary's Office.

LAND ACQUIRED FOR ANKLESWAR MUNICIPALITY

Mr. A. E. PATEL (Northern Division): Will Government be pleased to state—

(a) whether any Watan Inam land of Ankleswar Town has been acquired by the Ankleswar Municipality for the construction of a school house;

(b) whether the school house has been constructed by the municipality since the acquisition of the land;

(c) if not, for what purpose the land is used by the municipality;

(d) whether the municipality has taken necessary steps for collecting funds required for the construction of the school house since the land was acquired;

(e) what amount of assessment is recovered from the municipality and under what sections of the Land Revenue Code;

(f) whether the permission of Government was obtained by the Municipality of Ankleswar for leasing out the land;

(g) what amount of compensation was paid by the municipality and how much is now realised by the municipality for the lease of the land;

(h) whether the Collector has taken any action in this matter?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) No.

(c) The land has for the present been leased temporarily for stacking timber, pending the construction of the school.

(d) It is the function of the municipality to provide funds for the proposed school.

(e) At first no assessment was charged, in view of the object for which the land was acquired. Since the temporary diversion of the land to another purpose, an assessment of Rs. 7-8-0 *plus* the local fund cess of Re. 0-7-6, has been levied, although the land was liable to pay the full non-agricultural assessment. The latter assessment was not charged, because the proceeds of the lease have been earmarked towards the construction of the school, and a sum of Rs. 3,200 has already been collected from such proceeds.

(f) No.

(g) Compensation amounting to Rs. 730 was paid by the municipality. The municipality realised Rs. 100 per annum from September 1915 to August 1922 under a seven years' lease and Rs. 625 per annum under a further seven years' lease beginning from 9th September 1922.

(h) The Collector's action is as stated in reply to clause (e) above, but Government will examine the whole case.

Mr. A. E. PATEL: Is it the intention of Government to allow acquisition of land for visionary schemes, as in this case where the municipality have no funds to carry out the objects?

The Honourable Mr. J. L. RIEU: In this case, the acquisition has already taken place.

Mr. A. E. PATEL : From the reply, I understand that the municipality has got no funds for fulfilling the object for which the land was acquired. Why then was the acquisition allowed ?

The Honourable Mr. J. L. RIEU : Government had no reason to suppose that the municipality were not in a position to proceed with the scheme.

Mr. A. E. PATEL : Looking to the amount paid as compensation, namely, Rs. 730, and considering the fact that the annual income of the municipality from the land is Rs. 625, was not the sum paid as compensation inadequate ?

The Honourable Mr. J. L. RIEU : The land acquisition officer must have considered such points and his decision was accepted. So far as I am aware, no reference to the District Court was made against it.

SUKKUR BARRAGE LANDS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) if the safety and the success of the Sukkur barrage scheme depends upon turning into arable lands the uncultivated areas ;

(b) if the character of the soil requires to be investigated before further progress is made for the scheme ;

(c) whether they intend to proceed with these investigations first before putting more money in further expenses ;

(d) whether a report on this important aspect of the enterprise will be prepared and placed on the table ?

The Honourable Mr. J. L. RIEU : (a) The success of the scheme is largely dependent on that factor.

(b) Such investigation has already been made.

(c) Does not arise. It may be mentioned, however, that an experimental station is being established at Sakrand for the investigation of the agricultural problems arising out of the application of perennial irrigation to the Barrage area.

(d) The honourable member is referred to Volume XX of the Sukkur Barrage Canals Project.

THEFTS IN AHMEDABAD RAILWAY YARD

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased —

(a) to state whether they received from the Ahmedabad Millowners' Association any correspondence in September last contradicting the facts mentioned in the letter No. T-266 of 8th July 1925 addressed to Government by the Agent of the B. B. & C. I. Railway Company and its accompaniments and printed in the Appendix No. 100 to the XIV Question list placed on the Council table during the July 1925 Session of this Council ;

(b) to place on the Council table the said correspondence with further correspondence on the subject till May 1926 ;

(c) to state whether the Railway Company is prepared to arrange for the special demonstration of thefts from packed bales as mentioned in paragraph 5 of letter No. 536-25, dated 31st August 1925, from the Ahmedabad Millowners' Association to Government. If so, to place the report of the result of the said demonstration on the table;

(d) to state why no orders or instructions have been issued with a view to make stricter arrangement for the guarding of goods in the Ahmedabad Railway Yard, where complaints are so serious?

The Honourable Mr. J. E. B. HOTSON: (a) and (b) The attention of the honourable member is invited to the answer given to clauses (a) and (b) of his question No. 2 printed in the first list of questions and answers placed on the table during the current sessions.

(c) A special demonstration of thefts from packed bales was held by the B. B. & C. I. Railway authorities on the 14th July 1926. A copy of the letter No. T-266, dated the 23rd July 1926, from the Agent, B. B. & C. I. Railway, in which the result of the special demonstration is reported is placed on the table.

(d) Arrangements for the guarding of goods in the Ahmedabad Railway Yard are made by the B. B. & C. I. Railway.

DEVELOPMENT DEPARTMENT SCHEMES: REVENUE AND EXPENDITURE

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to place on the Council table a statement containing the following information:

(1) the actual cost incurred on each of the schemes of the Development Department calculated up to 31st May 1926;

(2) the revenue obtained on the investment made in each of them up to that date;

(3) the percentage of annual revenue against the actual cost;

(4) the amount of economic loss suffered on each of the schemes as calculated up to the said date?

The Honourable Mr. COWASJI JEHangIR: The information is being compiled.

DREDGERS: CONTRACTS FOR PURCHASE OF AND OUTPUT OF

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased (a) to place on the Council table copies of specifications and contracts of all the dredgers so far purchased by them;

(b) to state whether there are any clauses in any of their contracts claiming damages or compensation for material difference in the output of the said dredgers;

(c) to obtain this information from the Secretary of State or the High Commissioner for India in case these contracts and specifications are still in their possession;

(d) to state whether any action has so far been taken to convey to the makers of the dredgers the record of their extremely poor output. If so, to place copies of these papers on the Council table?

The Honourable Mr. COWASJI JEHangIR: Pending the issue of the report of the Committee of Enquiry which the Government of India have appointed in connection with the Back Bay Reclamation Scheme, Government do not propose to place before the House documents or information relating to matters which will come under investigation by that committee.

BACK BAY RECLAMATION : ALLEGATIONS BY SIR GEORGE BUCHANAN

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state whether as alleged by Sir George Buchanan it is a fact that—

(a) the dredging operations have been terribly mishandled and the dredger has done nearly double the work attributed to it;

(b) according to the official figures the total expenditure to the end of 1925 could have been materially lessened had efficiency and economy been exercised;

(c) the work could not be carried out by the Bombay Government economically and satisfactorily working on the departmental system through the Development Directorate;

(d) for years Sir George Buchanan had been struggling against Government extravagance and inefficiency in regard to this undertaking;

(e) No cost accounts were being kept and that it was impossible to exercise economy without the proper system of cost accounting;

(f) Sir George Buchanan protested against the purchase of a quantity of expensive plant and machinery much of which had never been used when he was last in Bombay?

The Honourable Mr. COWASJI JEHangIR: The honourable member is referred to the reply given to his previous question.

BACK BAY RECLAMATION : PROTEST BY SIR GEORGE BUCHANAN

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to place on the Council table all relevant and important papers relating to the alleged protest made by Sir George Buchanan in regard to the Back Bay scheme along with the replies given by Government to him or to any other party on his behalf?

The Honourable Mr. COWASJI JEHangIR: The honourable member is referred to the reply given to his fourth question.

PRACTISING SCHOOLS : LADY TEACHERS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether it is a fact that lady teachers were being awarded approved service certificates by the Education Department in the past;

(b) whether lady teachers who have obtained such certificates will be given preference for appointments in the practising school of the Female Training College at Ahmedabad ?

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

(b) All other things being equal, women teachers who have obtained approved service certificates will be given preference for the appointments referred to.

PRACTISING SCHOOLS : LADY HEAD TEACHERS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to give—

(a) the number of lady teachers who hold approved service certificates from the Education Department in the Northern Division ;

(b) the reason for not selecting such lady teachers as heads in the practising schools ?

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

(b) Because another was considered better able to perform the special duties of the post.

COMPULSORY PRIMARY EDUCATION ACT IN AHMEDABAD

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether the Compulsory Primary Education Act will be operating in Ahmedabad from 1st April 1926 ;

(b) the reasons for the delay in the application of this Act ;

(c) the additional burden that will have to be actually borne by the Ahmedabad Municipality during the first year of the application of the Act ?

The Honourable Mr. B. V. JADHAV : (a) and (b) These parts of the question were answered in the last session of the Council.

(c) If the Honourable Member refers to the additional expenditure which the Municipality will incur on account of the introduction of compulsory elementary education within the Ahmedabad municipal area, this is estimated at about Rs. 1,54,000 (Rs. 1,31,500 recurring per annum *plus* Rs. 22,500 non-recurring). As Government have not yet been supplied by the Municipality with full details of the scheme they are unable to state the actual additional burden which will fall upon that body in the first year of the introduction of the scheme for compulsory elementary education in the city of Ahmedabad.

DRINKING WATER SUPPLY, KAIRA AND AHMEDABAD

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to place on the Council table details of improvement of water supply made during the current year with a view to alleviate the scarcity of drinking water in the hot weather in the Ahmedabad and Kaira Districts ;

(b) to give details of the utilisation of the special grant of Rs. 50,000 which was placed at the disposal of the Collector of Ahmedabad for this purpose ?

The Honourable Mr. J. L. RIEU: (a) In Kaira twenty-two new wells and two water troughs were constructed and eighty-one wells were repaired and deepened. In Ahmedabad the excavation of existing tanks was started in eight villages of Dholka and thirteen of Dhandhuka. Owing to early rains however the work in four villages in each of the talukas remained unfinished. It was then expected that the unfinished tanks would become dry by the end of November and that work could be resumed in them from December. This expectation was realised in the case of six tanks, while the remaining two had to be left out from the programme of the year 1925-1926. Excavation was resumed in the above-mentioned six unfinished tanks and completed before the close of the financial year. Excavation of ten new tanks (two of Dholka and eight of Dhandhuka) was undertaken and finished before the end of March 1926.

(b) A statement* showing the details of the grant of Rs. 50,000 together with an additional grant of Rs. 10,000 sanctioned by Government for the same purpose, is herewith appended.

BACK BAY RECLAMATION : CORRESPONDENCE WITH
SIR GEORGE BUCHANAN

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to place on the Council table copies of all correspondence that has passed between them and Sir George Buchanan or Messrs. Meik and Buchanan during the current year ?

The Honourable Mr. COWASJI JEHangIR: The honourable member is referred to the reply given to his fourth question.

DEVELOPMENT DREDGERS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to lay on the table—

(a) copies of letters exchanged between them and the Government of India regarding the failure of the dredgers of the Development Department during the current year;

(b) copies of letters exchanged between them and the Secretary of State for India or the Secretary of State for India in Council on the same subject ?

The Honourable Mr. COWASJI JEHangIR: The honourable member is referred to the reply given to his fourth question.

* Kept in the Secretary's Office.

BACK BAY RECLAMATION: ALLEGATIONS BY
SIR GEORGE BUCHANAN

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state whether certain allegations against the Government of Bombay made by Sir George Buchanan in a letter to the *London Times* in the month of April, reference to which has been made in the *Times of India* of April 16, have come to their notice: If so, will they be pleased to place on the table a statement explaining their position in regard to them?

The Honourable Mr. COWASJI JEHangIR: Yes. Pending receipt of the report of the Committee of Enquiry which the Government of India have appointed in connection with the Back Bay Reclamation Scheme, Government do not propose to place before the House any documents or information relating to matters which will come under investigation by that Committee.

RELIEF TO AGRICULTURISTS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to give an approximate estimate of the failures of crops due to want of sufficient rains during the last monsoon in different districts of this Presidency;

(b) to state whether they intend to give relief to the agriculturists in the form of suspension and remission, and if so, the nature and extent of such relief;

(c) to state if they intend to give relief to the agriculturists from the Famine Insurance Fund, and if so, the nature and extent of the same?

The Honourable Mr. J. L. RIEU: A statement* furnishing the information is appended.

GRANTS TO AIDED SECONDARY SCHOOLS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) the reasons for admitting the expenditure of Rs. 29,243 against the expenditure of Rs. 33,627 shown by the school manager of the City High School, Ahmedabad, and for recommending the grant of Rs. 5,000 against the same when the J. L. New English School and the Tutorial High School have their expenditure recommended and shown as Rs. 15,489 against Rs. 18,538 and Rs. 28,361 against Rs. 29,107 respectively;

(b) the amounts of, and the percentage ratio between—

(i) the expenditure shown by the school manager,

* Kept in the Secretary's Office.

- (ii) that admitted by the Educational Inspector, Northern Division,
- (iii) the grant recommended by the Educational Inspector, Northern Division, and
- (iv) the grant given by the Director of Public Instruction for the years 1924-25 and 1925-26 for each of the schools at Ahmedabad, viz., the J. L. New High School, the Tutorial High School and the City High School ?

The Honourable Mr. B. V. JADHAV: The proportion of the expenditure admitted by the Department to the total expenditure shown by the school managers does not depend upon any fixed ratio previously prescribed for the purpose in the Grant-in-aid Code but on the amount of expenditure incurred by schools on items considered admissible by the Department. The amount of inadmissible expenditure in 1924-25 returned by the three schools was as follows :—

Name of school.	Amount of expenditure incurred on items considered inadmissible.			
	Rs.			
City High School	4,383
J. L. New High School	3,049
Tutorial High School	746

As the accounts of the City High School closed with a credit balance of Rs. 5,336 on 31st March 1924, it was given a grant for 1924-25 of Rs. 5,000 only, equal to the grant given it in the previous year.

(b) The information required is given in the enclosed statement A*, which also shows the percentage of the grant to the admitted expenditure.

**THE HONOURABLE MR. JADHAV'S LETTERS TO THE MEMBERS
OF THE MUNICIPAL CORPORATION OF BOMBAY**

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether their attention has been drawn to the facsimile letter of the Honourable Mr. Jadhav published in the *Bombay Chronicle* ;

(b) the number of such letters addressed by him on the subject to the members of the Bombay Municipal Corporation and to place on the table copies of such letters ;

(c) whether their attention has been drawn to the debates of the Bombay Municipal Corporation on the subject during May and whether any action has been taken or is intended to be taken in this matter and, if so, the details of the same ?

The Honourable Sir CHUNILAL MEHTA : (a) Yes.

(b) About five. No copies were kept.

(c) The answer to first part of (c) is in the affirmative and the answer to the second part of (c) is in the negative.

* Kept in the Secretary's Office.

Dr. M. B. VELKAR : May I know the names of the persons to whom these letters were addressed ?

The Honourable Sir CHUNILAL MEHTA : I have no information.

Mr. R. S. NEKALJAY : May I rise to make a personal explanation ? As a nominated member of the Bombay Municipal Corporation.....

The Honourable the PRESIDENT : The honourable member can only ask supplementary questions at this stage. He cannot make a statement.

Mr. R. S. NEKALJAY : As a member of the Corporation.....

The Honourable the PRESIDENT : That has nothing to do with the present issue. If he can put his statement in the form of a supplementary question, I will allow it.

Mr. R. S. NEKALJAY : I want to make my position clear.

The Honourable the PRESIDENT : That has nothing to do with it. This is question time.

Dr. M. B. VELKAR : Is it a fact that Mr. R. S. Nekaljay was one of the persons to whom this letter was addressed ?

The Honourable Mr. B. V. JADHAV : Mr. Nekaljay is here, and the honourable member can refer to him.

Dr. M. B. VELKAR : May I know from the Honourable Minister himself whether Mr. Nekaljay was the recipient of such a letter ?

The Honourable Mr. B. V. JADHAV : I think it will be better if the honourable member refers to Mr. Nekaljay himself.

Dr. M. B. VELKAR : I want an answer from the Honourable Minister himself. The Honourable Minister is here, and it is his bounden duty to reply to the question.

The Honourable Mr. B. V. JADHAV : I have not kept any office copies of those letters ; so I do not remember to whom I sent them.

Dr. M. B. VELKAR : Are Government going to take any action in this matter, after the resolution that has been passed by the Bombay Corporation ?

(No reply.)

The Honourable the PRESIDENT : As the honourable member Mr. Nekaljay was on his legs to make a statement, and as the Honourable Minister would not give a direct reply, I will allow Mr. Nekaljay to state in answer to the question by the honourable member Dr. Velkar as to whether he received the letter or not—simply, yes or no.

Mr. R. S. NEKALJAY : No.

Dr. M. B. VELKAR : I want to know whether Government are taking any action in this matter, since the Corporation has passed a resolution condemning the action of Government officials interfering in election matters.

The Honourable Sir CHUNILAL MEHTA : The answer has already been given.

Mr. H. H. NARIELVALA : Do Government encourage such a policy on the part of the Members of Government and Ministers ?

Dr. M. B. VELKAR : Am I to take it that Government encourage such an action on the part of a Minister as interfering in matters of election to the Corporation ?

. The Honourable Sir CHUNILAL MEHTA : The inference is not justified.

Dr. M. B. VELKAR : Part (c) of the question asks whether their attention has been drawn to the debates of the Bombay Municipal Corporation on the subject during May and whether any action has been taken or is intended to be taken in this matter and, if so, the details of the same. The answer to the second part is in the negative. Are we to take it that Government do encourage any sort of interference on the part of Government officials in the matter of elections in the Corporation ?

The Honourable Sir CHUNILAL MEHTA : The answer has already been given.

MOULVI RAFIUDDIN AHMAD : Has Government given its approval or non-approval to this action of the Honourable Minister ?
(No reply.)

Mr. P. G. JOSHI : I would like to know the reasons why Government do not intend to take action in the matter.

The Honourable Sir CHUNILAL MEHTA : I would like to ask the honourable member whether he has read the resolution of the Corporation.

Mr. P. G. JOSHI : That has nothing to do with the question. I want to know the reasons why Government do not want to take action in this matter, the reasons of the Government. It has nothing to do with my knowledge of the resolution of the Corporation.

Sir VASANTRAO A. DABHOLKAR : Was not this interference against Government rules ?

Mr. R. G. PRADHAN : May I enquire whether the Honourable Minister is precluded from writing to the members of the public ?

The Honourable Sir CHUNILAL MEHTA : The answer to the last question is in the negative.

Mr. HOOSEINBHOY A. LALLJEE : As the Honourable the Leader of the House has himself been a member of the Corporation, is he not aware that the Corporation detests any undue influence in the presidential election ?

The Honourable Sir CHUNILAL MEHTA : Will he define undue influence ?

Mr. HOOSEINBHOY A. LALLJEE : A letter from an official.

The Honourable Sir CHUNILAL MEHTA : Is the Honourable Minister an official ?

Mr. HOOSEINBHOY A. LALLJEE : Is he not ?

Mr. H. B. SHIVDASANI : Are we to take it that Government do not exercise undue influence in election matters ?

Sir VASANTRAO A. DABHOLKAR : Is the Honourable Leader of the House aware of the notification of Lord Curzon on this subject ?

Mr. NOOR MAHOMED : Is it not a fact that in the Punjab the election of a Minister was set aside on the ground that he used undue official influence ?

Mr. R. G. SOMAN : May I know to whom the letters were addressed by the Honourable Minister ?

The Honourable the PRESIDENT : The answer has been given. Next question.

BACK BAY SCHEME : REPLIES TO ALLEGATIONS OF SIR GEORGE BUCHANAN

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to state whether any reply has been submitted by them in regard to the allegations made by Sir George Buchanan against them either directly or through the Government of India or the Secretary of State for India ;

(b) if so, to place copies of the reply on the Council table ?

The Honourable Mr. COWASJI JEHANGIR : The honourable member is referred to the reply given to his fourth question.

AHMEDABAD CANTONMENT TOLL BAR

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to state whether a toll bar has been recently imposed in the cantonment limits at Ahmedabad ; if so, to give reasons for levying fresh tolls against the declared policy of the Government to gradually abolish the toll system ;

(b) to place on the table a statement containing the revenue so far obtained from these fresh tolls along with the expenditure incurred in running it ;

(c) to state whether they intend to take any action in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes. An assurance was given by Government that they would abolish tolls gradually on *provincial* roads. No such assurance was given in respect to tolls on *cantonment* roads.

(b) The collection of tolls in the Ahmedabad Cantonment has been farmed out by the Cantonment authority to a contractor with effect from 1st April 1926. The first half-yearly instalment paid by him is Rs. 1,213. Against this the Cantonment authority has incurred the expenditure of Rs. 45 in two months in purchasing toll ticket books, etc. The cost of the maintenance of the roads during the year 1925 amounted to Rs. 8,000 and the estimated requirements for the year 1926 are Rs. 8,500.

(c) The question is under consideration.

**R. C. TECHNICAL INSTITUTE, AHMEDABAD : STAFF
AND STUDENTS**

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to place on the table a statement giving the number of students and teachers in the R. C. Technical Institute at Ahmedabad before they took it over and in 1926, respectively;

(b) to state if it is a fact that the Institute has not increased its staff in proportion to the increase in the number of the students?

The Honourable Mr. B. V. JADHAV :

(a) Number of students at the R. C. Technical Institute in 1916	.. .. .	56
Number of students at the R. C. Technical Institute in 1926	.. .. .	125
Number of teachers including Mistris on the staff of the Institute in 1916	.. .. .	17
Number of teachers including Mistris on the staff of the Institute in 1926	.. .. .	20

(b) Since Government took over the management of the Institute on 1st January 1917, the following three posts have been added to the staff to meet the requirements of the Institute :—

- (1) Turner,
- (2) Dobby Weaver,
- (3) Oilman.

**R. C. TECHNICAL INSTITUTE, AHMEDABAD : COURSES OF
STUDIES**

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to give reasons for not introducing the courses of Physics and Chemistry in the R. C. Institute at Ahmedabad and for not making provision for a laboratory for that purpose ;

(b) to state whether they intend to take steps to introduce courses of Electrical Engineering and Motor Mechanics classes in this Institute in view of the remarkable progress of this science in this Presidency ;

(c) if not, to give reasons for the same ?

The Honourable Mr. B. V. JADHAV : (a), (b) and (c) The matter is under the consideration of the Director of Public Instruction whose final recommendations have not yet reached Government.

R. C. TECHNICAL INSTITUTE, AHMEDABAD : MACHINERY

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to place on the table a list of the machinery in the R. C. Technical Institute, Ahmedabad, at the time when they took over along with a list of the machinery in 1926 ;

(b) to state if they intend to introduce some models of improved machinery for the students taking their courses in this Institute ?

The Honourable Mr. B. V. JADHAV : (a) The four lists* which have been placed on the table give the information required by the honourable member.

(b) The answer is in the negative, unless the Millowners of Ahmedabad are prepared to give an adequate donation for the purpose.

R. C. TECHNICAL INSTITUTE, AHMEDABAD :
MACHINERY

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to place on the table a list of the machinery used in the R. C. Technical Institute at Ahmedabad during the current year with the name of the manufacturers and the year of their making the same or the year of purchase ;

(b) to state whether it is a fact that improved models of machinery have not been supplied to this Institute where students are taking courses for learning practical work ?

The Honourable Mr. B. V. JADHAV : (a) The two lists* which have been placed on the table give the information required by the honourable member.

(b) No proposals for the supply of improved models of machinery to the Institute have hitherto been received from the Principal.

R. C. TECHNICAL INSTITUTE AND V. J. TECHNICAL
INSTITUTE

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to place on the table a list containing the amounts paid by them to the R. C. Technical Institute, Ahmedabad, and the V. J. Technical Institute, Bombay, during each of the years from 1920-21 to 1926-27 ;

(b) to give the number of students taking course in 1926-27 in each of the institutes respectively ;

(c) to state whether it is a fact that the R. C. Technical Institute at Ahmedabad is wholly conducted by Government while the V. J. Technical Institute is being conducted by private funds assisted by Government grants ;

(d) to state the reasons why the progress achieved in the Institute at Ahmedabad is not very satisfactory and the steps they intend to take in the matter ?

* Kept in the Secretary's Office.

The Honourable Mr. B. V. JADHAV : (a) and (b) The subjoined statement gives the information required :—

(a)

—					R. C. Technical Institute.	V. J. Technical Institute.
					Rs.	Rs.
1920-21	..	..	..	..	20,060	1,25,000
1921-22	..	..	..	..	20,522	1,25,000
1922-23	..	..	..	..	23,372	1,25,000
1923-24	..	..	..	..	33,905	4,00,000† 1,25,000
1924-25	..	..	..	..	28,348	2,80,000† 1,25,000
1925-26	..	..	..	..	28,943	1,25,000
1926-27 (estimated)	..	..	..	..	33,000	1,25,000

(b) R. C. Technical Institute	..	..	125
V. G. Technical Institute	..	..	507

(c) The R. C. Technical Institute, Ahmedabad, is being conducted mainly from Provincial Funds (about Rs. 4,000 being received as interest on the donations). It cannot properly be said that the V. J. Technical Institute, Bombay, is conducted by private funds assisted by Government grants because the Institute receives only Rs. 22,000 as annual fixed grants—Rs. 20,000 from the Bombay Municipality and Rs. 2,000 from the Bombay Millowners' Association—while the Government grant amounts to Rs. 1,25,000.

(d) There is no analogy between the two institutions. The V. J. Technical Institute gives instruction of an advanced character and has been recognised by Government as the chief Technological Institution in the Presidency. The R. C. Technical Institute was at first intended to provide instruction for boys from primary schools and for boys working half time in the mills. The latter part of the scheme having proved ineffectual, had to be dropped. The qualification for admission first demanded was the vernacular IV standard. This low qualification undoubtedly affected the results. The qualification has been gradually raised and is now V A.-V. standard. With this raising of the Educational qualification there has been a corresponding improvement in the results attained.

MATRICULATION EXAMINATION RESULTS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that the results of the students who appeared for the matriculation examination this year from the schools at Ahmedabad showed about 20 per cent. of successes when the general result for all centres showed about 40 per cent. of successes ;

(b) if so, to state the reasons therefor ?

The Honourable Mr. B. V. JADHAV : (a) No. The general percentage of passes at the Matriculation Examination this year from the schools at

† Non-recurring grants for buildings.

Ahmedabad came to 28·8 as calculated from the figures obtained from the Secretary, School Leaving Examination Board. The general percentage of passes for the whole Presidency was 41·5.

(b) The results show that the schools at Ahmedabad differ very much from one another in the efficiency of their work of preparing pupils for the Matriculation Examination. The low results of the non-Government schools may be attributed to the inferiority of the organisation and teaching of those schools. The poor results are also indirectly due in part to the influence of non-co-operation on the schools, especially during the years 1921—1924.

OUTPUT OF DREDGER "SIR GEORGE LLOYD"

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(a) whether the dredger "Sir George Lloyd" was under the contract with the makers or consulting engineers guaranteed to supply mud at the rate of 2,000 cubic yards per hour;

(b) whether the output obtained in the working season of 1925-26, i.e., up to 31st March 1926, was at the rate of about 450 cubic yards per hour;

(c) similar figures of output for the working seasons of 1923 and 1926 just concluded;

(d) what steps have they taken to obtain greater output or claim damages for the supply of a dredger which has for over two years given much less output than that mentioned by the makers?

The Honourable Mr. COWASJI JEHangIR: (a) The dredger was designed to yield an output of 2,000 cubic yards of "soft clay" per hour through a pipe line of 5,000 feet long.

(b), (c) and (d) As the actual rate of output will be investigated by the Back Bay Enquiry Committee appointed by the Government of India, Government do not propose to make any statement on the subject now.

RETRENCHMENT COMMITTEE'S RECOMMENDATIONS

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to place on the Council table a list of such of the recommendations of the Retrenchment Committee as have been given effect to by them along with a list of the remaining ones with the total amount of saving already effected by the former and recommended in the latter?

The Honourable Sir CHUNILAL MEHTA: The information required by the Honourable Member is being compiled.

EDUCATIONAL DEPARTMENT: PENSION OF MR. M. V. ACHARYA

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will the Honourable Minister for Education be pleased to state—

(a) whether in his speech in the Council on 4th March last he stated that the services of Mr. M. V. Acharya were transferred to the

municipality who did not appreciate them and he had to retire on "full pension";

(b) the date on which he was paid the first instalment of his "full pension";

(c) the date of his dismissal;

(d) the date of his petition to Government against his wrongful dismissal;

(e) the date of the orders of Government to consider him as retired on "full pension";

(f) the reasons for the delay caused in making payment to him of the first instalment of the "full pension";

(g) whether they would place such papers on the table which are connected with the period of his dismissal and the final orders for the awarding of full pension to him?

The Honourable Mr. B. V. JADHAV : (a), (c), (d), (e) and (g) These parts have already been answered.

(b) Full pension has not yet been paid to Mr. Acharya as the final pension payment order has not been received from the Accountant General who has been addressed on the subject. The teacher, however, receives a provisional pension of Rs. 30 per mensem at present.

(f) The reason for the delay was chiefly the refusal of the Ahmedabad Municipality to supply the necessary documents and information required for the preparation of the pension papers.

THEFTS FROM PACKED BALES, AHMEDABAD

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(1) to place on the Council table copies of reports regarding demonstrations of thefts from packed bales held at the Ahmedabad Fine Mills at Ahmedabad by the Railway Police in 1925 and 1926;

(2) to state the number of thefts of this character traced in Ahmedabad Railway Yard during 1925 and 1926, with general details of each of them;

(3) to say if the Watch and Ward men were responsible for such thefts;

(4) to state whether they propose to take any action to compensate those who have suffered damages and submitted their claims for such thefts?

The Honourable Mr. J. E. B. HOTSON : (1) A copy of the Agent's report on the last demonstration is placed on the table in reply to the Honourable Member's question 2 (c). The report on the former demonstration is also laid on the table*.

(2) and (3) The information for the year 1925 is given in Appendix 103 to Volume XVII of the Council Debates. Government are unable

to comprehend in what manner the public interest would be served by procuring the desired information for 1926.

(4) No, since Government are not responsible for the loss.

THEFTS FROM PACKED BALES : REPORT REGARDING

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to place on the Council table reports of a demonstration of thefts from packed bales held in the General Traffic Manager's Office, Bombay, on 14th July 1926, with opinions of Messrs. Kothawalla, the Superintendent, B. B. & C. I. Railway, J. A. Guider, the Watch and Ward Superintendent, and G. I. Patel, all of whom witnessed the said demonstration ?

The Honourable Mr. J. E. B. HOTSON : The report has already been placed on the table. Government have not received the opinions of the officers referred to in the question.

RAILWAY THEFTS : REPORTS REGARDING

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether any dissenting minutes were made by Mr. H. R. Kothawalla, the Superintendent of Railway Police, Bombay, on the report submitted to Government through the Agent, B. B. & C. I. Railway Company signed by Messrs. Guider, Kothawalla and Mosely and placed on the Council table ;

(b) whether it is a fact that Mr. Kothawalla disagreed with paragraphs 10 and 11 of the said joint report and attached his signature subject to a minute of dissent ;

(c) whether it is a fact that the said minute of dissent was not placed on the Council table when the joint report was placed on the table ;

(d) why a part consisting of the dissenting minutes of the said report was left out in submitting the full report to Government and in placing the whole of it on the Council table ?

The Honourable Mr. J. E. B. HOTSON : (a), (b) and (c) Yes.

(d) Government are not aware why the dissenting minute did not accompany the joint report. When the latter was placed on the Council Table the dissenting minute had not been received by Government.

UNJHA STATION : PASSENGER SHED

Mr. J. C. SWAMINARAYAN on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) the approximate average number of passengers booked to and from Unjha station during 1925 and 1926 ;

(b) the approximate amount realised from the sale of tickets and luggage charges ;

(c) whether there is a passenger shed at Unjha station sufficient to accommodate the number of passengers asked in (a) ;

(d) whether it is a fact that the shed is utilised by the Railway Company at the time of the Miradatar fair thereby causing inconvenience to passengers;

(e) the total area of the shed;

(f) the distance between the shed and the station fencing;

(g) whether this distance is provided with any roof;

(h) whether it is a fact that the Honorary Secretary, Unjha Young Men's Association had asked the Railway Company to erect a passenger shed in 1924 by his letter dated 16th November 1924. If so, to place copy thereof on the Council table;

(i) whether he has again reminded them of this public grievance in May 1926;

(j) whether the Company have taken or intend to take any steps to erect a shed to accommodate the passengers at this station?

The Honourable Mr. J. L. RIEU: The information has been called for.

KING EMPEROR *versus* V. L. BHAVE : SPECIAL PROSECUTOR

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) why the appointment of a special prosecutor became necessary in a criminal case sent by the City Magistrate, Thana, against one Vinayak Laxman Bhawe, when there are already four Government prosecutors at Thana;

(b) the terms of engagement of Mr. D. M. Gupte in the said case;

(c) whether it is a fact that a payment of Rs. 100 to Rs. 150 per day has been recommended by the District Magistrate, Thana; if so, whether Government sanctioned the fees and at what rate per day;

(d) whether any fees have been allowed for days on which the case was merely adjourned;

(e) what is the total cost to Government for the payment of such fees?

The Honourable Mr. J. E. B. HOTSON: (a) Mr. D. M. Gupte was appointed special prosecutor because he was thoroughly conversant with the facts of the case, having acted as a pleader for the complainant in previous proceedings out of which the present prosecution arose.

(b) The terms of engagement were that he should be paid fees under the Government Law Officers' Rules.

(c) The District Magistrate, Thana, recommended enhanced fees. Government have sanctioned a lump payment of Rs. 2,000 for the 60 hearings.

(d) The fee is not calculated at a daily rate.

(e) Rs. 2,000.

Mr. G. B. PRADHAN: May I know from the Honourable the Home Member why the terms of engagement were departed from and why enhanced fees were given?

The Honourable Mr. J. E. B. HOTSON: For the usual reasons. The case was supposed to be one of difficulty.

Mr. G. B. PRADHAN : When there were actually specific terms of engagement that he would be paid in accordance with the Government Law Officers' Rules, why was enhanced payment made to him ?

The Honourable Mr. J. E. B. HOTSON : The Government Law Officers' Rules do provide for enhanced fees.

Mr. G. B. PRADHAN : No ; not if there is a previous contract. If the honourable member will refer to those rules, he will find that if there is a previous contract, there is no such thing.

The Honourable Mr. J. E. B. HOTSON : The fees were paid in accordance with the ordinary practice.

Mr. G. B. PRADHAN : Do these sixty hearings also comprise the hearing of appeal ?

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

Mr. G. B. PRADHAN : So, he is still to be paid afresh for the hearing of the appeal ?

The Honourable Mr. J. E. B. HOTSON : We have had no communication on the subject yet from the District Magistrate.

Mr. G. B. PRADHAN : May I know how many adjournments were there for which no fees are leviable ?

The Honourable Mr. J. E. B. HOTSON : There were about 28 adjournments ; but the fees are payable because there was no special contract.

Mr. G. B. PRADHAN : Is not the Home Member aware that there is a rule in the Government Law Officers' Rules that for the days on which the cases are merely adjourned the Government Pleader is not entitled to any fee ?

The Honourable Mr. J. E. B. HOTSON : The answer is that the fees are not calculated at a daily rate, but as a lump sum for the whole case.

Mr. G. B. PRADHAN : So he is being paid fees even for days when there were mere adjournments without any work being done ?

The Honourable Mr. J. E. B. HOTSON : The answer does not say that.

Dr. R. P. PARANJPYE : May I know why Government have taken special interest in this case ?

The Honourable Mr. J. E. B. HOTSON : I do not think Government have taken any special interest in this case.

Mr. G. B. PRADHAN : What was the amount recommended as daily fee by the District Magistrate, may I know ? Rs. 100 or Rs. 150 or more ?

The Honourable Mr. J. E. B. HOTSON : The District Magistrate recommended a larger fee than Government have given.

Mr. G. B. PRADHAN : That I know ; but I want to know what was the exact amount recommended by him ?

The Honourable the PRESIDENT : Next question, please,

KING EMPEROR *versus* V. L. BHAVE : ILLNESS OF ACCUSED

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether it is a fact that the Civil Surgeon is the principal medical authority in a district ;

(b) if so, whether they are aware that in the case against Mr. Bhave, Presidency Surgeons have been called to pronounce their opinions about his illness in spite of the Civil Surgeon's certificates ;

(c) whether it is a fact that very short adjournments were granted in the case in spite of the opinion of medical men to the contrary thereby causing unnecessary expense to Government ?

The Honourable Mr. B. V. JADHAV : (a) and (b). The answer is in the affirmative.

(c) The honourable member is referred to the Honourable the Home Member.

Mr. G. B. PRADHAN : May I know why the usual procedure was not followed in this case ?

The Honourable Mr. B. V. JADHAV : The usual procedure was followed.

B. B. & C. I. RAILWAY : SIDING FOR TIMBER

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether they are aware of the hardship caused to timber merchants owing to there being no siding of the B. B. & C. I. Railway from Dahanu to Savta Bunder ;

(b) whether they intend to take any action in the matter ?

The Honourable Mr. J. L. RIEU : The information has been called for.

SUB-REGISTRARS : NOTICE REGARDING COMPLAINTS AGAINST —

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether it is a fact that a notice is posted at the door of all sub-registrars' offices advising the public to address complaints against sub-registrars, if any, to the Mamlatdar or the Collector ;

(b) if so, what is the origin, date and the purpose of the notice ;

(c) whether similar notices are placed in any other public office under the control of Government, and if so, in what offices ;

(d) if the notice is not placed in any other Government public office, why this department is singled out in this particular respect ;

(e) whether the notice is resented or welcomed by the sub-registrars ? If the former, whether they have asked for its removal ;

(f) whether the question of its removal has ever been considered by Government since its institution ? If so, with what results ?

The Honourable Mr. A. M. K. DEHLAVI : (a) Yes.

(b) The posting of a notice originated in a letter addressed to the Inspector General of Registration by an Assistant Collector in 1896.

The original notice was posted in 1897. In 1914 it was suggested that the form of the notice was objectionable, and it was changed for the present one which runs as follows :—

“Notice is hereby given that any complaint with regard to delay or irregularity on the part of the Sub-registrar should be addressed to the () or the District Registrar.”

The District Registrar is empowered to fill in the designation of the officer to whom complaints are to be addressed, who is usually but not always the Mamlatdar. The purpose of the notice is to inform the public to whom complaints, if any, should be addressed.

(c) No.

(d) In the interests of the public.

(e) The notice was resented by the Sub-Registrars' Association and it had asked for its removal.

(f) The question of the original notice was considered in 1914 and of the amended one in 1925 and after mature consideration and after consulting the District Officers, Government ordered the retention of the notice.

BANDHARA REPAIRS, DEVAPUR

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state what action the Collector of Nasik has taken on the representation made to them on the subject of repairs to the Bandhara at Devapur, taluka Sinnar, district Nasik, and forwarded by them to that officer for disposal?

The Honourable Mr. J. L. RIEU: An estimate for the repairs to the Bandhara is being prepared.

PENSION OF V. Y. DALVI

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether they have received from Mr. Vithal Yashwant Dalvi, retired avalkarkun, Salt Department, a representation complaining that the pension given to him in 1922 falls short of what he is entitled to under the rules, and, if so, what action they have taken thereon?

The Honourable Mr. J. L. RIEU: Yes; the applicant has been asked to address the Central Board of Revenue who are now the controlling authority in respect to the Salt Department of the Presidency proper.

PROGRESS UNDER PRIMARY EDUCATION ACT

Mr. R. G. PRADHAN (Nasik District): Will the Honourable minister for Education be pleased to lay on the table a statement showing what progress has been made up to date by each local authority in the matter of introducing compulsory elementary education under the Bombay Primary Education Act, 1923?

The Honourable Mr. B. V. JADHAV: The accompanying statement* gives the information required by the honourable member.

*Kept in the Secretary's Office.

REFORMED CONSTITUTION : WORKING IN BOMBAY

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether they have submitted to the Government of India or the Secretary of State a report on the working of the reformed constitution in this presidency during the year 1925, and if so, to place a copy of the same on the Council table?

The Honourable Sir CHUNILAL MEHTA: The answer is in the negative.

Mr. R. G. PRADHAN: May I know why the report was not submitted?

The Honourable Sir CHUNILAL MEHTA: It was not called for.

REFORMS INQUIRY COMMITTEE REPORT

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state what recommendations of the Reforms Inquiry Committee have been given effect to up to date, so far as they relate to this province?

The Honourable Sir CHUNILAL MEHTA: The matter is under correspondence with the Government of India.

Mr. R. G. PRADHAN: Am I to understand that none of the recommendations of this committee has been given effect to, up-to-date?

The Honourable Sir CHUNILAL MEHTA: The whole matter is under correspondence with the Government of India.

IRRIGATION WORKS, NASIK DISTRICT

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the table a statement giving particulars of the minor irrigation works undertaken, or proposed to be undertaken, in the district of Nasik, in pursuance of the policy enunciated by the Honourable the Revenue Member in the Budget Session of 1925?

The Honourable Mr. J. L. RIEU: The Collector has been asked to report to the Superintending Engineer on Special Duty the tracts in the Nasik District which require investigation.

Mr. R. G. PRADHAN: When was the Collector asked to report? About a year ago?

The Honourable Mr. J. L. RIEU: I am unable to say when he was asked.

OCTROI LEVIED BY DEOLALI CANTONMENT BOARD

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether it is a fact—

(a) that octroi duty is levied by the Cantonment Board, Deolali, on goods brought within the municipal limits of Bhagur and simply passing through the limits of the Cantonment Board;

(b) that octroi duty exceeding one rupee, levied as stated above, is refunded, whereas no refund is granted of octroi duty which does not exceed one rupee;

(c) that the people of Bhagur have sent to the Collector of Nasik a representation urging that the action of the Cantonment Board in not refunding *all* octroi duty levied as stated above is illegal and that, therefore, steps should be taken to request the Cantonment Board to refund all such octroi duty, whether it exceeds one rupee or not ;

(d) if so, to state what action the Collector has taken on the representation ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Octroi duty which is not less than one rupee is refunded.

(c) Yes.

(d) The Collector of Nasik brought the matter to the notice of the Cantonment Board of Deolali through the Executive Officer of the Cantonment. The Board passed a resolution on the subject, which is now under the consideration of Government.

SCHOLARSHIPS FOR LAD SONARS

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether they are aware that all sub-sections of the Sonar caste are not advanced, and that the Lad Sonars and other Sonar sub-castes are really backward castes ;

(b) if so, the reasons why students of the Lad Sonar sub-caste are not held eligible for the grant of special scholarships reserved for students of backward castes ;

(c) whether it is a fact that a student of the Lad Sonar sub-caste, studying at the Nasik Arts College, applied for a special scholarship ;

(d) if so, whether the application has been granted ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

Mr. P. G. JOSHI : Is it not a fact that these Sonars are considered advanced for the purpose of service, and they are considered backward for the purpose of educational scholarships ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

THE MARATHI ENCYCLOPÆDIA

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) whether their attention has been drawn to a leading article entitled "Maharastriya Gnyankosh" in the Gujarati Khilafat of 30th April 1926 regarding an article in the above book on the holy prophet Mahomed ;

(b) if so, how many copies of the Marathi Encyclopædia they have purchased ;

(c) whether they have sanctioned this book for Government and aided libraries ;

(d) whether they are aware of the feelings of resentment and indignation among the Moslems about the above article ;

(e) if so, whether they have taken any steps in the matter?

The Honourable Mr. B. V. JADHAV : (a) The answer is in the affirmative.

(b) No copies of the Marathi Encyclopædia have been purchased by Government.

(c) No.

(d) and (e) A representation on the subject has been received and is under consideration.

Mr. HOSENALLY M. RAHIMTOOLA : How much time is Government going to take to consider this matter?

The Honourable Mr. B. V. JADHAV : As early as possible.

The THAKOR of AMOD : What is the British policy regarding this?

The Honourable Mr. B. V. JADHAV : As far as I know, the policy is to preserve strict neutrality regarding religion?

MOULVI RAFIUDDIN AHMAD : Was it one of the several representations received by Government?

The Honourable Mr. B. V. JADHAV : Only one representation was received.

FILM CENSORS BOARD : CONSTITUTION

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) the constitution of the Board of Film Censors;

(b) the principle on which nominations are made on the Board;

(c) whether they have received any request from the Bombay Vigilance Association for representation on the Board;

(d) if so, the reply of Government thereto;

(e) whether they are aware that one of the objects of the Bombay Vigilance Association is "to prevent the publication and sale of indecent and obscene literature, *inter alia* in the shape of pictures, books and papers, and objectionable advertisements, cinema films and theatrical performances"?

The Honourable Mr. J. E. B. HOTSON : (a) The attention of the Honourable Member is invited to the reply to clause (1) of the question by the Honourable Member for Kaira District.

(b) An equal number of officials and non-officials have hitherto been nominated in accordance with section 7 (1) of the Cinematograph Act, the three non-officials being selected from the Hindu, Muhammadan and Parsi communities, respectively.

(c) Yes.

(d) A copy of Government's reply is placed on the table.*

(e) Yes.

Rao Saheb D. P. DESAI : (Asked a question which was inaudible.)

The Honourable Mr. J. E. B. HOTSON : I do not understand the relevance of the question.

*Kept in the Secretary's Office.

FILM CENSORS BOARD : PROCEDURE AND MEETINGS

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

- (a) the procedure under which the Board of Film Censors works;
- (b) whether they are aware that there is great discontent about the work of the Board;
- (c) if so, what steps they have taken in the matter;
- (d) the intervals at which the meetings of the Board are held;
- (e) the number of meetings of the Board held from January 1925 to June 1926;
- (f) the number of meetings attended by each member during the period;
- (g) whether it is a fact that the Board meets only when complaints are made regarding any film?

The Honourable Mr. J. E. B. HOTSON: (a) Attention is invited to the Cinematograph Rules, 1921, published in Government Notification No. 5743, dated the 13th June 1921, at pages 1499—1502 of Part I of the *Bombay Government Gazette* dated the 16th June 1921 which lay down the procedure of the Bombay Board of Film Censors.

- (b) No.
- (c) Does not arise.
- (d) The Board meets regularly twice a month.
- (e) 36.
- (f) President 36; Mr. A. L. Covernton, 25 (Mr. Hamill who took his place, 1); Mr. Green, 27 (Mr. Nind who succeeded him, 9); Mr. Mandlik, 32; Mr. Barodawala, 31; and Mr. Byramji Jeejeebhoy, 31.
- (g) No.

SCHOLARSHIPS IN THE V. J. TECHNICAL INSTITUTE

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

- (a) the number of scholarships awarded at the Victoria Jubilee Technical Institute;
- (b) how many of these are reserved for the Mahomedans;
- (c) whether any extra scholarships were awarded last year;
- (d) if so, their number;
- (e) whether any of these were reserved for the Mahomedans;
- (f) if not, the reason why?
- (g) the number of applications received and how many of these were from Mahomedans;
- (h) to whom these scholarships were awarded and how many of these were Mahomedans;
- (i) whether it is a fact that some of these scholarships were given to students who had failed in preference to others who had passed;
- (j) if so, the reasons thereof?

The Honourable Mr. B. V. JADHAV: The attention of the Honourable Member is invited to pages 74—84 of the latest calendar of the Institute for 1926-27. This calendar can be purchased for Re. 1. Details of

the scholarships including certain Government scholarships tenable at the Institute are given on the pages quoted.

Mr. HOOSENALLY M. RAHIMTOOLA : I want to know whether any extra scholarships were awarded last year—question (c).

The Honourable Mr. B. V. JADHAV : The information can be obtained from the calendar of the Institute.

Mr. HOOSENALLY M. RAHIMTOOLA : Will the Honourable Minister state whether the following information can be found in the Calendar ? Is it a fact that some of these scholarships were given to students who had failed

The Honourable Mr. B. V. JADHAV : The names of the failed students and the number cannot be found in the calendar.

Mr. HOOSENALLY M. RAHIMTOOLA : Is it a fact that some of the scholarships were given to those who had failed in preference to others who had passed ?

The Honourable Mr. B. V. JADHAV : The scholarships are awarded by the Board and it is for the Board to consider who should be given the scholarships.

Mr. HOOSENALLY M. RAHIMTOOLA : Is it a fact ?

The Honourable Mr. B. V. JADHAV : Enquiries will be made.

Mr. HOOSENALLY M. RAHIMTOOLA : Will the information be supplied ?

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

RECORD OF RIGHTS IN ALIENATED VILLAGES

Mr. S. A. SARDESAI (Bijapur District) : Will Government be pleased to state—

(a) at whose request alienated villages and lands were exempted from the record of rights and on whose request the exemption was afterwards withdrawn ;

(b) whether it is a fact that Government exempted the alienated landholders from the operation of the Record of Rights Act, 1903, of their own accord in recognition of the rights of alienated landholders ;

(c) if so, why the exemption was not permanently continued and the grounds on which they withdrew the exemption a few years back ?

The Honourable Mr. J. L. RIEU : (a) By the request of no one. The exemption was only intended to be of a temporary character. Khalsa villages were taken up first. When the Record of Rights had been introduced into all of them, Government began to take up alienated villages.

(b) No.

(c) Does not arise.

KARNATAK COLLEGE, DHARWAR : SHASTRI'S POST

Mr. S. A. SARDESAI (Bijapur District) : Will Government be pleased to state—

(a) whether it is a fact that the shastri's post in the Karnatak College of Dharwar is filled by a Marathi *shastri* ;

(b) whether they are aware that the Karnatak public is keen on having a Kannada-knowing *shastri* for that post as the majority of the college students know Kannada only ?

The Honourable Mr. B. V. JADHAV : The Shastri's post at the Karnatak College became temporarily vacant from 1st July 1926 owing to the absence on leave of the permanent incumbent. An attempt was made to secure a Shastri possessing a scholarly knowledge of Sanskrit and Kanarese, but it was not found possible to find a suitable man in the Southern Division. The post was, therefore, filled by the transfer of Mr. S. D. Gajendragadkar, Shastri at the Elphinstone College, Bombay. Mr. Gajendragadkar's original home was in Dharwar, and he is reported to have some knowledge of Kanarese.

BOMBAY PORT TRUST : APPOINTMENTS

Mr. R. D. SHINDE (Nasik District) : Will Government be pleased to state—

(a) whether they are aware of Mr. Lakhmidas Raojee Tairsee's letter appearing in the *Bombay Chronicle* on 31st May 1926 regarding a complaint from the clerical staff of the docks department of the Bombay Port Trust ;

(b) whether it is a fact that a Mr. D'Silva from the Secretary's office who is a junior clerk is to be appointed to a higher post in the docks department of the Bombay Port Trust after a year's training ;

(c) whether this appointment is to be made on grounds of any special qualification or merit and if so what are the qualifications of Mr. D'Silva ;

(d) whether there are no men of better qualifications in the docks department who could fill that post ?

The Honourable Mr. COWASJI JEHangIR : (a) Yes.

(b), (c) and (d) Information has been called for.

VILLAGE SERVANTS, SURAT DISTRICT

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

(a) whether the number of village servants useful to Government in the Surat District was reduced some years back ;

(b) whether the remuneration of these village servants was in some instances partly in land held free of assessment ;

(c) whether those village servants who were reduced were given this land on new tenure without payment of any occupancy price ;

(d) whether land is being taken away from the village servants retained if they fail to perform their duty ;

(e) whether it is a fact that these lands have been held by these village servants and their ancestors since time immemorial ;

(f) whether it is a fact that in some instances these lands were of the ownership of the ancestors of these village servants and were converted into Inam lands merely by the remission of Government assessment ;

(g) what are the special reasons for treating these poor village servants in the manner ;

(h) what is the present policy of Government with regard to the village servants in the Surat District and their inam lands?

The Honourable Mr. J. L. RIEU: (a) Yes, during the years 1910 to 1913. The number was reduced owing to its being in excess of reasonable requirements for the performance of village service and as the village servants demanded increased remuneration.

(b) Yes.

(c) Yes. Surplus land was given wherever it was possible to do so.

(d) Yes.

(e) They have been in possession of the lands for a long time. No sanads however were granted.

(f) No, in the case of these village servants the land itself and not merely the alienation of revenue was granted for duty.

(g) The question does not arise in view of the above replies.

(h) The present policy is to secure efficient service by maintaining an adequate number of village servants in accordance with the size and importance of the village and the work to be done. The inam lands of these servants have not been unnecessarily disturbed anywhere.

LICENSES FOR THE SUPPLY OF ELECTRICITY

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

(a) the names of places for which they have granted licenses for the supply of electricity;

(b) the names of persons or firms or corporations to whom these licenses have been granted;

(c) the maximum rates for the supply of electrical energy for lighting purposes fixed under each license;

(d) whether these maximum rates have been increased since the issue of the licenses, and, if so, give full details of the increases and the special reasons which have induced Government to sanction the increases;

(e) the rate which is at present being charged for the supply of electrical energy for lighting purposes in each place where it is being supplied to the public.

The Honourable Mr. J. L. RIEU: (a), (b), (c), (d) and (e) The information asked for is contained in the statement* attached hereto.

Mr. H. B. SHIVDASANI: May I know why in Karachi and Surat the rate charged for electrical energy exceeds the charge in any other part of the presidency?

The Honourable Mr. J. L. RIEU: Is that a fact?

Mr. H. B. SHIVDASANI: It is in the statement.

IRRIGATION TANK, WATAR

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

(1) whether there is a big irrigation village tank in Watar, taluka Pardi, district Surat;

- (2) the area of that tank ;
- (3) the area assessed to *himayat* from this tank ;
- (4) the amount of *himayat assessment* received from this tank every year ;
- (5) when the tank was last repaired before the repairs to it in the current year ;
- (6) what repairs were necessary to it in the current year ;
- (7) what the estimated cost for those repairs was ;
- (8) how much amount was sanctioned for the repair of this tank during the current year and for what repairs ;
- (9) what repairs were done to this tank this year and what amount was expended on making those repairs ;
- (10) what repairs remain to be done to it and when will they be completed and what will they cost ;
- (11) when will the tank be put in a thoroughly good state of repair ?

The Honourable Mr. COWASJI JEHangIR : (1) Yes.

- (2) About 42 acres 29 gunthas.
- (3) 65 acres 38 gunthas.
- (4) The annual assessment is Rs. 119-6-8.
- (5) The tank was last repaired in 1902-1903.
- (6) The work necessary in the current year consists of raising and strengthening the bund, repairing two outlets and renewing a third one.
- (7) Rs. 3,750.
- (8) and (9) Rs. 1,500 were spent in the last hot season in raising the bund and in carrying out such urgent repairs to the outlets and the weir as would render the tank sufficiently efficient for purposes of irrigation during this rainy season.
- (10) and (11) Raising the bund to the full height required and through repairs to the outlets at an approximate cost of Rs. 2,250. It is expected that the work will be completed by the end of March 1927.

HIMAYAT RECEIPT FROM AND REPAIRS EXPENDITURE TO TANKS

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give for each District of the Northern Division figures for the receipts from *Himayat* and expenditure on the repair of tanks both in charge of the Public Works Department and the Revenue Department for the year :

- (a) 1923-24, and
- (b) 1924-25.

The Honourable Mr. COWASJI JEHangIR : (a) and (b) The accompanying statement* gives the information required by the Honourable Member.

PROVINCIAL ROADS, BOMBAY

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

- (a) the number of miles of provincial roads maintained by Government in each of the Divisions of the Presidency and in Sind exclusive of the roads maintained in Bombay City ;

(b) the total contribution of each of those Divisions and of Sind to the total provincial revenues exclusive of the contribution of Bombay City ;

(c) the approximate average total value of the crops raised in each of the Divisions and in Sind ;

(d) the comparative extent of the trade, commerce and industry of each of those Divisions and of Sind ;

(e) the special reasons for treating Gujarat and Sind less liberally in the matter of communications than the other two Divisions of the Presidency ?

The Honourable Sir GHULAM HUSSAIN : (a) and (e) Information has been called for.

(b) The honourable member is referred to the Member in charge of the Finance Department to which this subject relates and he is requested to address a separate question to him on the subject.

(c) The honourable member is referred to the Member in charge of the Revenue Department to which this subject relates, to whom a separate question on the subject may be addressed.

(d) The honourable member is referred to the Member in charge of the Revenue Department to which this subject so far as it relates to trade and commerce pertains. So far as the subject relates to industry, he is referred to the Minister of Education in charge of the subject " Industries ". He is requested to address separate questions to the Member and Minister referred to with regard to their respective subjects.

KHOTI TENANTS : PAYMENTS TO KHOTS

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state—

(a) whether they have issued any notification or orders to the Khoti tenants in the matter of payment of dues to the Khots ;

(b) if so, to place on the table a copy of the same ?

The Honourable Mr. J. L. RIEU : (a) No ; but notices were issued by Mamlatdars of the Ratnagiri District under the instructions of the Collector.

(b) A translation* of one of the notices is placed on the Council Table.

Mr. A. N. SURVE : May I enquire whether any notices were issued by mamlatdars ?

The Honourable Mr. J. L. RIEU : That was presumably the case, but I cannot say for certain.

Mr. A. N. SURVE : May I enquire whether some tenants were served with different notices ?

The Honourable Mr. J. L. RIEU : I cannot say.

P. W. D. SECRETARIAT ESTABLISHMENT : LEAVE AFTER SUPERANNUATION

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased (a) to place on the table a copy of Government Resolution, F. D., No. 1687, dated 7th December 1922 ;

* Kept in the Secretary's Office.

(b) to state whether the benefit of leave contemplated by the above Government Resolution was extended to the person referred to in my question No. 2A ?

The Honourable Sir CHUNILAL MEHTA : (a) A copy* of the Government Resolution referred to is placed on the Council Table.

(b) The Honourable Member is referred to the Honourable Member, General Department, for the information he requires.

REVENUE DEPARTMENT CLERKS, AHMEDABAD DISTRICT

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

(a) whether the names of some acting clerks of the Ahmedabad District, though actually working in the time-scale revenue department, were entered by Government on the tagavi establishment for public convenience ;

(b) whether these clerks are debarred from receiving their due increments on account of this classification which was made only for public convenience ;

(c) the grounds on which these clerks have been made to suffer for no fault of theirs ;

(d) what is the amount of loss which these clerks have suffered ;

(e) whether Government intend to recompense these clerks for the loss which they have suffered ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) The posts on the temporary tagavi establishment are on fixed pay and under the rules clerks holding liens on these posts cannot earn increments in the general line to which time-scale applies.

(d) A statement* showing the amount of loss incurred by the clerks is placed on the Council Table.

(e) The question is being considered.

LOCAL FUND CESS FROM THE TALUKDARS OF AHMEDABAD DISTRICT

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

(a) whether it is a fact that all the Talukdars of Ahmedabad district have been paying local fund cess at the rate of one anna on their Jama from the time of the establishment of local fund ;

(b) whether it is a fact that Government have recovered local fund cess at the rate of one anna on their assessment during the year 1924-25 ;

(c) whether the Talukdars made complaints against the local fund cess being levied on the assessment instead of on the Jama ;

(d) whether the Talukdars paid the cess under protest during that year ;

(e) what action Government have taken in connection with the complaints and protests of the Talukdars ?

* Kept in the Secretary's Office.

The Honourable Sir GHULAM HUSSAIN: (a) to (d) Yes.

(e) Orders have been issued for the levy of the cess from the Talukdars on jama only.

PROSECUTIONS UNDER THE BOMBAY PREVENTION OF ADULTERATION
ACT, 1899, IN AHMEDABAD

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

(a) whether the Bombay Prevention of Adulteration Act, 1899, has been applied to the municipal district of Ahmedabad for milk as well as butter (ghee);

(b) if so, how many prosecutions have been brought before the courts under the said Act as regards milk and butter (ghee);

(c) what was the result of those prosecutions;

(d) when was the last prosecution lodged?

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

(b) Nil.

(c) and (d) The questions do not arise.

MANAGEMENT OF TALUKDARI VILLAGE AGHAR IN VIRAMGAM TALUKA

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

(a) whether Aghar, a talukdari village of Viramgam Taluka, is under Government management;

(b) whether Government have given Ijara of that village;

(c) whether the cultivators of that village have since last October kept ready corn produced during the current year in the grainyards of the village for weighment and distribution between themselves and the Ijardar;

(d) whether it is a fact that the Ijardar has not yet weighed the corn and allowed the cultivators to take the share due to them;

(e) whether it is a fact that the corn is, in the meanwhile, being destroyed by white ants;

(f) whether the cultivators have made complaints to Government to expedite the weighment of corn and the distribution of the same between themselves and the Ijardar;

(g) if so, what action they have taken in the matter?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) Yes.

(c) Yes.

(d) There was some dispute between the parties about the number and location of sites for depositing corn pending weighment. This has now been settled and the corn has been weighed and distributed;

(e) No.

(f) Yes.

(g) Government ordered an enquiry and the special officer who was appointed as arbitrator by common consent of the parties concerned has now given his award settling the dispute in question.

DISTRIBUTION OF COTTON PODS BY TALUKDAR OF GHATISNA

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

(a) whether they are aware that during the year 1925 the Talukdar of Ghatisna, in the Viramgam Taluka of Ahmedabad District, postponed the weighing and distribution of cotton pods lying in the grainyards (Makhals) of the village till the monsoon set in and the cotton pods were wetted by rain;

(b) whether the cultivators were compelled to sell the damaged cotton pods of their share at a considerably reduced rate;

(c) if the answers to (a) and (b) are in the affirmative, whether they have taken any steps to prevent the recurrence of such irregularities on the part of the Talukdars in future?

The Honourable Mr. J. L. RIEU: (a) The Makhal was weighed on 3rd, 4th and 5th June 1925 by the Deputy Manager of Viramgam.

(b) The rate realized was only slightly below the average.

(c) Orders have been issued to the Talukdari Settlement Officer to make the division of crops in all villages which are under Government management as soon as possible after the crops are ready. Government cannot control the Talukdars themselves.

TENANCY OF CULTIVATORS OF MOYAD VAS NATHAJI.

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

(a) whether it is a fact that the cultivators of Moyad Vas Nathaji, a talukdari village of the Prantij taluka of the Ahmedabad district have lived in their villages from the time of its establishment and are permanent occupants of the lands of the said village and its suburb Limbla which they cultivate;

(b) whether the Thakor of the said village has served notices of eviction on those cultivators with a view to force them to accept the inferior status of yearly tenants-at-will;

(c) if so, the grounds on which the action of the Thakor has been taken?

The Honourable Mr. J. L. RIEU: (a) The villagers have lived in the village since its establishment. But the cultivators are tenants-at-will.

(b) No.

(c) The question does not arise.

TALUKADARS OF DHOLERA: LEVY OF COMMISSION IN CONNECTION WITH BUILDINGS

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

(a) whether they are aware that the talukdars of Dholera are interfering with the rights of the inhabitants of Dholera at the time of erecting, selling, repairing or pulling down buildings and are compelling them to make a petition and pay a commission on such occasions;

(b) if so, what steps they intend to take in the matter?

The Honourable Mr. J. L. RIEU: (a) It appears from local inquiry that the Talukdars of Dholera are charging fees from the rayats at the time of erecting, selling, repairing or pulling down buildings, at the rate of 10 per cent. of the sale proceeds of open plots and structures. No complaints on the subject have been addressed to Government or their officers.

(b) The remedy is for the aggrieved party to have recourse to a court of law.

**ELECTRIC METRE DISPUTE : AHMEDABAD ELECTRICITY COMPANY,
LIMITED**

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

(a) whether the Ahmedabad Electricity Company does not test the metres in the places where they are working but desires to take off and remove the metres to the power station for testing purposes in contravention of section 26 (4) of the Indian Electricity Act which does not permit the licensee to take off or remove any such metre when a difference or dispute has arisen as regards the correctness of that metre;

(b) whether the attention of the Government Electrical Inspector of Bombay has been drawn to the existence of disputes between the consumers and Ahmedabad Electricity Company, Limited, as regards the correctness of metres;

(c) if so, what steps that officer has taken to settle those disputes?

The Honourable Mr. J. L. RIEU: (a) The Company does not test the metres at site but takes off and removes them for testing purposes; but this is only in ordinary cases and not when the metre has become the subject of a dispute under section 26 (6) of the Indian Electricity Act, which has been referred to the Electrical Inspector for settlement. This procedure is not against the provisions of section 26 of the Indian Electricity Act.

(b) Yes. There have been several disputes.

(c) The Electrical Inspector has tested or attempted to test several such disputed metres and given his opinion, but in certain cases he has not been able to remove the metres for test owing to obstruction on the part of consumers.

**AHMEDABAD ELECTRICITY COMPANY, LIMITED : ENTRY INTO
PREMISES WITHOUT NOTICE.**

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

(a) whether section 20 (2) of the Indian Electricity Act requires a licensee to give twenty-four hours' notice before any authorised officer enters the premises occupied by a consumer of electrical energy;

(b) whether the Ahmedabad Electricity Company, Limited, used to give notice to the consumers in accordance with the provision mentioned in (a);

(c) whether the said Company does not give such a notice now and its officers enter the premises of consumers in their absence ;

(d) whether complaints have been made by the consumers to Government against the disregard of the provisions of the Indian Electricity Act by the Ahmedabad Electricity Company, Limited ;

(e) if so, what steps Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) Yes, but only when the purpose of entering the premises is the examination and testing of the electric wires, etc., belonging to the consumer.

(b) and (c) Government understand that the Ahmedabad Electricity Company, Limited, have very seldom been obliged to take action under section 20 (2) of the Indian Electricity Act, as this question arises only when the licensee wishes to examine or test the apparatus which is the property of the consumer. The Company are however reported to have resorted to section 20 (2) of the Act on two occasions, but on neither of them was there any breach of those provisions.

(d) If the honourable member refers here to complaints against the disregard of the provisions of section 20 (2) of the Indian Electricity Act, then the reply is in the negative. If, however, he refers to complaints with regard to the provisions of the Indian Electricity Act generally then the answer is in the affirmative.

(e) Where the Supply Company has been found to be at fault, the Company has been asked to be careful in future in the observance of the provisions of the Act, etc. Where, on the other hand, complainants have been found to be in the wrong, the correct legal position has been pointed out to them.

CYCLONE AT DHANDHUKA

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

(a) whether they are aware that a recent cyclone caused considerable damage in the town of Dhandhuka in the Ahmedabad District ;

(b) the extent of damage done by the cyclone ;

(c) the relief measures adopted by them ?

The Honourable Mr. COWASJI JEHangIR : (a) Yes.

(b) and (c) Inquiries are being made.

PRANTIJ MUNICIPAL ELECTION : DISQUALIFICATION OF AN INTENDING CANDIDATE

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

(a) whether it is a fact that the Commissioner of Northern Division disqualified Mr. Mohanlal Hathibai, a councillor of the Prantij municipality under section 16 of the District Municipal Act of 1901 on 11th May 1926 and prevented him from contesting the municipal elections held in Prantij on 21st May 1926 ;

(b) if so, the specific charges of misconduct or disgraceful conduct or incapacity to perform duties proved against him ?

The Honourable Sir GHULAM HUSSAIN : (a) The answer to the first part is in the affirmative ; with regard to the second part enquiry is being made.

(b) The specific charges proved against the Councillor are that his conduct during the municipal meetings was often rude and noisy, and that he frequently used abusive language and passed insulting remarks on other members at the meetings.

PRANTIJ MUNICIPAL MEDICAL OFFICER

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

(a) whether it is a fact that the sanitary committee, Prantij municipality, passed a resolution on 21st February 1924 to write to the Surgeon General to transfer the medical officer of Prantij municipality on the complaint of the citizens of Prantij about the inconveniences suffered by them in the municipal dispensary ;

(b) whether the said resolution was received by the Surgeon General ;

(c) whether the Surgeon General replied to the chairman of the sanitary committee of the Prantij municipality that the medical officer would be transferred in due course ;

(d) if the answer to (c) is in the affirmative, the reasons why the said officer has not yet been transferred though more than two years have passed since the above correspondence took place ?

The Honourable Mr. B. V. JADHAV : (a) and (b) The answer is in the affirmative.

(c) The Surgeon General replied that he did not see sufficient reason to transfer the Medical Officer.

(d) Does not arise.

MEDICAL OFFICER : PRANTIJ MEDICAL DISPENSARY

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

(a) whether the present medical officer of the Prantij medical dispensary has been kept in the same place for more than nine years ;

(b) whether it is a fact that there is great dissatisfaction against the said officer and many complaints have been repeatedly made by the citizens of Prantij to the Civil Surgeon of Ahmedabad and to the Surgeon General as regards the inconvenience suffered by them in the dispensary ;

(c) if the answer to (b) is in the affirmative, why the said officer has been kept in Prantij for an unusually long period of time ?

The Honourable Mr. B. V. JADHAV : (a) The present Medical Officer has been there for nearly nine years.

(b) The Surgeon General received one complaint in 1924 which on investigation was found to be unfounded. Since then no complaints have been received.

(c) Does not arise.

DISTRICT LOCAL BOARD, AHMEDABAD : SANAND ROAD REPAIRS

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

(a) the amount of money received as rent by the district local board of Ahmedabad from the tramway company for renting one side of the road between Sanand town and Sanand railway station from the time of the renting of the road ;

(b) the amount of money spent by the said board in repairing the other side of the road, which is subjected to double wear and tear on account of the whole traffic being diverted to it during the same period of time ?

The Honourable Sir GHULAM HUSSAIN : (a) Rs. 800.

(b) Rs. 2,996-8-0.

DISTRICT LOCAL BOARD, AHMEDABAD : SANAND ROAD TRAM SERVICE

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

(a) whether they are aware that the tramway company to whom a license of running a tram service between Sanand town and Sanand railway station has been issued has merely laid the rails but has failed to do any work ;

(b) if so, why one side of the road is being allowed to be locked up to the great inconvenience of the other traffic though there is hardly any possibility of the work of the said company being successful ?

The Honourable Sir GHULAM HUSSAIN: Enquiries are being made.

SANAND MUNICIPAL FIRE BRIGADE

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

(a) the number of fires that took place in Sanand town during the last three years ;

(b) the amount of damages caused by each of the fires ;

(c) whether one fire that took place last year and one that recently took place during the current year did considerable damage and the houses of many poor people were burnt ;

(d) whether it is a fact that the means of extinguishing fires possessed by the Sanand municipality are not adequate to cope with the fires that take place ;

(e) whether it is a fact that the municipality of Sanand desires to have more adequate means for extinguishing fires if suitable assistance is forthcoming from Government ;

(f) if so, whether Government intend to grant suitable help to the said municipality to enable it to provide itself with more adequate means of extinguishing fires ?

The Honourable Sir GHULAM HUSSAIN : Information has been called for.

MINISTER OF EXCISE : VISIT TO VIRAMGAM

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will the Honourable Minister for Forests and Excise be pleased to state—

(a) whether his recent visit to Viramgam on 18th June 1926 was official;

(b) whether he used the said visit for electioneering purposes and whether the speech which he delivered in the court of Viramgam began with co-operative societies and ended with an appeal to the voters;

(c) who defrayed the cost of the visit?

The Honourable Sir CHUNILAL MEHTA: (a) Yes.

(b) No.

(c) Government.

Mr. J. C. SWAMINARAYAN: May I know on what subject the Honourable Minister spoke?

The Honourable Sir CHUNILAL MEHTA: The question was "whether he used the said visit for electioneering purposes" and the answer is "No".

Mr. J. C. SWAMINARAYAN: May I know on what subject he spoke?

The Honourable Sir CHUNILAL MEHTA: As printed Government have stated that the visit was not used for electioneering purpose.

SABARMATI RAILWAY STATION

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

(a) whether it is a fact that the passengers and railway servants who have to go from the broad gauge to the metre gauge section of the railway station of Sabarmati (B. B. & C. I. Railway) have no other way except by trespassing on the railway lines;

(b) whether there have been accidents to railway servants and passengers on account of the absence of a safe passage between the two sections of Sabarmati station;

(c) if the answer to (b) is in the affirmative, whether the railway authorities intend to provide a safe passage between the two sections of that station?

The Honourable Mr. J. L. RIEU: The information has been called for.

MUNICIPAL BRIDGE, PRANTIJ

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

(a) whether it is a fact that the municipality of Prantij bought iron girders in 1922-23, worth Rs. 278-4-0, for constructing the Bhan-kharia bridge on the road between Prantij town and Prantij railway station;

(b) whether it is a fact that the municipality of Prantij sanctioned an estimated expenditure of Rs. 1,100 in 1925-26 for the construction of the said bridge with the use of those girders;

(c) whether it is a fact that the iron girders were not used and the bridge was constructed with stones, ordered from Dhrangadhra, in spite of the protests of some of the municipal councillors, at a cost of about Rs. 2,000 ;

(d) whether it is a fact that before the construction of the bridge began, the attention of the municipal authorities was drawn by some of the municipal councillors to the fact that the stones that were ordered out were brittle ;

(e) whether it is a fact that some of the stones have cracked within one month of the construction of the bridge ;

(f) whether the attention of Government has been drawn to this transaction and specimens of the stones are lying in the office of the Mamlatdar of Prantij ;

(g) what enquiry Government have made and what steps they have taken in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a), (b), (c), (d), (e), (f) and (g) Inquiries are being made.

MIDDLE SCHOOL, AHMEDABAD

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

(a) whether they have received a resolution of the public meeting at Ahmedabad held on the 5th July 1926 protesting against the proposed abolition of the middle school of Ahmedabad ;

(b) if so, what action they intend to take in the matter ?

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

(b) None.

RAILWAY FARE BETWEEN AHMEDABAD AND VIRAMGAM

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

(a) whether it is a fact that the 3 down and 4 up express trains of the B. B. & C. I. Railway between Colaba and Viramgam become passenger trains between Ahmedabad and Viramgam, stopping at all stations ;

(b) if so, the reasons why express fare is charged from the passengers between Ahmedabad and Viramgam on those trains ?

The Honourable Mr. J. L. RIEU : The information has been called for.

RAILWAY FARES : B. B. & C. I. RAILWAY

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

(a) whether it is a fact that the through passengers booked from Delhi, Muttra, Hathras and Agra Fort on the B. B. & C. I. Railway Delhi express to Bombay, who are charged ordinary fares as a special case in competition with the G. I. P. Railway, are again charged excess fares by the ticket examining staff between Baroda and Bombay in spite of the orders of the Railway authorities to the contrary ;

(b) whether refunds have been applied for and paid in respect of such excess charges ;

(c) if so, what steps have been taken in the matter ?

The Honourable Mr. J. L. RIEU : The information has been called for.

DHOLKA MUNICIPALITY : ADMINISTRATION REPORT

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

(a) whether, in consequence of section 54 (g) of Bombay District Municipal Act, 1901, laying down the submission of administration report as an obligatory duty of every municipality as a whole, the President of a municipality first places the report for alteration and approval before the Municipal Board and submits it to the Collector after final approval of the Municipal Board ;

(b) whether it is a fact that the President of the Dholka Municipality submits the administration report of the municipality to the Collector without placing it before and receiving the approval of the Municipal Board ;

(c) if the answer to (b) is in the affirmative, whether they propose to take any action in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a), (b) and (c) Enquiries are being made.

SUCCESSION TO ESTATES PAYING UDHAD JAMA

The THAKOR OF AMOD (Northern Division) : Will Government be pleased to place on the Council table a complete statement showing the estates of Gujarat paying Udhad Jama to which succession is governed by the law of primogeniture and also the estates to which the law of primogeniture is not applicable ?

The Honourable Mr. J. L. RIEU : Statements* containing information regarding primogeniture and co-parcenary estates paying Udhad Jama in the districts of Ahmedabad and Kaira only are placed on the Council table.

ROADS IN GUJARAT

The THAKOR OF KERWADA (Gujarat Sardars and Inamdars) : Will Government be pleased—

(a) to place on the Council table a statement showing the actual amounts spent on roads in the Poona and Satara districts as against the amounts spent in all the five districts of Gujarat ;

(b) to state whether they propose to consider the question of giving adequate road grants to Gujarat ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The requisite information is being collected.

* Kept in the Secretary's office.

LAND GRANT TO KAZI OF BROACH

The THAKOR of KERWADA (Gujarat Sardars and Inamdars): Will Government be pleased to state—

(a) whether it is a fact that the lands Survey Nos. 103, 122 of Vesadada given to the Kazi of Broach were lying waste for a considerably long time;

(b) since what period they were lying waste;

(c) whether there was any demand for the land in question within the last twenty years;

(d) whether the Collector of Broach had made any enquiry before it was given out to the Kazi of Broach;

(e) whether before it was given to Kazi any of the neighbouring cultivators had asked for the lands in question, and if so, how many days before he disposed off the land the applications were received by the Collector;

(f) whether it is a fact that the lands were lying waste for a long period and the Kazi had to spend out of his own pocket a certain amount to bring them under cultivation?

The Honourable Mr. J. L. RIEU: (a) and (b) The survey numbers in question were assigned for cattle grazing.

(c) No.

(d) Yes; an enquiry was made by the Mamlatdar.

(e) Government have no information.

(f) Yes.

Mr. H. H. NARIELWALA: Were notices issued to the public before the names were given? Why is no reply given to question (e).

The Honourable Mr. J. L. RIEU: Government will make further enquiries.

The Honourable the PRESIDENT: There is one matter to which I should like to draw the attention of honourable members and to ascertain what they desire. Honourable members are aware that when replies from Government are received by the Council office they endeavour to get them printed expeditiously and to put them before the House. The last list that was sent for printing was sent on the 2nd of this month and that list has been put before the House to-day. From the 3rd up to last evening replies from various departments have been coming in and honourable members can realise that it is not possible to print them and to place them before the House. I have got a pretty big list of questions and answers received from Government by the Council office. I should like to know what the House desires to do with this. It is not possible to print them and to place them before the House so that the questions may be put and answered officially.

Dr. R. P. PARANJPYE: I should think that it should be printed as addendum to the Council proceedings and copies supplied to all members.

MOULVI RAFIUDDIN AHMAD: The usual practice is that the answers are sent to the gentlemen that ask the questions.

The Honourable the PRESIDENT : As regards printing the questions and answers in the Council proceedings, it cannot be done for the simple reason that the proceedings are a record of what actually happens in the House. That is the difficulty in adopting Dr. Paranjpye's suggestion.

Mr. G. B. PRADHAN : Can they not be printed and supplied to honourable members ?

The Honourable the PRESIDENT : Yes, but it cannot be put in the Council proceedings. Where a large number of questions which have been put and to which answers given are that "enquiries are being made" or that "information is being obtained" Government will, I take it, communicate the replies to the honourable members when they are ready to give them. They will not appear in the Council proceedings. Perhaps the same procedure may be followed in this case. If the House so desires the Council office will gladly do it.

Mr. G. B. PRADHAN : The replies of Government will not be communicated to other honourable members. Only the member who asked the question will get the reply.

The Honourable the PRESIDENT : I personally recognise what Mr. Pradhan has urged and I have repeatedly expressed my views that when a question is put in the Council by an honourable member it becomes the property of the House and every honourable member is entitled to know the reply and is also entitled to put supplementary questions. In the special circumstances of the case, as this is the last session, that cannot be done. What I desire to know is what is the best way of dealing with this question. I do not want the Council office to be blamed for not putting the replies before the House. I want the House to recognise that all that we can possibly do has been done. I should like to know from the non-official members as well as from the Honourable the Leader of the House if they can make any suggestion which might meet this difficulty which only arises because this is the last session of the Council. Otherwise it would not have arisen.

Dr. R. P. PARANJPYE : I would suggest that it should be circulated to all honourable members and also published in the way in which Government usually do.

The Honourable the PRESIDENT : I think that the solution which I have discussed with the Honourable the Leader of the House will meet with the approval of the House. So far as the Council office is concerned, we are responsible for replies which we receive from Government up to the time that the House is prorogued. We will print all those questions and answers in a pamphlet form and send a copy to each honourable member. Our responsibility will be fulfilled by doing so. I understand that the Honourable the Leader of the House also desires that Government should meet the wishes of honourable members and in regard to those questions for which *ad interim* replies have been given and any other questions which Government may wish to reply to, will also, when they are ready, be printed in a pamphlet form and sent to all honourable members. Let it, however, be clearly understood that those replies which the Council office will send and which Government

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subsequently may decide to send will not appear in the records of the proceedings of the House. I think that that arrangement will be regarded as satisfactory.

The Honourable Sir CHUNILAL MEHTA : Sir, the procedure which you have suggested, I think, will meet the wishes of the House. Such questions and answers as have already been received by the Secretary's office will be sent on by the Secretary to the members ; so will information, which Government have stated is being collected, when it is received, be sent to the honourable members. It may take some time, but we will try and give answers to the questions to which we have given *ad interim* replies that information is being collected.

The Honourable the PRESIDENT : I take it that the House regards that arrangement as very satisfactory.

Question again proposed :

"This Council recommends to Government not to give any grant to the municipalities and local boards which refuse to give effect to the resolution passed by this Council allowing members of the depressed classes the use of wells, tanks, water-taps, dharamshala, dispensaries and schools built and conducted by such local bodies."

Dr. R. P. PARANJPYE (Bombay University) : Sir, as I said yesterday, I wish to move the following amendment to the resolution before the House :—

"For the words 'not to give any grant to the municipalities and local boards' substitute the following words :

'to reduce any discretionary grants that are paid to the municipalities and local boards in the case of these bodies'."

This would mean that this resolution, if amended in the form I indicate, will place in the hands of Government a powerful weapon by means of which pressure in the right direction could be exercised by them upon those municipalities and local boards. I quite understand that according to the law several grants are statutory and Government cannot touch them except under very grave circumstances, but there are a large number of other grants which are not statutory and which can be paid by Government at their sweet will and pleasure. What I want is that Government should make use of those grants to get these municipalities and local boards to give proper facilities to members of the depressed classes. Mr. President, the question of the depressed classes has been raised in this Council on many occasions. It was in the year 1918 or thereabouts that a resolution of this nature was first brought in this Council by Mr. Belvi of Belgaum and it received a great deal of support from all members of the Council and it was passed. To a certain extent progress has been made, but we want that that progress should be much quicker and that at no distant time a state of things should come when the depressed classes will no longer be depressed. I quite agree with the sentiments expressed by the honourable member from Hyderabad when he twitted the Hindu community on the unjust treatment that is being given to the members of the depressed classes. I want the Hindu community to stir up and to see that these disabilities of the depressed classes are finally a thing of the past. I quite know that there are a certain number of administrative difficulties, but the pressure that Government can exercise and that public opinion can exercise is also

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a very powerful instrument in removing these difficulties, and this resolution is for the purpose of putting such an instrument in the hands of Government and public opinion.

As regards schools, about three years ago Government issued an order requiring that all schools which receive any grant from Government should be free without the slightest discrimination to all members of the depressed classes. At that time I remember in several newspapers and even in the newspaper devoted to the cause of social reform complaint was made that this was going the wrong way about in advancing the cause of the depressed classes, but I am glad to say that the same organ of social reform has now come forward and said that the action taken at that time has had a powerful effect. As a matter of fact in the press-note that was circulated to the honourable members a few days ago it has been pointed out that except in a very few instances that order has been given effect to and that so far as schools are concerned now, there is no great difficulty in the way of the depressed classes. I want that same process to continue. I know that different public institutions will present difficulties of varying degrees. In the case of schools and in the case of dispensaries, I say no difficulties should be allowed to exist from this very moment, and if any local body raises any difficulty whatsoever in the case of their proper use by the depressed classes, that local body should be met with a very strong hand and grants should be very greatly cut down. In other cases, however, in the case of wells, tanks and others, perhaps the situation is a little more difficult and I have made my amendment specially of a very vague nature so as to enable Government to suit the action to the particular needs of the moment and to the particular situation. I can understand, if there is a small well, the difficulty of allowing the depressed classes to use the well along with the advanced classes may for the moment be great. In the case of tanks in which there is a larger area portions can be marked off for different classes and thus the difficulty may be less. In the case of dharamshalas, one portion can be set apart for one class and another portion for another class. At the beginning this can be done. (Interruption.) At present they cannot even come near each other. A beginning must be made in this direction and my personal opinion is that no discrimination should be made whatsoever. Because I can understand the difficulties that may occur, I have made my resolution comparatively vague so as to give Government the opportunity to determine by how much the grant should be reduced in each case. In the case in which the action of the local body is outrageous, they can refuse the whole grant; and in the case where the default is not so great they can reduce part of the grant. This is a transition period and Government must have scope enough to suit their action to the circumstances. As time goes on we may dispense with these stages of reduction and refuse the whole grant. I have worded my resolution in such a way as to meet the demand of the honourable mover and Government.

The honourable member, the president of the district local board of Belgaum, made a speech which I never expected from him and it greatly

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surprised me. Honourable members who are of his way of thinking ought to be more keen about doing away with all kinds of disabilities to the depressed classes. When he spoke of the administrative difficulties in giving effect to this resolution, he was like a Daniel come to judgment. He cautions us to go slow. I want him as one having power in his hands—I know there are administrative difficulties—to make all possible effort to give effect to this resolution. I wish every local board to do this: to pass a resolution accepting this resolution and to put up notices that all these facilities are open to the depressed classes. If, as has been stated, the members of the depressed classes themselves are not willing to offend the higher classes, then it is a matter for themselves. For some time to come that will be so. But as time goes on and as they receive education they will open their eyes and become conscious of their rights. In this way I want the position of the depressed classes improved and the stain on the Hindu community wiped out. I have great pleasure in supporting the resolution with the amendment I have proposed.

Question proposed.

The Honourable Sir CHUNILAL MEHTA: Sir, as the Honourable Minister explained yesterday Government are in entire sympathy with the amendment and with the idea underlying the resolution. The honourable member Dr. Paranjpye has moved an amendment which to a certain extent modifies the resolution. Government desire to know—I think the Honourable Minister is perfectly right as Minister for Local Self-Government in wanting to know—from the honourable members opposite what administrative or other difficulties they are likely to be faced with in giving effect to this resolution. The resolution is going to affect the finances of the local bodies. Government are not going to be affected in any way; on the contrary, they will be benefited to some extent. At any rate Government desire to know what the view of honourable members opposite is with regard to the difficulties with which they will be faced. As I have stated, Government desire to help the idea underlying this resolution, and wish to take action accordingly.

Mr. R. S. NEKALJAY: Sir, I support the amendment that has been moved so ably by the honourable member Dr. Paranjpye. Of course, the idea of the mover of the resolution is a little stronger while the amendment moved by the honourable member Dr. Paranjpye weakens it a bit. The Minister in charge of the portfolio realises the difficulties that the depressed classes have to face in villages. In the summer season there is no good drinking water and the members of the depressed classes have to get water from half-dried tanks where the village cattle are washed. This is at any rate the case in the villages of the Deccan. As regards the conditions as stated by my honourable friend from Sind, I do not know. So far as Gujarat and the Deccan are concerned, members of the depressed classes have to take water from such places. If these local bodies are to receive grants from Government, it is their primary duty to look after the sanitation, water-supply and primary education of the inhabitants living in their jurisdiction. May I know from the Honourable Minister

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why Government have not taken any action against local bodies that have failed in their duties? It is rather painful to see that Government shut their eyes to such things. Yesterday when the discussion on the Bombay City Police Act Amendment Bill was going on, many honourable members stated that the Jain community were very keen about the protection of animals. Several members who spoke in that strain are from Gujarat. Those honourable members while they refuse drinking water to the members of the depressed classes talk of the feeling of the Jain community to protect animals. It is a shame on the part of those honourable members that they should make lengthy speeches on behalf of animals in this House.

With these few words, I commend the resolution to the acceptance of the Minister who is holding the portfolio at present and wish his return to this House holding the same portfolio in order to make the necessary amendments in the Major Municipalities and other Acts on behalf of the depressed classes.

The Honourable Sir GHULAM HUSSAIN: I am, Sir, quite in sympathy with the resolution and the principle underlying it. Now, I would like to answer the argument of the last speaker. He says that it is the primary duty of the local bodies to make reasonable provision for water, etc. I quite agree with him. If they do not make, the Minister ought to take action against them—that is his next contention. Under the enactment the only action I can take is to dissolve them or suspend them. I am afraid if I take that extreme step, my honourable friends opposite will raise a hue and cry in this House.

Then, Sir, as to the thunderings of my honourable friend the Moulvi. I have not grown a bit wiser by his speech. He did not solve the difficulties that I placed before him. He expressed very warm sympathies with the depressed classes, and I am not lagging behind him in my sympathies towards that class. All he said was it was for the Minister to find out ways and means. Well, Sir, I have requested the House to help me in finding out a solution of the difficulties, and I am ready to adopt any suggestions made by them.

Then, as regards the arguments of my erstwhile colleague. Sir, he says "Do away with the discretionary grants". My honourable friend ought to know that there are no recurring discretionary grants to municipalities. That means we cannot touch the municipalities. I read out a statement yesterday showing that most of the local boards have given effect to the resolution. It is only the municipalities that remain. Well, there are no recurring discretionary grants made to the municipalities. The only discretionary grants that we make to them are non-recurring. Such grants we make for water works and drainage. Some of the municipalities have already received their grants and they have their water works and drainage ready. If the other municipalities apply for grants in aid for water works and drainage and we refuse them, not only other residents of the municipalities but also the depressed classes residing in their areas will be the sufferers. Take the case of drainage. It is the depressed classes that are living in the most insanitary

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slums. If we do not make the grant they will suffer along with the rest. There is no recurring discretionary grant, and, if this amendment is carried, it won't affect in any way the local bodies who do not apply for any grant.

The other important point made is, that those local bodies who refused to give effect to this resolution should be proceeded against. Well, I might place another consideration before you. Suppose we compel every local body to pass this resolution. All right: they put up a notice that the wells and tanks are open to all. You know the feeling that exists between Mahars and Mangs, both belonging to the depressed classes. They will break each other's head.

I do not want to take up much time. As there are no recurring discretionary grants to municipalities, it won't in any way affect the municipalities. It is only non-recurring grants, and those non-recurring grants most of the municipalities have already got.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I find there is a little confusion in the speeches.

The Honourable the PRESIDENT: I should like to draw the honourable member's attention to the fact that he has already spoken. . . .

MOULVI RAFIUDDIN AHMAD: I want to know, Sir, whether I can speak on the amendment.

The Honourable the PRESIDENT: I drew the Honourable Minister's attention to it and I thought everybody followed what I said then. In regard to all amendments honourable members who have already spoken on the resolution can speak again, but only in regard to the new matter introduced by the amendment. In this case the only difference between the original motion and the amendment is, that while the first calls upon Government to withhold all grants, the second wants to reduce discretionary grants only. That is the only distinction. Those honourable members who have already spoken on the resolution can only speak on this one issue.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I was going to speak only on that issue and nothing else. I was going to say that there was a difference between the speech of the Honourable Leader of the House and the speech of the Honourable Minister who has just spoken. The Honourable Leader of the House said that if these discretionary grants are not given the local bodies will suffer and he wants a clear mandate from the Council for Government. The Honourable Minister says there are no recurring discretionary grants, and he seems to be unwilling to see the resolution carried. I maintain if this resolution is passed by this House, it will strengthen the hands of Government and local bodies will be afraid to give cause to Government to refuse those discretionary grants which Government have at their disposal. Moreover Government will have at their back the sanction of the House.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am very sorry that allegations were made against some of us who took part in opposing the Police Act by the honourable member for the depressed classes, Mr. Nekaljay. He referred to all of us who spoke on behalf of the

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animals, and said that we had no feeling for the depressed classes not even as much feeling for them as for animals. I want to say that we feel for all human beings and all animals alike. Whether those human beings are high or low born, we consider all of them alike. Consequently he ought not to have made such a remark. When we spoke for animals, we did not mean to convey that we did not feel for the depressed classes.

The Honourable Minister for Local Self-Government yesterday gave a list of the local bodies and endeavoured to show that most of the local bodies have given equal facilities to the depressed classes. Local bodies of Ahmedabad district are giving all facilities to depressed classes. There can be no complaint from the place where Mahatma Gandhi resides. When Government are fighting shy of stopping these discretionary grants, Mahatma Gandhi, if he were in charge of the Government of India, would have been uncompromising in this matter, and would have stopped all the grants if the depressed classes were not given equal rights everywhere.

I find the heart of Government is very soft in this case. They have got plenary powers and they use those plenary powers for other purposes. If they want to take action, they can take action. If they do not want to take action, they will bring forward excuses. For disobeying one rule under Section 58 of the District Municipal Act, the Ahmedabad Municipality was suspended, and a similar treatment was meted out to the Surat Municipality. So, whenever they are in such a mood they take action and suspend the municipalities. But they will do nothing in this matter, and they are not in a mood to take any severe action. I think, in one way, that is a correct view, because in these matters it is better to cultivate public opinion and lead the people slowly towards advanced sentiments. That is in one way good. But as far as Gujarat is concerned, everybody in the villages even a child, knows that if a well is made out of local fund cess, then it is to be used by all. Even if one-tenth of the expenditure or even one-hundredth of the expenditure of a well has been obtained out of the local fund cess, then that well becomes public property.

Mr. R. S. NEKALJAY : Sir, I challenge that statement.....

The Honourable the PRESIDENT : The honourable member does not yield. If he does not yield I cannot allow you to interrupt him. Does the honourable member (Mr. Swaminarayan) yield ? The honourable member (Mr. Nekaljay) wants to correct him.

(At this stage Mr. SWAMINARAYAN resumed his seat).

Mr. R. S. NEKALJAY : I challenge that statement, Sir, that everybody in Gujarat knows that a public well is to be utilised by all. I know some of them do not even allow the shadow of a depressed class person to fall upon them.

Mr. J. C. SWAMINARAYAN : The honourable member is not correct. I have been moving in the villages, and it is the general sentiment that a public well should be used by all. If a well were to be built by the people from their own funds, if it were a private well, then there would be some distinction, but if even one-tenth of the expenditure on a well is met

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from the revenues of the local board, then certainly nobody objects to its being used by all classes alike. In various places which I have visited, I have told them that if they want to keep up this untouchability, they should rather themselves draw water and supply it to the depressed class people. I have told them that water, which is one of nature's supplies, is not meant for them alone, but it is meant for all human beings and animals equally. Therefore, sentiment in that connection is changing; the angle of vision is also changing, and slowly and slowly higher sentiments are being cultivated, and we are progressing towards equal treatment for all. Consequently, I wholeheartedly support the resolution. If it is put into practice, I think there will be great moral pressure on the local boards, and there will be progress in the right direction.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to oppose the amendment proposed by the honourable member Dr. Paranjpye. He himself has frankly admitted that he has purposely so worded it as to make it vague, and I do not know what good it would serve. If we are really sincere, we must give the executive as much power as we can give consistently with the object in view. We must give them a big stick, not a broken reed. That is the only thing that is necessary.

Now, coming to the remarks themselves, I looked up this morning.... (Interruption).

The Honourable the PRESIDENT: Order, order.

Mr. A. N. SURVE: I looked up the District Municipal Act as well as the Local Boards Act, and I find that there is not a single statutory provision which prescribes a grant. The only statutory grant which these bodies get is under the Primary Education Act. Therefore, the very fact that the honourable member uses the words "discretionary grants" which is vague, will make the resolution, even if it is accepted unanimously, inoperative. For this reason, I strongly oppose the amendment which is proposed. Now, let us look at it from another point of view. The honourable member Dr. Paranjpye himself has stated that in the Educational Department, the moment a school was threatened with the cessation of its grant, the managers of that school came to their senses and admitted boys of the depressed classes to the school. I think it is but just that we should employ the same weapon in regard to other matters also.

Then, coming to the way in which the present local bodies are treating the members of the depressed community, I might give only one small instance from the Questions and Answers of this session. I had asked a question as to what was the population of Talegaon-Dabhade. I wanted the numbers of the depressed classes and of the other classes, and how many pipes or pipe stands were reserved for the depressed classes and how many for the other communities. I got the answer after the lapse of many months, and I want to make this special point that the answer was delayed.

The Honourable Sir GHULAM HUSSAIN: Not by Government, but by the local body.

Mr. A. N. SURVE : Even after that length of time the answer given was that the municipality had no figures as to the number of depressed and other classes, and that the pipes that were reserved for the depressed classes were three and for the other classes 17. But my information is that in that particular town the depressed classes form the majority. Therefore, you will see in what way the municipality is carrying on its administration. Where there is a majority of the depressed classes, the number of taps reserved for them is three, whereas the other communities which are in a minority have the privilege of enjoying 17 taps. That in itself is a total condemnation of the administration of the local bodies, and unless we have some powerful weapon in our hands, they will never come to their senses.

Then, another point was made by the honourable the General Member yesterday that passing such sorts of resolutions is a means for creating sympathy for these classes, and the only effective thing that should be done is to have legislative enactment. I do not know if he has been following the trend of legislation that is passed in this House. I might cite a few instances to him. When clause 56 of the Local Boards Act was under consideration in 1922, I had moved an amendment that as far as public springs, wells, tanks and other places were concerned, they should be allowed to be used by all the inhabitants without discrimination as regards touchable or untouchable. I may just read out the ruling given by the then President, who ruled out that amendment of mine. He said :

" Before I lay the amendment before the House I must know whether it is in order. The words are not aptly chosen to give effect to the intention. The amendment should have to be worded otherwise. What the amendment states is that certain wells are set apart for one community and certain other wells for other communities, that partiality is observed and distinctions are made. The amendment wants to do away with all such distinctions. The words which the honourable mover proposes to insert are 'inhabitants belonging to all communities'. This will not do away with that distinction. For carrying out the object in view, the honourable members should have by notice proposed the addition of a proviso in some such form. 'Provided that in carrying out the powers under this section, the local board shall make no distinction between one community and another'. That he has not done and to allow him to move an amendment in that altered form would be proposing a new amendment, which is not at this stage admissible. Therefore, I must rule this out of order."

Therefore, it is clear that long before the honourable member Mr. Bole moved his resolution in 1923, an amendment was actually suggested by me in the Local Boards Bill, which if it had been accepted would have conferred statutory power on the local bodies as regards wells and springs.

Again, several measures have been actually effectively taken. Take, for instance, the representation of the depressed classes. We have now in the Local Boards as well as in the Major Municipalities Acts special wards created for the members of the depressed classes whereby they can come in by election, and if it is pardonable to say so, these amendments were actually inserted in the Acts at my instance. - Therefore, unless you allow these men to come in the local bodies themselves, the progress will not be quite as rapid as it should be. I therefore suggest to the Honourable Minister for Local Self-Government that taking into consideration the condition of these people and even the small facilities that are given to them, it is absolutely necessary to make more nominations

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of depressed classes on these local bodies. That is the only way in which the social distinctions will be done away with. With these words, Sir, I strongly oppose the amendment proposed by the honourable member Dr. Paranjpye and support the resolution as amended by my amendment and which is now under discussion.

Mr. NOOR MAHOMED : I move the closure.

The Honourable the PRESIDENT : I accept it and call upon the honourable mover to reply.

Mr. S. K. BOLE : Sir, In the first place, I must offer my thanks to the Honourable Minister for Local Self-Government for showing his practical sympathy to the depressed classes. It is true that he has nominated many members on the municipalities and local boards. But, Sir, in this connection, we have to find out some way to give effect to the resolution. I do not know what grants are given under statute, what grants are statutory. He knows better ; but, as a matter of fact, I believe the only grant that is legalised is the grant under the Primary Education Act and no other grants come under statutory grants. If Government has a will, then they are sure to find a way. As we have been told by my honourable friend Mr. Swaminarayan, when they do not agree with a certain action of a municipality, they come forward and suspend that municipality. I do not want to be so harsh, but some sort of check is necessary. There is a proverb in Marathi that नाक दाबल्या-शिवाय तोंड उघडत नाही. (*Nak dabalyashivay tonda ughadat nahim*), which means unless you press the nose, the mouth will not be opened. Sir, unless Government do a sort of pressing the nose of the local bodies, their mouths will not be opened. Sir, what is the use of passing these pious resolutions ? I do not know about the resolution that was passed in the pre-reform council but I know of the resolution that was moved by me in the council that was first held under the Reforms Act. That resolution was passed and now I only ask the House to give effect to that resolution. I know that there are members of the depressed classes themselves who take objection or who do not come forward in this connection. I am told that even some of the non-Brahmins do not agree with this resolution. But if that is the case, then I think the non-Brahmins or the members of the depressed classes are equally to be blamed. But I may point out in that respect that that is the result of the teaching that has been received by them in previous days. All those who are the religious heads are responsible for this teaching. These classes have been made to feel that it is sin to touch certain persons and they are taught to think that way. Therefore, the responsibility does not lie with the depressed classes or the particular non-Brahmins who think that way. However, public opinion is required to be created. We must cultivate public opinion. The presidents of the local boards and municipalities should go to villages and tell the people what the Council has done and what is their duty. When the depressed classes are not exempted from paying taxes, it is but meet, Sir, that they should be provided with all the facilities that have been provided for the advanced classes. If the

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advanced classes take any objection, they should be asked to construct at their own cost separate wells for themselves. We were told by the Honourable the General Member that municipalities and local boards should at least pass resolutions permitting the use of wells and other things to the members of the depressed classes, and then those resolutions will serve as moral pressure. But the check is required and with that object I have brought this resolution and I hope that the House will pass it unanimously.

The Honourable Sir GHULAM HUSSAIN : Sir, I have warned the House against the several pitfalls before us yesterday and I warn them to-day also. By this resolution they are setting up a new principle ; not only a new principle, but a precedent. So long Government has been giving financial aid to the local bodies only as an assistance to carry on certain duties. Now, what the honourable House is going to say is : Turn these grants-in-aid which as a matter of course are given to these local bodies, into a weapon of punishing the local bodies. Well, we do not mind. If you want to arm the Government with additional power, I will only jump at it. I only hope, then, that this House will not cry on some other occasion that we cut down the grants to the local bodies.

Mr. H. D. SAHEBA : No, no.

The Honourable Sir GHULAM HUSSAIN : Well, you are setting up the principle, and you must abide by it.

Again, Sir, what may be the result if this resolution is passed ? Even supposing the local bodies pass such a resolution,—they may put up a notice on the wells that they are allowed to be used by every one—that the use of those wells is allowed to every one. But do honourable members realise the feeling that exists generally in these matters ? There will be breaking of heads, there will be bloodshed, there will be riots. The responsibility for all this will be on the House and the House should not turn back and say “ It is the action of the Government ”. It is on the responsibility of the House that we are going to take these steps. The whole responsibility will be upon the House.

Mr. P. G. JOSHI : No, no. You must decide.

The Honourable Sir GHULAM HUSSAIN : Well, Sir, I see the feelings in this House. Everybody says I should support either the resolution or the amendment. Those are the feelings of the House. Therefore, if there are any bad consequences, this House will be responsible. (An Honourable Member : Not in the least.) As I see there is a very keen desire on behalf of the majority of the members in this House, I accept the amendment of Dr. Paranjpye.

Mr. S. K. BOLE : I request permission of the House to withdraw my original resolution in favour of the amendment.

Question put and leave granted.

The Honourable the PRESIDENT : The question before the House is the amendment of Dr. Paranjpye. I will put that first to the vote of the House.

Question put and carried.

The Honourable the PRESIDENT : I will now put it as a substantive proposition. The resolution is as follows :—

" This Council recommends to Government to reduce any discretionary grants that are paid to municipalities and local boards in the case of those local bodies which refuse to give effect to the resolution passed by this Council allowing to members of the depressed classes the use of wells, tanks, water taps, *dharamshalas*, dispensaries and schools which are built and maintained out of public funds or are administered by bodies appointed by Government or created by statute. "

Question put and carried.

Dr. R. P. PARANJPYE (Bombay University) : Mr. President, I have great pleasure in moving the following resolution :

" This Council recommends to Government that the rules for election to this Council be so altered as to allow women voters to stand as candidates for election. "

Mr. President, when these new councils under the Government of India Act came into existence some of us even at that time wanted that we should not start with any disabilities which as a matter of historical precedent had been in existence in other countries. We have had these bodies practically in a complete form. Other countries came by their representative institutions by the process of evolution. There was therefore no real reason why we should start with all the inconveniences and disabilities which were found by course of experience as untenable in other countries. We might begin where they have reached and begin our evolution from there. At that time however according to the rules framed by the Southborough Committee and accepted by Parliament it was decided that women should not be allowed either to have a vote or to stand as candidates for the election. Only in the case of the franchise it was mentioned that if any Legislative Council passed a resolution enfranchising women that resolution will have effect. In many of the councils in the country that resolution has actually been passed and in our Bombay Legislative Council that resolution was passed in the year 1922 and women have been enfranchised since then. To that extent satisfactory progress has been made. There is obviously a logical conclusion to that resolution that woman should also be allowed to stand as candidates for election, because if women are considered fit to vote they should be given absolute freedom to stand for election if they like. In general everywhere in all elections practically the conditions for membership are the same as conditions for voting. In this country only women have got the vote but they have not got the right to stand for election. I consider that this is an anomaly and that it should be removed as soon as possible.

It is a matter of satisfaction that the Government of India recently have expressed the opinion that if any provincial Legislative Council passed a resolution expressing the wish of that Council to give this opportunity to women to stand as candidates, the Government of India will in that case alter the rules to that extent. It is on account of that notification by the Government of India that I am moving this resolution before this Council. I sent notice of this resolution as soon as I read that Notification of the Government of India. But the Madras presidency have gone ahead of our presidency because their Legislative Council met before our Council met and they have passed this resolution practically in the same form in which I am moving it to-day. However, it is on account of no mistake on our part that our resolution comes

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second in point of time. In any case I want the House to accept this resolution unanimously.

Mr. President, it is too late in the day now, I believe, to argue this question about the political rights of women. They have been granted and are being granted in all democratic countries and if India wishes to stand shoulder to shoulder with other democratic countries we should give this right freely to women so as to bring them on a par with men so far as political rights are concerned. Mr. President, so far as other public duties are concerned, the law does not make any difference between man and woman. We do not cease to collect income tax from women, for instance, because they are women. They are not given exemption from taxation to local rates because they are women. It seems to me therefore to be absurd and anomalous that they should be debarred from standing as candidates for the Council on the same footing like men who have been convicted and sentenced or who are insane or have disabilities of that kind. I think that women are entitled to exercise and to enjoy all the political rights which men are enjoying. It looks to me to be anomalous that half the population of this presidency should be debarred from every opportunity of taking part in the deliberations of the Council and taking part in legislation. Moreover, we mere men are not capable of passing final judgment upon many questions that come before this Council. There are many questions on which the opinion of women would be more valuable if they are given directly by them. For instance, take the question of Children's Act that was passed a little while ago. I would point out to honourable members that mere men are not fully competent to pass any legislation dealing with the question of children. I think it is entirely anomalous that we should claim that we are able to pass judgment upon legislation in matters of that kind.

There are moreover large numbers of other questions on which women will have a right to say and are clamouring to have their say. Our country is moving with the times; social reform questions are becoming more and more important; in our country women have a large number of disabilities which they suffer from merely because they are women. Consider the question of the holding of property. In some communities there is not much discrimination between the way in which men and women can hold property, but in other communities women are under a special disability and they cannot hold property or transmit property on exactly the same terms as men can do. I do not say that that question is immediately coming forward, but a large amount of educated and reasonable opinion is coming to see that on these questions men and women should be put on absolutely the same footing. Take the question of public health and sanitation. Do you not think that on those questions women have a right to have their say and that their participation will greatly lead to more informed debates in this Council in questions of sanitation, questions of public health and others? These are questions on which I say women are more competent to express their views than we men are. Take the question of temperance. After all it is a large number of men that drink but the evil consequences of the abuse of

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drink are borne by women more than by men. On the question of temperance, therefore, women must have their say and are entitled to have their say because the consequences of the abuse of drink fall to a great extent upon them. Take next the question of education. It has been admitted now that education is as important to man as to woman and we have recently by our statutes required that on all our educational bodies, school boards and others, women should have a place, but while those bodies are concerned with day to day administration in a small way of education, this Council considers the policy of this Government for the whole presidency in educational matters from a larger point of view. Therefore, it is necessary that women should have their say and should put forward their own points of view before this Council.

I do not wish to say much about questions which are bound to come in future—questions of marriage reform and questions even of divorce. Questions like that are bound to come in which women are quite as interested, in fact more interested than men are. On these questions, therefore, if there is a bill before this Council it would be unfair, I think, for us men only to legislate on such questions and I think everybody ought to consider it absurd although we were not so much accustomed to such a state of things that women should have no right to have their say on the matter.

Women are already taking a great part in these things. Take the industrial questions; we have the question of the employment of women and children in factories. It is well known that in advanced countries women inspectors are appointed because it is they and they alone that can see to the conditions in which women workers live and in which women workers do their work. These are questions I say on which women must have their say. The question of maternity benefit is a question entirely for women. I have mentioned only a few questions so far, which it would be really impossible for a mere body of men to discuss and it would be at least very desirable to have the informed opinion of women before us.

Mr. President, women are coming more and more into public activities; education is spreading more and more widely among women; a considerable number of our women pass through colleges and become graduates and are taking part in various kinds of public activities such as hospital work, social service work, Seva Sadan; these and other various kinds of public work are being done and managed by women entirely, and it is therefore right that women should have a place in this Council where these questions will be considered and where the policy of this Presidency will be formulated. Former opposition has gone in other countries. In England even, before the franchise was won for women, they had to go through a terrible amount of agitation; even militant agitation had to be set up before women got their franchise. But the eyes of all people were opened by the great services that were performed by women during the war. While therefore there was a great deal of opposition to the enfranchisement of women in England before the war, after the war the bill enfranchising women passed through almost

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without any opposition and women have now got a right to vote as well as recently to stand for election to the House of Commons, and there are as a matter of fact in the House of Commons a few of them but still there they are. I am not proposing, as some of my Mahomedan friends advocate for themselves, that there should be a particular number of women in this Council or that they should be in proportion to their numbers. I only want that there should be no discrimination against women. Let them have a fair field and no favour; let men stand for election, let women stand for election and let the voters choose whomsoever they consider the best and the most competent. After all, one cannot say that every single member of this Council is better than every single possible woman that can stand for election to this Council. If you are going to oppose this resolution, it will be tantamount to saying that every single man in this presidency is better politically than every single woman in this presidency. I am afraid that is a position which cannot possibly be accepted by anybody. As a matter of fact in other countries ladies actually are doing even political electioneering work. Look at the Primrose League in England. It is a league of women for the purpose of helping candidates in their elections. The object of founding such leagues was this. Formerly, there was no limit to the amount of expenditure that any candidate for Parliament could incur in his election. Later on when a limit was placed on the amount of expenditure he could incur on his election, a number of honorary workers obviously became necessary and where could people find honorary workers except by forming corps of women who could do the canvassing work and who could do that work in an honorary capacity. I say in other countries women have been doing honorary public work in this manner and other countries have also accepted the position that women should stand for elections. In England women have been standing for election to the House of Commons. In our municipal bodies also women are standing for election. In the Bombay Corporation there are four women members. In other school-boards there are a large number of women and we make it compulsory that each school-board should have at least one woman member. I know that for the present the number of women members is not going to be large. It may be that for one or two elections there may not be even a single woman candidate. But what I am fighting for is a question of principle that there should be no discrimination unless it is absolutely necessary in the nature of things, and I have yet to learn that the brain of a woman, that the public spirit of a woman, is any less than the brain or the public spirit of man. Let there be absolutely no discrimination against women, give them an opportunity. I do not wish to give them any favourable treatment or partial treatment, but I wish women to be placed on the same footing as men. I am certain that the deliberations of this Council, the atmosphere even of this Council, will be greatly improved by a certain influx of women members in this Council, and I believe that it is of very great importance that women members should be on this Council in order to put their point of view before us. This is, as I have said, a question of principle. The practical effect for

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a short time may not be very great, but all the same they will have a certain ideal before them. There are a large number of women who have got spare time and who can have leisure from their other duties, whose position enables them to spare time from their usual domestic worries and troubles and who may find their time hanging on their hands and who would do well in devoting themselves to public affairs as in this Council. It is not right for us to say that we shall stop such women from these public activities. I do not wish to take any more time of this Council in arguing the obvious because this position has generally been accepted all over the world. The world has come to my point of view. The question is, has India got to be pushed and pushed forward with force by others before we accept the general position all the world over? Let us go along with the current, let us accept what is reasonable and not stand and wait until we are compelled to go ahead. It is better we should do the thing that is right betimes of our own motion than that we should be compelled to do it by others. Therefore, I think that this resolution will commend itself to the acceptance of this House.

Question proposed.

Mr. J. C. SWAMINARAYAN : I have got an amendment to the effect 'or to be nominated as members of the Legislative Council'.

The Honourable the PRESIDENT : There is already an amendment to that effect by the honourable member Mr. Shivdasani. If that honourable member is not present here soon after tea interval, I will not object to any other honourable member moving a similar amendment.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, I have great pleasure in supporting this resolution. The question of women suffrage has got its two sides. (Laughter). One is the right to stand as candidates and the other is to be voters. The right to vote has been conceded by this House in 1922 on the motion of Dewan Bahadur Harilal Desai, who was then the deputy president of this Council. The claims of women to stand as candidates are based on considerations of justice and fairness. They claim this as a right and not as a boon. Before the reforms were introduced there was no direct representation to the Council. Educated men fought the battle, and got the franchise not only for themselves but for thousands of voters who never pleaded for the same. The grant of franchise to women will elevate their status, will elevate society, and will elevate them morally and intellectually. (Laughter). It is a well known fact known to the honourable members of this House that the voice of women will always prevail in household affairs. (Laughter). She is the custodian of domestic economy. So, it is only fair that women should be our co-partners (laughter) here in our deliberations; and we should not be selfish and deny them their legitimate rights.

Sir, women in old days were legislators. For instance there was Nur Jahan Begum who presided over the destinies of her kingdom. The

[Khan Sahab A. M. Mansuri]

living instances are many. There is the Begum of Bhopal who was ruling over her state. Her Highness Fathma Begum as regent is ruling over the Manavadar State and carries out her duties successfully there. These examples show that women, when appointed to responsible duties, are capable of discharging them conscientiously without being misguided like some people who want to achieve some ends of their own. These are times when we have a good number of educated women who are M.A.'s and B.A.'s and Barristers who are fit to sit in this House and take part in deliberations on matters of public interest. It will not be fair if honourable members of this House deny them their legitimate right. With these words I am supporting the resolution moved by my honourable friend Dr. Paranjpye.

Pir RASULBAKSH SHAH (Sukkur District) : addressing the House in Hindustani said : Sir, I heartily support the resolution before the House.

(After recess)

Mr. H. B. SHIVDASANI (Surat District) : Sir, I beg to move :

that at the end of this resolution the following words be added : " and to make them eligible for being nominated as members of the Council ".

I think it is a recognised principle of all bodies that those persons who are eligible for election as members should also be eligible for being nominated as members of the same body, because if they are eligible for election as members, that shows that they can suitably discharge the responsibilities of that body. If we look into the history of this question of the eligibility of women as members of legislative bodies, we find that in almost every civilised country in Europe and in America, they have been compelled to give women the right of membership in the legislative bodies. Of course, I admit that in this country there is no widespread demand for this reform, if I may call it so, but it is wise to anticipate demands and to make provision for them, and not to wait till we are compelled to give certain rights by force. We can give the rights with much greater grace if we concede them long before there is an insistent demand for them. Had the British people been equally wise, they could have avoided a great amount of bitterness of feeling which took place when the suffragette asked for the rights of membership in the British legislature. Feelings ran so high that at one time I read that some unfortunate person—I think it was Mr. Lloyd George, who was a member of Government—was whipped. We have not reached such a stage that any member of the Government stands the risk of being whipped by women, but all the same if we are guided by the experience of other countries we will come to the conclusion that sooner or later those demands and those rights will have to be conceded. So, it is much better to concede the demand before we are forced to do so.

The complaint of women in this and other countries has been that the law being man-made, is unjust to women. And I think that they are able to make out a good case in support of that contention. Till

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recently, in England a husband could get a divorce by proving adultery of the wife, but the wife.....

The Honourable the PRESIDENT: What has that to do with this motion?

Mr. H. B. SHIVDASANI: I want to show that man-made law is not equally just to women. But the wife could not get a divorce unless along with adultery she proved either cruelty or desertion against her husband. Similarly, among the Hindus, a man can marry any number of wives, but the wife is not allowed to marry more than one husband. Similarly, among the Mahomedans the law allows the men to marry more than one wife, but women are not given the same right. Moreover, the husband can at his sweet will divorce his wife, but the wife has not got that right. Similarly, in the matter of holding property, until recently in England a married woman could not hold property. In India also, if we look to the Succession Acts, we will find that both among Hindus and Mussalmans, and probably among most other communities, the female heirs do not get the same right as the male heirs. Similarly, the husband gets a much better right to the property of the wife, if she dies before him, than she gets to the property of the deceased husband. Therefore, it cannot be denied that they have a real reason to complain, and it is but right that they should have an opportunity of so improving the law as to give equal rights to both the sexes.

Moreover, it cannot be denied that the women possess several qualities which supplement the qualities which men possess. They have got keen sympathy, fine sensibility, a lively imagination, and infinite patience. There are some professions for which they are better suited than men. I may cite the instance of nursing, where what is required is delicate and gentle handling of the patient. Similarly in teaching, great patience is required. And I would recommend to the Minister of Education that he should employ, as far as possible, women teachers in primary schools. In this very House we have discussed several bills on which the assistance of women members would have been of the highest value. For instance, we passed a law called the Children Act. I think none of us can claim to be in such a good position to express a sound opinion in that matter as women who have more to deal with children than men. Similarly, there was another bill relating to the prevention of prostitution and another relating to gambling. As regards education, it is the wife who really looks after the education of the child, and the husband rarely takes much interest in that. There are several other departments of Government in which the practical experience of the women will be of the greatest assistance to us. As regards budgetting also, their experience will be very valuable. They know how to make both ends meet from small amounts. We have got our Finance Member who, when we ask for anything, says "We have no funds". He is always showing a deficit, but if he took the assistance of some women with practical working experience, they could show him how to make the two ends meet, and even to show a good surplus. It would not be a bad thing to have women as Finance Members. For centuries

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they have been doing this work of balancing expenditure and making it come within the income. Moreover, it cannot be denied that there are several women to our knowledge, who are eminently suited to be members of any legislative body. The Indian National Congress has till now elected two women Presidents, and in the Bombay Municipal Corporation several women have done very good work. So, I hope honourable members of this House will readily support this resolution.

Amendment proposed.

The Honourable the PRESIDENT : The resolution, as amended, will read as follows :

" This Council recommends to Government that the rules for the election to this Council be so altered as to allow women voters to stand as candidates for election and to make them eligible for being nominated as members of the Council."

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I support this resolution. I do so in the cause of justice and the cause of speedy progress of this unfortunate country. Sir, the first Reformed Council had the privilege and the credit of extending to women the right to vote at Council elections. It has been reserved for this the second Reformed Council to earn the credit of extending to women the right to stand as candidates at Council elections and to be freed from the disqualification for being nominated as members of this provincial Legislative Council. Sir, it is a well known fact that certain barriers have been set up from times immemorial against women in the fields of political and public activities. Certain fields of public and political activities have been the close preserve of men. No reasons other than those of self-interest have induced men to set up these artificial barriers against women, and it is a good sign of the times that these artificial barriers have been breached in several places. Women have been allowed to sit on the bench of magistrates, women have been allowed to practise as counsel in the highest courts of appeal in this Presidency, and by recent legislative enactment in this very House women have been conceded the right to stand as candidates and to become members of local self-governing institutions in this Presidency. They are now qualified to be elected or nominated as members of municipalities, and some municipalities have several women working as elected members of those municipalities, and we see from the published proceedings of those municipalities that women have been duly discharging their office and have been contributing to the debates in a very successful and deserving manner. Sir, in the matter of education, the presence of women as members has been imperatively felt, and the progressive policy of the Honourable Minister of Education has made it incumbent upon several school boards which have been set up in this Presidency both in the district local boards and in municipalities, to elect women to sit on the school committees, and it has become a matter of imperative necessity for this Presidency to give special representation to women ; and we see that in several school boards that have been recently formed in various district local boards and municipalities women have been forthcoming and have been elected as members of these school boards, and the members of these school boards find great assistance

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and help from women in discharging their duties, especially in the matter of the extension of primary education. We know that the whole progress of this Presidency depends upon the expansion of education. Several questions are likely to come up in the near future before this House, for the purpose of extending and expanding primary education, and I think everybody will feel the necessity of the presence of women members in this House to contribute to the debates in connection with that important subject.

I do not think that any more arguments are needed for the purpose of extending to women not any concession, not any favour, but a natural and deserved right, to be elected as members of this legislative body, and I hope that every member of this House will whole-heartedly support this resolution.

Mr. R. G. PRADHAN (Nasik District): Sir, it is with sincere pleasure that I rise to support this resolution. This resolution seeks to give effect to the recommendation that has been made by the Reforms Enquiry Committee. The honourable House knows very well that in several countries of the West women have not only the right of vote, the franchise, but they have also been admitted to the legislature. In Europe, there are at least twenty countries which have already introduced this necessary and desirable reform, and, in our own country, it is a matter of very great satisfaction that this step in advance has already been taken by one Indian State. In the Indian State of Cochin, women are eligible to be members of the Cochin legislature. Therefore, in a way we are somewhat behind what has been already done by at least one Indian State.

Sir, I have supported this resolution, but I must say that I do so with moderated zeal and subdued spirit. There are some people who expect that a millenium will be reached by admitting women into the legislature, just as there are some people who hold that the world will go to ruin if women are allowed to take part in public activities and are admitted to such political bodies as our Council. I submit, Sir, that neither these optimistic hopes nor these pessimistic fears will be justified. And though it is but fair that women should be admitted to every sphere of public life, that they should have the same rights and the same privileges as men, and that they should be given the same opportunities for developing themselves as men, I do not think that the world will be very much different from what it has been in the past, or will be much different from what it is bound to be in course of time by the united efforts of both men and women. There have been occasions in human history when the millenium has been expected by men from certain social and political changes and events. When the Reform Bill of 1832 was passed by the British Parliament, there were many men who felt that such an important, such a radical reform was going to be introduced that England would soon attain to the summit of happiness and prosperity. When the war of 1914 was successfully fought, many people hoped that democracy was going to be safe. But within a decade from the termination of hostilities, not only has democracy not been safe in Italy, in Greece and in some

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other countries of the West, but we find even in England a cry raised by a man like Lord Inchcape that what England wants is a Mussolini! In the same way, Sir, when the question of the enfranchisement of women was being debated in England in 1906, there were many men and many women who thought that England would become much more happy; much more prosperous, and that on the whole the national life, the public life, of Great Britain would receive a very great access of elevation. Sir, I remember in that year when one Miss Pankhurst alone of the protagonists of the suffrage of women was speaking at a meeting in Hyde Park in London.....

An Honourable MEMBER: Really?

MR. R. G. PRADHAN: I was present at that meeting—when a hearer asked her: “Well, madam, suppose you get votes, are you going to have a new heaven and a new earth?” With that readiness of wit with which Miss Pankhurst was endowed she replied: “I don’t know whether we are going to have a new heaven because I have never been to heaven, but I feel certain that we are going to have a new earth.” Well, Sir, the franchise has been obtained by the women in England for several years. They have also been admitted to the British Parliament. But I do not think that the earth has been much different than what it was in the year 1906 when Miss Pankhurst spoke at the Hyde Park meeting, except that while there were formerly in the House of Commons all men, now there is a sprinkling of women. I do not, Sir, think that by admitting women into our legislatures there will be a new earth. But at the same time, as I have said, I do not at all think, do not fear, that the world will go to ruin or that as we say, the *Kali Yuga* will play a much greater havoc than it is playing at present. Neither the too optimistic expectations nor the pessimistic fears will be realized. But the question is—and I think it is a very simple question—Is there anything in the nature of things that we should, as it were, erect this barrier between man and woman? Is there anything inherent in the ordering of nature that whereas men should take full part in political life, sit as members of Parliament, become Ministers and so forth, a disqualification should exist in the case of women alone? I say, Sir, there is absolutely nothing in the nature of things to justify that. On the contrary, I am very much impressed by the principle laid down by John Stuart Mill, and that principle is that the best form of government is that government which provides opportunities to all persons for the development of all talent and character available in society. The question is whether you are going to provide opportunities for all the talent and all the character, whether it is found in men or whether it is found in women, to be harnessed in the service of the State? That is the question, and if that question is considered in a proper light, I think no reasonable, no sensible man will come to any other conclusion but this, that the barrier that at present exists, the sex disqualification, must disappear, and I feel confident that in this House there are so many progressive and so many liberal-minded members, so many members sympathetic and favourably

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disposed to the demands and rights of women, that this resolution will be unanimously, or practically unanimously, adopted by the House.

Sir, I shall conclude with only one or two more observations. It is necessary to impress upon women just as it is necessary to impress upon men that the franchise or a seat in the Legislative Council is not so much a matter of honour as a matter of responsibility and I do hope that this simple principle will be much more readily and much more keenly realised by women than, I regret to say, it seems to have been realised by men. A result that I think and hope will follow, if women are admitted to our legislature, is this, that they will make men realise their responsibility much more keenly and much more vividly than they realise at the present moment. On the whole, I think that great good will result from the removal of the sex disqualification, and, as Tennyson has rightly said, "Woman's cause be man's : They rise or fall together". I therefore sincerely hope that working shoulder to shoulder and arm in arm we, men and women, shall be able to promote as quickly as possible the progress of this country, and that we shall be able to present to the world what an ideal progressive and self-governing country may be able to do. With these words, Sir, I heartily support this resolution.

Mr. G. A. THOMAS : Sir, I rise to a point of order. I ask your ruling whether an honourable member can bring an umbrella inside the House. On a previous occasion the Honourable the President has ruled that sticks should not be brought into the Council. When sticks are out of place in the Council, umbrellas also are out of place as they are not less dangerous weapons.

The Honourable the PRESIDENT : I hope the honourable the Chief Secretary is not afraid that honourable members' heads will be broken. I will accept the ruling of my predecessor and rule that sticks and umbrellas should not be brought into the House.

The Honourable Mr. A. M. K. DEHLAVI : Sir, my honourable friend the last speaker began by saying that it was with great pleasure that he rose to support the resolution. I, on the other hand, rise with the deepest regret to oppose the resolution (Hear, hear) and I am glad, Sir, that the ruling that has just been given would work in my favour, as I stand considerable risk when I oppose this resolution (Laughter).

We have listened to many a debate in this House which certainly, if I may be pardoned for saying so, has grown monotonous, and I regret, Sir, that if you do not rise to give the usual warning to honourable members, this threatens to be the most monotonous one in this House. I am going to break the monotony of the debate by saying that though I oppose the resolution I do not stand here to oppose in any way the rights of women, or to come in the way of their obtaining any further rights to which they are legitimately entitled. As to the subject under consideration I do not know whether women as a race are asking for this advance or whether it is the champion of women's cause who is asking for it.

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Sir, I have got some very serious points to place before the House for their consideration. It is not what my honourable friend has stated that because in other countries women have been doing honorary public work and that because other countries have also accepted the position that women should stand for elections, that therefore they are entitled to enter Parliament. As regards the difficulties that he has pointed out as to how we shall be able to deal with many subjects which come before this House, my only answer to him is that man has so far managed these subjects which affect womankind and has passed legislation of which the statute books are proud not only in countries where women have been given the right, but in this country also. It is on national grounds that my honourable friend presumes to bring this resolution. If we think we would be supporting or enhancing the national cause, I say the reverse will be the result, and the national cause will undoubtedly suffer if women are allowed this diversion in their avocations. If woman is raised beyond a certain limit the fall of the nation will follow. I speak with strong conviction and particularly for the Asiatic countries. Our unit of national life is our home, and the unit of each home is the woman; and if that national unit is destroyed by this serious and short-sighted diversion in the sphere of woman's activities you destroy the most vital nation-building element of our whole society. I am emphatically of opinion that Asiatic countries will deplore the progress which is being aimed at, as the European countries, which have given these rights, have already begun to deplore the advance of woman in such directions. In Europe and in certain other countries where this restriction against women has been removed it is really being felt that the advance is not on the right lines. The European countries have not yet suffered, perhaps, because their unit of national life is not the home but the individual, the man, the woman, the brother, the sister, the father, the mother, each for himself or herself; whereas in Asiatic countries that is not so. Our national life is diametrically opposed to this. Sir, time has not come, in India particularly, for such a revolutionising and radical change. If my honourable friend urges that woman should advance in the name of democracy, I ask him whether men have made sufficient advance in exercising the franchise that they have got, or in obtaining democratic rights for themselves. It is a time-honoured tradition and the duty of man to clear the ground for the woman first, and then let her walk in. Has he cleared the political ground in India, and has he reached the stage which he can call democracy? Again, Sir, if I were freely to describe the practical difficulties which this drastic change will entail I would probably have to transgress even the bounds of courtesy. I shall, therefore, not attempt it, but I may only mention them to be imagined. At the same time, let me emphatically declare that woman's sphere is by the hearth. Let her be the hand that rocks the cradle and rules the world. Let her be the flash-light to us, men, the weary toilers and workers in the cause of the country; and let her make our advance possible by her support. Let her build the character of the nation, which is her first duty. It may be argued that women who

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are married may be excluded from the parliamentary life ; but unmarried women, widows and old maids may, however, be given the right. Sir, there again I strongly hold that if we limited the right to only such women we would be truly violating the principles of public policy. We would then be encouraging celibacy and retarding widow re-marriage. It is a national crime to teach woman to forget her home life, the mother's life, which she must devote herself to, in the best interests of the nation to which she belongs. I do not deny the advance woman has already made. I personally know that many of them would be ornaments to parliamentary life. But these are few and far between. But I cannot too strongly emphasise that if they are allowed this privilege we shall be ruining the fabric of our national life, and ruin the future of our country.

In conclusion, and to show the honesty of my convictions, I will, if I am not discourteous to my honourable friend the learned Doctor, go so far as to say that if genius at a certain stage amounts to insanity, my honourable friend has given the best proof of it in placing the resolution before this House.

Mr. E. E. WOODS: Mr. President, it gives me great pleasure to observe the spirit animating the members of this House in their endeavour to do an act of common, though tardy, justice to that large, silent and long-suffering section of the community—the mothers, wives and daughters, the women citizens of this Presidency—by placing them on a level with themselves. This position the trained women of to-day are intellectually, morally, socially and economically perfectly fitted to attain and hold.

That I am not overstating the case, I remind my hearers of the words of a well-known national poet, who, when speaking on the subject of this sex—a subject for which he appears to have an intimate knowledge—declares of Mother-Nature in these terms :

“ Her ‘ prentice hand She tried on man and then she fashioned woman’ . ”

This, if anything, only goes to show that in those qualities which I have enumerated, she is at least equal, if not superior to her brother man. And here, Sir, I again beg to remind you, I refer to the trained women of to-day.

The movement to gain recognition and status which are now indicated in the resolution before us, has been growing surely and steadily. The Mother of Parliaments has accepted the position and the women members who are elected thereto have risen to their responsibilities with dignity and zeal.

After all the fact has to be faced that the movement under notice has come to stay and will gather force and momentum as time proceeds since it is aided by the natural law—“ the hand that rocks the cradle rules the world ”.

I therefore on the broad grounds of democracy and in the general interests of humanity, heartily support the resolution now before this House.

Mr. D. B. ADWANI (Karachi City): Sir, I was greatly startled to hear the Honourable the Minister for Excise. I must say that it appeared to me as if his speech was made in the seventeenth century and that perhaps not on this planet but on some other planet. It is too late in the day for any one to say that women should not be represented on the Council. I say this because all the facts stated by him were not correct. In the first place he wanted to know whether women have asked for this reform? I do not know whether he is living in India or in some other part of the world. Most of the women's associations in this country have asked for this reform. I am afraid that the Honourable the Minister for Excise is not keeping himself posted up to date in matters which do not directly concern his own Department. If he had done so, he would have known that the women of India have become very vocal and have fully expressed themselves in regard to this matter.

The other argument which he advanced was that man has so far been able to manage the affairs which have been under his control, very well. I do not agree in this statement. I should rather say that man has managed to mismanage the affairs of this world to a very great extent and I think that the time has come when we should get the assistance of women in order to help us forward.

The next point which the Honourable the Excise Minister urged was that he feared that homes would be broken up. Here also, I disagree entirely. As was clearly pointed out by the honourable mover, this resolution, if carried into effect and accepted by the Government of India, would make it possible for such women as could spare the time, to take part in public affairs and in the affairs of the legislative councils. The answer to this argument has already been given by the mover of the resolution.

Another argument advanced by the Honourable Minister was that Asia and India would come to deplore the day on which such a resolution was passed, and he observed in support of his statement that the European countries had already begun to deplore their having enfranchised their women. I do not know whether the Honourable Minister referred to this world or to any other world. I do not know that Western countries are deploring this reform; on the contrary, this reform has come to stay in Western countries, and is being given effect to in the other countries from time to time.

Sir, I think I should be failing in my duty if I did not put in a plea for the women of Sind. The honourable member the Pir Saheb who spoke on behalf of Sind, said that Sind is backward in education and that therefore this resolution should be given effect to in the whole of the Bombay Presidency excluding Sind. I must protest very strongly against this misleading statement made by my honourable friend. In the first place, I do not admit that Sind is educationally backward, but if we admit for the sake of argument that it is so, then it follows that the men of Sind must also be backward. If we consider the diligence with which the honourable member and his friends often vote on the side of Government, it would appear that, after all, high educational qualifications are not absolutely necessary for membership of this Council. The case of women is so absolutely invincible that I cannot believe that any

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member will have the courage or the heart to oppose this resolution except possibly the Honourable Minister for Excise.

We all know how women have been playing their part in the politics of the country in ancient times, and it does not seem necessary for me to dilate upon this view of the matter.

There is just one more argument I wish to make before sitting down. It is that women are known to possess more imagination and they will be able to bring to bear on the deliberations of this Council a great deal of imagination. I say this especially because it has been our sad experience in this Council that the Bombay Government is lacking in imagination. I am sure if a woman had been a member of the Executive Council of the Bombay Government, there would not have been the bungle of the Back Bay Reclamation which they made so ignominiously. Women as a rule have good imagination. Not only that, but if women come into this Council, they will be able to bring more love and harmony and such quarrels as that between Brahmins and Non-Brahmins will become a thing of the past.

I therefore support the resolution which has been placed before the House.

Rao Saheb D. P. DESAI (Kaira District): Sir, I would not have risen to support this resolution if it had been brought forward three or four years ago, but now that I see that so many of my honourable friends on the non-official side have decided to support the resolution, I am glad to follow suit and to speak in favour of the resolution moved by my honourable and learned friend, Dr. Paranjpye, especially as I believe that members on the Government benches are given the liberty to vote as they please.

I personally do not think that the presence of women as members of this Council in this House would have much influence on the course of conduct of the Bombay Government. Perhaps my honourable friend the Minister for Excise is afraid that the influence of women may not be very strong on his own department by reducing the consumption of liquor as he may have argued that if women have not shown any ability in improving their husbands who are addicted to drink, it was difficult to understand how such women could lend a helping hand in improving the country's administration. It is of course a very serious charge to level against the women of this Presidency. Personally, I am of opinion that women cannot have such influence on males. Even if we have a few women as members here we cannot carry any influence with the opposite benches. Take for instance the Minister of Education. If we have a few women members here they will shout aloud and ask for grants for expanding female education in the presidency. The Honourable Minister will not be able to concede their demand. So also the case with the Honourable Minister for Local Self-Government. Even in England this concession was given to women after many years of struggle. There even this concession was given as a result of pressure brought to bear upon Government. Here there is no such pressure. After all the fight in England for women franchise was carried by a handful of women. But here this is an experimental measure. At least the women in England

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have greater advantages than they have here. In England they held property and such other rights which they had to safeguard; and this right they got only very recently. Such rights are not possessed by women here.

Mr. N. R. GUNJAL (Poona District) (Spoke in Marathi): Sir, while I rise to support the resolution that has been brought forward by the honourable member Dr. Paranjpye, I wish to make a small amendment in it to the following effect:

"In the second line of the resolution, between the words 'voters' and 'to', add the words 'aged forty-five years or more'."

My idea in moving this amendment is obvious. If we have aged women as members of this Council they will have enough experience and knowledge to help us intelligently in the deliberations of this Council. Further, they will not have much to do with the household duties and will be free to devote themselves to public affairs. We have been given the reforms in order to work it successfully and make ourselves fit for further instalment. At this stage of political condition we have to get to the Council intelligent people with wide experience. As that should be our aim, I think we should be doing well to have sufficiently aged women as members who will have ripe experience and intelligence to guide us in our deliberations. I hope Dr. Paranjpye will accept my amendment.

It is not proper to have very young and inexperienced women as members of this responsible Council. In the scheme of the late Deshbandhu Das regarding Swarajya it was stated that women should be of experienced age. I am of opinion that if my suggestion is accepted, it will not fail to give its benefit.

Question proposed.

The Honourable the PRESIDENT: The resolution if amended as proposed will read as follows:

"This Council recommends to Government that the rules for election to this Council be so altered as to allow women voters aged forty-five years or more to stand as candidates for election."

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I rise to oppose this motion, but my opposition is for a set of reasons and objections different from those that have hitherto been advanced. The honourable member Dr. Paranjpye has proposed this resolution as a Liberal. Let me tell him and let me tell the House that it was the Liberal party that for thirty years opposed it. It was Mr. Gladstone, it was Mr. Chamberlain, it was Mr. Asquith, who had opposed the franchise. One honourable member (Mr. Adwani) said that he thought that the arguments against the resolutions were those that were urged in the seventeenth century. But I am talking of matters of only thirty years ago when the franchise was opposed by the Liberal party. I was myself a member of the Women's Franchise League in England and had spoken for them on various platforms for several years. But the conditions in England and the conditions in India are altogether different. What is right in that country for women may not be right here. Moreover, all the self-governing British Colonies are against it. Can any one say that women in Australia, South Africa and Canada are inferior to their sisters

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in India? Again, the great Powers of Europe, France, Italy and Germany, have not given this franchise to women. Are the people of France in any way unchivalrous, ungenerous, unjust to the womankind? Therefore, when reference is made to the example of the civilised world, I say that that reference is against the proposition. Who will say that those countries are wanting in respect for women, or interest in the cause of the education of women or the advancement of women?

The honourable member, in order to heighten the force of his arguments, compared women to lunatics and said they were clubbed together, as both are prevented from entering Council. I ask, is it impossible for lunatics to enter this Council or even to become Ministers? (Laughter). The chief cause of lunacy in England is the disappointment of people who lose their seats or ministerships. (Laughter).

The Honourable the PRESIDENT: I appeal to honourable members just to try their best to restrain their feelings a little. Let us have the normal dignified debate.

MOULVI RAFIUDDIN AHMAD: Well, Mr. President, I am not against the resolution; I want only to give a warning. I am opposed to its being passed in haste. We have lately given the franchise to women, only three years ago. There has not been time enough to know how they have exercised this franchise. I want them to come forward to show their interest, because whatever class of the society wants a reform, it should come forward and ask for it. I want to say that hasty legislation in this respect is worse. We should not be guided merely by sentimental considerations.

I will give you an instance. When I was in England, an American told us in a learned lecture that in the State of Wyoming, franchise was given to women and also the right of becoming members was granted at the same time. The majority of seats were captured by women. And what did they do? The first thing they did was to make breach of promise of marriage criminal. But on one side only. In one of the Southern States of America, Negroes got the franchise, and also the majority in the legislature. What did they do? The first thing they did was to purchase six feet looking glasses to admire themselves in (Laughter). I want women to have this right: I would be the last person to stand in their way. Indeed a Mahomedan is never wanting in chivalry and generosity towards the womankind. The Mahomedan law is more liberal to women than any other law I am aware of. I entreat the House not to be carried away by sentimental reasons. Take time to consider. You would lose nothing. My complaint against the honourable Doctor is this: that he is raising grave issues without a grave cause. If this cause had been of an urgent nature or if it had been essential at this time to win Home Rule or Swaraj, depend upon it, the Swaraj party would have been the first to move it. That is not the case. Therefore, there is no urgency about it.

I do not think any sensible man would be opposed to this. But I would like to tell you, do not be in too great a haste. In England, how

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many days it took ? During the twelve years I was present there, in the nineties of the last century, the whole of the Liberal party was against. (Dr. R. P. PARANJPYE : No, no.) I know there were a few people like Mr. Jacob Bright and Mr. Haldane who were in favour at that time. But the Liberal party was against it, because a large number of women were Conservatives. Therefore, I ask you to consider and pause before you pass this resolution at this session. The honourable mover of this resolution himself says that it is possible that for the next two elections no woman might be returned to this House. Then, where is the necessity of passing this resolution ?

Let me give you the opinion of French ladies. I went to France and there I met many French ladies in Conference. I told that they were more backward than the English ladies in matters of politics. Well, they looked at me, and said "You, an Indian, who is under England, who has no Home Rule, you are talking about women's rights. No. Why do you think that we are backward ? We do not believe in women's franchise. The proper sphere of woman is to exercise her influence in politics through her husband, father or brother". And one great argument that they used weighed very heavily with me. They said if a man was raised to be a Prime Minister or Minister, his wife took precedence in the same manner as himself ; but if a woman was made Prime Minister or Minister her husband was nobody. (Laughter.) I contend that the women of France, the women of Italy are really using more influence in politics possibly than the women of England. Sir, let me tell the Doctor that even now, I do not think this cause is popular in England.

What will be the result, after all ? There will be two, or three, or four, or ten ladies who might stand or get elected. Will they be able to go through the rough and tumble of political life ? I am very doubtful. I do not deny that some women are far more intelligent than men : but you are opening a door, and there is no limit to admission. I am not against their advancement in this direction, but I think the advance is too previous. We all know that in this Asia of ours Japan is the most advanced country. Japan has been the first to imitate English and European ways. Have the women in Japan got the franchise ? Can the mover advance any reason why such an advanced country, such a good imitator of European and civilised ways as Japan, has not allowed even a concession ? I would like to know whether we are more advanced than Japan. Are our conditions even as advanced as those of Japan ? Therefore, I want you to pause. I am only asking the House not to treat this subject in a spirit of levity, but to treat it seriously, not to be influenced by Mill. The honourable member quoted Mill. Was the Liberal party in England influenced by the teaching of Mill in the latter part of the last century ? Was even Lord Morley, who looked up to Mill in these matters, influenced by Mill ?

Dr. R. P. PARANJPYE : He was always in favour of it.

MOULVI RAFIUDDIN AHMAD : As far as the Liberal party was concerned, he could not influence them. My contention, therefore,

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is that the honourable Doctor is certainly in haste in these matters. There is no person here, as I said, no sensible person who would not like to give women their due, but the due has not fallen due as yet. If the House passed this resolution, certainly I do not think the House would be committing a crime. I do not say that; my stand is not on that ground. But I do say, let us pause for one or two elections, let us see how many women come even to vote, how many of them come up to canvass votes, how many of them really take part in politics. Before that, I think it would be wrong to take this step. Because one or two or three or four women are fit to exercise this right I think it would not be right to pass this resolution.

My last point is that, even in England, there were two associations of women for these rights. There was the Women's Franchise League, with Mrs. Jacob Bright as the president. There was another association; its president was Mrs. Fawcett. The difference between the two was that Mrs. Fawcett said that no married woman should have the right to go to Parliament, while Mrs. Jacob Bright said that married women ought to be allowed to do so. Therefore, even in England, among women themselves there was this difference of opinion. One party said it was not right that married women should leave off their duties as wives and mothers, and devote themselves entirely to politics. That was the feeling of the followers of Mrs. Fawcett, and she had a large following. Therefore, I think the amendment of my honourable friend Mr. Gunjal, ridiculous as it is, is not altogether irrelevant. I think if an amendment could be moved that, for the present, it should be restricted to unmarried women, I do not think it would be so unreasonable.

The Honourable the PRESIDENT: The honourable member's time is up.

MOULVI RAFIUDDIN AHMAD: I have nothing more to say.

The Honourable Sir CHUNILAL MEHTA: Sir, may I say for the information of the House that honourable members on the official benches are free to speak and vote as they please.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I had no intention of joining in the debate on this question, because I am so entirely in favour of women's franchise and of women standing as candidates for election to the Council, but I am compelled to do so on account of the question raised by the honourable member whether the matter was urgent. It is urgent in view of Legal Department notification No. 1486, dated the 4th May 1926. By that notification the following proviso has been added to Rule 5 (1) of the Bombay Electoral Rules:

" Provided further, that if a resolution is passed by the Council after not less than one month's notice has been given of an intention to move such a resolution, recommending that the sex disqualification for election should be removed either in respect of women generally or any class of women, the local Government shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified for election by reason only of their sex."

It is this notification of May 1926 and the approaching elections that have made this matter urgent. If this resolution is not passed to-day

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the last day of the last session of this Council, this question will have to wait for the next three years, until the new elections take place. Therefore, the urgency for the matter has arisen. Due notice of the resolution has been given, and the question is now before this House.

I am not prepared to reply, nor shall I reply to the old and ancient arguments raised by the two opponents to this resolution, who happen to be, both of them, Mahomedans, and whose religion is the most democratic so far as the rights of men or women are concerned. When we had the question of giving votes to women for discussion in this House in 1921, when many responsible and some Mahomedan honourable members opposed the measure, it was made clear that in Arabia and in other Mahomedan countries, in the ancient times, long before the invasions came on, women had complete liberty, and, in view of the fact that the Mahomedan religion is the most democratic in this respect, it is rather surprising that two honourable members professing Islam, such a democratic religion, should be found to oppose the women's right of election to the Council and even the right of vote to be given to women. I know that female education was at first opposed exactly with the same vehemence as this question is being opposed now. I know that in the last Council in 1921, towards the end, when the question of giving votes to women was brought up, there was the same opposition, and yet we find that the Council passed that motion with an overwhelming majority. We find again that the Honourable Minister in charge of Local Self-Government in the case of the municipalities of Bombay and other cities has done away with the bar to women being elected as municipal councillors, and I do not think the result of that experiment has been in any way disastrous or in any way unfavourable. This House has to take into consideration the result of women being elected or nominated to the municipal corporation of the premier city in India, namely, Bombay. We find that that body is all the better for the presence of ladies of the intelligence of Mrs. Sarojini Naidu, the late Mrs. Hodgkinson, and Mrs. Gokhale, and no person in this House is prepared to say that they have not fulfilled the requirements of a municipal councillor as much as any man. The only argument that has been advanced is that the time has not yet arrived. But who asks ordinary women to enter this Council? It is for the few who can enter the Council that this right is to be given. It is for those few who are able to enter, and fight and take an interest in these matters that this privilege is to be extended. This measure is only to remove the bar to their entering, not to compel them to enter, and therefore, I do not see any reason why this House should not pass unanimously this resolution.

Mr. R. D. SHINDE (Nasik District): I have great pleasure, Sir, in supporting the resolution and opposing the amendment of the honourable member Mr. Gunjal. You will see, Sir, that whenever any social reform is before the country, there are always conservative people like the honourable Moulvi Saheb and the Honourable Minister for Excise, who say the principle of the reform is all right but the time has not yet arrived. I am sure if this particular question is again before the Council twenty

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years hence, there will be other Moulvi Sahebs and other Honourable Ministers to come forward and to say that we should wait for some centuries or for some decades more. You will see, Sir, that it has always been the pride of man that it was he and he alone who could legislate and look after the interests of woman. But I submit that this claim is based not upon proper appreciation of the duties and responsibilities in life of man and woman, and I submit, Sir, that whenever in this particular House or in the legislatures of this country many questions come before the House in which the interests of men as also the interest of women are concerned, this House will be the better for the contribution that the lady members may make in the solution of those difficult questions. As has been already pointed out by the honourable the Deputy President, since the inclusion of the four or five lady members in the Bombay Corporation the proceedings of that body have been very much instructive and more lively than they were before, and I may say from my personal experience, in the mofussil also the proceedings of the several school boards, after the inclusion of lady members, have been much more instructive and the contribution of the lady members has been very helpful to the proceedings of the school boards. I submit, Sir, that the amendment which is moved has no meaning. When the Council lays down that a man of a certain age, 25 years of age, is entitled to come into the Council, I do not see any force in excluding women below the age of 45. With these words I support the resolution.

Mr. NOOR MAHOMED : I move the closure.

The Honourable the PRESIDENT : I accept the closure and call upon the honourable mover of the resolution to reply.

Dr. R. P. PARANJPYE : Mr. President, I am so glad that such a large number of members have supported this resolution that it is unnecessary for me to enter into any detailed reply to the arguments that have been advanced on one side or the other. But I cannot refrain from just mentioning one or two points that have been referred to by the Honourable Minister for Excise. In the first place, he told us that there has been no demand for the resolution. But I think the honourable member will remember that he himself has received several resolutions passed by women's organisations strongly urging the acceptance of this resolution, and personally I wonder whether, after his vote against this resolution, he would not have a trying time when he goes home for opposing it. He trotted out the old argument that the woman's position is at home. Now, Sir, we know always this argument. That argument has been brought every time and when the smallest step for improving the position of woman was mooted. Even when we began to consider the question of compulsory primary education, we were asked "What is the good of giving them compulsory education? Their position is at home, their duty is simply to cook, teach the children and go to church or temple." You will remember, Sir, when there was agitation to allow women to enter the medical profession, we were also told that giving medical education to women was all right in theory, but that

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we should wait and not give it to them yet. And when the women's franchise was being considered, a large number of ladies had to make great sacrifices before they were allowed that right even in England. The same thing happened at every step of woman's progress. When recently women have been allowed the right to be called to the bar and practise in the courts, exactly the same argument was brought forward that women would neglect their household duties if they were allowed to practise in the courts. Well, I think, Sir, these arguments have always been advanced, and in spite of die-hard members like the Honourable Minister for Excise, he himself would come forward next year and say it is all right so far, but that we should go no further. I refuse to consider any limits to the considerations of justice. Whenever any course is recommended to us on a principle of justice, I think, Sir, that we should do justice whatever may be the consequences. My honourable friend the Mouvli Saheb also brought forward various arguments and the Honourable Minister for Excise asked us to consider whether the Asiatic countries have anywhere given franchise to women. Now, I would ask the Honourable Minister whether he puts forward as the goal of our national progress the position of backward Asiatic countries like China, Persia or Afghanistan, or the more advanced countries of the West which are in the vanguard of civilisation. Do not let us always talk about the so-called Asiatic nations. All the world is going to be one. You cannot successfully stop the current of the tide like King Canute. And I am certain of one thing, Sir, that if women do come into the Legislative Council, we shall have a little more consistency than we observe in the voting and speeches of members like the honourable Mouvli Saheb. The honourable members of this House have known that one does not know exactly what position the honourable member takes. He, for instance, told us that in England the Liberal Party opposed the women's franchise. I have got two sets of figures on the voting that took place on the women's franchise. In 1910 on one vote the voting was, for women's franchise, Liberal 161, opposed to it 60; Unionists for 87, opposed to it 113; Labour for 31, opposed 2; Nationalists—there were Nationalists in those days—for 20, opposed 14. So that, you will see that the majority of Liberals were in favour of women's franchise and not against. On another voting, the result was exactly the same—Liberals 174 for the bill, 48 against; Conservatives 79 for the bill, 86 against; Labour 32 for the bill, zero against; Nationalists 31 for the bill and nine against.

I would like to ask the honourable member whether these figures show that the Liberal Party as a whole was opposed to the franchise of women. I can quite understand that leaders like Gladstone, who were accustomed to rather old fashioned ideas, were not in favour of women's franchise, but all modern or younger opinion, all the more advanced Liberal opinion and Labour opinion was on the side of women's franchise. Mr. President, I would only just mention one country—Turkey—in which the women movement is making such rapid strides. I would ask the honourable Moulvi and the honourable Minister for Excise whether they want India to be an advancing nation like Turkey or a backward country like

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Afghanistan and Persia. As this resolution has the support of almost everybody I will not take more time. But I wish to say that I would accept the amendment of my honourable friend Mr. Shivdasani and not that of Mr. Gunjal. Now I will only ask you to remember the principle "*Fiat justitia, ruat cælum*"

"Let justice be done even if the Heavens fall."

The Honourable Sir CHUNILAL MEHTA : I have no further remarks except what I said, namely, that official members are free to vote as they like.

The Honourable the PRESIDENT : I will put Mr. Gunjal's amendment first.

Question put and lost.

The Honourable the PRESIDENT : The question now is :

This Council recommends to Government that the rules for election to this Council be so altered as to allow women voters to stand as candidates for election and to make them eligible for being nominated as members of the Council.

Question put and carried.

The DEPUTY PRESIDENT : Priority has been asked for a resolution by Mr. G. B. Pradhan regarding appreciation of the services of the Honourable the President. I would like to give priority to this resolution if Government have no objection.

The Honourable Sir CHUNILAL MEHTA : I have no objection.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : Sir, I am thankful to you for allowing me to move the resolution which stands in my name. I asked priority for this reason because this Council is going to be dissolved and it is in the fitness of things that this Council should put on record its appreciation of the work done by our President Sir Ibrahim Rahimtoola. The resolution reads as follows :

"This Council records its warm appreciation of the able discharge of his arduous duties by the Honourable Sir Ibrahim Rahimtoola of the office of the elected President of this House during which he won the esteem and respect of both the official and non-official members of this House by his fairness and patience and guided its deliberations with a view to the growth of the Legislature on responsible and democratic lines."

Now this resolution consists of two parts. The first is the appreciation of the able discharge of the duties of the office of the elected President and the second that this Council appreciates that he guided its deliberations with a view to the growth of the legislature on responsible and democratic lines. We all know that the office of the President requires a man of tact, patience and impartiality. Patience and impartiality must be coupled to courtesy ; otherwise there will be rigidity. I do not want to take up the time of this House, but I want to say that Sir Ibrahim, whenever there was a doubtful point on the border line, tried to give his ruling in favour of the popular cause. He was never partial to any side of the House. That is why in my resolution I say that he guided the deliberations with a view to the growth of the legislature on responsible and democratic lines. When the Council was in its infancy he guided the deliberations of this House with a view to the growth of the legislature on democratic lines. That was the policy which he always followed. We also know about his fairness and patience. Many of us

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have inflicted long and tedious speeches and he has heard them all with patience. I commend this resolution to the acceptance of the House.

Question proposed.

Mr. L. B. BHOPATKAR (Poona City): On behalf of the Swaraj Party I associate myself with the sentiments expressed in the resolution.

Pao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the resolution. Sir Ibrahim was the first elected President of this reformed Council and he was unanimously elected to be the first elected President of this Council. He was not a new member to us. Before that he filled with credit and distinction posts of responsibility and power in this very House. As President of this House he showed uniform courtesy to every honourable member of this House and has often encouraged members who were shy to speak freely in this Council. He maintained and upheld the high traditions of this House and conducted the deliberations of the House with tact, justice and impartiality and according to the practice and procedure prevailing in the Mother of Parliaments, and every member in this House is much obliged to the President for the dignified way in which he conducted the proceedings in this House. It is therefore in the fitness of things that we should record our high appreciation of the valuable services that he rendered in this House as President of this Council. With these words, I support the resolution.

Mr. J. A. KAY (Bombay Chamber of Commerce): On behalf of the non-official European members of this House I heartily support the resolution and fully endorse the sentiments expressed by the mover.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I associate myself entirely with the views that have been expressed by the mover of this resolution. It would be idle to paint the lily. The office of the President of this Council is a very exalted one and Sir Ibrahim has filled that office with dignity. I support the resolution.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, on behalf of the Sind Mahomedan members of the House, I associate myself with the sentiments expressed in the resolution.

Mr. LALJI NARANJJI (Indian Merchants' Chamber): I have great pleasure in supporting this resolution on behalf of the Indian mercantile community because our President is a successful merchant politician. I am sure the Indian mercantile community take pride in him as one who establishes the theory that Indian merchants are capable of discharging such onerous duties successfully to the satisfaction of all different various interests of this Presidency. Besides he is one of the founders of our Indian Merchants' Chamber which I have the honour to represent in this House. I, therefore, have the privilege and honour to support the resolution before the House.

Mr. R. S. NEKALJAY: Sir, I rise to associate myself most heartily with the resolution before the House on behalf of the depressed classes whom I represent in this Council.

Mr. A. N. SURVE (Bombay City, North): Sir, on behalf of the Maratha and allied castes of the Bombay City I heartily endorse the remarks which have fallen from the honourable mover of this resolution and I associate myself with the sentiments expressed therein.

Dr. R. P. PARANJPYE (Bombay University): Sir, I fully associate myself with the resolution that has been moved by my honourable friend from Thana. I have known the work of the Honourable the President for several years, ever since the year 1913, and in every capacity he has acquitted himself to the satisfaction of everybody with whom he came in contact. I have therefore very great pleasure in supporting the resolution.

The THAKOR or KERWADA (Gujarat Sardars and Inamdars): Sir, I heartily associate myself with the sentiments expressed by the honourable mover of the resolution.

Mr. R. G. PRADHAN (Nasik District): Sir, I associate myself heartily with the sentiments expressed in the resolution moved by my honourable friend from Thana. This is the last session of this Council and it is not possible for all of us to be sure that we shall be back again in this House. I therefore feel a sense of separation in rising to address the House but whether we shall all be returned to this Council or not, it is certainly a pleasure to us all to testify to the excellent spirit which the Honourable Sir Ibrahim Rahimtoola has shown and the high standard of duty which he has all along maintained during the period in which we have had the benefit of his guidance as President of this Legislative Council. If the proceedings of this Council are viewed in a dispassionate spirit a few years hence, I am sure that history will record that the deliberations of this Council were conducted by the Honourable Sir Ibrahim Rahimtoola with high ability, with great tact, with strict impartiality and with the single object of building up fine traditions in connection with representative government.

Khan Bahadur I. M. BEDREKAR (Southern Division): Sir, on behalf of the Mahomedans of the Southern Division, I support the resolution most heartily.

Mr. N. R. GUNJAL (Poona District) (In supporting the resolution addressed the House in Marathi as under):

I heartily support the resolution before the House. In doing so I must acknowledge with a great deal of gratitude that the Honourable Sir Ibrahim Rahimtoola has uniformly shown every kindness to those honourable members of this House who did not know English and who could therefore speak only in the vernacular. I can appreciate how very difficult and how very trying it is to anyone to listen to speeches made in the vernaculars, especially in a House which is full of members speaking the English language, and for this single reason, if not for anything else, the Honourable Sir Ibrahim has placed us, non-English-knowing members, under a deep debt of gratitude by the patience which he has invariably shown in letting us express our humble views before this honourable House. The Honourable Sir Ibrahim has served already in many national movements and from his present behaviour in the

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Council it is clear that men, who have past experience of national movements are more useful if elected Presidents. I hope he will again be elected President of this Council. His love for the vernaculars is praiseworthy. On behalf of the Shetkari Hitasamvardhak Mandal, as its secretary and as a Responsive Co-operationist and now as a Swarajist I heartily support the resolution.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Sir, as a representative of the Deccan Sardars and Inamdars I heartily associate myself with the views expressed by the honourable mover of this resolution.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : The Honourable Sir Ibrahim Rahimtoola has always given proper decisions and rulings when points of doubt or dispute arose in the course of the deliberations of this Council. At least for this, if not for anything else, we should all support the resolution placed before the House so ably by my honourable friend from Thana. I need not say much about the tact and courtesy which we have invariably received at the hands of the Honourable Sir Ibrahim, while the assistance he has ever given us in carrying on the work of this Council is too patent to need repetition. I heartily support the resolution.

Mr. H. B. SHIVDASANI (Surat District) : Sir, I have great pleasure in associating myself with this resolution. I am glad to say that the Honourable Sir Ibrahim has initiated us, new members, into the mysteries of Council procedure and in giving rulings he has always carefully explained the underlying principles of those rulings. Moreover, he has always given us the widest possible latitude consistently with the Rules and Standing Orders, and in the conduct of the debates he has always exercised his discretion of calling on speakers in such a manner as to see that a good debate ensues by calling upon speakers for and against a proposition in succession. In short, he has encouraged those members who were shy to come forward and has enabled the members to make much better use of their privilege and position as members of this House to serve the popular cause.

Mr. S. A. SARDESAI (Bijapur District) : Sir, I rise to support the resolution moved by my honourable friend Mr. Pradhan and I do so on behalf of the Non-Mahomedan constituency of Bijapur District. I am very much pleased to hear the appreciation of the work done by the Honourable Sir Ibrahim which has been given expression to by members on the Government benches as well as on the non-official side. There are no two opinions about that. I have known the Honourable Sir Ibrahim since he was the Executive Councillor of the Government of Bombay and I have seen him when he was the nominated President of this Council, and I now have seen his work as the elected president of this Council. In fact in whichever capacity I have seen him work I have found that he has discharged his duties with credit to himself and to the community to which he belongs.

[Mr. S. A. Sardesai]

I have only to remark that as the President of this House, Sir Ibrahim has conducted the deliberations of this Council very judiciously, with great prudence and with immense tact. I may say that I have had an opportunity of seeing how Presidents in other Councils in India carry on their duties and I have not the slightest hesitation in stating that our President is much better than any of the Presidents of the Legislative Councils in the other provinces of India. With these few remarks I support the resolution now before the House.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, on behalf of the Mahomedan constituency of Bombay, I associate myself heartily with the terms of the resolution which is now before the House.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): On behalf of the cultivators of Gujarat, I rise to support the resolution before the House. The Honourable the President has by his three years' work in this House certainly earned our deep gratitude and we are doing but our duty in offering congratulations to him when the life of this Council is coming to an end.

Mr. S. K. BOLE: Sir, I fully associate myself with what has been said by previous speakers on this resolution in regard to the work done by our worthy President, the Honourable Sir Ibrahim Rahimtoola.

The THAKOR OF AMOD (Northern Division): Sir, I associate myself fully with every word that has been said in support of the resolution before the House.

Mr. G. A. THOMAS: Sir, on behalf of the officials on the back benches, I rise to support the resolution.

The Honourable Sir CHUNILAL MEHTA: Sir, on behalf of the official benches I have great pleasure in associating myself with this resolution. I have known the Honourable the President for over 20 years in public life. I have known him before also in private life. I have no hesitation in saying, apart from his great natural gifts and acumen which have enabled him to carry on the proceedings of this House in a most able and dignified manner, his great experience in public and official life has enabled him to perform these duties in a manner which justifies the last two lines of this resolution: 'He has guided the deliberations with a view to the growth of the legislature on responsible and democratic lines.' I have noticed with pleasure that he has watched with the keenest jealousy the interests of the non-official members of this House. I have often observed that he has guarded their interests even more carefully than non-official members themselves.

Question put and carried unanimously.

The DEPUTY PRESIDENT: I will convey this resolution with the permission of the House to the Honourable the President.

(The Honourable the President at this stage resumed the Chair.)

Sir, before you proceed further with the Council work, I beg leave to state that, the House has authorized me to convey to you the resolution that has been just passed unanimously of appreciation

[The Deputy President]

of the able discharge of your duties during the time you have acted as President of this Council.

The Honourable the PRESIDENT: Gentlemen, it would be sheer hypocrisy if I did not feel most gratified at the kind appreciation to which you have for the second time given expression in regard to my humble services as your President. To say that I am most grateful to you would hardly convey all I feel. It is indeed generous of you to have overlooked my shortcomings and to have given expression to your appreciation. I cannot claim that I am free from them. What I do claim is that I have tried my humble best to discharge my onerous duties to the best of my ability. I cannot do more. As I said on a previous occasion I have laid it down as my ideal to be judicially impartial; and I have tried to keep that ideal constantly before me.

If any small degree of success has been attained in the discharge of my duties, it is due to the help and co-operation I have received from all sections of this House. But for that help and co-operation, it would have been impossible to discharge the very onerous duties that fall on your President. Succeeding as I did an eminent jurist in this office, I was quite alive to the great responsibilities which I was undertaking and it cannot but be gratifying to me that on this second occasion this honourable House has been generous enough to give expression to their appreciation of what little I may have been able to do.

When the heart is full it is difficult to find words. Gentlemen, you are all aware that this is the last session of the present term of office of this Council, and I would take this opportunity to wish that all of you will return to this House to continue the very valuable and useful work which you have done in the past. Honourable members are aware how extensive the scope of public service this honourable House provides. I earnestly trust that all those members who have three years or longer experience will return to this House to continue their strenuous efforts in the cause of the well-being of our presidency.

Gentlemen, I thank you again.

I will now adjourn the House till 6-40. In the meantime I hope honourable members will keep to their seats when His Excellency arrives.

(The Council re-assembled at 6-40 p.m.)

His Excellency the Governor was met by the President on his arrival. A procession of chobdars, His Excellency's staff, the President of the Council (the Honourable Sir Ibrahim Rahimtoola, K.C.S.I., C.I.E.) and His Excellency the Governor passed slowly up the Hall to the *dais* at 6-40 p.m.

His Excellency's staff stood in a semi-circle at the back of the *dais* behind the two chairs, His Excellency the Governor being on the right and the Honourable the President on the left.

The Honourable the PRESIDENT: Order, order. His Excellency will address the House.

HIS EXCELLENCY'S SPEECH

Rising to address the Council, His Excellency said :

Gentlemen, nearly three years ago I addressed you for the first time after my arrival in Bombay, and I spoke then to a Council recently elected, meeting for the first time. To-day that Council will be prorogued for the last time, and when I meet the honourable members of this Legislative Council of Bombay again a general election will have taken place. It therefore seemed to me appropriate that I should take this opportunity of meeting you all again before you finally disperse and go to your constituencies.

Gentlemen, in my first speech to you I reminded you of the great responsibility which rested upon every member of this House, and I said then that I felt confident that each one of you had come to the Council determined to work wholeheartedly and unselfishly for the uplift, progress and prosperity of the people who had returned you to the Council, and that you would follow up the good work performed in the last Council by promoting, in a proper constitutional manner, further measures for the welfare of the presidency. That confidence was not in any way misplaced. The three years of your labours have produced legislative enactments of a far-reaching character, all of them fairly criticised but at the same time debated by honourable members with an evident desire to eradicate mistakes and improve the proposals put before you by Government by constructive and not destructive methods.

Let me refer in brief to some of the more important measures which, during the past three years, have been placed on the statute book. The Karachi Port Trust Act, passed in 1924, has secured a fuller representation of Indian commercial interests in the working of that great port. The Sind Courts Bill, which received its third reading during this session, is another legislative enactment which will be greatly welcomed in the province of Sind. The Children's Act, which was passed in 1924, aroused keen interest and is undoubtedly an Act which will be of the greatest benefit to the younger generation. Important Acts dealing with local self-government which have been passed by you are the City Municipalities Act of 1925 and the City of Bombay Improvement Trust Act of the same year. When to these important measures we add the Local Boards Act of 1923, it will be clear to all that great advances have been made in local self-government during the last three years.

There are many more measures I could speak of, but I will only mention, amongst the measures taken for the benefit more particularly of the poorer classes, the Co-operative Societies Act, and the Rent Acts of 1924 and 1925, which, taken along with the earlier Acts dealing with rents, have done much to mitigate the hardships which would otherwise have resulted from greatly increased rents in Bombay and Karachi.

While you have naturally been critical of all forms of expenditure and averse to increased taxation, which can never be popular in any representative body, you have passed such measures of taxation as you considered essential for the work of the presidency. The demands from

all sides for more amenities and facilities are of such a nature that they cannot be ignored, and although taxation in itself must, as I have said, be unpopular, public opinion will, I am convinced, support you in meeting the inevitable burdens when the demands of the public become effective.

It is not only by legislation that the Council has done solid work during the last three years. By means of resolutions and questions it has exercised a profound effect on the administration in many directions. As you know, I have never been in favour of limiting discussion where this could be avoided, but there are certain subjects which obviously cannot be fully debated in this Council, simply because we, as a Government, are not in full possession of the facts relating to other parts of India or to the central Government. In a few such cases I have disallowed resolutions, feeling sure it will be recognised that the proper place for debating them is the Legislative Assembly and that my action was not in any way intended to stifle useful discussion, but that I was only carrying out my duty, as laid down in the Bombay Legislative Council Rules, to distinguish between those subjects that can be usefully debated here and those which can be far more satisfactorily discussed, or in fact can only be discussed, by your representatives in the central legislature.

Gentlemen, this is no mean record of legislative work, but it is one of which any legislative body may feel proud, and indeed it may truly be said that you have not only maintained the high standard of work performed by the last Council, but will leave behind you a still higher standard of efficiency for your successors to emulate. I doubt if the most vehement critic will argue that the legal enactments to which I have alluded can do anything but benefit the people of the presidency and advance the cause of self-government. Let me, however, say at once that such a record could not have been attained had it not been for the whole hearted co-operation of the Members of Council, Ministers and those honourable members themselves who have taken part in the debates.

When I come to the question of our financial position, I fear that through no fault of Government or of this honourable House the record and the present position is far from satisfactory. Continuously and continually, by letter and by word, I have urged in England and in India the justice of our claim to a greater share of the finances raised by taxation in the presidency. I have addressed you, gentlemen, so often on this subject that I will not say any more to-day than to point out again that one of the greatest obstacles to a proper working of the Government of India Act has been the inability of my honourable colleagues, the Ministers, to find sufficient funds, in spite of all economies, to satisfy what I can only term are the legitimate needs of the departments which deal with services commonly known as nation-building. For instance, two of the most vital of these services, education and public health, are urgently in need of greater financial assistance, and every effort has been made by Government to give all assistance possible to them and to all the transferred subjects, and in this statement

I know I have the full concurrence of my Ministers. But much less was possible than we all desired. I am fully aware of the difficulties to be faced in any alteration of the present financial relationship between the Government of India and this presidency, but I am not without hope that the difficulties of our position are now realised, and I have been assured that there is every desire to meet them in as sympathetic and considerate a manner as is possible.

While alluding to the transferred subjects, I should like to express my sincere thanks to my honourable colleagues, the Ministers, for the invaluable help they have rendered, often under very difficult circumstances. I have sought their advice and assistance on all occasions and endeavoured to bring into being that spirit of co-operation between all sections of Government which, to my mind, is essential to the proper working of the Act under which we live. I am confident enough to think that the working of the Act, which is the law of the land under which this presidency is administered, has met with a greater success nowhere in India than in Bombay. I would remind you that neither I nor my predecessor have ever made use of that overriding authority of certification given to Governors under the Act. It was not, of course, the intention of Parliament that such powers should be used except under circumstances which, in order to carry out his duty, appeared to the Governor essential for the welfare of the people or the proper government of the presidency, but it is indeed a most satisfactory thought that during six years such circumstances have never arisen.

You will, no doubt, have read a very important and striking speech made recently by His Excellency the Viceroy when addressing the members of the Chelmsford Club at Simla, when His Excellency spoke on the grave position which has arisen owing to the strained communal feelings. I cannot hope to add anything to the strong appeal made by His Excellency for a better understanding between Hindus and Mahomedans, so essential, in fact so vital, to the welfare and advance of India. My honourable colleagues and I are glad indeed to realise that in the Bombay presidency, to a larger extent than perhaps anywhere else in India, the relations between these two great and important communities are free from the tension which has characterised them in certain other parts of India, and we trust sincerely that their relations, one to the other, will be of an ever-increasing friendly and cordial character.

In the speech I made to you, to which I have referred on opening the first session of this Council, when I first arrived, I remarked on the respect held throughout the civilised world for the procedure of the Mother of Parliaments, the House of Commons. As one who has spent many years in the House of Commons and who has held a position in which he had to interpret and carry out the procedure and historical customs of the House, I am entitled to speak on this subject with practical experience and some authority. I congratulate you, gentlemen, sincerely on the adoption of that procedure and on the decorum with which your debates have been conducted. In fact, it may truly be said that, in the latter respect, the precepts laid down for the proper conduct of business by

the procedure of the House of Commons have been followed in spirit and in letter to a degree which must earn the admiration and the respect of any other legislative body.

The difficulties which face you, and in fact which always face and have always faced any country entering a new form of government, are obvious and real. Your political organisation is still young and the electors are, and must be at first, to a large extent politically uneducated. Parties are numerous but without, as also must be the case in the earlier years, that party organisation which can only be built up by time and experience. In the last general election there was undoubtedly a much keener interest than in the former. From all I hear, there is to be a far more general interest taken in the coming elections than ever before in the presidency—a most welcome and hopeful sign.

You, gentlemen, will all or most of you be facing your electors shortly. You will put before your constituents a record of your work during this parliament, and you will lay before them your views as to the future administration of your country. I am sure from what I know that those views will be based on no purely local needs or minor considerations, but that you will keep in mind the urgent need of advocating a policy, not merely for the advancement of the people of your own particular constituency, but one for the greater benefit of the citizens of the Bombay presidency and for the increased prosperity of your country. I am sorry, however, to find, as I do find in many places, a note of pessimism both as to the present and as to the future of the presidency. I do not believe for one moment that such pessimism is justified. I have alluded to the political advance made during the past six years, an advance largely due in my mind to the fact that we have in the Bombay presidency a political tradition which has been responsible to a very large extent for the spread of political education through the whole of India.

Economically it may be said that we have two basic industries in Bombay, agriculture and textiles. Every step possible is being taken to develop our agriculture, and if you will look back only twenty years you will realise the great advances that have been made to safeguard the interests of the agriculturists since that time. In those days, when famine came, the whole rural economy was shaken. To-day, by the construction of a chain of protective works, the shock of a failure of the rains is serious but comparatively negligible to twenty years ago. A systematic development of the agricultural industry will result in the greatest benefit to the ryot, and his prosperity will reflect on the general prosperity of the presidency.

We must, in my opinion, devote our main energies to helping the ryot, whose prosperity is the real foundation of the advancement of Bombay. In this connection, I must refer to two important events. Firstly, to the recent visit of His Excellency the Viceroy to Poona. It is many years since a Viceroy visited Poona, and the presidency is, I am sure, deeply grateful to His Excellency Lord Irwin for having, so soon after his arrival in India, been able to spend a week here, and for having taken so keen and personal an interest in the administration and welfare of the presidency, more particularly in the efforts which we have made

and are making to give greater security to, and further the prosperity of, the primary industry of this country, agriculture.

The other important event of which I desire to make mention is the approaching visit of the Royal Commission on Agriculture. The Bombay presidency is to be the first province to welcome the Commission, and it is hoped that the Commission will arrive in Poona on October the 22nd, and the members will therefore be able to visit the Agricultural Show which will be opened on the 20th. I have every confidence that this Commission will receive a very sincere and warm welcome in the presidency, and that its recommendations, which I hope will be made with the least possible delay, will be of lasting benefit to the ryot in particular and to the well-being of agriculture in general.

As to the Agricultural Show, I am glad to say that very satisfactory progress is being made, and the thanks of all are due to the Chairman and members of the Executive Committee, who are working so hard to make the Show the success we all desire that it should be. It is particularly gratifying to note that so many districts are taking a keen interest in the Show and giving it practical and financial assistance. I am sure that I can rely on every honourable member of the Council to ask in his constituency for support to this undertaking. The Show itself is to be educative and suggestive, and it is hoped that it will be visited by many thousands of cultivators during the time it is open, each of whom will be able to take back to his village some useful new idea which will be of value to him and to his fellow villagers in bettering his lot by the adoption of some of the latest teachings of agricultural science, which will be demonstrated by exhibition at the Show.

I realise that the textile industry has been passing through a period of depression. Recently by the removal of the excise duty by the Government of India—a duty for the removal of which my Government had strenuously worked—the industry has received considerable benefit, a benefit which I regret will not under existing circumstances financially assist the revenues of the presidency. The textile industry in the presidency rests on very sound foundations; it draws its raw material from its door and it sells the finished product in the country. There is, however, a real danger in the conflicting interests of these two important industries, textiles and agriculture. The former wants low prices for foodstuffs and high prices for manufactured goods, the latter the exact contrary, namely, high prices for produce and low prices for manufactured goods. It is the duty, a difficult duty, of Government to hold the scales evenly between these two interests. We cannot hope to do so without the help of the representatives of both, and therefore to the leading men in agriculture and textiles I would appeal for joint deliberations and joint recommendations to Government, with the assurance that Government will sincerely welcome any proposals which may tend to advance the prosperity of these industries, both so important to the presidency, with advantage and without detriment to either.

Gentlemen, I think we can look forward to the future with confidence and hope. Progress is everywhere apparent. I will not deal to-day at length with the important major works now under construction by the Public Works Department. It is, however, very satisfactory to

note that the Nira Right Bank Canal and the Nira Valley Development Project, the latter of which was placed before you, gentlemen, in 1924 and approved by you, are progressing steadily, and the Bhatgar Dam, which impounds the water for the Nira Right and Left Bank Canals, is approaching completion. The Pravara Canals in the Ahmednagar District, with storage at Bhandardara, have been completed and are in operation. I addressed you at length on the question of the Back Bay Reclamation scheme last February. Since then the Government of India Committee has been constituted and is now holding its sittings in Bombay. The latest figures received as regards last year's filling are more satisfactory than any we have had before, and generally I may say that the outlook as regards this scheme is not so discouraging as appeared nine months ago.

A full progress report of the Sukkur Barrage has recently appeared in a press note. The work on this great undertaking is proceeding in a satisfactory manner, and every care and precaution is being taken to ensure the financial and economic success of a scheme which must be of the greatest benefit to Sind for all time to come.

During the past three years several important changes have taken place in Government. After long and valuable services in India the two senior Members of the Executive Council retired, and, as I have before mentioned, Bombay owes a deep debt of gratitude both to Sir Maurice Hayward and to Sir Henry Lawrence for the work which they have done for the presidency, extending over so long a period. I have been happy to welcome as Vice-President of the Executive Council and as Finance Member the Honourable Sir Chunilal Mehta. The portfolio which he holds is undoubtedly the most difficult of all, particularly having regard to the present state of the finances of the presidency, and I think it unnecessary for me to ask from all concerned for any help or assistance which it is possible to give to my honourable colleague in the execution of his onerous and responsible duties. The Finance Member of any Government fully deserves, but seldom receives, that sympathy in his difficulties to which he of all Members and Ministers is so fully entitled. It has also been my pleasure to welcome, as two new Members of the Executive Council, the Honourable Mr. Rieu and the Honourable Mr. Hotson, both of whom are very well known to every member of this honourable House. While I have claimed, and I think with justification, that progress has been made during the past three years, I do not deny that there are many questions of great importance to the welfare of the presidency still remaining to be dealt with. The Bombay presidency has a reputation, and I think a well deserved reputation, for having taken the lead in the past and for taking the lead now on the road of progress, and this Council and the people of the presidency may rest assured that the Government of Bombay intends to walk steadily in the lead along that path, securing by its legislative enactments, so far as it possibly can, an ever increasing prosperity to the people of the presidency.

I now, gentlemen, formally prorogue this, the second, session of the Bombay Legislative Council.

The Honourable the PRESIDENT: I hope honourable members will keep to their seats till I return after seeing His Excellency off.

A procession was then formed and His Excellency left the Hall in State.

The Honourable the PRESIDENT (on return): I propose to adopt the House of Commons practice, where, when the House is prorogued, the Speaker shakes hands with every honourable member.

The President then shook hands with every honourable member.

APPENDIX No. 1

The Ahmedabad Millowners' Association

No. 536/25

DIN BAG,
Mirzapur Road,
Ahmedabad, 31st August 1925.

From

G. I. PATEL, Esq., B.A., M.L.C.,
Joint Honorary Secretary,
The Ahmedabad Millowners' Association, Ahmedabad ;

To

THE DEPUTY SECRETARY TO THE GOVERNMENT OF BOMBAY,
Home Department, Poona.

Subject.—Theft in the Railway yard at Ahmedabad.

Dear Sir,

With reference to my letter dated 29th December 1924, and subsequent letters on the same subject dated 28th February 1925 and 24th April 1925, my attention has been drawn to the replies given to my questions printed in the XIVth Question List of the Second Session of the current year of the Bombay Legislative Council and to the Appendix printed on pages 44 to 49 of the said list.

I regret the method and the manner in which such an important matter of thefts from packed bales backed by numerous pointed instances has been summarily disposed of by the Railway Authorities and the Government of Bombay. In these circumstances, I am constrained to give a detailed reply to the various points that have been raised in the letter addressed to the Government by the Agent of the B. B. & C. I. Railway Company, and the report signed by Mr. J. A. Guider, the Watch and Ward Superintendent, Mr. H. R. Kothawala, Superintendent of Railway Police, and Mr. F. Moseley, the D. T. S. at Ahmedabad, and also in the letter No. C. A.—131/25/37, dated the 6th July 1925, from the General Traffic Manager.

1. At the outset I am inclined to think that the report which was drafted behind my back and before the drafting of which no facts were recorded in a manner as would allow me to have the special facts on my side of the case duly recorded, is more like a document prepared by the Railway Officers themselves on a subject in which they are directly concerned and in which allegations were directed against the departments under their control. I would call this report a judgment in their own

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favour penned by the very defendants, against whom the inquiry is directed.

2. A meeting consisting of Messrs. Guider, Kothawala, Moseley and myself took place at the Ahmedabad Station on the 16th April last and the procedure adopted at the meeting was not only unconstitutional but arbitrary. Mr. Guider without allowing me to know anything in reply to my questions in regard to the investigations which were so far made about definite instances of Railway thefts which were specifically recorded, on the contrary made use of manœuvres which would prevent me from lodging further complaints in such matters. My theory is based on proofs and logical grounds derived from practical experiences and specific instances. Government have admitted that such complaints were noticed from the year 1923, after the establishing of the control of the Watch and Ward (*vide* reply to my question in the Question List No. XIV). It is very difficult to collect hundreds of cases of such thefts which have taken place since 1923, but when I was definitely convinced even at the end of the adoption of all the necessary precautions that these thefts took place in the Railway yard, I was compelled to approach the merchants and millowners of this city to collect instances of which the particulars were more definite and convincing. It is needless to say that merchants and businessmen do not take notice of stray instances of such thefts but when these grow to such an alarming proportion that heavy losses are actually suffered by them a voice of protest is naturally raised for the redress of the grievance.

3. The solid proofs of this case could be evident in case all the complaints are properly analysed. Practically in all cases of such complaints thefts are noticeable from those bales only *which remained overnight in the Railway Yard*. If a mill or a merchant consigned five bales to Bombay, five to Calcutta and five to Madras on the same day and sent all these bales to the Railway yard at one time two of three consigns, *viz.*, those for Bombay and Madras which were *loaded* in the wagons *on the same day* were without complaint and the one for Calcutta which remained in the Railway yard *for one or two nights* was complained of about the shortage of this kind. The natural inference from such instances would be that such thefts took place not in 60 mills and 300 shops of merchants, which are located in different parts of the city at the hands of different groups of men during day light, but they occurred as a logical consequence *at one* central place which is covered with thousands of bales stacked in *uneven* heaps of different dimensions likely to give easy *shelter* to some men of organised gangs during *still hours of night* most probably under the connivance of one or two watchmen posing in some corners of that area.

As a result of continued agitation on this subject one Mr. Sohanlal was specially placed as the Watch and Ward Inspector of the Ahmedabad yard. I was able to gather from him, during his interviews with me, that he had not only reorganised the whole staff but had himself taken

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to keeping secret watch and giving surprise visits. ~~Since the~~ special precautions that were taken by this new incumbent and since the transfer and reorganisation of the Watch and Ward people such thefts have practically ceased. This is the second strong point which leads one to the inevitable conclusion that these thefts used to occur in the Ahmedabad Railway yard at night only when unbooked bales remained in the Railway yard giving opportunities to some miscreants to take advantage of the situation.

In support of this contention I may further add that somewhere about the month of March last the said Mr. Sohanlal went on leave for a week or two and immediately two or three fresh cases of thefts occurred during his absence. As soon as he returned and took up the matter in his own hands further thefts ceased.

In view of these thefts which commenced from 1923 after the installation of the Watch and Wards Department and which were complained of practically from bales remaining overnight in the Railway yard and which gradually declined as the investigation became vigilant and practically ceased, since the new Inspector, Mr. Sohanlal, not only took precautionary measures but reorganised the whole staff and introduced special night rounds, I should like to request Government to consider whether it is reasonable to believe that these thefts took place during day time at five hundred different premises in Ahmedabad or at one central place like the Station yard having an area of several thousand square yards and having suitable facilities for the committal of such thefts during the dead hours of night with one or two night watchmen taking their easy course of keeping a loose watch in some corner.

4. Mr. Guider tried to first quash the inquiry by trying to make out a case that several mills in Ahmedabad did not press their bales on their own premises but got them pressed at presses outside the premises of the mills (*vide* his letter No. 16/24/103 of 27th April 1925); but when he was definitely given to understand that all the different mills pressed their bales in their premises, he seems to have preferred to base his defence on other grounds by suppressing the real truth which, in my opinion, I have sufficiently dealt with in this letter.

5. In regard to the practical demonstration which was held at my mills on 16th April last, I regret to note that the report does not contain full facts of the mission of this inquiry. When I was asked to give a demonstration, I made it absolutely clear that it was impracticable to give an exact demonstration of pilferage through men whose profession was not to steal and who had no implements which were supposed to be specially required for the use of thieves committing such thefts. If an ordinary man having no knowledge of machinery is asked to take out a particular bolt or nut from a motor-engine with the help of ordinary pincers and without the use of a fitting spanner, it is but natural that he may succeed in his attempt at the end of heavy labours and long hours. Because the press men of my mills were fortunately or unfortunately

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not experts trained in committing thefts from packed bales and because they were without the assistance of special implements required for such purpose, it does not lie in the mouth of the framers of the report to say (if I may safely use these words): "It is impossible for one or even two men to break open a bale and steal its contents even with the aid of mechanical appliances".

I may now enlighten Government with one more incident of a demonstration which throws vivid light on the subject and for which perhaps the framers of the report will move heaven and earth to turn the tables even at this late stage by taking to task one of their own subordinates who was bold enough to give that demonstration.

Mr. Ismail K. Desai, Police Inspector, in the Inspecting Staff of the B. B. & C. I. Railway, came to my mills to make certain inquiries a few days after the visit of the signatories to the report and in the course of a conversation promised to give me a demonstration. In a subsequent visit he brought with him not an ordinary man who could take hours to give a demonstration as happened to be the case with the victims of the framers of the report, who inadvertently supplied points for *suppressio veri* to them, but an ex-loader of the Railway Company itself, who in my opinion possessed an amount of information and experience on the subject of such thefts. Though he had an injured palm he gave an easy and successful demonstration with a very small bale (which is difficult to tamper with) in the presence of myself, my Secretary, the clerks of cloth department and Mr. Ismail. The time required for this operation was not only much less than the time which the writers of the report had noted down on the previous occasion, but the bale remained intact and without any alteration in shape. This conclusively proved at least to me and my staff that pilferage of a few pieces was possible in a manner which would not dishevel the bale or give cause for any suspicion of its having been tampered with from its outward appearance. I asked Mr. Ismail to arrange for a similar demonstration at the hands of the same man at Bombay in the presence of all the four of us who took part in the previous inquiry. He asked me to get ready four bales to be despatched to Bombay for such a demonstration and promised me to inform me about the date, time and place of the demonstration. As this matter afterwards did not crop up at a later stage, I am afraid, some of the Railway authorities might have dealt hardly with Mr. Ismail or thought it fit to shelve the matter in a manner as would allow no opportunities for the contradiction of the misleading statements made in the report.

6. When the Agent of the B. B. & C. I. Railway Company states that in case portions of contents were abstracted the bales could not have retained their original condition, he seems to be labouring under a misunderstanding. The bales are placed in the Railway yard in well-packed and sound condition but during night time from some of them about five or seven pieces artfully abstracted and the outer covering

APPENDIX No. 1—*contd.*

resewn with the same string and in the same manner. The bale is thus kept intact in its outward appearance and there is hardly any trace on it to give cause for any suspicion. If by chance the pieces abstracted are more than 10 or 12, the thieves are compelled to put in rolls of some of the damaged pieces abstracted from the same bale or of some other pieces in order to fill in the gap and resew the outer covering. But in such cases the outward appearance of the bale is likely to give rise to suspicion. There are cases on record in which consignees have taken delivery of such bales after getting them opened and examined in the Railway yard. The main issue is the very nature of the theft in which only four or five pieces are abstracted with certain special instruments and the outward covering resewn in the original manner leaving no trace of any suspicion. Not only the bale is booked in good condition at the Station of despatch but it is also received in good condition at the destination. When it is opened at the shop of the merchant the shortage is detected and reported. These are the reasons which prompt me to say that the person committing such thefts are possessed of the requisite instruments and skill.

I am surprised to find the Agent defending 56 recorded cases of Railway theft within a comparatively short period on the ground that "the number of tampered bales is very small considering the very heavy amount of traffic dealt with". I wish he would have resorted to the camouflage of striking the incidence of this theft per head of population of this country inhabited by more than three hundred millions of living souls! The common device of defending acute cases of injustice by striking the average from the total number is against all recognised canons of justice and economics. No Government could defend a capital levy of one rupee per head of population on the plea that its incidence on an individual in the country would be very insignificant and the total revenue realised thus would be an enormous amount of three hundred millions. The reported cases of thefts are more than sufficient in my view, considering the special features of these cases and the heavy losses to the industrial community.

7. A reference has been made to the cases of thefts from the consignments of the Ahmedabad Fine Mills. It may be noted from the very name of the Fine Mills that fancy dhoties and saris manufactured therein are of fine American and Egyptian yarns imported from England and the volume of such dhoties is very small as compared with coarser stuffs of the majority of the mills in Ahmedabad and the price of a fine piece is comparatively higher than other indigenous sorts. However, it will be evident from the list of cases enclosed with my letter of 29th December 1924, that these 56 cases of thefts already reported were collected from different mills and several other parties doing business in Ahmedabad.

8. Regarding the opening of the bale in the Railway yard on 28th March 1923, it is strange and regrettable that Government should be placed in an awkward box to deny in 1925 the fact of its having been

APPENDIX No. 1—*contd.*

opened in the presence of the Watch and Ward Inspector when they have already admitted at the end of the previous inquiry in 1924 that "One cotton piece bale of the Ahmedabad Fine Spinning and Weaving Company, Limited, was opened in the presence of Mr. G. I. Patel and the Watch and Ward Inspector, Ahmedabad, on the 28th March 1923." (*Vide Council Debates, Volume XIII, Part I, page 93.*) The Station Master was twice phoned to come to the Railway yard as I desired to open the bale there and then ; but in spite of making a promise of coming personally he did not turn up and simply sent one Watch and Ward Inspector Mr. Shankerlal. He examined the shortage of fine dhoties and also surveyed dhoties stamped with labels of other mills which were found substituted in the bale as the gap created by abstracting several pieces was considerable. The bale was placed in the Railway yard in a sound condition on the previous evening before 5 p.m. It was despatched from the Mills at about 4-30 p.m., the intervening half an hour would not allow any opportunity for pilferage in day light. Next morning the "marfatiya" found four hoops of that bale removed and he immediately phoned us. I went personally to the Station yard and on opening the bale which from its outward appearance was dishevelled and loose, 38 pairs of fine Egyptian fancy bordered dhoties were found missing from it and inferior stuff inserted therein. Mr. Shankerlal not only examined all these details personally but came to the Mills subsequently to make inquiries and discussed the matter with me.

9. I should not have chosen to pursue this matter so closely and accurately if Government had taken such steps as would redress the grievance permanently. As in the temporary absence of Mr. Sohanlal, the Watch and Ward Inspector, during March last these thefts recurred, I am afraid that the same grievance will recur in a renewed form as soon as all these investigations are over and previous conditions prevail.

10. In conclusion, I may add that Rail Road Companies of America like the Santa Fe, Southern Pacific and Salt Lake Lines supply every facility not only to the industrial community but to the agriculturists also (by even giving them special refrigerating cars on their fields) when Indian Railways refuse to redress serious grievances of regular and organised thefts from consignments of industrial concerns like cotton mills.

11. I am therefore to request you to place this letter with previous correspondence on the subject before His Excellency the Governor in Council for final consideration and the issuing of necessary orders.

I have the honour to be,

Dear Sir,

Your most obedient servant,

(Signed) G. I. PATEL,

Member, Legislative Council, and Joint Honorary
Secretary, Ahmedabad Millowners' Association.

APPENDIX No. 1—*concl'd.*

No. 7095-D.

HOME DEPARTMENT,
Bombay Castle, 23rd December 1925.

From

C. G. ADAM, ESQUIRE, C.S.I.,
Deputy Secretary to the Government of Bombay,
Home Department ;

To

G. I. PATEL, ESQUIRE, B.A., M.L.C.,
Joint Honorary Secretary,
The Ahmedabad Millowners' Association, Ahmedabad.

[*Subject.*—Railway Thefts—Ahmedabad Railway yard ; complaints
of Ahmedabad Millowners' Association.]

Sir,

In reply to your letter No. 536—25, dated the 31st August 1925, on the subject noted above, I am directed to inform you that Government have nothing to add to their previous communication to you to the effect that if you will register your complaints with the Railway Police they will be enquired into. Government regret that until you take such action they are not in a position to take further action themselves.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) C. G. ADAM,

Deputy Secretary to the Government of Bombay,
Home Department.

APPENDIX No. 2

Reply to letter No. D—1051 dated the 5/6th February 1926 from the District Deputy Collector, N. D., Belgaum.

No. Rev. 228

Office of the Collector of Belgaum,
Via Belgaum, 27th February 1926.

The Collector notices after perusal of the District Deputy Collector's Circular No. D—1051 of the 4th December 1925 that there is no justification for the issue of such general orders to all the Inamdars in the Division to follow a particular set of accounts without examining in detail the conditions existing in each village. The Collector's circular order No. 729, dated the 13th March 1925 was to the effect that accounts in Inam villages should be inspected by the Revenue Officers. The only concern the Revenue Officers have, in this matter, is to see that the accounts are not being manipulated by the Inamdar and the Kulkarni to the detriment of the rayats. The Inamdar may well be left to look after his own interests. The only concern the revenue officers have in the matter is that the accounts required by Government for statistical purposes are kept in the proper form by the Kulkarnis.

2. The Collector approves of the suggestions contained in the District Deputy Collector's "Post script". Each complaint from the Inamdar should be examined on its own merits and necessary enquiries may be made through the Mamlatdar. The accounts of such villages should be continued this year in old forms until the question is decided with regard to such villages. No attempt should be made to force a particular form of accounts in a particular village against the wishes of the Inamdars.

(Signed) G. MONTEATH,
Collector of Belgaum.

No. D—1051

Office of the District Deputy Collector,
Northern Division, Belgaum.
Camp Jodhatti, dated 4th December 1925.

MEMORANDUM.

The condition of accounts in inam villages is unsatisfactory. Mamlatdars are requested to give attention to this and to get Inamdars' accounts written up in Forms of Government accounts as required by Revenue Accounts Manual pages 275-279. The necessary printed forms for Inamdars' accounts should be supplied to Kulkarnis and the cost of the same to be paid by Inamdars if any, should subsequently be recovered from

APPENDIX No. 2—*concl'd.*

Inamdars concerned. There are villages where Record of Rights is not yet written. Inamdars' accounts must even then be written in new forms, such as VIII-A, VIII-B, IX and XI. The Kulkarnis should be ordered to prepare them as soon as possible.

In order to enforce this order it is ordered that form XI should be fully prepared by the Kulkarni verified by Mamlatdar and sent up to the District Deputy Collector before the 15th January 1926. It may not be possible to fill in columns of current suspensions so soon. The form should even then be prepared, so far as it may be worked up. This form must be prepared before any collections are commenced to be made in an inam village.

It is possible that there might be a few cases of disputes. The village officers should in such cases write the accounts in the manner that seem to them correct, but they should at the same time note down the substance of dispute in VIII-A. (The fact of dispute and the name of person who disputes should also be noted in remarks column in form XI.)

The Mamlatdars are requested immediately to supply to village officers the necessary forms of accounts and report their having done so.

(Signed) G. A. HIREMATH,
District Deputy Collector.

APPENDIX No. 4

Irrigation by wells in the Bombay Presidency

No. I—7/5.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR,
PUBLIC WORKS BRANCH.

Civil Works—Irrigation.

From

Mr. D. G. HARRIS,

Deputy Secretary to the Government of India ;

To

The Secretary to the Government of Bombay,

Public Works Department.

Simla, the 16th April 1924.

Sir,

I am directed to forward herewith a copy of a resolution on the above subject which was adopted by the Council of State at a meeting held on the 5th March 1924, and of the debate which took place thereon. In doing so, I am to remark that, while the Government of India are in full sympathy with the objects which the Honourable Sardar Jogendra Singh, who moved the resolution, had in view, they are of opinion that, so far as irrigation from rivers is concerned, an exhaustive enquiry on the lines of that made by the Indian Irrigation Commission of 1901—03 is neither necessary nor desirable at the present juncture. Their reasons are given in the Honourable Mr. A. H. Ley's speech on the Resolution. I am to enquire whether the Local Government agree in this view.

2. As regards irrigation from wells, I am to invite attention to the observations made during the debate by the Honourable Sir Narasimha Sarma, K.C.S.I., Member in charge of the Department of Education, Health and Lands. After referring to a recommendation made in 1919 by the Board of Agriculture in India that a systematic survey of the supplies of under-ground water, which could be tapped by wells or small bores, should be undertaken as soon as possible in areas where famine conditions could be mitigated by wells, he expressed a hope that the importance of this subject would be more fully appreciated by Provincial Governments and that the money necessary to undertake and complete such a survey would be forthcoming. The Government of India consider that the inauguration of a systematic survey of the supplies of under-ground water is a matter of the first importance and I am to request that with the permission of the Governor in Council, they may be informed

APPENDIX No. 4—*contd.*

what, if any, action has already been, or is proposed to be, taken in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) D. G. HARRIS,

Deputy Secretary to the Government of India.

Copy of Resolution.

This Council recommends to the Governor General in Council to arrange for a fresh survey of our irrigation possibilities both from the rivers and the wells in the light of scientific advance and to frame a programme particularly providing for the organisation of power lift irrigation from the wells.

Immediate.

PUBLIC WORKS DEPARTMENT.

LETTER No. 5872—I.

Bombay Castle, 16th September 1924.

From

V. M. GRIFFITHS, Esquire,

Joint Secretary to the Government of Bombay,

Public Works Department;

To

The Secretary to the Government of India,

Department of Industries and Labour,

Public Works Branch, Simla.

Sir,

With reference to your letter No. I—7/5 of 16th April 1924, I am directed by the Governor in Council to inform you that the question of irrigation possibilities from rivers in this Presidency has already been thoroughly investigated and a well-considered programme of irrigation projects for the Deccan has been drawn up by Mr. H. F. Beale. Of these, the Godavari Canal project has been completed and the Pravara and Nira right bank canal projects are under construction. The Nira Valley Development Project has been forwarded to the Government of India for obtaining the Secretary of State's sanction thereto. The

APPENDIX No. 4—*contd.*

Gokak Canal Extension project (Ghataprabha Left Bank Canal) is under revision and a project for remodelling and lining the Mutha right bank canal is under investigation. In Sind, the Lloyd Barrage and Canals Construction project is under construction. Further schemes in connection with the Desert and Begari Canals are under investigation and the question of undertaking a survey for a large Ghotki canal is under consideration. The Lloyd Barrage and Canals scheme having been started, the need for an inquiry for further irrigation projects in Sind does not arise for the present, as that scheme envelops the irrigation possibilities of the greater part of the Province. As regards those parts of Sind which lie outside the zone of irrigation of the Lloyd Barrage and Canals, the irrigation possibilities thereof are receiving careful attention and investigation at the hands of the officers under this Government. In short, the Government of Bombay have a number of well-thought-out irrigation schemes for the Deccan and Sind either under construction, preparation or investigation which will engage their officers and staff fully for many years to come. Moreover, this Presidency has its own irrigation experts to suggest or work up projects and no recommendations from an outside body such as an Irrigation Commission are necessary. In these circumstances, this Government agrees with the view expressed in the concluding portion of paragraph 1 of your letter under reply.

2. As regards the second point in your letter, *viz.*, whether any action has already been or is proposed to be taken on the question of the inauguration of a systematic survey of the supplies of underground water which could be tapped by small bores or wells, I am to state that boring operations for the purpose of tapping underground water sources for water supply to towns and villages are being carried out and these serve to some extent the desired purpose of an underground water survey. The major portion of the Presidency excepting Gujarat and Sind consists of the formation "Deccan trap" in which sub-soil water is usually confined to local fissures or inter-trappean beds. Any systematic survey in this extensive area by means of deep bores would prove very costly, probably without finding any considerable supply of underground water.

3. With regard to wells, I am to state that a reply will be sent at a very early date.

I have the honour to be,

Sir,

Your most obedient servant, .

(Sd.) V. M. GRIFFITHS, .

Joint Secretary to the Government of Bombay,
Public Works Department.

APPENDIX No. 4—*contd.*

PUBLIC WORKS DEPARTMENT.

Letter No. 5872—I.

PUBLIC WORKS OFFICE.

Bombay Castle, 16th July 1925.

From

R. T. HARRISON, Esquire,
Secretary to the Government of Bombay,
Public Works Department ;

To

The Secretary to the Government of India,
Department of Industries and Labour,
Public Works Branch.

Sir,

With reference to paragraph 3 of my letter No. 5872-I, dated 16th September 1924, I am directed by the Governor in Council to communicate the following information on the question of irrigation by wells in the Bombay Presidency.

2. The work in this connection has up to now been in charge of the Agricultural Department of this Government and a record of its activities will be found in the reports of the Agricultural Engineer appended to the annual administration reports of the Department. The appended statement A gives the number of borings, successful and unsuccessful, carried out during the years 1908-09 to 1922-23. Two comparative statements B and C showing the number of wells in use and disuse in the several districts of the Presidency are also attached.

3. The main difficulty, especially in the Deccan trap area, is of locating water and the Department had hitherto depended on the instrument called the Mansfield's Waterfinder. The indications given by this instrument, though not always very reliable, have proved a tolerably good guide. During the current year however Government engaged the services of an expert water-diviner in the person of Major C. A. Pogson, M.C., S.C., 5th Royal Marathas. This officer has the natural gift of locating underground water currents and can indicate with considerable accuracy the depths of the bores as well as the volume of water to be obtained. The services of Major Pogson were obtained for two months during which period he was employed in the Ahmednagar District where he has successfully located good supplies in certain places reputed to be waterless. Trial bores have not yet been made in all the places indicated by him, but the success achieved hitherto has been so encouraging that the Governor in Council has decided to employ him on a more permanent basis and the Military authorities have been moved to lend his services for a period of

APPENDIX No. 4—*contd.*

3½ years in the first instance. With the help of this officer it is hoped to construct a very large number of wells in the areas liable to famine.

4. As stated above the Agricultural Department has up to now been in charge of this work. Up to the last year that Department had about 27 boring machines of which some 8 were power driven. The Government of Bombay have considered it desirable to expand its activities in the direction of well boring as one of the means of safeguarding the country against famine and steps have been taken to increase the number of machines to 88 by the addition of new ones and conversion of existing old ones into more efficient machines. The addition includes 15 power boring machines of superior grade and one power machine of the type evolved by the Punjab Agricultural Department. For the working of this large number of machines it has been found necessary to have trained men, of which there has always been a crying want, and steps have been taken to open a training class under the Agricultural Engineer. Additional establishment has also been provided for to work the machines.

5. It had been reported of late that the fees charged for boring were so heavy as to bring about a very perceptible fall in the demand for the services of boring machines by the cultivators. The rates which were revised as recently as September 1923, have been further revised and a flat charge of Re. 1 per foot for the first 50 feet and Re. 1-8-0 for every foot above that has now been fixed. This charge is in addition to the labour, etc., charges which have to be borne by the cultivator. It has however been laid down that in the case of a bore proving unsuccessful no charge will be made for the use of the machine and half the labour charges up to a maximum of Rs. 50 will be remitted. The Government of Bombay expect that these concessions will prove sufficiently attractive to the cultivator to enable a large number of wells being dug with the help of takavi advances. The additional expenditure involved on account of these increased activities has been estimated at about Rs. 3½ lakhs and it has been decided to debit the amount to the head "43-Famine Relief".

6. Besides the above this Government has under consideration a scheme for the expansion of other irrigation works like tanks, bandharas, drainages, etc., and I am to enclose for the information of the Government of India a copy* of a memorandum on the subject addressed to the Commissioners of Divisions.

7. In order to co-ordinate the activities in all the directions mentioned above and to avoid overlapping, the Governor in Council has under consideration the question of appointing a special officer of the rank of Superintending Engineer, who would be able to look after the schemes in the several districts of the Presidency. The chief duties of this officer will be to make a thorough investigation of all the schemes and to classify them according to their utility, looking both to the benefit of the cultivator and to the State revenues. The Special Officer will have to be given a

* Not printed.

APPENDIX No. 4—*contd.*

technical as well as clerical establishment to assist him to carry out his work.

8. This much about the Presidency proper. As regards Sind the Governor in Council does not consider it necessary to have a survey made of the underground supplies of water as there exist numerous wells all over the country and there is an unlimited supply of water except in a few localities where drinking water can be obtained from wells sunk in the beds of canals when dry. A systematic survey has already been made of the subsoil water level which varies according to the water level in the Indus.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) R. T. HARRISON,

Secretary to the Government of Bombay,
Public Works Department.

Accompaniments :

Statements and copy of memorandum referred to.

APPENDIX No. 4—*contd.*

STATEMENT A.

Year.	Number of bores made during the year 1908-09 to 1922-23.				Remarks.
	Successful.	Unsuccessful.	Total number of bores. (cols. 2+3)	Aban- doned or stopped.	
1	2	3	4	5	6
1908—09 ..	15	10	25	..	In addition to these bores, 13 bores at Nana's Peth, Poona City, for trial pits, and 111 at Baramati for soil drainage ex- perimental work, both of average depth of 15 feet, were taken this year (1917-18).
1909—10 ..	31	22	53	..	
1910—11 ..	43	6	49	..	
1911—12 ..	106	32	138	..	
1912—13 ..	52	15	67	6	
1913—14 ..	20	8	28	..	
1914—15 ..	65	21	86	..	
1915—16 ..	193	45	238	..	
1916—17 ..	112	23	135	..	
1917—18 ..	70	5	75	9	
1918—19 ..	157	37	194	11	65 total for the year ; there were also 24 bores in progress at the end of the year, so the total number of bores for the year including incomplete ones comes to 89.
1919—20 ..	127	30	157	11	
1920—21 ..	129	22	151	20	
1921—22 ..	77	19	96	15	
1922—23 ..	49	12	61	4	
	1,246	307	1,553	76	

APPENDIX No. 4—contd.

STATEMENT B

Statement showing the number of wells for irrigation and drinking purposes during the years 1912-13 and 1922-23

District.	1912-13.			1922-23.		
	Irrigation wells.	Drinking purposes.	Total.	Irrigation wells.	Drinking purposes.	Total.
Ahmedabad	17,504	2,621	20,125	17,273	2,231	19,504
Kaira	12,397	2,365	14,762	12,282	2,676	14,958
Panch Mahals	3,767	2,935	6,702	3,405	3,463	6,868
Broach	1,175	2,050	3,225	1,189	2,132	3,321
Surat	7,603	7,807	15,410	7,762	9,459	17,221
Total, Gujarat ..	42,446	17,778	60,224	41,911	19,961	61,872
West Khandesh	8,965	6,946	15,911	10,562	7,272	17,834
East Khandesh	22,855	22,920	45,775	26,239	26,452	52,691
Nasik	22,548	6,628	29,176	25,176	8,377	33,553
Ahmednagar	32,663	3,485	36,148	35,238	7,967	43,205
Poona	23,432	4,418	27,850	26,423	4,804	30,227
Sholapur	22,353	3,559	25,912	23,160	3,310	26,470
Satara	27,351	5,859	33,210	28,083	5,685	33,768
Total, Deccan ..	1,60,167	53,815	2,13,982	1,73,881	63,867	2,37,748
Belgaum	13,087	5,668	18,755	12,799	6,023	18,822
Bijapur	6,229	2,835	9,064	8,511	2,672	11,183
Dharwar	5,068	4,575	9,643	5,389	5,049	10,438
Total, Karnatak ..	24,384	13,078	37,462	26,699	13,744	40,443
Thana	5,476	9,567	15,043	3,795	8,879	12,674
Bombay Suburban	(Figures not available)			1,458	1,487	2,945
Kolaba	1,677	5,471	7,148	1,602	6,560	8,162
Ratnagiri	8,268	10,007	18,275	9,696	11,507	21,203
Kanara	18,773	21,994	40,767	16,658	29,377	46,035
Total, Konkan ..	34,194	47,039	81,233	33,209	57,810	91,019
Total, Presidency Proper ..	2,61,191	1,31,710	3,92,901	2,75,700	1,55,382	4,31,082

APPENDIX No. 4—*contd.*

STATEMENT C

Statement showing the number of wells in disuse in different districts of the Bombay Presidency in addition to the useful wells

District.					1912-13.	1922-23.
					No.	No.
Ahmedabad	..	..	..	..	2,197	2,080
Kaira	..	..	..	..	1,671	2,377
Panch Mahals	..	..	..	..	869	789
Broach	..	..	..	..	595	564
Surat	..	..	..	..	1,181	1,120
Total, Gujarat ..					6,513	6,930
West Khandesh	..	..	..	..	1,970	2,390
East Khandesh	..	..	..	..	2,154	2,977
Nasik	..	..	..	..	2,591	3,452
Ahmednagar	..	..	..	..	4,538	7,621
Poona	..	..	..	..	5,360	6,687
Sholapur	..	..	..	..	4,356	5,711
Satara	..	..	..	..	4,740	6,685
Total, Deccan ..					25,709	35,523
Belgaum	..	..	..	..	2,876	2,390
Bijapur	..	..	..	..	1,770	1,667
Dharwar	..	..	..	..	2,583	2,109
Total, Karnatak ..					7,229	6,166
Thana	..	..	..	..	301	270
Bombay Suburban	..	..	..	..	.....	29
Kolaba	..	..	..	..	239	289
Ratnagiri	..	..	..	..	751	751
Kanara	..	..	..	..	2,894	3,135
Total, Konkan ..					4,185	4,474
Presidency Total ..					43,636	53,093

APPENDIX No. 5

APPENDIX

STATE

Statement showing the number of crimes committed by Pathans

District.	Number of crimes.					
	Murders.	Rapes.	Thefts and house-breakings.	Assaults.	Dacoities and robberies.	Other crimes of violence.
1	2	3	4	5	6	7
Bombay City .. ..	..	..	45	1	12	1924. 21
Do.	1	..	55	..	7	1925. 27
Do. .. ..	..	..	2	..	..	January 1926. 2

No. 5

MENT A

in the Bombay City during the years 1924-25 and January 1926

Total of crime. 8	Nature and details of each crime. 9	What special steps were taken to check the growing menace. 10	Remarks. 11
79 80 8	The nature of these crimes is shown in Cols. 2 to 7. In view of the clerical labour involved it has not been found possible to collect more detailed information.	There are about 10,000 Pathans in Bombay City and the great majority of them are peaceful, hardworking men who require no more attention from the police than the law abiding members of other communities. The small minority who are addicted to crime are by nature a more turbulent class than people belonging to this part of India and they receive from the Police correspondingly closer attention and more drastic treatment. Where opportunity offers bad characters are deported either under the Foreigners Act or the City Police Act.	

APPENDIX

STATE

Showing the number of crimes committed by the Pathans in the Bombay

District.	Number of crimes.					
	Murders.	Rapes.	Thefts and house-breakings.	Assaults.	Dacoities and robberies.	Other crimes of violence.
1	2	3	4	5	6	7
Bombay Suburban District	1	..	7	30	2	1924. 3
Do.	..	..	5	23	..	1925. 3
Do.	..	..	1	..	January 1926. ..	1926. ..

No. 5—*contd.*

MENT B

Suburban District during the years 1924-1925, and January 1926

Total of crime.	Nature and details of each crime.	What special steps were taken to check the growing menace.	Remarks.
8	9	10	11
43	Shown separately in State- ment B1.	An examination of crime statistics of the Bombay Suburban District for the years 1924-25 does not support the presumption of any growing menace to public safety from the Pathan community. No special steps have been found necessary for the control of crime committed by Pathana.	30 cognizable cases, 13 non-cognizable.
36	Do. ..	....	8 cognizable, 28 non- cognizable.
1	Do. ..	....	1 cognizable.

APPENDIX

STATE

*Showing the number of crimes committed by the Pathans
and Janus*

Districts. 1	Number of crimes.					
	Murders. 2	Rapes. 3	Thefts and house- breakings. 4	Assaults. 5	Dacoities and robberies. 6	Other crimes of violence. 7
Ahmedabad (City and Suburb)	3	4	1	1924. 4
Do.	4	2	..	1925 3
Do:	1	..	January 1926. ..

No. 5—*contd.*

MENT C

*in the Ahmedabad City and Suburb during the years 1924-25
ary 1926*

Total of crime.	Nature and details of each crime.	What special steps were taken to check the growing menace.	Remarks.
8	9	10	11
12	Shown separately in state- ment C I.	An examination of the crime statistics of Ahmedabad City and Suburb for the years 1924—28 does not support the presumption of any growing menace to public safety from the Pathan community. No special steps have been found necessary for the control of crime committed by Pathans.	There were also 21 non- cognizable offences.
9	Do.		There were also 20 non- cognizable offences.
2	Do.		Nil.

APPENDIX No. 5—*contd.*

STATEMENT B 1

Information regarding the crimes mentioned in Statement B

1924.

Murder 1.—In this case the accused Pathan stabbed a companion who was working with him at Kandivli quarry. The case was committed to the Sessions at Thana. The Jury returned a verdict that the accused was not guilty. The Sessions Judge referred the case to the High Court, Bombay, and the High Court convicted the accused and sentenced him to transportation for life.

Thefts 7.—One house-breaking and theft was committed by two Pathans of whom one was convicted. One house-breaking and theft was committed by one Pathan who was convicted. These were offences under sections 457 and 380, Indian Penal Code. Four simple thefts in which the accused have been convicted under section 379, Indian Penal Code. One offence of receiving stolen property; the accused in this case was convicted under section 411, Indian Penal Code.

Assaults 30.—Non-cognizable cases in which Pathans assaulted and beat persons to whom they had lent money.

Dacoities and Robberies.—No dacoity: 2 robberies. In one case a Pathan broke open the house of the complainant and beat the inmates. The accused was convicted under sections 394 and 457, Indian Penal Code and sentenced to 2½ years' rigorous imprisonment. In another case two Pathans took money from the complainant's person and absconded, not traced as yet; offence under section 392, Indian Penal Code.

Other crimes of violence.—In these three cases, Pathans injured other persons in the course of disputes.

1925.

Thefts 5.—Four cases are under sections 379 and 380 and one under section 406, Indian Penal Code—all ended in conviction.

Assaults 28.—Non-cognizable cases under sections 323, 504 and 160, Indian Penal Code.

Other crimes of violence 3.—One case under section 324; the accused in this case stabbed a fellow-worker; another was under section 341 and the third under section 448, Indian Penal Code. In two cases the accused were convicted and third was compounded.

January 1926.

Theft 1.—In this case the accused Pathan was externed from Bombay City; he came to Bandra and removed a bundle of clothes from the Mosque; he was caught red-handed, subsequently convicted and sentenced to two months' rigorous imprisonment.

APPENDIX No. 5—*contd.*

STATEMENT C 1

Information regarding the nature and details of each of the crimes mentioned in statement 'C'

1924.

Thefts and House-breakings.—(1) The accused was caught committing house-breaking. He was sentenced to 4 months' Rigorous Imprisonment.

(2) Two accused were arrested whilst disposing of stolen property. One was fined Rs. 50, the other was discharged.

(3) The accused was discharged for want of evidence.

Assaults.—(1) There was a quarrel at Manekchok between Pathan money lenders and 2 Banias (brothers). The Banias are well known bad characters of Ahmedabad. The Bombay Pathan scare had reached Ahmedabad at the time and the Banias who had received injuries had the sympathy of the shopkeepers who declared a Hartal on the occasion and took side against the Pathans. Six Pathans were sent up for trial under section 148, 323, Indian Penal Code and were each sentenced to 2 months' Rigorous Imprisonment and fined Rs. 100 and were bound over under section 106, Criminal Procedure Code, for two years.

(2) A number of Pathans were engaged by Hindus to protect a Wadi in a marriage procession. At the time of the customary raiding of the Wadi by the relatives and friends of the bridal party, there was some jostling and a melee occurred, some persons were injured and one Pathan was stabbed with a pen-knife and severely injured. An attempt was also made to foist a false charge of robbery upon the Pathans. Two cross cases were filed under sections 147—324, Indian Penal Code. The Pathans were each fined Rs. 20 and two Hindus were each sentenced to one day's imprisonment, a fine of Rs. 200 and bound over under section 106, Criminal Procedure Code, for two years.

(3) Grievous hurt was caused in a private quarrel. The case was compounded in Court.

(4) Grievous hurt was caused in a private quarrel. The case was compounded in Court.

Robbery.—(1) It was alleged that a Pathan had stolen the complainant's pay by force. Enquiries showed that there had been money transactions between the accused and the complainant and that the complaint was false.

Other crimes of violence.—(1) Under section 420—341, Indian Penal Code, in which the accused was sentenced to 2 years' Rigorous Imprisonment and fined Rs. 300.

(2) Under section 9 (c) of the Abkari Act in which the accused was sentenced to one month's Rigorous Imprisonment.

APPENDIX No. 5—*contd.*

(3) Under section 354, Indian Penal Code (not a serious case), in which the accused was fined Rs. 15.

(4) Under section 337, Indian Penal Code, in which a motor driver injured the complainant. The case was compounded in Court.

1925.

Thefts.—(1) The accused stole a bundle of cloth from a shop. He was arrested by the Police whilst running away with his booty. He was sentenced to two years' Rigorous Imprisonment.

(2) The accused absconded after stealing clothes value Rs. 26. He was traced and the case is pending.

(3) The accused committed theft of cloth worth Rs. 10. He was sentenced to three months' Rigorous Imprisonment.

(4) The accused stole a necklet from a boy's neck. He was sentenced to three months' Rigorous Imprisonment.

Assaults.—(1) A quarrel due to a dispute over cattle trespassing and causing mischief. The accused caused hurt by a dharia. The case was compounded in Court.

(2) Two Pathans quarrelled. One was sentenced to two months' Rigorous Imprisonment and fined Rs. 50 for causing hurt with a dangerous weapon, section 324, Indian Penal Code.

Other crimes of violence.—(1) Under section 448, compounded in Court.

(2) Under section 448, Indian Penal Code, compounded in Court.

(3) Under section 341, Indian Penal Code. The complainant, a Mahomedan, was restrained from going to collect his rent. The case was compounded in Court.

January 1926.

Assaults.—(1) A Pathan caused grievous hurt to another Pathan in the course of a private quarrel over money matters. The case is pending.

Murder.—(1) A well known cocaine dealer and bad character had a dispute with one of his associates, and struck him with an axe causing death. He awaits trial for murder. The accused was born in India and is domiciled here.

APPENDIX No. 6.

Statement showing expenditure incurred on karia reductions and introducing modules in the year 1925-26

Name of canal, distributary, etc.	Expenditure incurred on			Total.
	Karia reduction.	Introduction of modules.	Putting up profiles.	
	Rs. a.	Rs.	Rs.	Rs. a.
1. <i>Makhi Left Ex. Nara</i> (Eastern Nara Division) 9 karias at Rs. 10-8-0 each	94 8	....	....	94 8
2. <i>Chotiari Minor Ex. Makhi Left Ex. Nara.</i> (Eastern Nara Division) 3 Karias at Rs. 10-8-0 each	31 8	....	....	31 8
3. <i>9th Mile Left Bank Branch Ex. Mithrao.</i> (Eastern Nara Division) 41 Karias at Rs. 8 each ..	328 0	....	....	328 0
4. <i>Mubarak Ex. Dad Canal.</i> (Nasrat Canals Division) 8 Karias at Rs. 43 each .. 24 Modules at Rs. 112-5-4 each	344 0 ....	.... 2,696	.... ....	344 0 2,696 0
5. <i>30th Mile Distributary Ex. Mithrao Left.</i> (Eastern Nara Division) 5 Modules at Rs. 232 each ..	....	1,160	....	1,160 0
		Total ..	....	4,654 0

APPENDIX No. 7

Statement showing annewari of crops in the villages of each Taluka of the Satara District, for the year 1925-26

Taluka or Mahal.	Number of villages over 12 annas.	Number of villages 8 to 12 annas.	Number of villages over 6 annas but below 8 annas.	Number of villages over 4 annas but below 6 annas.	Number of villages 4 annas & under.	Total number of villages.	Remarks, Whether taluka is Kharif or rabi.
Satara	142	10	..	..	152	Kharif taluka.
Wai	58	15	16	2	91	Do.
Khandala	14	1	18	33	Rabi.
Koregaon	22	49	3	..	74	Kharif.
Khatav	17	39	15	16	87	Rabi.
Man	7	16	28	27	78	Do.
Khanapur	34	35	21	90	Kharif.
Tasgaon	11	38	..	..	49	37 villages Kharif. 12 villages rabi.
Walwa	59	..	..	..	59	Rabi.
Bhirala	4	77	..	..	81	Kharif.
Karad	103	..	..	103	Rabi.
Patan	18	187	..	..	..	205	Kharif.
Javli	198	..	..	..	198	Do.
Mahabaleshwar..	..	58	..	..	..	58	Do.
Total	18	763	395	98	84	1,358	

APPENDIX No. 7—contd.

Statement showing villages where suspension of the whole land revenue due for the current year has been ordered

Serial No.	Name of Taluka and village.	Serial No.	Name of Taluka and village.	Serial No.	Name of Taluka and village.
	<i>Man Taluka.</i>	31	Morwa.	61	Bhalavni.
1	Dahiwadi.	32	Padli.	62	Shelakbao.
2	Pingli Khurd.	33	Koparde.	63	Hamant Vadiye.
3	Gondavie Budruk.	34	Nimbodi.	64	Wadiye Raibag.
4	Lodhavde.	35	Bori.	65	Amrapur.
5	Jasli.	36	Sukhed.		<i>Wai Taluka.</i>
6	Pakshi.	37	Khed Budruk.	66	Ozarde.
7	Pimpri.	38	Lonand.	67	Kadegaon.
8	Dhamni.	39	Padegaon.		<i>Khatav Taluka.</i>
9	Bidal.	40	Waghoshli.		
10	Bodke.	41	Pimpri Budruk.	68	Pimpri.
11	Waghoshli.	42	Andori.	69	Goregaon Nimso.
12	Dhawaj.	43	Wathar Budruk.	70	Anfal.
13	Wakhari.	44	Bholi.	71	Mayni.
14	Pingli Budruk.	45	Lonli.	72	Elvarvadi.
15	Mhaswad.			73	Vikhale.
16	Varkute Mhaswad.		<i>Khanapur Taluka.</i>	74	Chitali.
17	Waki.	46	Kamlapur.	75	Kaledhon.
18	Khadki.	47	Kherade Vita.	76	Padal.
19	Bhatka.	48	Bhakuchiwadi.	77	Chorade.
20	Ranjani.	49	Bhendavde.	78	Vadgaon.
21	Shirav.	50	Bhikavdi Khurd.	79	Unchithane.
22	Devapur.	51	Tandulwadi.	80	Nadhwal.
23	Palsavde.	52	Balavdi Bhalavni.	81	Ambavde.
24	Bhuldev.	53	Bhikavdi Budruk.	82	Nimsod.
25	Diwad.	54	Kanharwadi.	83	Mhasurne.
26	Mahi.	55	Wasar.		
27	Mardi.	56	Hingangade.		
	<i>Khandala Peta.</i>	57	Vadkhal.		
28	Khandala.	58	Maholi.		
29	Ahira.	59	Chikhali.		
30	Mhavali.	60	Tondoli.		

APPENDIX No. 8

Statement showing the number of depressed classes on hazri and that of village servants among them in each taluka in the Satara district

Name of taluka or mahal.	Mangs.		Ramoshis.	
	No. on hazri.	No. of village servants out of column 2.	No. on hazri	No. of village servants out of column 4.
Satara	9	....	4	....
Javli	8	....	....	....
Wai	2	....	5	....
Koregaon	9	4	36	4
Khatav	3	....	100	12
Man	2	....	92	1
Khanapur	9	....	26	2
Tasgaon	12	....	13*	....
				*one is allowed to give haat only once a week.
Walwa	12	....	22	1
Karad	19	....	37	3
Patan	54	1	1	....
Malcolmpeth .. ..	....	....	....	....
Khandala .. ..	....	....	1	....
Shirala	6	....	1	....
	142	5	338	23

APPENDIX No. 10

Note by the Superintendent of Police, B. B. & C. I. Railway, on the report of enquiry made at Ahmedabad, on 6th April 1925, jointly by the Superintendent, Watch and Ward, Bombay, District Traffic Superintendent, Ahmedabad, and Superintendent of Police, B. B. & C. I. Railway, Bombay.

Paragraph 1 to 9 of the Joint Report.—I am in general agreement and have no remarks to offer. I should, however, like to make a few observations in regard to subsequent paragraph.

Introductory Remarks.

2. The proposal to meet at Ahmedabad and visit some mills in order to see personally the pressing operations and have a practical demonstration of how the contents of a pressed bale could be abstracted was the outcome, more or less, of the suggestions made at the Bombay meeting that :—

(a) the Mills did not do their own pressing but sent their goods to outside presses to be pressed into bales, and that there was some possibility of the tampering taking place there ;

(b) there was also some possibility of tampering taking place whilst the bales were in transit from the mills to the railway station, as they had generally to be taken to the Marfatias before they were actually brought into the railway yard, and

(c) considering the way the bales were pressed it was very nearly impossible to extract goods from a full pressed piecegoods bale.

3. We were assured by Mr. Patel, and the assurance was accepted by us without demur, that 99 per cent. of the Ahmedabad mills did their own pressing on mill premises ; and even where the bales were despatched through the Marfatia the consignment seldom, if ever, deviated from the direct route to the Station, as nearly all the Marfatias have their business places in the vicinity of the Railway station.

Paragraph 10 of the Joint Report.

4. The operation of abstracting piecegoods from a pressed bale certainly proved to be more strenuous than we had thought. At the same time it proved that with a certain amount of labour the contents of a full pressed bale *could* be extracted. If the pressing of bales in other mills is done in the conditions obtaining in Mr. Patel's mill the possibility of the abstraction taking place in the process of pressing must be eliminated. Whilst agreeing that the tampering of bales in the railway yard would not be an easy matter, I hardly feel able to endorse the view that it is extremely remote or highly impracticable. It is also true that the portion of the yard where *unbooked* bales remain is well lighted and is separated from the public road by a railed fence which does not prevent a clear view from the road. Nevertheless it will not, I trust, be seriously disputed that means and facilities do exist in the yard for screening off the view from the public road if such a precaution were necessary. The

permanent police post spoken of as just outside the yard, is as a matter of fact, a considerable way off to the north of the yard. But even granting that the portion of the yard where *unbooked* goods usually remain were such as has been described in the joint report, what about the *booked* goods which form nearly 90 per cent. of the instances quoted by Mr. Patel?

Paragraph 11.

5. The operation we witnessed was certainly very laborious and the abstraction became possible only with the aid of 4 to 5 men. At the same time, I think, allowances must be made for the fact that those engaged in the operation were laymen, admittedly new to the task set to them. The same job in the hands of experts or men with a little practice would, it will be conceded, not offer the same degree of difficulty.

Paragraph 12.

6. Whilst fully appreciating the difficulty of the situation something more tangible, something more convincing than the mere fact that the railway yard is well lighted at night and is exposed to the public road, would seem to be necessary to warrant the assumption that tampering is not *possible* in the railway yard. The argument that the yard is well lighted and is exposed to the public road, is unhappily, not capable of only such an inference as has been sought to draw from it, and can, on the contrary, be used with greater justice and force, in support of a conclusion the very converse of the one expressed in the joint report. It may be argued without fear of contradiction that lights are necessary for the unstitching and restitching of bales. The care with which these bales are said to have been made up again makes the conclusion irresistible that the resewing was done in strong light. And similarly a public road just outside the yard would be an asset of inestimable value where immediate removal of stolen property is a consideration of the most vital importance. It will not be denied that considering the hour of the night it would be easier and safer by far for the thief to pass the goods out on the public road close by than carry it about in the railway yard.

Paragraph 13.

7. For the purposes of a judicial proceeding perhaps it would be enough if the railway company limited its onus to a mere refutation of the allegation that the goods were tampered with on their premises, without indicating where else the tampering could have taken place. The position here strikes me as materially different. If it is allowed that the gravity of the complaint does call for an enquiry then I submit that the aim of that enquiry should not be restricted to a collection of evidence of a negative character in support of a refutation, but should be to try and determine where precisely the fault lies. The Railway Company's larger interests as well as their obligations seem to render a definite solution indispensable.

The majority of the cases mentioned by Mr. Patel are not confined to his own mill as stated in the paragraph under comment. Out of the 50

instances cited by him only 18 belong to the Fine Spinning and Weaving Mill; 9 belong to the Hemabhai Mill, 6 to Shri Ram Krishna Mill and the rest, namely, 14 refer to the complaints made by various merchants.

Paragraph 14.

8. The remarks made above apply to this paragraph also.

Concluding Remarks.

9. As I have submitted on previous occasions indications are certainly against Ahmedabad. One or two cases not alluded to in my earlier reports lend colour to that conclusion. If, therefore, this tampering takes place at Ahmedabad the question is where precisely it takes place? Our enquiry at Ahmedabad, has, at any rate, set at rest the suspicion that it possibly took place in the mills or in transit from the mill to the railway station.

10. The possibility of the tampering and substitution taking place at destination stations is deserving of careful examination. Ordinarily such a supposition would be a very natural one. Indeed, the fact that in great majority of these cases the tampering was reported only after the owner had taken delivery of the goods, would seem to provide more than reasonable grounds for such a conclusion. Nothing can be easier for the owner than to send in false complaints after the consignment had been removed home and manipulated. There are, however, certain factors in this particular series of cases which militate strongly against the theory. (I am basing my remarks only on the available data). The acceptance of such a theory at once postulates a widespread conspiracy among people residing in remotely different places all over India, such as Seald, Palej, Bhopal, Ahmedabad, Bezwada, Bombay, Madras, etc. Complaints of tampering and substitution from all these places have come; the *modus operandi* seems to be identical everywhere; the owners are apparently unconnected with one another; the goods tampered with were all from different mills in Ahmedabad and Bombay and the substitutes found were without exception the manufacture of different mills of Ahmedabad. The circumstance that at Ahmedabad itself bales received locally for despatch or from out-stations for delivery have been found similarly tampered with and containing similar substitutes, is most significant. A case is on record in which a bale had been left for despatch in the Ahmedabad goods yard in the evening was found in a tampered condition the following morning; and when it was opened by the owner on the spot and in the presence of the railway authorities a quantity of its contents was found missing and a lot of inferior stuff substituted. The discovery of this tampering at Ahmedabad itself owes its genesis, I believe, to the fact that the damage to the iron hoops round the bale was too obvious to escape notice.

10. These facts taken as a whole hardly warrant a definite conclusion that tampering of piecegoods bales in the railway yard at Ahmedabad did not take place or is not possible.

Appendices

APPENDIX No. 11

No. of cases in which Watchmen or men of the Watch and Ward Department were convicted for theft.	No. of cases in which Watchmen or men of the Watch and Ward Department were suspected of theft.	Remarks.
82 (cases) 97 (persons)	71 (cases) 209 (persons)	There is nothing like black list on this Railway.

APPENDIX No. 12

Compensatory Allowances.

Grant of—to officers at
expensive places.

GOVERNMENT of BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2837.

Bombay Castle, 15th March 1924.

RESOLUTION of GOVERNMENT.

The Governor in Council is pleased to issue the following orders in amplification of Government Resolution, Finance Department, No. 2837 dated 5th December 1923.

Government servants holding substantively, or officiating in, posts in the following services and drawing only the scale pay or grade pay of these services with or without the addition of special pay, subject to the orders contained in paragraph 8 below regarding the re-scrutiny of such special pay, are entitled to this allowance :—

Indian Civil Service,
Bombay Civil Service—Executive Branch,
Bombay Civil Service—Judicial Branch,
Mamlatdars,
Head Accountants,
Indian Forest Service,
Bombay Forest Service,
Indian Police Service,
Bombay Police Service,
Indian Educational Service,
Bombay Educational Service,
Indian Agricultural Service,
Bombay Agricultural Service,
Indian Veterinary Service,
Bombay Veterinary Service,
Indian Medical Service,
Bombay Medical Service,
Military Assistant Surgeons,
Non-Indian Medical Service Superintendents of Prisons,
Jailors,
Indian Service of Engineers,
Bombay Service of Engineers,
Inspectors, Bombay Presidency Police,
Superintendents of Excise.

The following officers, in order to put all services on an equality, will be considered to be entitled to this allowance :—

Conservators of Forests,
Superintending Engineers,
Deputy Inspectors General of Police.

Proviso :

The following officers of the above services are excluded pending further orders :—

(1) Officers holding posts above the time scale :—

Members of Council,
High Court Judges,
Judicial Commissioner,
Additional Judicial Commissioners,
Commissioners of Divisions,
Commissioner in Sind,
Commissioner of Excise,
Secretaries to Government,
Chief Engineers,
Chief Conservator,
Inspector General of Police,
Inspector General of Prisons,
Director of Public Health,
Director of Public Instruction,
Director of Agriculture,
Surgeon General,
Surgeon Superintendent, St. George's Hospital.

(2) Also officers holding posts of which the pay is specially fixed, *e.g.* :—

Director, Labour Office,
Commissioner of Police,
Bombay City Police,
Director of Industries.

(3) and those officers who have been given advance increments or enhanced starting pay in their time-scales on account of the cost of living in Bombay, Salsette, Poona or Karachi.

2. Under rule 3 of the Rules attached to the abovementioned Government Resolution officers who tour regularly will draw the allowance for six months only. All officers who tour should draw the allowance for six months only and Heads of Departments should report for orders of Government the circumstances of any touring officer who in their opinion should be permitted to draw the allowance for a longer period than six months.

3. In the case of officers whose present conveyance allowances exceed Rs. 200 per mensem the excess will be considered as local allowance and merged in this allowance.

4. House allowances granted in lieu of housing accommodation received as remuneration for extra duties and house allowances drawn under Government Resolution, Finance Department, No. 84 dated 22nd September 1923, will not merge in this allowance. All other house rent allowances will be deemed local allowances under Rule 4 of Government Resolution No. 2837 dated 5th December 1923.

5. When Compensatory Allowances are already attached to posts admitted to the compensatory allowance now granted, officers who held the posts on or before 5th December 1923 will receive whichever allowance or sum of allowances is greater, and will draw the allowance now granted as soon as it exceeds the existing compensatory allowances. Officers appointed after 5th December 1923 to posts admitted to this allowance will receive this allowance only.

6. Compensatory allowances which merge in this allowance will be considered to cease from the date of the introduction of this allowance.

7. In modification of Rule 5 under Government Resolution, Finance Department, No. 2837 dated 5th December 1923, all medical officers admitted to this allowance, who are permitted private practice or who receive an allowance in lieu of private practice, will draw this allowance at half rates.

8. Government consider it necessary to re-examine the duty allowances attached to certain posts. The necessity for some of these allowances appears in part to have been based on the hardship caused by the heavy local cost of living to officers appointed to the posts and not solely on the arduousness or importance of the duties attached to the posts. These allowances have been defined by the Fundamental Rules as special pay, and the decision regarding them cannot therefore be made immediately. Except in those cases in which the duty allowance was clearly given for a specific addition to the work or responsibility of a post, the compensatory allowance drawn by an officer in receipt of special pay containing a duty allowance will be diminished by an amount equal to half the amount of such duty allowance, pending the decision on the re-examination now directed.

9. Officers entitled under the orders given in paragraph 1 may draw the allowance according to the scales in Government Resolution, Finance Department, No. 2837 dated 5th December 1923. Attention is however invited to Finance Department Circular No. 2920 dated 29th January 1924 and it is notified that amounts drawn irregularly will have to be refunded to Government and any case where it is doubtful to what if any allowance an officer is entitled under this Resolution should be immediately referred to Government.

By order of the Governor in Council,

H. F. KNIGHT,
Deputy Secretary to Government.

To

The Commissioner of Customs, Salt and Excise,
The Collector of Bombay,
The Collector of Karachi,
The Collector of Poona,
The Collector of Thana,
The Collector of Bombay Suburban District,
The Accountant General,
The Private Secretary to His Excellency the Governor,
The Military Secretary to His Excellency the Governor,
The Postmaster General, Bombay Circle,
The Agent, G. I. P. Railway,
The Agent, B. B. & C. I. Railway,
The Government Examiner of Accounts, G. I. P. Railway,
The Government Examiner of Accounts, B. B. & C. I. Railway,
The Protector of Emigrants, Bombay,
The Protector of Emigrants, Karachi,
The Registrar of His Majesty's High Court of Judicature, Appellate
Side, Bombay,
The Prothonotary and Registrar of His Majesty's High Court of
Judicature, Original Jurisdiction, Bombay,
All other Heads of Offices under the several Departments of the
Secretariat, at Bombay, Karachi, Salsette and Poona,
All Departments of the Secretariat,
The Government of India.

APPENDIX No. 13

Statement showing the Land Revenue Demand and Recoveries in the Shirala Peta in the Satara District.

Peta.	Total amount of land revenue recoverable in 1924-25.	Actual recoveries during the years			
		1921-22.	1922-23.	1923-24.	1924-25.
1	2	3	4	5	6
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Shirala ..	91,420 4 2	80,877 11 1	80,779 12 10	73,460 7 10	91,233 10 2

APPENDIX No. 14

Statement mentioned in clause (a) of the question.

Tallachar.

	Anna valua- tion.
Jowar not irrigated ..	2
Bajri late sown ..	4
Bajri early sown ..	8
Vakri	2
Kodra	4
Madh	2
Aranda	6
Mag	3
Tal	4
Cotton	6
Bandi	4
Mis .. ..	..
Rabi	10
Average	4.1

Poglu.

Bajri early sown ..	8
Bajri late sown ..	6
Jowar	2
Mag	2
Math	2
Jowar	2
Arandi	4
Cotton	6
Mis	3
Tal	4
Magfali	3
Rabi	10
Average	4.3

Vadrad.

Jowar not irrigated ..	2
Bajri early sown ..	10
Bajri late sown ..	6
Rice .. ..	..
Wheat .. ..	..
Cotton	6
Cotton	12
Math	2
Chola	2
Mag	2
Divela	6
Tal	2

Vadrad—contd.

	Anna valua- tion.
Magfali	3
Mis	4
Banti	4
Rabi	10
Average	4.2

Aminpur.

Jowar	4
Jowar	2
Bajri	8
Kodra	4
Aranda	6
Tal	4
Magfali	4
Rice (irrigated) ..	8
Rice (not irrigated) ..	..
Al	4
Adad	2
Madh	2
Castor seeds (irrigated)	6
Castor seeds (not irrigated)	12
Mis	2
Rabi	10
Average	4.5

Rasulpur.

Bajri early sown ..	8
Bajri late sown ..	6
Jowar	2
Mag	2
Math	2
Gawar	2
Aranda	4
Cotton	6
Cotton	12
Mis	4
Tal	2
Magfali	3
Rabi	10
Average	4.6

APPENDIX No. 15

Annawari statement of Chosar, Taluka South Daskroi for 1925-26.

		Anna valuation.	Total anna valuation.
	A. g.		
Occupied cropped waste area ..	1,123 37		
Occupied waste in current year ..	260 28		
Deduct waste in normal years ..	100 28		
Remainder seasonal waste due to scanty rainfall, etc. ..	160 0		
Jowar unirrigated early sown ..	8 32	7	63
Jowar unirrigated late sown ..	108 0	4	432
Bajri early sown ..	100 0	8	800
Bajri late sown ..	39 15	4	156
Rice irrigated ..	50 36	8	408
Rice unirrigated ..	92 29	0	..
Cotton early sown irrigated ..	13 14	6 } 6	1,158
Cotton early unirrigated ..	180 9	4	
Cotton late sown ..	78 14	2	156
Bavta irrigated ..	5 34	6	36
Bavta unirrigated ..	47 32	4 6	288
Sesamum ..	6 31	5	35
Kodra unirrigated ..	95 16	5 6	570
Miscellaneous unirrigated ..	35 27	6	216
	1,023 9	= 4.1	4,318

APPENDIX No. 15—contd.

Annawari statement of Gamdi, Taluka South Daskroi for 1925-26.

		Anna valuation.	Total.
	A. g.		
Occupied cropped and waste area ..	1,094 39		
Occupied waste in current year ..	267 28		
Deduct waste in normal years ..	150 0		
Remainder occupied seasonal waste ..	117 28		
Rice (dried) ..	97 37	..	..
Rice irrigated ..	116 18	8	928
Cotton ..	237 27	5	1,190
Jowar ..	80 0	6	480
Bavta ..	43 26	5	220
Bajri ..	91 36	6	552
Kodra ..	93 30	5	470
Jawar ..	52 22	5	265
Miscellaneous ..	13 15	8	104
	944 39	= 4.4	4,209

APPENDIX No. 16

Statement showing the information required by Mr. N. R. Gunjul, M.L.C.

Name of Taluka or Peta.	Number of Watandar Kulkarnis who were employed as talatis after the Kulkarni Watan Settlement about the year 1915-16.	Number of outsiders who were substituted for the Watandar Kulkarnis about the same year, i.e., 1915-16.	Number of Watandar Kulkarnis and outsiders who in 1924-25 filled the places of the Watandar Kulkarnis (as talatis).		Whether they have fully kept the terms of the Kulkarni settlements in the matter of these appointments.
			Watandar Kulkarnis.	Outsiders.	
Poona District.					
Junnar	40	0	37	2	Yes.
Khed	44	1	46	1	
Mawal	26	0	25	0	
Havell	50	1	47	2	
Poona City	0	0	6	1	
Purandhar	36	0	30	5	
Strur	32	0	29	1	
Bhimthadi	38	2	31	5	
Indapur	21	1	23	9	
Ambegaon	15	0	10	4	
Mulshi	16	1	10	2	
Dhond	17	0	19	0	
Satara District.					
Satara	40	2	18	26	Yes.
Koregaon	29	5	27	5	
Patan	18	17	16	25	
Karad	37	6	5	41	
Khanapur	31	4	21	11	
Tasgaon	23	0	3	17	
Walwa	17	19	4	28	
Shirala	20	1	7	11	
Javli	4	2	3	4	
Wal	8	1	7	20	
Khatav	31	5	17	13	
Man	27	3	21	4	
Mahabaleshwar	4	1	4	1	
Khandala	10	1	9	3	

APPENDIX No. 17

*List referred to in reply to clause (c) of the Question put by
Mr. M. D. Karki.*

1	Heregalli ..	..	..	Haliyal Taluka.
2	Nagarbastikeri ..	..	..	Honawar Taluka.
3	Sadashivalli ..	..	..	Sirsi Taluka.
4	Hirebail ..	..	..	Honawar Taluka.
5	Yarmukh ..	..	..	Supa Petha.
6	Shivali ..	..	..	Do.
7	Bijankop ..	..	..	Yellapur Taluka.
8	Togralli ..	..	..	Mundgod Petha.
9	Gund ..	..	..	Supa Petha.
10	Madnur ..	..	..	Yellapur Taluka.
11	Jekkollli ..	..	..	Supa Petha.
12	Savne ..	..	..	Do.
13	Shirnala ..	..	..	Do.
14	Uchigeri ..	..	..	Do.
15	Bommanalli ..	..	..	Do.
16	Usoda ..	..	..	Haliyal Taluka.
17	Lalguli ..	..	..	Yellapur Taluka.
18	Hirekai ..	..	..	Siddapur Taluka.
19	Aigod ..	..	..	Siddapur.
20	Dongar ..	..	..	Yellapur Taluka.
21	Mudhalli ..	..	..	Siddapur Taluka.
22	Hariyal ..	..	..	Yellapur Taluka.
23	Balgar ..	..	..	Do.
24	Angod ..	..	..	Do.
25	Kalsai ..	..	..	Supa Petha.
26	Nagri ..	..	..	Do.
27	Ansi ..	..	..	Do.
28	Gunjavati ..	..	..	Mundgod Petha
29	Mainalli ..	..	..	Do.
30	Balgar ..	..	..	Supa Petha.

APPENDIX No. 18

A

List of accidents to human beings at Level Crossing 311 including the distance of 500 yards on South and North.

Serial No.	Date.	Nature of accident.	Railway servant or outsider.	If Railway servant on or off duty.	Side of accident.	Distance of accident in yards from the L. C. 311.
1	20 Dec. 1921	Slight injury to Gateman of Level Crossing No. 312.	Railway servant.	On duty.	Mile 309 ..	403 yards North.
2	6 April 1922	A boy run over and killed.	Outsider ..	..	.. 308/13	400 yards South.
3	17 Sept. 1922	Do. ..	Do. ..	..	.. 308½	480 " "
4	16 Aug. 1923.	A male trespasser run over and killed.	Do. ..	..	.. 308/14	830 " "
5	9 April 1924	Do. ..	Do. ..	..	.. 309/20	112 yards North.
6	27 June 1924	A boy trespasser knocked down and injured.	Do. ..	..	.. 309	403 " "
7	17 Jan. 1925..	A male trespasser run over and killed.	Do. ..	..	.. 308/13-14	280 yards South.
8	17 April 1925	A female trespasser run over and killed.	Do. ..	..	.. 308/15	257 " "
9	8 July 1925 ..	A female trespasser knocked down and injured.	Do. ..	..	.. 308/15-16	294 " "

The information prior to 1921 is not available.

APPENDIX No. 18—contd.

B

List of accidents to cattle at Level Crossing 311 including the distance of 500 yards on the South and North.

Serial No.	Date.	Nature of accident.	Site of accident.	Distance of accident in yards from the L. C. No. 311.	Remarks.
1	5 April 1923..	A cow run over and killed.	Mile 308/17-18	87 yards South..	The information prior to 1923 is not available.
2	6 Nov. 1923 ..	Do. ..	.. 309 ..	378 yards North.
3	15 Dec. 1923..	Do. ..	.. 308/22 ..	271 " "
4	2 Sept. 1924..	A calf run over and killed.	.. 308/12-13	452 yards South.	

APPENDIX No. 19

Statement giving the number of civil suits for claims over Rs. 5,000 filed in the Courts of Bombay, Ahmedabad, Karachi, Ratnagiri, Poona, Surat, Belgaum and Dharwar during the years 1920 to 1925.

Name of Place.	1920.		1921.		1922.	
	No. of suits filed.	No. disposed of	No. of suits filed.	No. disposed of	No. of suits filed.	No. disposed of
Bombay*	* Please see footnote.					
Ahmedabad	112	94	130	86	113	114
Karachi	298	325	376	360	184	190
Ratnagiri	4	9	10	5	9	5
Poona	64	56	67	63	67	107
Surat	48	46	68	86	69	66
Belgaum	90	89	89	66	96	98
Dharwar	121	101	144	114	125	91

Name of Place.	1923.		1924.		1925.	
	No. of suits filed.	No. disposed of	No. of suits filed.	No. disposed of	No. of suits filed.	No. disposed of
Bombay*	* Please see footnote.					
Ahmedabad	118	153	156	193	171	196
Karachi	128	140	141	150	101	115
Ratnagiri	11	8	16	12	15	14
Poona	69	129	132	147	147	144
Surat	71	76	65	74	76	84
Belgaum	99	81	107	84	114	68
Dharwar	121	73	140	135	111	140

* It is impossible to say how many civil suits for claims over Rs. 5,000 have been filed in the High Court during the years 1920 to 1925, as suits are not registered according to their valuation, and there are many suits in which it is not possible to give the valuation.

APPENDIX No. 20

(1) *Statement showing the past three years average receipts from the Surat District to the Provincial Revenue under the following heads :—*

Revenue Head.	1923-24.	1924-25.	1925-26.	Total.	Average.
	Rs.	Rs.	Rs.	Rs.	Rs.
Land Revenue	25,06,734	24,39,745	23,66,010	73,12,489	24,37,406
Excise	30,29,022	34,71,581	36,75,405	101,76,008	33,92,033
Forest	4,82,478	4,75,546	6,64,739	16,22,763	6,40,921
Stamp (General)	1,73,743	1,96,193	1,83,332	5,52,268	1,84,089
Do. (Judicial)	2,35,080	2,06,078	2,31,555	6,73,613	2,24,538
Other sources	2,60,621	3,14,375	3,41,849	9,16,845	3,05,615
Total ..	66,87,678	71,03,418	74,62,980	2,12,54,076	70,84,692

(2) Details of the total receipts to the Provincial Revenue from the Surat District from all sources in the following years :

Year.	Amount.
	Rs.
1922-23	61,11,092
1923-24	66,87,678
1924-25	71,03,418
1925-26	74,62,980

APPENDIX No. 23

To—The President,

Taluka Local Board, Karwar.

[Application of the prominent gentlemen of Mudgeri.]

You already know that correspondence is going on to establish a Marathi Girls' school in our village. No sanction has yet been received to open the school. As personally instructed by you, we have erected a building for the school and have submitted a report through the Kanarese school Head Master, Mudgeri.

We further beg to state that the big schools in the Karwar Taluka are at Sadasivagad, Mudgeri and Majali. It is ten or twelve years since girls' schools have been established at Sadasivagad and Majali. But, in Mudgeri, although there is a larger number of girls of all castes, they cannot get the benefit of education as a Girls' school has not been opened up to this time, and although Kanarese is taught in the Kanarese school, they cannot get the benefit of it. We therefore pray that a Girls' school may be opened before the end of this month.

(Signed).....

APPENDIX No. 24

Public Service :

Fair representation of all castes
and communities in—:
Classification of Patidars.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2610.

Bombay Castle, 1st April 1926.

Government Memorandum No. 2610-B. dated 8th July 1925 :—

“ The undersigned presents compliments to the Commissioner, Northern Division, and, in continuation of Government Memorandum No. 2610-B. dated 4th June 1925, is directed to invite his attention to the schedule attached to Government Resolution, Finance Department, No. 2610 dated 5th February 1925 and to the classification of communities as advanced and backward for purposes of educational facilities as adopted in Government Resolution, Educational Department, No. 2561 dated 30th September 1924. It will be noticed that in the Government Resolution regarding educational facilities Patidars are treated as advanced, while in that regarding recruitment, they are treated as advanced in the District of Kaira only. The Commissioner is requested to consult the Collectors of the districts in which Patidars are an important class and say why they should be treated as advanced in Kaira only. Would the Commissioner recommend a revision of the orders in the Government Resolution, Finance Department, No. 2610 dated 5th February 1925 so far as they relate to Patidars.”

Letter from the Collector of Ahmedabad, No. E.S.T. dated 25th July 1925.

Letter from the Collector of the Panch Mahals, No. E.S.T. dated 29th July 1925.

Letter from the Collector of Broach, No. E.S.T. 206 dated 25th August 1925.

Letter from the Collector of Surat, No. E.S.T. 475 dated — August 1925.

Letter from the Commissioner, Northern Division, No. E. S. T.—138 dated 4th September 1925 :—

“ With reference to Government Memorandum No. 2610-B. dated 8th July 1925, I have the honour to state that it is only in Kaira and in the adjoining Talukas of Ahmedabad that Patidars are really advanced. Elsewhere they are rightly treated as backward. This differentiation causes Patidars from Kaira to some extent to seek Government service

in other Districts, notably the Panch Mahals, in order to gain the advantage that would not be available to them in their own district; I do not, however, think that this matters much, if at all, and I would leave matters as they are. I append copies of the Collectors' reports.*"

RESOLUTION.—In partial modification of the Schedule attached to Government Resolution No. 2610 dated 5th February 1925 the Government of Bombay are pleased to direct that the words "Leva Kanbis" should be substituted for the word "Patidars" in that Schedule.

2. If residents from another district apply for appointments, they should be classed as in their native districts, unless their classification in the district in which they apply is higher, in which case the latter should be adopted.

By order of the Governor in Council,

G. A. THOMAS,

Acting Chief Secretary to Government.

To

The Private Secretary to His Excellency the Governor,
 The Accountant General,
 The Audit and Accounts Officer, Bombay Development Scheme,
 The Audit Officer, Lloyd Barrage and Canals Construction,
 The Meteorologist, Bombay,
 The Protector of Emigrants, Bombay,
 The Protector of Emigrants, Karachi,
 The Mint Master, Bombay,
 The Assay Master, Bombay Mint,
 The Deputy Controller of the Currency,
 The Government Examiner of Accounts, B. B. and C. I. Railway,
 The Government Examiner of Accounts, M. and S. M. Railway,
 The Postmaster General, Bombay,
 The Director, Telegraph Engineering, Western Circle,
 The Commissioner of Income Tax, Bombay Presidency,
 All Assistant Commissioners of Income Tax,
 All Income Tax Officers,
 The Director, Royal Indian Marine,
 The Controller of Marine Accounts, Bombay,
 The Collector of Customs, Bombay,
 The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Jurisdiction, Bombay,
 The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay.
 The Manager, Government Central Press (for publication in the *Bombay Government Gazette*),
 The Director of Information (for issue of Press Note),
 All other Heads of Offices under the several Departments of the Secretariat,
 The Educational Department (with the papers),
 All other Departments of the Secretariat.

*Not printed.

APPENDIX No. 25

Statement showing anna valuation of various crops in the villages mentioned in clause (a) of the question.

Aniapur.

				Anna valuation.
Jowar (early sown)	..	..	..	8
Jowar (late sown)	..	..	..	6
Bajri	..	..	..	10
Rice (irrigated)	..	..	..	..
Rice (not irrigated)	..	..	..	..
Vegetables	..	..	..	10
Cotton (irrigated)	..	..	..	..
Cotton (non-irrigated).	..	..	..	6
Bhindi	..	..	..	..
Sesamum	..	..	..	6
Castor seeds	..	..	..	6
Tobacco	..	..	..	10
Miscellaneous	..	..	..	6

Indroda.

Jowar	..	..	..	4
Bajri	..	..	..	8
Pulses	..	..	..	6
Vegetables	..	..	..	6
Gawar	..	..	..	6
Sesamum	..	..	..	6
Castor seeds	..	..	..	6
Cotton	..	..	..	6

Dholakua.

Jowari	..	..	..	4
Bajri	..	..	..	8
Pulses	..	..	..	6
Vegetables	..	..	..	6
Gawar	..	..	..	6
Sesamum	..	..	..	6
Castor seeds	..	..	..	6
Cotton	..	..	..	6
Bhindi	..	..	..	6

Khodiar.

Bajri	..	..	..	10
Jowar (early sown)	..	..	..	8
Jowar (late sown)	..	..	..	6
Rice	..	..	..	2
Wheat	..	..	..	..

APPENDIX No. 25—*contd.**Khodiar—contd.*

	Anna valuation.			
Miscellaneous	6
Pulses	6
Vegetables	10
Chillies	10
Sesamum	6
Castor seeds	6
Cotton	8
San	6

Labkaman.

Jowar (early sown) .. .. .	..	..	..	6
Jowar (late sown) .. .. .	..	..	..	4
Bajri .. .. .	..	..	..	8
Rice (irrigated) .. .. .	..	..	..	10
Rice (not irrigated) .. .. .	..	..	..	2
Cotton .. .. .	..	..	..	8
Castor seeds .. .. .	..	..	..	5
Pulses .. .. .	..	..	..	6
Vegetables .. .. .	..	..	..	6

Sabaspur.

Jowar (early sown) .. .. .	..	..	..	7
Jowar (late sown) .. .. .	..	..	..	4
Bajri .. .. .	..	..	..	8
Rice (irrigated) .. .. .	..	..	..	4
Rice (not irrigated) .. .. .	..	..	..	6
Cotton .. .. .	..	..	..	..
Sesamum .. .. .	..	..	..	..
Pulses .. .. .	..	..	..	6
Vegetables .. .. .	..	..	..	6
Miscellaneous .. .. .	..	..	..	6

Tarapur.

Jowar (early sown) .. .. .	..	..	..	4
Jowar (late sown) .. .. .	..	..	..	4
Bajri .. .. .	..	..	..	10
Rice (not irrigated) .. .. .	..	..	..	2
Rice (irrigated) .. .. .	..	..	..	8
Pulses .. .. .	..	..	..	8
Cotton .. .. .	..	..	..	6
Miscellaneous .. .. .	..	..	..	6

APPENDIX No. 26

Statement showing the number of suits instituted against the Secretary of State by private persons during the last three years ending the 31st December 1925.

District.	Number of suits.	Number of suits decided in favour of plaintiff.	Remarks.
Bombay	12	3	
Ahmedabad	69	6	
Kaira, Nadiad	30	3	
Panch Mahals	27	....
Broach	23	2	
Surat	41	....
Thana	20	5	
Kolaba	13	1	
		(Compromised by Railway).	
Ahmednagar	15	1	
East Khandesh	16	2	
West Khandesh	53	31*	*Out of these suits 18 suits were against Railway and 15 decided against Railway.
Nasik	17	2	
Poona	22	1	
Satara	21	4	
Sholapur	14	2	
Belgaum	11	1	
Bijapur	16	1	
Dharwar	24	2	
Kanara	21	4	
Ratnagiri	8	....
Hyderabad	8	4	
Upper Sind Frontier at Sukkur	3	....
Thar and Parkar	1	....
Sukkur	9	....
Larkana	1	....
Karachi	18	2	
Nawabshah	1	....

APPENDIX No. 27

PUBLIC WORKS DEPARTMENT.

Letter No. S. 95/6334 I. B.

Public Works Office :
Bombay Castle, 23rd March 1926.

From

W. N. CARTLAND, Esquire,
Under Secretary to the Government of Bombay,
Public Works Department, Irrigation and Railways ;

To

G. M. Kalbhor, Esquire, M.L.C.,
President of the Mutha Canal Irrigators' Association, Reay
Market, Poona.
M. D. Vaidya, Esquire,
Secretary to the Godavari Canals Irrigators' Association,
Kopergaon.
The President,
Nira Valley Irrigators' Association, Baramati.
The Secretary,
Bagayatdar Sang, Belapur,
Kopergaon.
The Chairman,
Godavari Co-operative Societies,
Kopergaon,
and
The President,
Agriculture Association, Baramati.

Regarding Deputations of Irrigators'
Associations protesting against the
enhancement of water rates on
Deccan Canals.

Sir,

I am directed by the Governor in Council to refer to the interview granted by the Honourable Member in charge of Irrigation to several deputations on behalf of irrigators and other Associations on Deccan canals and to request you to submit to the Superintending Engineer, Deccan Irrigation Circle, by the 15th May 1926 at the latest, reasoned statements and other statistical information to prove the correctness of the irrigators' chief contention that they cannot pay without any margin of profit to themselves a water rate of Rs. 66 for sugarcane per acre when the average rate of gul per palla is Rs. 29. You will then be informed by that officer in due course to send one representative of your Association to meet him, the Commissioner, Central Division, the Director of Agriculture and the Settlement Commissioner and Director

of Land Records at Poona some day in the first week of June to discuss the statements. After the meeting has been held, the Superintending Engineer, Deccan Irrigation Circle, will submit the statements to Government with the opinion of the officers attending the meeting. On receipt of the statements together with the opinion of the Government officers, Government will fully consider them and issue final orders in the matter, pending which the rate of Rs. 66 for sugarcane per acre will continue to be levied as already decided. I am further to inform you that Government do not see any reason to alter their previous decision that Poona, Ahmednagar and Nasik should be the centres for fixing the prevalent average rate for gul.

Yours faithfully,

(Signed) W. N. CARTLAND,

Under Secretary to the Government of Bombay,
Public Works Department, Irrigation and Railways.

APPENDIX No. 27—*contd.*

Resolutions passed at the first Conference of Deccan Canals Irrigators held at Baramati.	Replies of Government.	Remarks.
<p>1. The prices of Gul and other agricultural products have considerably gone down and are fluctuating; the cost of production on the other hand has increased; the productive capacity of land is diminishing day by day; owing to all these reasons, the profits of cultivation reached in 1920-21 in irrigated lands are not likely to be obtained in future. Under these circumstances the water rates prevailing at present seem to be already heavy. Any enhancement thereof will prove detrimental to irrigated crops, particularly to Sugar-cane. This Conference, therefore, strongly urges Government to abandon the proposed enhancement of water rates.</p>	<p>1. Revised rates have already been introduced with effect from 15th February 1926 on the Nira Left Bank Canal and Shetphal Tank, (2) the Mutha Canals and Matoba Tank, (3) the Pravara Canals, (4) the Godavari Canals, and (5) the Nira Right Bank Canal. The H. M. for Irrigation had received on 25th February 1926 the deputations of the Irrigators' and other Associations and heard their representations against the introduction of these rates on the canals above mentioned. In this connection a reference is, however, invited to Government letter to the various Irrigators' and other Associations No. S-95/6334-I.B., dated 23rd March 1926 (copy attached), which embodies the decision of Government on several outstanding points that were put forward by the irrigators at the Conference.</p>	
<p>2. This Conference is of opinion that whenever any revision of water rates on any canal is proposed, a mixed Committee of Officials and Non-Officials consisting of representatives of the Agricultural Department, the Irrigation Department and the Irrigators, with a non-official majority, should be appointed by Government to enquire into the economic condition of the Irrigators of the tract concerned, and no enhancement should be effected unless the recommendations of the majority of such a Committee receive the approval of the Legislative Council.</p>	<p>2. Government are unable to accept the suggestion contained in this Resolution. Proposals for the revision of water rates are carefully gone into by the officers of the Irrigation, Revenue and Agricultural Departments, who hold the necessary enquiry into the economic condition of the area irrigated by the canals concerned and submit their recommendations for or against the increase in rates.</p>	
<p>3. From the published reports of the Agricultural Department it has been proved that in the hot season, if water is given to Sugar-cane at the interval of 8 days, instead of 10 days, the yield is more without the quantity of water utilised being in excess of that required under 10 days interval system. In view of this, the Conference is of opinion that on all the canals, the Irrigation Department should give water to Cane at the interval of 8 days from 15th March to 15th June.</p>	<p>3. This resolution has been carefully considered and Government are of opinion that reduction of the period of watering from 10 days to 8 days is not necessary at present as such a reduction would entail wastage of water and extra establishment and would also aggravate the evil of water-logging and salt efflorescence. Investigations regarding this and cognate subjects are, however, being made and if it is found that owing to the improvement in distribution by semi-modules and meters the</p>	

APPENDIX No. 27—contd.

Resolutions passed at the first Conference of Deccan Canals Irrigators held at Baramati.	Replies of Government.	Remarks.
<p>To ensure water being given every 8th day, if the average allotment of area on the canals has to be cut down, this Conference is of opinion that irrigators will have no objection to have a <i>pro rata</i> reduction of area.</p>	<p>irrigators reduce the quantity of water they take, it may be possible later on to alter the rotation period.</p>	
<p>4. (1) This Conference is of opinion that the Block System prevalent at present on the Nira Canal being for various reasons inconvenient from cultivation point of view should be done away with.</p> <p>(2) Supplementary: The Conference also is of opinion that the Block System should not be introduced on any other canals.</p>	<p>4. (1) & (2) This resolution makes no definite statement as to why the Block System is inconvenient to Irrigators. The introduction of the system has greatly benefited the cultivators and is decidedly advantageous to them because—</p> <p>(a) they have a guaranteed supply of water;</p> <p>(b) they are able to adopt regular rotations of crops;</p> <p>(c) they know exactly beforehand how much area to plant;</p> <p>(d) they know precisely how they stand as regards plantation and their accounts.</p> <p>Moreover, the fact that applications for 25,000 acres of perennial blocks were received on the Nira Left Bank Canal when applications for 18,000 acres only were invited proves that the system is not really inconvenient but on the contrary beneficial and popular. In the circumstances, Government are unable to accept the resolution.</p>	
<p>5. Taking into consideration the fact that kharif and rabi crops require water every 20 days, this Conference is of opinion that the interval between the two waterings allowed by the Irrigation Department should not exceed 20 days.</p>	<p>5. Water for kharif and rabi crops is given as far as possible according to crop requirements; heavy rainfall or a deficiency in the rainfall upsets rotations and frequently there is a demand over the whole canal area for water at one time. It is difficult to satisfy such a demand within a few days. The Deccan Canals being largely protective extensive irrigation cannot be overlooked in a bad year by restricting irrigation to a much smaller area of intensive cultivation. For kharif crops owing to rain, waterings within 20 days are rarely needed, and there are numerous cases where 2 or 3 waterings are all that are required to bring a crop to maturity. In actual practice it is not possible to give water to the irrigators at a definite interval and irrigators must take it, when available.</p>	

APPENDIX No. 27—*contd.*

Resolutions passed at the first Conference of Decan Canals Irrigators held at Baramati.	Replies of Government.	REMARKS.
<p>6. Under the "Bund Rules" in force at present, land about 1/8th of an acre is wasted under the Bunds; water rate for this land has to be paid; water stagnates inside the Bunds and land deteriorates. There is also difficulty for ploughing in of "San" green manure, as also for other cultivation by implements inside the small plots. Besides, to get these Bunds passed an irrigator has to suffer trouble, inconvenience and loss; this Conference is therefore of opinion that only outer Bunds round an acre plot should be enforced, while the inner Bunds should be left to the option of the irrigator.</p>	<p>6. The bund rules do not entail a loss of 5 gunthas per acre; because, sugarcane should be planted in lines at least 4 feet apart whereas the internal bunds require a width of only 3 feet. They do not hinder manuring nor do they hinder work appreciably, because by the time ploughing is done the bunds have dwindled down to little more than small mounds. The man who grows crops on well water goes to a very great deal of trouble to divide up his land into very small plots. The principle at the back of this and of the bund rules is identical namely, a saving of water. With plots larger than those prescribed there must be, and actually is, a large waste of water, just as there would be, if a well irrigated field had no 'vafas'. Under the revised bund rules the irrigator can plant before the bunds are passed (except in the case of new areas) so he cannot have any trouble, if his bunds are of the correct dimensions or a little more. The trouble nearly always arises through irrigators trying to get bunds, which are not of the full dimensions passed. The rules were framed after full consideration and consultation with the leading irrigators and their representatives and Government consider that they are necessary for the efficient management of irrigation and also in the interests of the crops themselves. No alteration in them is necessary.</p>	
<p>7. This Conference is of opinion that where on any 'Outlet' some of the irrigators agree to serve as 'Panch' no Panchanama should be held unless at least two members out of such irrigators are present at the Panchanama.</p>	<p>7. The services of a panch would be most welcome if they would co-operate in preventing waste and unauthorised use of water as well as serve on a panchanama board. The whole procedure in connection with the holding of the panchanama is under consideration and certain methods likely to be popular are under trial. The success or failure of the scheme will depend on the willingness or otherwise of the panchas to give up their time for the purpose.</p>	

APPENDIX No. 27—contd.

Resolutions passed at the first Conference of Deccan Canals Irrigators held at Baramati.	Replies of Government.	Remarks.
<p>8. This Conference resolves that there should be a Session of this Conference every year. To manage the work of the annual session and to carry on the work of this Conference throughout the year, also to safeguard the interests of irrigators on all the Deccan Canals in order that their condition may be improved, a Working Committee should be appointed consisting of two representatives each of,</p> <ol style="list-style-type: none"> 1 Nira Canal Association. 2 Mutha " " 3 Godavari " " 4 Pravara " " 5 Deccan Agricultural Association, Poona. <p>The President of the Conference for the year should be also the President of the Working Committee.</p> <p>One General Secretary and three other members should be appointed to this Committee by the Conference every year.</p> <p>The Association which sends its representatives to this Central Committee should contribute Rs. 50 annually to this Committee and the Conference should pay Rs. 250 from its funds.</p> <p>Accordingly the following Committee is being hereby appointed.</p>	<p>8. This Resolution does not concern Government.</p>	
<p>9. This Conference recommends to Government that :—</p> <ol style="list-style-type: none"> A. The Government may be pleased to carry into effect within the next ten years all the Irrigation projects which have been surveyed in the Deccan, and even if Government have to suffer a loss of interest for some few years these projects may be carried out, the deficit in an adequate return of interest being met from the famine fund. B. Those which are productive schemes may be taken in hand as early as possible. C. The resolution which has been recently passed in the Council of State in this connection to increase the canals in India may be carried into 	<p>9. A and C. As a result of the thorough hydrographical survey of the Deccan carried out under the able direction of the late Mr. Beale the Godavari Canals project has been completed. The Pravara and Nira Right Bank Canal projects are under construction. The Nira Valley Development scheme has lately been started. The Mutha canals extension scheme and the question of providing additional storage for the Godavari canals are under investigation. In short, Government have a number of well thought out irrigation schemes for the Deccan under construction, preparation or investigation, which will engage their officers and staff fully for many years to come. Further, a special officer has</p>	

APPENDIX No. 27—*contd.*

Resolutions passed at the first Conference of Deccan Canals Irrigators held at Baramati.	Replies of Government.	Remarks
<p>effect in the Bombay Presidency and a Committee of Experts may be appointed by Government to investigate New Schemes and their report published.</p> <p>10. (1) This Conference is of opinion that the Canal Rules of 1922 may be amended to the effect that the seasons for Kharif and 8 months' crops on each canal shall be calculated to be respectively a four and a eight months' season as commencing from the date of the first actual watering, this date to be notified in each year.</p> <p>(2) In Canal Rule 12 (E) the definition of the term "Main Water Course" should be made clearer instead of being left to the discretion of the Canal officers.</p> <p>(3) There should be no objection under the Rules to have inferior crops in a specified allotted area in lieu of other crops, sanctioned in the pass book for a specific period.</p>	<p>recently been appointed to investigate the question of minor irrigation schemes. In the circumstances, the appointment of a Committee of experts is not necessary. Government therefore consider that no further action is necessary regarding this matter.</p> <p>B. The principle involved in the Resolution is accepted by Government. It is however quite clear by now that irrigation projects in the Deccan cannot be made to pay, unless the water rates are revised so as to correspond in value with the increased cost of material and labour.</p> <p>10. (1) The Canals Rules of 1922 need no amendment as the existing arrangement is the only one possible for accounts purposes. For administrative purposes also it is essential to have fixed dates for the commencement of the seasons.</p> <p>If the seasons were to commence from the date of the first actual watering every cultivators' season would commence on a different date. Surely an impossible proposition.</p> <p>(2) The term "Main water course" is generally interpreted to mean one which carries water to more than one man's holding, and it is necessary to maintain a passage along it for inspection purposes. The right to define the term must remain with the Canal officers, as conditions sometime prevail necessitating either a broad or a narrow interpretation of the term, which interpretation can only be made by the Canal officer if he is to remain in authority on the canal.</p> <p>(3) The concession asked for in the resolution is at present given on all canals in the Deccan Irrigation Circle, the only stipulation being that the cultivator has to give intimation in writing of the change of crop so that his pass may be modified accordingly.</p>	

APPENDIX No. 27—*contd.*

Resolutions passed at the first Conference of Deccan Canals Irrigators held at Baramati.	Replies of Government.	Remarks.
<p>11. This Conference is of opinion that provision should be made by rules that on no account should any man holding land on an "Out-let" be refused water, provided he is not in arrears of the irrigation dues at the date of application, and his application should have in the absence of a just cause a priority of right for water.</p>	<p>11. Government are of opinion that the right to refuse water to any individual must remain with this Department. Ordinarily whenever water is available, no applicant is refused water, so that there is no just cause for complaint.</p>	
<p>12. This Conference is of opinion that the date for collecting the water cess should be the end of March instead of 1st February in each year.</p>	<p>12. The matter referred to in this resolution is under the consideration of Government.</p>	
<p>13. Tobacco, Cotton, Twr, Potatoes, and Foreign Ground Nuts are taken as 8 months' crops. In the opinion of this Conference these crops should be classed as four months' crops and charged accordingly.</p>	<p>13. The matter referred to in the Resolution is under the consideration of Government.</p>	
<p>14. This Conference is of opinion that (A) The system of charging full water rates for percolation water is unjustifiable and should be stopped. (B) The water that has percolated in the nallas and streams cannot be said to be owned by the Irrigation Department and so they should have no right to charge full rates for such water, as they do not repair these nallas and streams.</p>	<p>14. The water rates in question are charged according to the conditions laid down in section 48 of the Bombay Irrigation Act, 1879. The charges are perfectly justifiable because, were canals non-existent, crops could not be grown with any assurance. If the Irrigation Department have no right to the revenue derived from the water that percolates from the canals, Government fail to see to whom this right belongs. Moreover, there is always keen competition for use of water in nallas which indicates that water rates levied are not incommensurate with the benefits derived.</p>	
<p>15. This Conference is of opinion that if water is required for immature cane after the expiry of the due date it should be allowed and charged for at monthly average.</p>	<p>15. This Resolution is not clear. Under the new rules for assessing sugarcane and other perennial irrigation, cane will be charged for at the hot weather season rate according to the number of months it requires water, if water be available.</p>	
<p>16. This Conference is of opinion that the assessment of lands, which have gone bad on account of the encrustation of salt should not be charged and such lands should not be acquired by Government</p>	<p>16. The matter referred to in this resolution is under the consideration of Government.</p>	

APPENDIX No. 27—*contd.*

Resolutions passed at the first Conference of Deccan Canals Irrigators held at Baramati.	Replies of Government.	Remarks.
17. This Conference is of opinion that where there are telegraph officers in the Irrigation areas, telegrams of irrigators should also be accepted at the usual charges.	17. For the convenience of cultivators in irrigated tracts desirous of bringing matters purely connected with irrigation to the notice of the Irrigation authorities, Government have thrown open with effect from 1st October 1925, certain canal telegraph offices in Sind and Deccan for the receipt and despatch of paid telegrams concerning only such matters. This concession cannot be extended to messages other than those in connection with Irrigation matters.	
18. This Conference is in full sympathy with the work carried on by the 'Krishna Canal Irrigators' whose main object is to show to the Government that it is unjustifiable to apply general canal rules to that canal owing to shortage of water in the river. This Conference hopes that the complaints of these cultivators will be settled in view of their peculiar circumstances.	18. The Krishna Canal has been exempted from the operation of Rules Nos. 11 and 12 of the Bombay Canal Rules up to 31st March 1931 <i>vide</i> Government Notification No. 4058, dated 18th December 1925.	
19. This Conference is of opinion that the assessment on 'Bhudkis' (wells) at Gunawadi and Songaon on the banks of the 'Kurha' river is unjustifiable inasmuch as it can be shown that at Saswad where there is no canal 'Bhudkis' are working. These 'Bhudkis' should not be charged at all.	19. Assessment was wrongly charged for budkis at Gunawadi and Songaon on the Kurha river for the kharif and rabi seasons of 1923-24 and has since been remitted. The assessment for the hot weather season, however, is justifiable as the river above the canal during that season is dry, whereas there is considerable flow in it below the canal due to seepage water from the canal.	
20. No perennial crop is allowed within quarter of a mile from a village. This Conference, however, holds that where a land is situated at quarter of a mile from a village which may be on a higher level and where the canal passes between such village and the land, water for perennial crops may be allowed, as Government themselves have planted Sugar-cane within quarter of a mile under such circumstances near Baramati.	20. As the general rule prohibiting perennial irrigation within the 1/4 mile limit of any town or village has a salutary effect as a safeguard against mosquitoes and malaria, Government consider that this rule requires no alteration. In the case quoted in the resolution plantation was allowed chiefly for experimental purposes as full reclamation by drainage necessitates heavy irrigation and even that plantation was made subject to certain conditions laid down by the Sanitary authorities.	
21. This Conference recommends to Government to bring into effect the recommendations of the Committee appointed to find out measures to protect crops from	21. In view of the orders already issued on the report of the Wild Animals Committee Government consider that no further action is necessary.	

APPENDIX No. 27—*contd.*

Resolutions passed at the first Conference of Deccan Canals Irrigators held at Baramati.	Replies of Government.	Remarks.
<p>wild animals. Arrangements should also be made to grant more gun licenses to the irrigators.</p> <p>22. This Conference is of opinion that an Advisory Council of 3 or more persons should be appointed on each canal to co-operate with and redress the grievances of irrigators at the hands of the Irrigation Department.</p> <p>23. (1) In the opinion of this Conference, Agricultural Department should appoint an expert officer to encourage more fruit cultivation in the Canal areas.</p> <p>(2) This Conference requests the Government to contribute towards travelling expenses of selected irrigators, who may wish to visit Hawaii, Mauritius, Java and other places.</p> <p>(3) This Conference recommends to the Irrigation Department to give facilities for giving water for Turmeric, Ground-nut, Cotton, Grapes, and other fruit trees and to frame rules specially applicable to these crops in consultation with the Agricultural Department.</p> <p>(4) This Conference recommends to Government to appoint experts to investigate remedies for the diseases of Cane crops such as 'Borers' and other 'Fungus' diseases which have been spreading rapidly in Canal areas and also to substitute other new varieties of Cane for the local 'Pundia' variety.</p>	<p>22. A non-technical advisory council can do nothing to help in solving technical difficulties arising from distributing water to several thousands of irrigators with different requirements. It is not considered that an advisory council such as that proposed is in any way necessary at present. The existing Irrigators' Association provide the best means for ventilating grievances.</p> <p>23. (1) The Horticulturist to Government and the District Horticultural Officer deal with this matter and no further action is necessary.</p> <p>(2) The suggestion in the Resolution cannot be considered by Government as no definite proposals have been put forward by the Irrigators' Conference.</p> <p>(3) This Department gives every facility to cultivators planting the crops in question, provided of course that water is available. The existing rules do not therefore require any amendment in this respect.</p> <p>(4) The Director of Agriculture is taking action in the matter.</p>	

APPENDIX No. 27—contd.

Resolutions passed by the Managing Committee of the Bagayatdars Sangh on distributary No. 18, Nira Right Bank Canal, held on the 26th August 1925.	Replies of the Superintending Engineer, Deccan Irrigation Circle.	Remarks.
<p>6. The existing dates of issuing water to several kinds of crops irrigated during different seasons are as given below :— Hot weather—15th February to 14th June. Monsoon crops—15th June to 14th October Rabi crops—15th October to 14th February.</p> <p>The above mentioned dates do not suit especially for the crops raised in the Rabi season and requests that they may be altered as noted below to suit the conditions of the crops :— Hot weather—15th February to 14th June. Monsoon crops—15th June to 14th September. Rabi crops—15th September to 14th February.</p> <p>Similarly according to Note 4 (3) on the back of water applications for perennial blocks, water is required to be issued to two-thirds of the block area between the commencement of monsoon season to the middle of February, irrespective of the crop or crops raised in that area, and at any time during the period, but generally in practice the rule is not strictly followed and requests that arrangement be made to issue waterings whenever the irrigators want them.</p> <p>7. Since last year the Irrigation Department is charging annas 8 per acre for unitisation of areas in perennial blocks and in eight months leases and the land is divided into 20 gunthas units, and accordingly the work of unitisation is being carried. This year although the Department is recovering annas 8 per acre from the irrigators as usual, the canal establishment is also taking the help of the cultivators. The Sangh requests that if such help is taken the amount recovered may be refunded to the parties concerned.</p>	<p>6. The present irrigation seasons have been fixed by Government with due consideration of the requirements of the several crops and cannot be changed unless it can be clearly proved that they are unsuitable and that there is a general demand for a change by a majority of the cultivators on the whole canal. The main object in proposing the change appears to secure free flooding water, which has to be given in the monsoon season for sowing rabi, jowar but if the monsoon season be reduced to 3 months as proposed, the consequence will be that the cultivators will have to ask and pay for additional waterings required to mature monsoon crops.</p> <p>As regards the contention that the perennial block area (which is not under cane or other perennials and which is to receive water for about 8 months, from the commencement of the monsoon till the 14th February following) should be given water from the commencement of the monsoon season, i.e., from the 15th June under note 4 (3) at the back of the block application form, it may be pointed out that the note clearly lays down that water is to be given to this area from the <i>break of monsoon and not from the commencement of the monsoon season</i> as presumed and water is always given accordingly immediately new replenishment is received in the lake.</p> <p>7. The allegation made therein is not correct. It is reported that the cultivators were not called upon to work as khalasis but they are asked to be present at the time of measurement to show the boundaries of their holdings, etc., and this requirement has, it seems, been misrepresented by the Association.</p>	

APPENDIX No. 28

Statement showing the measures taken by Government for the expansion of education among the depressed classes

Government have sanctioned special scholarships for students belonging to the depressed classes as mentioned below :

Primary Schools.

300 scholarships (100 each of Rs. 5, 6 and 7 per mensem) at the rate of 5 per each District in the Presidency proper, tenable in standards V to VII of primary schools.

Secondary Schools.

644 scholarships of the value mentioned below, to be awarded at the rate of 92 per annum distributed in the several divisions of the Presidency on the basis of population and tenable for seven years of the Secondary School course :—

Standard I to III Rs. 6 each per mensem.

Standard IV Rs. 7 each per mensem.

Standard V Rs. 8 each per mensem.

Standards VI to VII Rs. 10 each per mensem.

Arts Colleges.

22 sets of scholarships, i.e., $22 \times 4 = 88$ scholarships and 2 more in the First Year Course, each of the value of 20, tenable for four years.

Professional Colleges.

(1) *College of Engineering*.—3 sets, i.e., 9 scholarships each of the value of Rs. 40 per mensem tenable for three years.

(2) *Sydenham College of Commerce*.—1 set, i.e., 3 scholarships, each of the value of Rs. 35 per mensem tenable for three years.

(3) *Law College*.—3 sets, i.e., 6 scholarships, each of the value of Rs. 35 per mensem tenable for 2 years.

(4) *V. J. Technical Institute*.—3 sets, i.e., 12 scholarships, each of the value of Rs. 35 per mensem, tenable for four years.

Government also sanctioned an annual allotment of Rs. 10,000 for the supply of books, slates, etc., to pupils of these classes studying in Local Board Primary Schools.

Government have issued orders to all Educational Officers to see that no disabilities are imposed on children of the depressed classes in any school maintained by public authorities. They have further directed that grants from provincial revenues should not be paid to primary and secondary schools to which students belonging to the depressed classes are refused admission on account of their caste, that teachers belonging

to the depressed classes should as a rule be placed in charge of schools in localities inhabited by those classes and that there should be no bar to the appointment of such teachers to other schools. Government have also directed that 15 per cent. of the candidates under training who are given Government stipends in the Bombay, Central and Southern Divisions, and 10 per cent. of them in the Northern Division, should be recruited from the depressed class Hindus. As regards admissions to Government professional colleges, except in the case of the College of Engineering, Poona, 10 per cent. of the total admissions have been exclusively reserved for students of the Hindu backward classes including the depressed classes in addition to the number of students from those classes who get admission in accordance with their merits in the general selection of 80 per cent. of the admission open to all communities. In the case of the College of Engineering, Poona, 25 per cent. of admissions are reserved for these classes instead of 10 per cent. as in other professional colleges. No fees are charged to the depressed classes in Government Secondary Schools provided they can show that they are unable to pay fees.

Hostels

Government also maintain a special hostel at Poona providing accommodation for 50 boys of the depressed classes. No grants-in-aid are usually given towards the expenditure on the maintenance of hostels. However, as a special case, Government have sanctioned grants-in-aid at one-half rate of the admissible expenditure (excluding charges for food, clothing, fuel and lighting), or Rs. 30 per mensem per pupil, whichever is less, subject to a maximum of Rs. 2,000 per annum to the three hostels maintained by the Depressed Classes Mission Society at Poona, Parel and Hubli. A grant at one-half rate of the admissible expenditure was also sanctioned for last year only to the hostel maintained for the depressed class boys at Nasik. To look after the interest of the depressed classes in the matter of primary education now controlled by local authorities, seats have been reserved for representatives of these classes on School Boards to be established under the Bombay Primary Education Act, 1923, and the rules thereunder.

APPENDIX No. 29

English translation of the dying declaration of Bai Shanta, daughter of the Aval Karkun Mr. Chhaganlal.

Before 2nd Class Magistrate, Viramgam.

My name Shanta, wife of Naran Nagardas.

Age 16, Bania by caste.

Occupation Household work.

Residence Dhandhuka,

but at present Viramgam Fansia Fali.

On being asked I state that my husband being transferred to Viramgam, we hired a house in Fansia Fali, Viramgam, and I reside in the house with my husband. I am under menses and my husband gave me morning tea and went to his office at about ten. As I was alone, I went to close the back door of the house, when I came across a female ghost who asked a chest ornament which I gave but she told to put me to fire. I asked her not to do so, as I had given her ornament, but she poured kerosene over me and put me to fire.

Q.—Are you put to fire by your husband or any of his neighbours on his behalf ?

A.—No, Sir. No one but the ghost has put me to fire.

Q.—Have you anything else to say ?

A.—No.

Dated 31-5-25 at 4 p.m.

(Before me),

(Signed) M. M. DAVE,

Magistrate, 2nd Class, Viramgam.

(True copy.)

T. PONALKER,
for Superintendent.

Appendices APPENDIX No. 30

Statement

Name of District Local Board.	Total population of district.	The number of voters entitled to vote.	The number of voters who actually voted.	Remarks.
Ahmedabad ..	890,911	12,588	The information is not available as the records have been destroyed under rule 34 of the Bombay Local Board Election Rules, 1924.	
Kaira ..	710,982	19,075	7,939	
Panch Mahals ..	374,860	9,235	1,435	
Broach ..	245,322	19,735	11,346	
Surat ..	674,351	17,609	12,257	
Thana ..	759,916	7,459	2,058	
Bombay Suburban ..	154,922	558	....	No election was held as the number of candidates was equal to the number of seats.
Ahmednagar ..	731,552	12,904	4,111	The number of candidates in Rahuri and Shevgaon non-Mahomedan constituencies was equal to the number of seats and consequently no election was held for them.
East Khandesh ..	1,075,837	25,661	4,434	
West Khandesh ..	613,265	14,414	1,951	In the case of Mahomedan constituency (Genl) and the non-Mahomedan constituencies of Shahada, Sakri and Nawapur Talukas no elections were held as there was no contest.
Nasik ..	832,676	12,167	3,342	
Poona ..	1,009,033	9,541	3,165	
Satara ..	1,026,259	15,511	7,798	
Sholapur ..	742,010	7,542	2,968	There was no voting at the non-Mahomedan constituency of the Sholapur Taluka and at the District Local Board Mahomedan Constituency.
Dharwar ..	1,036,924	26,137	15,398	There was no voting for the Mahomedan constituencies in six talukas and for non-Mahomedan constituencies in two talukas.
Bijapur ..	796,876	12,081	6,511	No elections took place in the years 1924 and 1925 in the districts of Kanara, Belgaum, Ratnagiri and Kolaba.
Karachi ..	542,065	6,875	249	The small number of votes recorded is due to the fact that there was a contest in only two out of 24 wards.
Hyderabad ..	573,450	8,248	1,028	Elections took place in the case of a few wards only.

Name of District Local Board.	Total popu- lation of district.	The num- ber of voters en- titled to vote.	The num- ber of voters who actually voted.	Remarks.
Bukkur	510,292	8,576	721	There was a contest in only one ward in the General constituency in which 721 votes were recorded out of a total of 756.
Larkana	597,690	13,786	....	No votes were recorded as there was no contest.
Mawabab	418,860	7,766	429	There was no contest in any of the non-Mahomedan wards while in the case of Mahomedan wards three only out of eighteen wards were contested.
Thar Parkar ..	396,331	20,176	1,706	Only a few wards were contested.
Upper Sind Frontier ..	240,619	4,434	....	No seats were contested.

APPENDIX No. 31

Statement showing the amount of fees recovered for and the number of patients treated by anti-rabic treatment in each centre during the year 1925

Name of Centre.	The amount of fees recovered. (a)	The number of patients. (b)	
		Number of patients treat- ed.	Number of deaths re- ported.
The Haffkine Institute, Bombay ..	Rs. a. p. 2,937 0 0	625	6
The Civil Hospital, Ratnagiri ..	Nil.	Nil.	Nil.
" " " Ahmedabad ..	4,739 8 0	1,117	5
" " " Poona ..	782 0 0	354	....
" " " Karwar ..	70 0 0	1	....
" " " Nasik ..	529 0 0	150	....
" " " Jalgaon ..	98 0 0	90	3
" " " Hyderabad (Sind) ..	60 0 0	12	....
" " " Surat ..	486 0 0	157	5
" " " Sholapur ..	170 0 0	24	1
" " " Belgaum ..	729 0 0	94	....
" " " Ahmednagar ..	35 0 0	152	....
" " " Karachi ..	1,290 0 0	201	....

APPENDIX No. 32

Serial No.	Name of the Training Institution.	Number of teachers on the staff of each training institution.	Classification of the number of teachers into				Remarks.
			Advanced.	Intermediate.	Backward.	Others.	
	<i>Bombay Division</i>						
1	Government Training School, Bhivandi.	3	3	..	..	..
2	Government Training School, Ratnagiri.	3	3	..	..	..
3	Government Training School, Nasik.	3	3	..	..	..
	<i>Central Division</i>						
4	Training College for Men, Poona ..	16	14(a)	2	..	..	(a) Includes the Principal of the College.
5	Urdu Training School, Poona ..	4	..	4@	..	..	@ Mahomedans.
6	Training College for Women, Poona.	13	8	..	..	5*(b)	*Two Jews, two Indian Christians, one European. (b) Includes the Lady Superintendent and the Assistant Lady Superintendent.
7	Government Training School, Satara.	3	3	..	..	..
8	Government Training School, Ahmednagar.	3	2	1	..	..
9	Training College for Men, Dhulia..	11	10(c)	1@	..	..	(c) Includes the Principal of the College.

APPENDIX No. 33

Names of villages irrigated by the Nira Left Bank Canal, Shetphal Tank and Bhadalwadi Tank

1. Tavashi.	<i>Shetphal Tank</i>
2. Sansar.	
3. Udhat.	1. Shetphal (Haveli).
4. Jamb.	2. Bavde.
5. Kurvali.	3. Nirnimgaon.
6. Chikhali.	4. Sarati.
7. Bori.	5. Lumevadi.
8. Lasurne.	6. Gondi.
9. Haterna.	7. Vazare.
10. Kalamb.	8. Pimpri.
11. Nimsakhar.	
12. Shelgaon.	<i>Bhadalwadi Tank</i>
13. Gotndi.	
14. Nirvangi.	1. Dalaj (Right Bank)
15. Mingaon Ketki.	2. Dalaj (Left Bank).
16. Pitkeshwar.	3. Palasdeo.
17. Reda.	4. Kumbhargao.
18. Redni.	
19. Khorochi.	
20. Kati.	
21. Vadapuri.	
22. Bhandgaon.	
23. Varkute.	
24. Bavde (Nira).	
25. Shetphal (Nira).	
26. Avsari.	
27. Chakati.	
28. Gokhali.	

APPENDIX No. 34

Statement giving information regarding commutation of kulkarni watans, required in clauses (c) and (d) of the question by Mr. N. R. Gunjal, M.L.C.

Name of District.	Number of commutations of kulkarni watans made.		Number of cases out of those in columns 2 and 3 in which commutation money was paid in a lump sum.
	With widows.	On behalf of minors.	
1	2	3	4
<i>Central Division.</i>			
Ahmednagar	292	195	8
East Khandesh	120	73	13
West Khandesh	39	18	2
Nasik	117	73	1
Poona	101	61	7
Satara	255	189	40
Sholapur	42	32	....
<i>Southern Division.</i>			
Belgaum	9	....	....
Dharwar	6	3	....

APPENDIX

No.	Name.	Present appointment.	Present salary.
1	2	3	4
		<i>Northern Division.</i>	Rs.
1	Mr. M. E. Namazi, B.A.	.. Professor of Persian, Gujarat College.	450
2	Mr. A. M. Shaikh, M.A.	.. Assistant Lecturer in Persian, Gujarat College.	200
3	Mr. N. A. Khaliq, B.A., S.T.C.D.	Deputy Educational Inspector, Urdu Schools, Northern Division.	370
4	Mr. A. A. Hakimji, B.A., S.T.C.D.	Acting Head Master, Urdu Training School, Ahmedabad.	200 plus 30
5	Mr. F. H. Shaikh, B.A., S.T.C.D.	Assistant Master, Government Middle School, Ahmedabad.	170
6	Mr. N. A. Kadri, B.A., S.T.C.D.	Assistant Master, Urdu Training School, Ahmedabad.	130
7	Mr. H. B. Mashadi, B.A., S.T.C.D.	Do. do.	105
8	Mr. H. R. Sayed, B.A. (Hons.) II.	Probationary Assistant Master, R. C. High School, Ahmedabad.	100
9	Mr. M. O. Patel, B.A.	.. Probationary Assistant Master, Broach High School.	95
10	Mr. M. M. Kadri, B.A.	.. Probationary Assistant Master, R. C. High School, Ahmedabad.	90
11	Mr. A. S. Shaikh, B.A.	.. Do. do. ..	90
12	Mr. A. N. Kadri, B.A.	.. Acting Assistant Master, Government Middle School, Ahmedabad.	70
		<i>Central Division.</i>	
13	Mr. H. I. Sayani, B.A. (Hons.) II, M.A.	Assistant Lecturer in Persian, Deccan College.	200
14	Mr. A. K. Khan, B.A. (Hons.) II, M.A.	Assistant Lecturer in English, Deccan College.	200
15	Mr. B. H. Kazi, M.A.	.. Superintendent, Reformatory School, Yeravda.	740
16	Mr. A. I. Patel, B.A.	.. Assistant Master, Anglo-Urdu High School, Poona.	100
17	Mr. K. A. Khatib, B.A., S.T.C.D.	Do. do. ..	120
18	Mr. H. M. Shaikh, B.A.	.. Do. do.	70

No. 35

Service in the present appointment on 1st April 1926.	Salary drawn prior to present appointment.	Total period of service on 1st April 1926.	Salary with which each started.	Remarks.
5	6	7	8	9
Y. m. d.	Rs.	Y. m. d.	Rs.	
9 9 10	250	9 9 10	200	
5 9 10	....	5 9 10	100	
0 11 22	350	8 3 15	200	
0 11 15	200	16 9 12	30	
2 0 15	140	15 1 10	40	
7 1 15	55	11 8 18	50	
0 3 15	160*	7 6 5	50	* In Sind (as Acting. Head Master, Gov- ernment Madressah and High School, Mirpurkhas).
0 8 15	95	5 9 11	70	
1 11 15	85	7 7 0	50	
0 11 15	85	6 7 12	70	
0 11 15	85	6 0 1	70	
0 3 15	70	0 8 0	70	
6 9 13	....	6 9 13	100	
5 9 12	....	5 9 12	100	
4 4 13	400	22 2 0	50†	† As a clerk in the Secretariat, Bom- bay.
....	....	....	....	On deputation to Jambusar Anglo- Vernacular School.
9 0 20	50	10 7 0	50	
1 4 15	....	1 4 15	70	

APPENDIX

No.	Name.	Present appointment.	Present salary.
1	2	3	4
		<i>Central Division—contd.</i>	Rs.
19	Mr. F. G. Elim, B.A.	.. Assistant Master, Anglo-Urdu High School, Poona.	70
20	Mr. G. B. Khan, B.A.	.. Probationary Assistant Master, Anglo-Urdu High School, Poona.	70
21	Mr. M. Hidayatulla	.. Head Master, Anglo-Urdu High School, Poona.	410
22	Mr. Mirza Niazbeg Kadubeg Inamdar, B.Ag., II, S.T.C.D.I.	.. Assistant, Urdu Training School, Poona.	115
23	Mrs. Zubaida Syed	.. Head Mistress, Central Urdu Girls' School, Poona.	170
		<i>Southern Division.</i>	
24	Mr. A. M. Monlvi, M.A.	.. Professor of Persian, Karnatak College.	410
25	Mr. A. J. Bangi, B.A.	.. Head Master, Anglo-Urdu High School, Hubli.	550
26	Mr. A. M. Khatib, B.A., II, M.A., B.T. (Part I).	.. Probationary Assistant, Anglo-Urdu High School, Hubli.	200
27	Mr. M. D. Barchiwalay, B.A., B.T.	.. Do. do. ..	90
28	Mr. M. S. Patel, B.A.	.. Acting Probationary Assistant, Anglo-Urdu High School, Hubli.	70
29	Mr. A. S. D. Pathan, B.A.	.. Probationary Assistant, Anglo-Urdu High School, Hubli.	70

No. 35—*contd.*

Service in the present appointment on 1st April 1926.	Salary drawn prior to pre-ent appointment.	Total period of service on 1st April 1926.	Salary with which each started.	Remarks.
5	6	7	8	9
Y. m. d.	Rs.	Y. m. d.	Rs.	
0 6 0	0 6 0	70	The question of grant- ing him increments due for his offici- ating service is under consideration.
4 9 10	....	4 9 10	70
5 1 0	250	14 2 0	50	
4 0 15	70	7 11 28	50	
6 11 15	....	6 11 16	100
6 4 14	75	11 0 0	100	
2 4 13	510	15 9 20	100	
3 7 8	80	5 4 16	100	
4 6 13	....	7 4 27	50
1 8 24	....	1 8 24	70
1 9 26	....	1 9 26	70

No. 36

Form 1 नमुना १.

WATER FOR IRRIGATION

Duplicate नकल प्रत.

जिल्हा , यांस.

तालुके , जिल्हा , यांत खाली

व्यांतून पाणी मिळण्याबद्दल या अर्जाच्या नकल प्रतीचे मागील बाजूस छापिलेल्या
व्यांवावत कानूंस पात्र राहून अर्ज करतो :—

सर्वे नं- राचें अ- थवा पोट नं-राचें एकूण क्षेत्रफल.	ज्या क्षेत्रास पा- णी मिळा- वें म्हणून मागणी केली तें क्षेत्र.	पिकाचें नांव.	ज्या मुदतीत पाणी पाहिजे ती मुदत.	एकिकृत- टिब्ह ई- जिनीयरेने मंजूर के- लेलें क्षेत्र.	एकरी पाणीपट्टीचा दर.	शेरा.
६	७	८	९	१०	११	१२
ए. गुं.	ए. गुं.		पासून पर्यंत.	ए. गुं.	एक पाणी ... पावसाळी खरीप रबी ... आठमाही ... उन्हाळी ... जंस ... सामान्य बार- माही पिकें.	

अर्जदाराची सही अगर डावे हाताचा आंगठा.

मंजूर.

Executive Engineer for Irrigation,
District.

तारीख माहे

सन १९२

शर्ती.

१. अर्जाच्या दोन प्रती असल्या पाहिजेत, मूळ प्रत एक्झिक्यूटिव्ह इंजिनियर याजकरिता व नकल प्रत अर्जदाराकरिता.

२. कोष्टकें १ ते ९ अर्जदारानें भरावीं व १० ते १२ एक्झिक्यूटिव्ह इंजिनियरनें भरावीं.

३. जेव्हां भिजविण्याच्या जमिनीच्या खातेदारानें अगर सामायिक खातेदारांनीं किंवा दुमाला जमिनीच्या बाबतींत वरिष्ठ धारण करणारानें पाण्यासाठींच्या अर्जावर सही केली नसेल तेव्हां मान्य असलेल्या दोन इसमांनीं सही केलेला नमुना ९ प्रमाणें जामीनकदवा त्यानें करून दिल्याखेरीज तो अर्ज मंजूर केला जाणार नाही; व ह्या बाबतीची नोंद अर्जाच्या नमुन्याच्या १२ व्या कोष्टकांत केली पाहिजे.

४. अर्ज मंजूर झाल्यानंतर, १० व्या कोष्टकांत नमूद केलेल्या मंजूर झालेल्या क्षेत्रांकरितां ९ व्या कोष्टकांत लिहिलेल्या मुदतीसाठीं पूर्ण दरानें पाणीपट्टी दिली पाहिजे, मग त्या क्षेत्रास पाणी दिलेलें असो अगर नसो, मात्र इतकेंच कीं त्या मुदतींत पाणी मिळण्याजोगें असलें पाहिजे. बारमाही पिकांच्या बाबतींत अर्जदारानें पाण्याची जरूर नाही अशी लेखी सूचना अर्ज मंजूर झाल्याच्या तारखेपासून एक महिन्याच्या आंत एक्झिक्यूटिव्ह इंजिनियर यांस दिली असेल तर कोणतीही पट्टी घेतली जाणार नाही.

५. पासांत दाखल केलेली मंजुरी ज्या मर्यादेपर्यंत दिली आहे तेथपर्यंत पिकें (जंस, पान, सामान्य बारमाही पिकें, आठमाही व हंगामी पिकें) दरेक जातीचीं केलीं पाहिजेत; तथापि तेवढ्याच क्षेत्रावर त्याच्या बदला कमी दर्जाचीं पिकें करण्यास हरकत नाही.

६. मुख्य पाटाच्या कडेपासून ६ फुटांचे आंत कोणतेंही पीक लावितां कामा नये. मुख्य पाट कोणता हें ठराविणें एक्झिक्यूटिव्ह इंजिनियरचे अधिकारांत राहिल.

७. एक्झिक्यूटिव्ह इंजिनियर सामान्यतः ३ एकराच्या पट्टीचीं क्षेत्रे मंजूर करील.

८. कालव्यावावत कानू ११ हिच्या कोणत्याही ठरावाप्रमाणें जोंपर्यंत वागणूक होणार नाही तोपर्यंत पाणी बंद ठेवलें जाण्यास पात्र आहे.

Ed 76-6

Ordinary Application
for Water for Irrigation.

APPENDIX
ORDINARY APPLICATION FOR

[गांवच्या तलावाकडे पाठ-
विण्याकरिता.]

No. of Application अर्जाचा नंबर

To

The Executive Engineer for
पाटबंधाऱ्याचे एक्झिक्यूटिव्ह इंजिनीयर,

कालवा—

अर्जाचा नंबर

गांवाचे नांव

सर्व्हे नंबर—

पोट नंबर

अजंदाराने नांव—

I, resident of
this application for the supply of water from the above
subject to all the conditions printed on the reverse of the

मी, राहणार
सांगितलेली जमीन भिजविण्यासाठी सदरील कालव्यांतून पाणी मिळ-
कालव्याबाबदच्या कानून पात्र राहून अर्ज करितो :---

मंजूर केलेले क्षेत्र.	एकर.	गुं.
१ पाणी ...		
पावसाळी ...		
रबी ...		
आठमाही ...		
उन्हाळी ...		
ऊंस ...		
सामान्य बार- माही पिके.		

Distributing पाणी वाटणाऱ्या		Name of Village. गांवाचे नांव.	Survey No. सर्व्हे नंबर.	Pot No. पोट नंबर
Channel No. पाटा वा नंबर.	Outlet No. दरवाजाचा नंबर.			
१	२	३	४	५

मंजुरीची तारीख

शेरा.

Date तारीख

Signature of witness. साक्षीदाराची रुही.

Canal Officer.

Verified. The applicant is
is not in arrears of Government

Forwarded for sanction मंजुरीकरिता रवाना.

तारीख माहे
सन १९२

Date तारीख Sub-Divisional Officer,

No. 36—cont'd.

WATER FOR IRRIGATION.

Form I. नमुना १.

Original. मूळ प्रत.

Irrigation,

District.
जिल्हा, यांम.Canal.
कालवा.

, Taluka

, District

make

canal for the purpose of irrigating the undermentioned land hereinafter described duplicate of this application and of the Bombay Canal Rules, 1922 :—

तालुका

, जिल्हा

, यांत खाली

व्यावर्त या अर्जाच्या नकल प्रतीच्या मागील बाजूस छापलेल्या सर्व शर्तीस व सन १९२२ च्या मुंबईच्या

Total area of Survey No. or Pot No. सर्व्हे नंबराचे अथवा पोटा नंबराचे एकूण क्षेत्रफळ.	Area applied for. ज्या क्षेत्रास पाणी मिळावे म्हणून मागणी केली ते क्षेत्र.	Name of crop. पिकाचे नांव.	Period for which water is required. ज्या मुदतीत पाणी पाहिजे ती मुदत.	Area allotted by the Executive Engineer. एग्झिक्यूटिव्ह इंजिनीयरने मंजूर केलेले क्षेत्र.	Water rates to be charged per acre. एकरा पाणीपट्टीचा दर.	Remarks. शेती.
६	७	८	९	१०	११	१२
एकर. गुं.	एकर. गुं.		पासून. पर्यंत.	एकर. गुं.	Single watering. एक पाणी ... Monsoon ... पावसाळी खरीप... Rabi ... रबी ... 8 months ... आठमाही ... Hot weather ... उन्हाळी ... Sugarcane ... ऊंस ... Ordinary perennials. सामान्य बारमाही पिके.	

Signature or left hand thumb impression of applicant.

अर्जदाराची सही अथवा डाव्या हाताचा आंगठा.

Amount

dues Rs.

तपासली. अर्जदाराकडून सरकारी बाकी कसल येणे रु. आढे.
काही नाही.

Signature of Talati तलाठ्याची सही.

Sanctioned. मंजूर.

Sub-Division.

Executive Engineer for Irrigation.

District.

Appendices
CONDITIONS.

1. The application shall be in duplicate, the original copy being for the Executive Engineer and the duplicate for the applicant.

2. Columns 1 to 9 shall be filled in by the applicant and 10 to 12 by the Executive Engineer.

3. When an application for water has not been signed by the occupant or joint occupants or in the case of alienated land, the superior holder of the land to be irrigated, the application shall not be sanctioned except on the execution of a security bond in Form V executed by two approved persons, a note of which fact shall be made in column 12 of the application form.

4. After an application has been sanctioned, full water rates shall be payable for the sanctioned area entered in column 10 for the period entered in column 9 whether the area is irrigated or not, provided water was available during the period. No assessment will be charged in the case of perennial crops when the applicant gives a written intimation to the Executive Engineer within one month from the date of sanction to the application that water is not required.

5. Each type of crop (namely, sugarcane, paddy, ordinary perennial, 8 months and seasonal) shall be grown only to the extent of the sanction shown on the pass, but an equal area of any lower rated type may be substituted.

6. No crop shall be planted within 6 feet of the edge of a main water-course. The decision as to what is a main water-course will rest with the Executive Engineer.

7. The Executive Engineer will ordinarily sanction areas which are multiples of half an acre.

8. The supply is liable to be withheld so long as any of the provisions of Canal Rule 11 are not complied with,

APPENDIX No. 37

Statement showing the maximum rates referred to in clause (b) of the reply
Daskroi Taluka. (Original Settlement 1861)

Group.	Dry-crop.	Rice.
	Rs. a.	Rs. a. Rs. a.
I	3 12	S. 3 12 W. 3 12 to 4 0
II	3 8	S. 3 8 W. 3 8 to 4 0
III	3 4	S. 3 4 W. 3 8 to 4 0
IV	3 0	S. 3 0 W. 3 8 to 4 0
V	2 12	S. 2 12 W. 3 4 to 4 0
VI	2 8	S. 2 8 W. 3 4 to 3 8
Revision Settlement 1888.		
I	4 4	S. 4 4 W. 3 12 to 5 0
II	4 0	S. 4 0 W. 3 8 to 6 0
III	3 12	S. 3 12 W. 3 8 to 4 0
IV	3 8	S. 3 8 W. 3 4 to 5 0
V	3 4	S. 3 4 W. 3 4 to 4 8
Second Revision Settlement 1922-23 (South Daskroi)		
I	4 8	S. 4 8 W. 4 12
II	3 12	S. 3 12 W. 4 12
III	3 8	S. 3 8 W. 4 8
IV	3 4	S. 3 4 W. 4 0
V	3 0	S. 3 0 W. 3 8 to 3 12

S—Soil

W—Water.

APPENDIX

Profit and Loss account of timber contracts with the

Quality of timber.	Quantity of timber.	Cost	
		Royalty.	Extraction and removal to Depot.
<i>Species</i>	C.ft.	Rs.	Rs.
Teak (sawn)	79,016·85	46,963	44,332
Teak (unsawn)	17,678·07	12,047	26,100
Junglewood (sawn) Matti, Nandi, Kindal, Heddi, Kalamb, Gajal, Gombie, Kharsing, Woomb, Jamba, Poonspar, Hennaria, Garjan	164,516·60	68,676	98,114
Junglewood (unsawn) Matti, Nana, Heddi, Kindal, Kalamb, Sirus, Dhamni, Woomb, Nerla, Nandi, Deodar, Houne, Kharsing, Barnagi, Holemati, Bobbi, Sagda, Jamba, Poonspar, Hennaria, Garjan	56,716·41	23,130	31,573
Total ..	317,927·73	1,50,816	2,00,119

Quality of timber.	Total quantity.		Re
	Supplied to Railway.	Rejected by Railway.	Price realised for material passed and paid for by Railway.
<i>Species</i>	C.ft.	C.ft.	Rs.
Teak (sawn)	26,978·44	380·85	1,32,291
Teak (unsawn)	17,258·07	....	66,639
Junglewood (sawn) Matti, Nandi, Kindal, Heddi, Kalamb, Gajal, Gombie, Kharsing, Woomb, Jamba, Poonspar, Hennaria, Garjan	40,692·22	3,583·11	1,14,524
Junglewood (unsawn) Matti, Nana, Heddi, Kindal, Kalamb, Sirus, Dhamni, Woomb, Nerla, Nandi, Deodar, Houne, Kharsing, Barnagi, Holemati, Bobbi, Sagda, Jamba, Poonspar, Hennaria, Garjan	55,022·94	25	78,053
Total ..	139,951·67	3,988·96	3,91,507

No. 38

G. I. P. Railway during 1922-23 and 1923-24

Incurred.			Loss in quantity at the Depot.				
Freight charges to place of delivery.	Sawing, handling, etc., charges.	Total cost.	Rejection.			Cost on same.	Loss of revenue
			Wastage.		Conversion.		
Rs.	Rs.	Rs.				Rs.	Rs.
9,840	27,937	1,29,072	51,128·54 909·67"			78,690	32,806
4,188	....	42,335	420			588	323
11,499	62,846	2,41,135	122,970·38 854"			1,66,538	1,17,481
20,048	....	74,751	1,693·47			1,554	1,323
65,575	90,788	4,87,293	177,976·06			2,47,370	1,51,933

Receipts.		Result.			Remarks.
		Total Receipts.	Profit.	Loss.	
Price realized by sale of material rejected by Railway and sold at destination.	Price realized by sale of material rejected at the Depots.				
Rs.	Rs.	Rs.	Rs.	Rs.	
480†	45,884‡	1,78,665	49,583	....	*Passed material on hand at the Depot. †Includes sale price of rejected junglewood which cannot be ascertained separately. ‡Includes value of passed material. §Includes sale price of passed material.
....	265	66,904	24,569	....
1,978	49,057§	1,66,559	....	75,576	
....	231	78,284	3,533	....
2,458	95,437	4,89,402	2,109		
			+1,50,816 Royalty.		
		Total again..	1,62,925		

APPENDIX No. 39

List of newspapers, journals which are supplied with Blue Books, Administration reports, etc., as distinct from ordinary Press notes and Government Gazette.

Akhbar-e-Islam, Bombay.	Kanara News, Kumta (Kanara).
Alhaq.	Muslim Herald, Bombay.
Bombay Chronicle, Bombay.	Musafir, Hyderabad.
Bombay Samachar, Bombay.	Maratha, Poona.
Broach Mitra, Broach.	New Times, Karachi.
Bhartwasi, Hyderabad.	Navajivan, Ahmedabad.
Broach Samachar, Broach.	Navakal, Bombay.
Bombay Examiner.	O'Anglo Lusitano, Bombay.
Chandrodaya, Dharwar.	Prabhat, Ahmedabad.
Chitramaya Jagat.	Rastgoftar and Prajamitra, Bombay.
Chiktsak, Belgaum.	Political Bhomiyo, Ahmedabad.
Dnyan Prakash, Poona.	Parsi Sansar, Karachi.
Dnyanodaya, Poona.	Pragati, Belgaum.
Deccan Herald	Praja Bandhu, Ahmedabad.
Deshi Mitra, Surat.	Railway Times.
Evening News of India.	Rashtra Veer, Belgaum.
Gujarati, Bombay.	Rajhansa, Dharwar.
Gujarati Punch, Ahmedabad.	Swarajya, Poona.
Gujarat Mitra and Gujarat Darpan, Surat.	Satya-Mitra, Bombay.
Hindustan and Advocate of India, Bombay.	Shri Shahu, Satara.
Hindi Punch, Bombay.	Sind Zamindar, Sukkur.
Indian Social Reformer, Bombay.	Sausashtra, Ranpur.
Indian Daily Mail, Bombay.	Sanj Vartman, Bombay.
Indian Textile Journal, Bombay.	Shri Vyankteshwar Samachar, Bombay.
Jame Jamshed, Bombay.	Sindh Sudhar, Karachi.
Jain (Bhavnagar).	Sind Vasi, Hyderabad.
Jagruk and Deccan Ryot, Poona.	Sind Observer, Karachi.
Kaiser-i-Hind, Bombay.	Servant of India, Poona.
Kathiawar Times, Rajkot.	Sholapur Samachar.
Kathiawar Opinion, Rajkot.	Satya Shodhak, Ratnagiri.
Karnatak Vritta.	Surat Akhbar, Surat.
Kalpataru, Sholapur.	Times of India, Bombay.
Kesari, Poona.	Vijayi Maharatta, Poona.
	Young India, Ahmedabad.

N.E.—Orders have been issued to eliminate the names of such papers as are not entitled to receive administration reports, etc., consequent on a fall of their circulation below 2,000 copies.

APPENDIX No. 40

Statement showing the area irrigated and the amounts of irrigation rates received during the five years from 1920-21 to 1924-25 from the canals and tanks in the Satara District

	1920-21.		1921-22.		1922-23.
	Area irrigated.	Receipts.	Area irrigated.	Receipts.	Area irrigated.
		Rs.		Rs.	
Krishna Canal	8,466	34,961	8,352	55,215	6,518
Rewari Canal	436	2,915	506	1,443	540
Upper Man River Works ..	167	4,463	1,665	1,717	868
Yerla River Irrigation Works ..	3,879	19,353	4,874	15,728	2,842
Chikhli Canal	432	1,335	514	2,135	540
Mayni tank canal	2,579	11,774	2,543	10,000	2,536
Borgaon dam	102*	1,036†	102*	1,034†	102*
Sap bandhara	61*	680†	61*	215†	61*

	1922-23.	1923-24.		1924-25.	
	Receipts.	Area irrigated.	Receipts.	Area irrigated.	Receipts.
	Rs.		Rs.		Rs.
Krishna Canal	67,963	9,401	75,162	8,857	43,227
Rewari Canal	2,309	259	2,142	304	1,686
Upper Man River Works ..	5,578	555	4,395	490	892
Yerla River Irrigation Works ..	20,173	5,892	12,732	6,330	24,585
Chikhli Canal	1,395	328	1,376	657	923
Mayni tank canal	9,956	1,791	6,771	2,598	7,926
Borgaon dam	1,036†	102*	777†	102*	1,036†
Sap bandhara	680†	61*	195†	61*	650†

As the accounts are prepared for each financial year the information has been given for these periods and not for the calendar years. The time and work involved in preparing the figures for each calendar year does not justify the preparation of statistics on the lines as presumably intended in the question put. The figures for 1925-26 are not available.

Figures of receipts against the Krishna Canal, Rewari Canal, Upper Man River Works, Yerla River Irrigation Works and Chikhli and Mayni tank canals denote gross receipts.

*Across assessed under the Settlement.

†These figures denote net consolidated assessment.

APPENDIX No. 41

Information required in clause (b) of the question

Taluka.	Date of	
	(a) First instalment.	(b) Second instalment.
Dharwar (kharif)	5th January	5th March.
Dharwar (rabi)	5th March	5th May.
Kalghatgi (kharif)	5th January	5th March.
Kalghatgi (rabi)	5th February	5th March.
Karajgi ..		
Ranebennur ..		
Hangal ..		
Kod ..		
Bankapur ..		
Gadag .. (kharif) ..	5th February	5th March.
Navalgund .. (rabi) ..	5th March	5th May.
Ron ..		
Mundargi ..		
Nargund ..		
Hubli ..		

APPENDIX No. 42

Statement showing bridges and causeways on Provincial and District Local Board Roads in the Dharwar District

(a) Bridges or Causeways.	(b) The year in which built.	(c) Cost.	(d) Number of unbridged nallas.
(On Provincial Roads.)		Rs.	
1. Causeway across the Vardha River near Sangur	1917	37,926	32 important nallas on the Provincial Roads and 254 nallas on the District Local Board Roads.
2. Causeway over Nalla at Bhadrapur on the Hubli-Gadag Road ..	1923	41,394	
3. Causeway over Nalla at Meundi on the Gadag-Hesrur Road ..	1925	18,237	
(On Local Board Roads.)			
4. Agadi causeway on Karajgi-Agadi Road	1918-19	2,265	
5. Hindasgeri causeway on Kalghatgi-Tadas Road	1919-20	25,393	
6. (Chik-Manur) Sandigwad causeway on Navalgund-Ron Road ..	1919-20	58,164	
7. Kalkericauseway on Masur-Mundergi Road	1920-21	4,000	
8. Gundur causeway on Savnur-Shiggaon Road	1925-26	2,000	

APPENDIX No. 43

Note regarding the pay of Subordinate Judges

Prior to the introduction of a time-scale of pay for Subordinate Judges, the Subordinate Judiciary was divided into grades and the pay of the several grades was as shown below :—

Sub-Judges, First Class :

				Rs.
1st Grade	..	..	..	800
2nd "	..	..	..	650
3rd "	..	..	..	500

Sub-Judges, Second Class :

1st Grade	..	..	..	400
2nd "	..	..	..	300
3rd "	..	..	..	250
4th "	..	..	..	200

2. The graded system was replaced by time-scales of pay with effect from the 1st December 1919. The rates of pay then sanctioned were as follows :—

	Rate of pay of each appointment.
	Rs.
Sub-Judges on Selection posts	1,000.
Sub-Judges, 1st Class ..	700—50—850.
Do. 2nd do.	300 (for two years) 350—50/3—600 with an efficiency bar at Rs. 500.

3. The scales of pay shown above were revised in 1921, and the following revised scales of pay were sanctioned with effect from the 1st December 1921. These scales are at present in force :—

	Rate of pay of each appointment.
	Rs.
Sub-Judges on selection posts.:	1,000—100—1,200.
Sub-Judges of the 1st Class ..	750—50—850.
Sub-Judges of the 2nd Class ..	300 (for two years) 350—50/2— 650 with an efficiency bar at Rs. 550.

APPENDIX No. 44

Name.	Starting pay.	Qualifications.	Place of residence.
	Rs.		
Mr. D. K. Bhawe ..	1,200	L.C.E. (Bom.), M.A. & B.Sc. (Edin.), A.M.I.C.E. & C. with 8 years' experience.	Poona.
„ J. R. Colabawala ..	1,000	M.S.E., A.M.I.E. (Ind.) & C. with 20 years' experience of Irrigation Works.	Bombay.
„ S. G. Lyttle ..	1,000	A.M.I.C.E., with 7 years' previous service in the Bombay Public Works Department.	Ireland.
„ R. G. MacArthur ..	800	Civil and Mechanical Engineer with over 7 years' experience of Marine Works.	Calcutta.
„ J. A. Kelly ..	750	Trained Mechanical Engineer with wide knowledge of Marine and Locomotive Works.	Scotland.
„ W. D. Hughes ..	800	First Class Board of Trade certificate, London, and over 10 years' experience on Marine Engines.	Bombay.
„ H. Alexander ..	350	13 years' experience of Workshops and Machines.	Scotland.
„ C. W. Moulden ..	150	2nd and 3rd class certificates from the Army with over 12 years' service.	England.

APPENDIX No. 45

Statement showing the Number of Primary Schools in the Ahmedabad District in 1920-21 and in the year 1924-25 and the Number of Teachers in these Schools

Management.	Number of primary schools.		Number of teachers.		Remarks.
	1920-21.	1924-25.	1920-21.	1924-25.	
<i>Day Schools.</i>					
Government ..	9	5	26	31	
Local Board ..	358	361	843	881	
Municipal	80	112	502	803	
Aided	55	62	199	127	
Unaided	1	5	8	8	
Total ..	497	545	1,578	1,850	
<i>Night Schools.</i>					
Municipal	7	6	14	12	
Grand Total ..	504	551	1,592	1,862	

APPENDIX No. 46

*Complaint against delay in the payment of Pensions in Taluka and
Huzur Treasuries*

No. 676

FINANCIAL DEPARTMENT

Bombay Castle, 21st February 1884

Memorandum from the Oriental Translator to Government, No. 1376, dated 23rd October 1883—submitting translated substance of a petition, dated 3rd October 1883, from Madhavrao Bhikaji and eighteen others, inhabitants of Jalapur Taluka, Zilla Surat, who state that they are Government pensioners, that the third of every month is fixed as the day on which they are to draw their pensions and that if some one of them through pressure of work cannot go to receive his pension on that day he is obliged to wait till the 3rd of the next month; and pray that two other days besides the third be fixed for the payment of their pensions, and that orders may be issued to that effect to the Zilla Collector.

Memorandum from the Commissioner, N. D., No. 5603, dated 13th December 1883—forwarding one (with accompaniment) No. 3450, dated 27th November 1883, from the Collector of Surat, who states that there is no written order under the authority of which the payment of pension is ordered to be made on fixed days; observes that in the Accountant General's Office, where the number of pensioners is very great, only five days have been fixed for their payment; remarks that before the introduction of the present system of accounts dates were fixed for the payment of pensions in his District so as to admit of the lists of payments being rendered to the Accountant General on the days fixed, that this practice was objected to by Mr. Bedford, a Superintendent of the Accountant General's Office, who suggested that payment of pensions should not be allowed to spread over on several occasions, but that certain dates should be fixed, and that accordingly certain days were fixed in his Collectorate for the payment of pensions: the Commissioner stating that in a subsequent communication from the Collector (which he forwards) it will be seen that one day has been fixed also at the taluka stations in the District; observing that this must necessarily cause some hardship to pensioners; and suggesting that if it is absolutely necessary that pensions should be made payable within a certain period, the payments should be made in the first week in each month whenever pensioners present themselves within that period.

Memorandum from the Accountant General, No. P.—18912, dated 28th January 1884:—

“The Accountant General has the honour to report that there would certainly appear to be hardship in fixing one day only in the month for the payment of pensions, and he cannot but think there must have been some misunderstanding of the suggestion made by the Superintendent of his office, who visited Surat in giving it this meaning.

APPENDIX No. 46—*concl'd.*

"2. At the same time there is practical convenience in completing the payment of pensions within a moderate time instead of spreading them over the whole of the month, and in a few huzur treasuries, the number of miscellaneous payments on the first few days of the month makes it extremely inconvenient to pay pensions also on those days.

"3. If Government approve, it would be a convenient rule that pensions at a taluka treasury should ordinarily be payable during the first week, *i.e.*, from 1st to 7th of the month only, and at huzur treasuries from the 3rd to the 10th, the rule in all cases being relaxed where good reason is shown for the pensioner's non-attendance within the prescribed days.

" * * * * *

RESOLUTION.—The suggestion of the Accountant General that pensions at a taluka treasury should ordinarily be payable during the first week, *i.e.*, from 1st to 7th of the month only and at huzur treasuries from the 3rd to the 10th and on any other working day if the pensioner can show good reasons for failing to attend within the week, is approved and should be adopted. The petitioners should be informed of the issue of this order.

J. MONTEATH,

Acting Under Secretary to Government.

To

The Commissioner in Sind,
 The Commissioner, Northern Division,
 The Commissioner, Central Division,
 The Commissioner, Southern Division.
 The Oriental Translator to Government (with the Vernacular papers),
 The Accountant General,
 All Collectors including the Collectors and Deputy Commissioners
 in Sind,
 All Political Agents and Superintendents.

APPENDIX No. 47

Statement showing the number of vacancies of talatis in the Poona District in 1925 and the number of non-Brahmins appointed in them

(A)		(B)		Remarks.
Number of permanent vacancies of Talatis in Poona District with names of villages, during the year 1925.	Number of vacancies given to non-Brahmins during the year 1925.	Number of acting vacancies of Talatis in Poona District during the year 1925.	Number of acting vacancies given to non-Brahmins in the villages given below during the year 1925.	
Taluka Haveli.—(1) Bahuli, (2) Donje. Taluka Khed.—(3) Chas, (4) Pimpalgaon Tarf Khed. Taluka Junnar.—(5) Narayangaon. Poona City Taluka.—(6) Poona City. Taluka Indapur.—(7) Udhat, (8) Narsingpur, (9) Hingangaon Taluka Sirur.—(10) Jategaon. Taluka Purandhar.—(11) Kelavde, (12) Wanpuri, (13) Shivri, (14) Malshiras, (15) Rakh, (16) Saswad. Taluka Bhimthadi.—(17) Baramati.	None ..	32	<i>13 vacancies</i> Poona City Taluka.—(1) Poona City, Ambegaon Petha.—(2) Panchale, Taluka Mawal.—(3) Induri, Peta Dhond.—(4) Dhond, (5) Walki, Taluka Bhimthadi.—(6) Nimbut, (7) Kurkumb (8) Murum, (9) Ravangaon, (10) Undavdi Karepathar, (11) Nirawadi, (12) Gunavdi, (13) Gunavdi.	Acting vacancies occurred twice at Gunavdi.

APPENDIX No. 48

From

THE PRESIDENT,

Co-operative Hospital Society, Hubli ;

To

THE HONOURABLE MR. B. V. JADHAV, M.A., LL.B.,

Minister of Education and Public Health
with the Government of Bombay,
Bombay.

Hubli, 21st March 1926.

Sir,

I have read with great pleasure, your assurance to give annual grant to the Co-operative Hospital, Hubli, which has been published in the papers.

I have sent an application to His Excellency the Governor of Bombay in the month of January 1926 for the grant to our Hospital through the Collector of Dharwar and the Commissioner, Southern Division. It seems the application has not as yet reached your Office.

I am sending this day, another copy of our application for your perusal.

Our Hospital is greatly in need of financial help. I hope that you will kindly grant us, the needed help, as early as possible.

Thanking you, Sir, in anticipation.

I beg to remain,

Sir,

Your most obedient servant,

(Signed) L. E. BRAGANZA,
L.R.C.P. & S.,

President, The Co-operative Hospital
Society, Hubli.

APPENDIX No. 48—*contd.*

From

THE PRESIDENT,

Co-operative Hospital Society, Hubli ;

To

THE RIGHT HONOURABLE LIEUTENANT COLONEL

SIR LESLIE ORME WILSON, P.C., G.C.I.E., C.M.G., D.S.O.,

Governor of Bombay.

8th January 1926.

Subject.—Annual Grant to the Co-operative Hospital Society, Hubli.

May it please Your Excellency,

On behalf of the Co-operative Hospital Society, Hubli, the undersigned most respectfully begs to state as under :—

The Co-operative Hospital Society, with the generous help of the public, has been able to construct at a cost of nearly Rs. 80,000, its new building which was most graciously opened by Your Excellency last year on the 27th August 1924. For the completion of the present building the Society had to utilise nearly half of the permanent funds already collected from the public.

The Co-operative Hospital is a purely Charitable Institution conducted for the benefit of the suffering poor in this Southernmost corner of the Bombay Presidency under Your Excellency's benign care. In this Institution, the Local Private Medical Practitioners are working without any remuneration during their spare time with splendid co-operation amongst themselves. This is undoubtedly a novel feature of this Institution, which marks it out as unique probably in the whole of India and worthy of all support.

Ever since the transfer of this Hospital into its new buildings declared open by Your Excellency, the number of out-patients and in-patients has been daily increasing. The average number of patients treated at present is 125 a day and the Surgical Operations done during this year are 1,800 in all ; both Major and Minor included as will be seen from enclosure No. I.

On account of this increasing attendance which proves the necessity and utility of this Hospital, the Society has to incur an expenditure of at least Rs. 10,000 per annum for Hospital Establishment and Equipment in spite of very careful and economical management as seen from enclosure No. II.

The Society has been able to secure Rs. 5,000 only this year by way of permanent funds and also the Grants from Dharwar District Loca

APPENDIX No. 48—*contd.*

Board and the Hubli Municipality. To meet this deficit of Rs. 5,000 on our expenditure side the Society has been compelled to draw Rs. 5,000 from the permanent Fund this year, which is only a make-shift arrangement. Over and above all this the X-Ray installation when it is complete and in working order will involve further recurring expenditure.

It is the Society's fond desire and earnest hope that Your Excellency's Government will be pleased to give the Society an annual recurring grant of Rs. 5,000 only which is half of the present expenditure. With this financial help which it is in the power of Your Excellency's Government to give, the Society is quite confident that it shall be able to run this Institution most efficiently and administer satisfactorily to the bodily needs of the large number of poor patients that are flocking here to seek Medical and Surgical aid for the relief of their ailments.

The Society further begs leave to draw Your Excellency's kind notice to the fact that many charitable private Institutions in this place are being liberally helped by Your Excellency's Government. The Hubli Convent owned by the Reverend Sisters of the Cross, received Rs. 52,000, i.e., half of the expenses for the building and are now receiving Rs. 6,000 as an annual grant. The Indian Women's Medical Aid Society, Hubli, which runs a Hospital exclusively for women is receiving Rs. 4,000 a year. The Co-operative Hospital is a Sister Charitable Institution in this town and can humbly lay claim to similar financial help in the form of a handsome annual grant.

Your Excellency is aware of the Society's endeavours to raise a permanent fund of Rs. 2 lakhs so as to have an assured income of at least Rs. 10,000 as interest per year so as to be in a position to defray the expenses of running the establishment as an up-to-date Hospital in this Presidency. A list of subscribers for the permanent fund has been already started headed by Your Excellency's gracious name and it now stands at Rs. 30,000. There is still a considerable leeway to make up before the permanent Fund can provide for all the needs of the Hospital. Till then, the annual grant from Government for which this memorial prays will largely help the Society to tide over the present financial embarrassments. It is only Your Excellency's benevolence and practical sympathy, on which the Society relies for the solution of this problem of financing such an expensive establishment, can promise success in the near future.

Your Excellency's visit last year to the Co-operative Hospital is quite fresh in the minds of all the members of the Society and your inspiring and encouraging words of sincere appreciation of the work on the memorable occasion of the opening of its new buildings make the Society bold enough to trespass upon Your Excellency's kindness and to approach Your Excellency with this memorial for an annual grant of Rs. 5,000 or more. The Society is in a position to say confidently that if this grant is sanctioned by Your Excellency's Government, this Institution

APPENDIX No. 48—*contd.*

which has already won for itself a warm corner in Your Excellency's heart will continue to thrive and prosper as the years roll on and will bring comfort and relief to the sick and poverty-stricken, lifting a little of the burden that weighs so heavily on such a large section of the population under Your Excellency's administration.

The Surgeon General with the Government of Bombay and the Civil Surgeon, Dharwar, were kind enough to pay a visit to our Hospital very recently. I am glad to state here that they appreciated very much the spirit of co-operation existing amongst the local private medical practitioners of Hubli, also remarked that this Hospital is a unique institution, ably managed by them. The remarks of the Surgeon General with the Government of Bombay and the Civil Surgeon, Dharwar, will be seen in Enclosures.

In conclusion, the Society begs to assure Your Excellency that it shall ever pray to the Almighty God for a long life, sound health and ever-increasing peace and prosperity to you and to your noble consort, Lady Wilson, whose interest in the institution, surely is not a whit less than your own.

I beg to remain,

Your Excellency's most obedient servant,

(Signed) L. E. BRAGANZA, L.R.C.P. & S.,
President, The Co-operative Hospital
Society, Hubli.

Enclosures :—

1. List of Operations performed.
2. Estimate Budget of Hospital Expenditure.
3. Remarks of Surgeon General with the Government of Bombay and of Civil Surgeon, Dharwar.
4. Remarks of Distinguished Visitors.
5. Short History of the Co-operative Hospital. Read before His Excellency during the Opening Ceremony of the Co-operative Hospital.
6. The Staff of the Hospital.

Respectfully submitted through—

The Collector of Dharwar, and
The Commissioner, Southern Division, Belgaum.

APPENDIX No. 48—*contd.*

List of Major Operations performed in the Co-operative Hospital Society during the year 1925

Systems.	Operations.	Nos.
Eye	Cataract	10
	Iridectomy	2
	Enucleations	2
	Pterygium	2
	Plastic Operation for the repair of the eye lid	1
Bladder and Urethra ..	Stone in the bladder	7
	Stone in the Urethra	2
	Prostatectomy	2
	Dilation of Stricture	2
	External Urethrotomy	2
Surgery of Joints and Bones ..	Fractures	8
	Sequestrotomy	4
	Excision of the elbow	1
	T. B. Sinuses	2
	T. B. Synovites	1
Tumours and Cysts..	Parotid Sarcoma	1
	Parotid Cyst	1
	Goiter	2
	Cancer Breast	1
Nose	Removal of polypus	3
	Submucous resection of the septum	2
Mouth	Tonsilectomy	3
	Plastic Operation of the Cheek	1
	Herelip	1
	Cancer Cheek	1
Glands	T. B. Neck	1
	T. B. Inguinal	1
Abscesses	Abscess Guinea worm	2
	Gluteal Abscesses	1
	Intra Muscular abscesses	5
Gastro Intestinal	Gastro enterostomy	5
	Ileocolostomy	3
	Removal of T. B. Cæcum	1
	Intestinal Obstruction	1
	Radical Cure Hernia	14
	Acute Appendix	1
	Appendectomy	7
	Appendicular Abscess	2
	Exploratory Laparotomy	1
	Telma Morrison's Opta.	1

APPENDIX No. 48—*contd.*

Systems.	Operations.	Nos.
Anus and Rectum	Fistula in ano	5
	Piles	5
Uterus	Hysterectomy for Fibroid	1
	Alexander's Oper. for Shortening of the round ligaments	2
	Dilatation and Curetting	7
	Calporaphy	2
	Plastic Oper. for Rectum opening into the Vagina	1
	Vasico Vaginal Fistula	2
Obstetrics	Forceps delivery for eclampsia	2
	Evacuation of the Uterus for contracted pelvis	1
	Evacuation of the Uterus for in-complete abortion	2
	Removal of Placenta	1
Brain Surgery	Mastoid abscess	1
Amputations .. ..	.....	5
Penis and Testis	Plastic for Hypospadias	1
	Circumscion	4
Male Genitals	Amputation Penis	1
	Radical Cure Hydrocoile	2
	Castration	2
Surgery of Nerves	Divion of Lingual Nerve for Neuralgia	1
Skin	Cellulitis	1
	Carbuncle	2
	Keloid	1
	Contraction of planter fascia	1
	Removal of Buck Shots	2
Lung	Drain for Empyama	1
		171
	Minor operations including injections	1,629
	Total	1,800

APPENDIX No. 48—*contd.*

*Budget Estimate of the Co-operative Hospital Society
for the year 1925*

	Rs.	Rs.
To annual grant from Local Board ..	600	
To annual grant from Hubli Municipality ..	300	
To annual grant from Ginning Association ..	500	
To annual grant from Bai Dossibai ..	200	
To annual grant from Jamkhandi State ..	300	
To Interest	1,800	
To Local Merchants Don	1,300	
By Food account		500
By Lighting account		200
By Contingency		300
By Dressing and Surgical account		2,000
By Establishment account		2,500
By Medicine account		3,000
By X-Ray account		1,000
By Printing Charges account		300
By Building account		200
	5,000	10,000
By Deficit	5,000	
	10,000	10,000

E. & O. E.

(Signed) L. E. BRAGANZA,
L.R.C.P. & S.,
President,
The Co-operative Hospital Society, Hubli.

APPENDIX No. 48—*contd.*

Was shown over the Hospital this morning and was impressed by the attention to detail that has been shown. The principle on which the hospital is worked is fairly novel to India and I was pleased to learn things were getting along harmoniously. Much good work is being done and I wish the Institution every success.

(Signed) R. M. ANTHONY,

Lieutenant-Colonel,

Acting Surgeon General.

3rd September 1925.

Visited the Co-operative Hospital this day. It is great pleasure to see the good arrangements that have been made for the treatment and comfort of the sick. The design of the hospital appears to provide for plenty of light and air and privacy. I am glad I have had the opportunity of seeing the Hospital and noting the good work it does and the large attendance and Out-patients showing its popularity because when I was shown round the Old Hospital I made some unfavourable remarks as to the non-treatment of Out-patients. I now heartily commend this Hospital to the attention of the Charitably disposed. I can see that its expenses must be great and that funds must be urgently needed to keep the good work going.

(Signed) A. F. KING, I.M.S.,

Lieutenant-Colonel,

Civil Surgeon, Dharwar.

23rd December 1925.

(True Copy.)

APPENDIX No. 48—*contd.*

To

His Excellency Lieutenant-Colonel The Right Honourable
Sir LESLIE ORME WILSON, P.C., G.C.I.E., C.M.G., D.S.O.,
Governor of Bombay.

May It Please Your Excellency,

We, the President and the Members of the Managing Committee of the Co-operative Hospital Society of Hubli, on behalf of ourselves and on behalf of all the members of the Society, have the greatest pleasure in according to Your Excellency and to Lady Wilson a most cordial and sincere welcome. All our friends and fellow-citizens, who sympathize with our Institution and appreciate its work, are also present here to join in the welcome, which it is our joy and our privilege, to extend to you on the occasion of your visit to the Hubli Co-operative Hospital.

We are aware that Your Excellency has been compelled to set aside many previous engagements connected with your exalted Office in order to honour us with your gracious presence. The deep sympathy and kindness shown by you in having consented to visit a private medical institution like this Hospital, have touched our hearts deeply. It is a matter of pride and gratification to us that you have consented to perform the Opening Ceremony of the new building in which our Hospital is to be housed. This gracious act bespeaks your keen interest in the question of medical relief and of the health of the citizens over whose destinies you are called upon to preside as the Administrative Head of the Bombay Presidency. We trust that you will continue to take even greater interest in matters like these affecting the lives of the teeming population of this country which is admittedly behind-hand in such matters as medical relief and public health and must be raised to the same level as the most progressive among the western countries.

We offer you our humble and sincere thanks for the deep regard and solicitude shown by you in according to our request to come here and perform the Opening Ceremony of the new building.

The aims and objects of the Co-operative Hospital Society and the details with regard to its origin and growth will be found in the Honorary Secretary's report.

We fully hope and believe that Your Excellency will continue to take a deep interest in the progress and development of this Institution. Originality is the keynote to success in all enterprises. Originality has been our speciality in every detail of this work of love and charity, from its very conception to the construction of the building which you have condescended to declare open to-day. Under Your Excellency's benevolent care, sympathetic patronage and paternal guidance, it will rise to the envied position as an ideal Institution in the Presidency, thus fulfilling in an abundant measure, the noble aims and lofty aspirations of its Originators, Founders and Promoters.

APPENDIX No. 48—*contd.*

The Institution has not, so far, been bold enough to approach the Government with a formal request for financial help, but in view of the great improvement contemplated and the enlarged scope of work aimed at, grant from Government for some special purpose would be a most welcome and timely help.

We most respectfully request Your Excellency to lend a sympathetic ear to any representation we may be required to make on behalf of the Institution in future and to show your appreciation of our work by advising your Government to redress any grievances reported and by giving us all facilities.

We once more welcome Your Excellency and Lady Wilson to this Institution and conclude with a heartfelt and earnest prayer to the Almighty to bestow upon you both a long life, sound health, unbroken happiness and ever-increasing prosperity.

We remain,

Your Excellency's most obedient servants,

The members of the Managing Committee
Hubli Co-operative Hospital, of the Co-operative Hospital Society.

27th August 1924.

APPENDIX No. 48—*contd.*

The Governor's Reply

Mr. President, Ladies and Gentlemen,

I am very glad that the time at my disposal here has allowed me to visit this interesting Institution, and I desire to thank you all most warmly for your very kindly welcome to myself and Lady Wilson.

I have acquainted myself with the history of this Hospital and I am glad to learn that you have brought it to its present state by your own unaided efforts, and that its importance to the welfare of the community is being recognised in a practical way by the generosity of your citizens. A great deal has been done and is being done by Government to bring medical aid within the reach of the people, but there is a vast field which Government cannot touch and which can only be covered by the energy of the medical profession and the philanthropy of the well-to-do. Indeed, there are few countries in the world in which Government does so much for medical relief as it does in India, and by establishing and maintaining an Institution of this kind you are not only providing much needed relief from suffering to many who would otherwise be unable to obtain it, but you are providing a lesson in progress and organisation to all who come into contact with your activities. I should be glad to see the work of Government supplemented by Hospitals like this in all our towns and cities, and I must congratulate you on being the pioneers in this part of the country in a movement which must grow from your excellent example.

Your Institution is also a valuable object lesson in what can be achieved by co-operation ; I am sure you all deplore with me the present tendency of almost all classes and sections of the community to work on separate lines, and not infrequently to interfere with the legitimate activities of others. Such a spirit can never lead to progress, and I am glad that you have appreciated the advantages of adopting a different course. In a flourishing centre, such as this, I feel that there must be many who could render you the pecuniary help which you require to extend your activities in the directions you have indicated, and I trust that they will be encouraged to do so by seeing in their midst the tangible results of your work.

I thank you again, gentlemen, for the opportunity you have given me of seeing an Institution which is doing so much good to the people of Hubli, and of opening your new building, which I trust will enable you to extend the scope of the valuable work you are doing here.

APPENDIX No. 48—*contd.**Distinguished Visitors' Opinions*

Visited the Hospital Building. It is a fine Institution and deserves every support. The public by their contributions show their confidence in the doctors of Hubli who are responsible for this scheme, which makes heavy demands in their time and labour. They deserve all credit for their unselfish devotion to the needs of the people of Hubli and its environs. There are six doctors who will devote their time in turn to the work.

(Signed) L. J. MOUNTFORD, I.C.S.,
Commissioner, S. D.

11th April 1924.

Visited the New Co-operative Hospital. Adequately to appreciate this great work, it is necessary to have known the dark, unclean, and airless hovels in which, in too many places, surgeons are compelled to attempt their difficult and dangerous duties. It commonly happens that patients are not brought to hospital until their state is supposed (not without reason) to be already desperate and the skill of the operator must of necessity be exerted under every imaginable disadvantage. High praise is due to those who have in the past contended valiantly with those disadvantages, but the praise which is due to the founders of this building is higher still. They belong to different faiths, but in the erection of this edifice they have been animated by a common faith in the service of Humanity which it is very edifying to see. Hindus and Christians, Jains and Parsis have vied, one with another, in zeal, devotion and liberality and to me it is a peculiar pleasure to feel that in contributing to this Co-operative Charity I am co-operating with the administrators of the Tilak Memorial Fund.

(Signed) V. M. FERRERS,
District Judge. Dharwar.

31st July 1924.

Visited the new building under construction. It should be finished in a few months. It is very well planned, and will be worthy of the object for which it is being built. I feel sure, under the able management available, it will serve very useful public purpose. The organisers are to be congratulated in the project.

(Signed) J. MONTEATH, I.C.S.,
Collector, Dharwar.

5th January 1924.

APPENDIX No. 48—*contd.*

Visited the Hospital. The idea is quite original as far as my knowledge goes and deserves imitation. It is to my mind wonderful that there are so many successful operations in such unpromising surroundings and the fact, I think, reflects very great credit upon the technical skill and knowledge of the surgeons.

19th October 1921.

(Signed) A. C. I. Division, Dharwar.

Visited. The Institution has started well and the number of major operations is yearly increasing. The removal of the hospital to a more suitable site and erection of a suitable building are under contemplation. The sooner such improved arrangements are provided the better. Some good work appears to have been accomplished and the public in general should be grateful to the Medical Practitioners for their labours on behalf of suffering humanity.

(Signed) E. G. TURNER, I.C.S.,

24th August 1918.

Collector, Dharwar.

Visited in company with Mr Joshi and several other Medical Practitioners who lend their services. The building of course is unsuitable, as mentioned by other visitors. The patients provide their own food. They are not subjected to such severe discipline as in Government Hospitals. Thus in the wards I noticed a number of clothes, books and other articles brought by the patients. Nevertheless, the hospital is as clean as could be expected in an old house class this kind of construction, and the operation room is clean and well lighted. The most urgent need would seem to be a whole-time doctor of, say, S. A. S. and who could do the out-patient work every day, leaving to the co-operative practitioners the operations and the more difficult cases only.

1st February 1919.

(Signed).....

This Institution shows one of the great use that might be made of our public hospitals if Private Practitioners were allowed to work there. Much room for the growth of an independent profession could be opened in that way. I must thank my good friends of Hubli for letting me see this place. The Municipality and District Board could not do better than give pecuniary assistance. The gentlemen that work gratis here will, I am sure, utilise the grant-in-aid to the fullest possible extent and return it a hundredfold to the people in lives made easier and happier.

(Signed) The Right Honourable

11th November 1917.

V. S. SHRINIVAS SHASTRY.

APPENDIX No. 48—*contd.*

Visited the Co-operative Hospital this morning. The number of major operations done during the last year and the result thereof is quite satisfactory. The Hospital reflects great credit on the ability and co-operative spirit of the originators and present workers. The Institution is doing its best to serve humanity and deserves active help of the general public.

Hubli,
28th April 1918.

(Signed) PATWARDHAN,
Chief of Jamkhandi, S. M. C.

Visited the Hospital to-day. It is supplying a great need for the District. Doctors in each District would do well to emulate this example of public spirit.

10th May 1918.

(Signed) N. C. KELKAR,
(Signed) G. B. DESHPANDE.

(True copy.)

The Hospital is run by a Co-operative staff for the benefit of the poor. There are six doctors who lend their services free one week. They have performed 28 major operations since April last. The spirit actuating this combination of doctors is excellent and deserves to meet with every success.

(Signed) L. J. MOUNTFORD, I.C.S.,
10th December 1916. Acting Commissioner, S. D.

I had the pleasure to visit the Co-operative Hospital conducted by the charitable gentlemen of Medical Profession and I was very much delighted to see it. It is certainly a novel idea and I had nowhere seen a Society of such kind. I wish it every success and hope that men of means will heartily help and make this a very useful Institution to the needy public.

(Signed) B. A. JOSHI,
Head Draughtsman, Department of
Mines and Geology, and Director of City
16th December 1916. Co-operative Bank, Bangalore City.

Visited the Hospital this morning. The utility of such an Institution is self-evident and needs no remarks in its justification. I have every hope that with the help of the Government, Municipality and the rich,

APPENDIX No. 48—*contd.*

this Institution will come up to the ideal kept by the promoters before themselves. I was completely satisfied with this work. I wish it every success.

(Signed) D. R. GADAGKAR, B.A., LL.B.,
25th November 1916. Pleader.

(True copy.)

Bombay, 22nd November 1916.

During my stay at Hubli I had the pleasure of visiting the Co-operative Hospital and witnessing the good work that is being done there. Such an Institution is an absolute necessity to keep the knowledge up-to-date and the Medical Practitioners of Hubli are to be congratulated in being ahead of the practitioners in other places. I wish every success to the Institution and trust that it would soon become a Central Institution in the Karnatak.

(Signed) Y. G. NADGIR, M.S.,
Professor of Anatomy,
Grant Medical College.
(True copy.)

Visited and was greatly impressed. I hope other places will imitate the example of Hubli.

(Signed) H. L. PAINTER, I.C.S.,
Hubli, 4th March 1925. Commissioner, S. D.

(True copy.)

A Short History of The Co-operative Hospital Society, Hubli.

Read before His Excellency Lieutenant-Colonel the Right Honourable
SIR LESLIE ORME WILSON, P.C., G.C.I.E., C.M.G., D.S.O., etc.,
Governor of Bombay.

27th August 1924.

The Co-operative Hospital Society, Hubli.

A short history of the origin and growth of the Co-operative Hospital, Hubli, founded in the year 1916, and a brief resumé of the work done during the eight years of its existence.

Origin.—The want of an institution like this dedicated to the relief of the distress among the poor, and giving the medical practitioner some scope for surgical work, that would enable them to keep up their surgical skill and help them to keep themselves in touch with the most up-to-date developments and researches in the science of healing was felt for a long time by the writer of this report (Dr. S. R. Gore) and by the late Dr. K. T. Gokhale, L. M. & S. It was thought by starting an institution like this not only would the sufferings of the poor be relieved, but the medical practitioner would be greatly benefited by the increased opportunities for work especially surgical work. The existing local Hospital could not accommodate all the patients and cope with all the work, and many gentlemen from the public of Hubli also held the view that a private Hospital like this would supply a long felt need and supplement the work done by the existing local Hospital. Many times did we both (Dr. S. R. Gore and Dr. K. T. Gokhale) and the late Dr. Deshpande talk over the subject always coming to the conclusion that it was desirable to start a private Hospital in which the private practitioners would work in their spare time without any remuneration. But where were the funds to come from? Again and again the desire grew in us to start the work but as often it was nipped in the bud, owing to the difficulty of finding funds to start and carry on the work.

As none of us three was rich enough to take the financial responsibility of such a costly venture, the idea could not fructify. It was in the month of December of 1914 that Dr. Deshpande and the writer of this report went to Bombay for the Theosophical convention. The immediate stimulus to carry out our long cherished idea was received at the convention, and when we came back we had already decided to start the work on our own responsibility, with the help of some friends leaving the future in the hands of the Higher Powers. We communicated our intention to Dr. K. T. Gokhale who not only encouraged us but began to take an active part in spite of his bodily infirmity, in the preliminary work of popularising the idea and the collecting of funds. We then approached other medical practitioners, *viz.*, Drs. L. E. Braganza, S. P. Kumbhkonam and C. S. Patil who at once agreed to join us in our work. Seth Manekji

APPENDIX No. 48—*contd.*

Pitambar our present vice-president was the first to promise us pecuniary aid, as soon as he felt that our idea was a practical one, we appealed to the general public of Hubli to come to our aid. The response to our appeal was beyond our expectations and the work was started on 1st April 1916 in a small hired building.

The Society consists of patrons, special members, ordinary members and honorary medical workers and all these together constitute the general council of the Society.

The managing committee consists of six honorary medical workers, two nominees of Mrs. Nadirshaw Belgaumwalla, who has generously made a gift of the site on which the present building stands and six or more members elected from the patrons, special members and ordinary members.

The Society was registered according to the companies Act XXI of 1860 under the name of the Co-operative Hospital Society. An influential managing committee was formed and the present personnel of the managing committee includes

1. Dr. L. E. Braganza, L.R.C.P. (*President for Life*).
2. Seth Manekji Pitambar, *Vice-President*.
3. Dr. S. R. Gore, L.M. & S., *Honorary Secretary and Treasurer*.
4. Dr. S. P. Kumbkonam, L. M. & S., *Joint Secretary*.
5. Dr. C. S. Patil, L.M. & S., *Honorary Magistrate*.
6. Dr. M. V. Kolivad, M.B.B.S.
7. Dr. D. K. Sontakke, M.B.B.S.
8. Mr. Manchershaw Vakharia.
9. Mr. Hirjibhoy Belgaumwalla.
10. Professor G. K. Gokhale, M.A.
11. Professor V. S. Apte, B.A.
12. Professor L. B. Pinto.
13. Professor Chanbasappa Bendigeri, *Honorary Magistrate*.
14. Professor V. K. Sarvade.
15. Professor V. N. Sirur.

The Society is entirely dependent on public charity for its maintenance.

It is very sad that two of our originators of the scheme, viz., Dr. K. T. Gokhale our first president and Dr. Deshpande were lost to the institution by death in the very first year of its existence. With the complete, and willing co-operation among the workers we have brought this institution to the present condition. All the progress would have been impossible but for the financial help which has always come when wanted from our generous friends and the sympathising public. The public of Hubli look upon this institution as their child and they have fed it without ever letting it feel any want.

The work done during the last eight years has inspired us with confidence in the public and we feel that we have entered on the second stage

APPENDIX No. 48—*contd.*

of our existence, which promises to be a period of ever growing usefulness.

From the time when the institution was started till now we have directed our energies almost wholly to surgical work, as there was no accommodation in the hired building for more than five patients, the available room being just enough for only five beds. The work done there in a very unsuitable environment has nevertheless been quite successful. We have done over 550 major operations including abdominal operations with a microscopic percentage of casualties, the percentage of successful operations easily challenging comparison with that of other Hospitals. With better equipment provided in the new buildings we feel sure that we shall be even more successful and consequently more useful to the public.

It is but meet in this connection we should express our gratitude to Dr. Y. G. Nadgir, M.S., Professor of Anatomy, Grant Medical College, Bombay, for his guidance and for the training in operative work that he has been giving us from the beginning during his visits to this place in the college vacations.

The details of the operations done in the Hospital will be found in the appendix.

After we have moved into the new buildings, we shall duly attend to medical cases as well, and our laboratory which is being fitted up will be of great use to the practitioners and the public.

An Ophthalmic Hospital is under contemplation but all the schemes are dependent on public sympathy and financial support. A lodging for the relatives of the patients coming from the mofussil is an urgent necessity and we hope that some well-to-do philanthropist will come forward with a handsome donation to supply this need.

The new X-ray department for which the apparatus has been already ordered will be useful for the diagnosis as well as for the treatment. The plant ordered is a powerful one, and will meet the requirements of deep X-ray treatment. One of the doctors (Dr. M. V. Kolivad) working in the Hospital will be sent for being trained as an X-ray expert.

In the appeal issued on the day of the opening of the Hospital, we said that our aims high and God-willing, we would make the co-operative Hospital a model institution equipped with all the modern and up-to-date appliances, so that in course of time it should not only be a boon to our suffering brethren, but also a training ground for our young and ambitious medical graduates, willing to take the trouble to keep their skill and knowledge fresh and to do research work.

Our ideals are high and still continue to be so. It was our ambition that this institution should grow to the stature of similar institutions in Europe and America, worthy to be ranked with them in point of efficiency and usefulness. But from an humble and modest start made then in the year 1916 no one except idealists and dreamers could have

APPENDIX No. 48—*contd.*

thought it possible, that our ideals could materialise even as much as they are found to have done to-day.

Our new building which is to accommodate our small Hospital with a maternity ward, an X-ray department, a medical library and a laboratory all of course in an embryonic form is only the first sprout of the seed then sown. It has taken eight years for the seed to germinate and show a sprout above the earth and perhaps it may take a long time to grow into a mighty tree with its branches spread in all the directions under whose shade the weary and the ailing may find rest and health and where the newly hatched medical men may thrive on the fruit of wider knowledge and experience thus afforded.

This new building which will just now be opened by His Excellency was being planned for a very long time. It was only after Mrs. Nadirshaw Belgaumwalla promised in the year 1922 to make generous gift of her site to the Hospital, that the building idea could be seriously worked out. Immediately after securing the site, we discussed the plan of the building with various Engineer friends and experienced laymen, and the final plan was made by our present president Dr. L. E. Braganza. The foundation stone was laid on the 7th day of June 1923 by well-known saint Shri Sidharudhswamy of Hubli, whose fame and learning is well known throughout the length and breadth of our presidency.

The main central block contains, a dispensary, a minor surgery room, an accident ward accommodating three beds, an examination room and a central waiting hall built in the memory of late Mr. Narayanrao Sirur out of handsome donation of Rupees ten thousand by his son Mr. D. N. Sirur.

An operation theatre built in memory of the late Lokmanya Tilak to which the local Tilak Memorial Committee has contributed nearly half the cost, i.e., Rs. 4,400.

The central hall leads by a staircase to a bigger hall and two rooms on the first floor in which will be located our Library and Laboratory, the latter to develop in course of time into a research laboratory. For the present it will serve the purpose of a bacteriological and pathological laboratory to meet the immediate requirements of the Hospital. Mr. Ganpatrao N. Madiman a merchant has contributed rupees eight thousand towards its construction.

Although the wards have been named after the various communities, they will be open to the patients of other communities also, whenever there may be any vacancy.

The maternity ward still under construction will accommodate four beds, in memory of Mrs. Manekji Pitambar to which Mr. Manekji Pitambar has contributed rupees five thousand. The construction of the general ward will be undertaken as soon as funds permit which will be located on the 1st floor of the maternity ward.

APPENDIX No. 43—*contd.*

The out-door work will be an important part of our activities for which provision will have to be made, and surgical work is always expensive.

The funds collected so far have been spent on the building and several additions have to be made to our equipment.

We are trying to raise a permanent fund for the Hospital out of the interest on which some of our current expenses defrayed, and judging from our past experience we are hopeful that our appeal will not go in vain. A list of donors to the funds of the Hospital will be found in the Appendix to all of whom our thanks are due.

The Hubli Municipality has been giving us a yearly grant of Rupees three hundred which we hope will be continued and raised to a decent sum.

The Ginning Association of Hubli has been helping us very liberally from time to time, for which our grateful thanks are due to that body. We trust that it will continue its support in future.

The District Local Board appreciating the services of the Hospital to the inhabitants of the District use to sanction a yearly grant of Rupees Six hundred till past year when it has stopped for want of funds. We shall be grateful if they will see their way to begin giving it again.

It is gratifying to see that the merchants of Hubli are thinking of some plan to secure some permanent income for the institution to defray the current expenses. Though the medical-workers rendered honorary services and are satisfied with the only remuneration they get, viz., knowledge and experience, still the cost of running a Hospital with its different branches on modern up-to-date lines will easily run to about Rupees Ten Thousand a year including the pay of a qualified house surgeon and nursing staff that will have to be paid. Our relations with the officials of our District and our Division have always been as cordial as those with the people and we have uniformly received all possible sympathy from them. They have always been ready to help us whenever we needed help from them, many high officials have visited our Hospital, and have expressed their appreciation of our work in their remarks. We take this opportunity of particularly thanking Mr. J. Monteath, the present Collector of Dharwar, who has been taking a keen interest in the work of our hospital. We also thank Mr. V. H. Naik, M.A., Bar.-at-Law, District Deputy Collector of our division, for his keen interest he is taking for our Society from the beginning.

We also take the opportunity of expressing our most sincere and cordial thanks to all those who may have contributed in any way to the success of our undertaking. It would be impossible to mention all and improper to omit any and we take the opportunity of thanking the following donors:—

1. Mrs. Nadirshaw Belgaumwala, for the valuable gift, of the site valued at nearly fifty thousand Rupees in pious memory of her husband

APPENDIX No. 48—*contd.*

Mr. Nadirshaw Hormasji Belgaumwalla, on which our Hospital building has been constructed. She has also promised to pay us Rs. 200 annually towards expenses of the Hospital.

2. Mr. D. N. Sirur, for a donation of Rupees ten thousand to build a hall in memory of his father.

3. Messrs. Ubhayker Brothers, for a donation of Rupees ten thousand for an X-ray apparatus.

4. Mr. Manekji Pitamber, for a donation of Rs. 8,600 out of which Rs. 5,000 for the building fund.

5. Mr. G. N. Madiman, for a donation of Rs. 8,000 for library hall.

6. Mr. and Mrs. Cooverji Daroovala, for a donation of Rs. 7,000 for a Parsi ward.

7. Mr. Hirji Poonja, for the donation Rs. 5,000 for Jain ward.

8. Tilak Memorial Committee, for the donation Rs. 4,400 for the operation hall.

9. Mr. Dinshawji Manekji Gabba, for having taken keen interest in the affairs of the Society, and for the supervision of the hospital building works to its completion with his usual skill and untiring energy.

10. Rao Saheb V. A. Arbatti of Kundgol, for having helped us in raising the funds for the society.

But we cannot express in words our gratitude to His Excellency and Lady Wilson for having honoured us with their visit. His Excellency has put us under deep debt of obligation by consenting to open this new building. The kindness of the act has touched our hearts. We pray that God's choicest blessings should be bestowed on His Excellency and Lady Wilson.

May He in whose name we have undertaken this work of serving the suffering humanity continue to inspire us and our helpers with earnestness and enthusiasm, and may He bless what little has been achieved by us who are but instruments in His Hands, so that we may become more and more worthy to do even better work to be laid at His Feet.

APPENDIX No. 48—*contd.**Honorary Medical Workers of the Hospital*

Dr. L. E. Braganza, L.R.C.P. & S., L.M.Rot.

" S. R. Gore, L.M. & S.

" S. P. Kumbhakonam, L.M. & S.

" C. S. Patil, L.M. & S.

" M. V. Koliwad, M.B.B.S.

" D. K. Sontake, M.B.B.S.

The Staff of the Co-operative Hospital Society, Hubli

Nos.

Names.

1. Dr. L. E. Braganza, L.R.C.P. & S., Honorary Obstetric Physician.
2. Dr. S. R. Gore, L.M. & S., Honorary Surgeon.
3. Dr. S. P. Kumbhakonam, L.M. & S., Honorary Ophthalmic Surgeon.
4. Dr. C. S. Patil, L.M. & S., Honorary Physician.
5. Dr. D. K. Sontake, M.B.B.S., Honorary Pathologist.
6. Dr. M. V. Koliwad, M.B.B.S., Resident House Surgeon.
7. Dr. D. S. Maindargi, M.B.B.S., Honorary Anæsthetist.
8. Dr. Miss Gulbai Engineer, L.C.P.S., Honorary Assistant to Obstetric Physician.

APPENDIX No. 48—*concl'd.*

No. 6687-7200-B.

GENERAL DEPARTMENT :

Bombay Castle, 17th June 1926.

From

C. W. A. TURNER, Esquire, I.C.S.,
Secretary to the Government of Bombay,
General Department;

To

THE PRESIDENT,
Co-operative Hospital Society,
Hubli.

Subject.—Hospitals.
Co-operative Hospital, Hubli.
Annual grant to —

Sir,

With reference to your applications addressed to His Excellency the Governor of Bombay in the month of January 1926 and to the Honourable Mr. Jadhav, M.A., LL.B., Minister of Education, etc., on the 21st March 1926, regarding the subject mentioned above, I am directed by the Government of Bombay (Transferred Departments) to say that they have read with interest the description of the efforts made by the Co-operative Hospital Society towards the establishment and maintenance of the Co-operative Hospital at Hubli for the benefit of the suffering poor and the voluntary services given to it by the local private medical practitioners without any remuneration. They, however, regret that, owing to the existing financial stringency, the call for retrenchment which they have to face in consequence and the difficulty of providing for the crying needs of some of the Government Hospitals and other grant-in-aid institutions, it is not possible at present to give any grant-in-aid to the Co-operative Hospital at Hubli.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) A. H. DRACUP,
for Secretary to the Government of Bombay,
General Department.

APPENDIX No. 49

STATEMENT 44

Statement showing statistics by talukas on electoral matters, called for by Mr. H. B. Shivdasani in his question.

Taluka.	Mahomedans.			Non-Mahomedans.
	Population.	Voters for B.L.C.	Percentage of Voters to population.	Population.
1	2	3	4	5
Mirpurkhas ..	22,417	1,037	4.63	18,543
Jamesabad ..	22,735	744	3.27	18,014
Digri ..	13,478	954	7.08	8,009
Sanghar ..	23,926	193	0.81	8,408
Khipro ..	27,304	524	1.92	8,768
Umarkot ..	18,563	489	2.63	26,584
Samaro ..	19,631	387	1.97	12,078
Diplo ..	10,890	27	0.25	6,599
Mithi ..	18,808	44	0.23	22,078
Chachro ..	22,072	69	0.27	28,764
Nagar Parkar ..	12,913	27	0.21	27,755
Total ..	212,735	4,465	2.10	183,596

Taluka.	Non-Mahomedans.			Remarks.
	Voters for B.L.C.	Percentage of voters to population.	Assessment which entitles a person to vote.	
1	6	7	8	9
Mirpurkhas ..	1,135	6.12	Not less than Rs. 32 (<i>vide</i> Clauses a (i) and (b) of paragraph 3 of Schedule II to the Bombay Electoral Rules).	Including the Municipal town of Mirpurkhas.
Jamesabad ..	216	1.35		
Digri ..	375	4.68		
Sanghar ..	77	0.92		
Khipro ..	93	1.06		
Umarkot ..	522	1.96		Including the Municipal town of Umarkot.
Samaro ..	107	0.89		
Diplo ..	7	0.11		
Mithi ..	92	0.42		
Chachro ..	153	0.53		
Nagar Parkar ..	57	0.21		
Total ..	2,834	1.54		

APPENDIX No. 50

Statement showing the number of posts of peons held by the members of the advanced communities

No. of posts.	Name of office or institution.	Rate of pay.	Caste.
1	Sydenham College of Commerce and Economics, Bombay.	Rs. 11 + 10 Temporary and Provisional allowance + Rs. 7 House Rent allowance + Rs. 1 Duty allowance = Rs. 29.	Punjabi Brahmin. Saraswat
1	Educational Inspector, Central Division ..	Rs. 18	Brahmin.
1	Assistant Deputy Educational Inspector, Poona.	Rs. 19	Do.
3	Do. do. ..	Rs. 18	Do.
1	Deputy Educational Inspector, Ahmednagar.	Rs. 16	Do
2	Do. do. ..	Rs. 15	Do.
1	G. S. High School, Jalgaon ..	Rs. 16	Wani.
1	Do. ..	Rs. 15	Do.
1	Reformatory School, Yeravda ..	Rs. 25	Brahmin.
2	Deputy Educational Inspector, Nasik ..	Rs. 15 each ..	Do.
2	Do. Thana ..	Rs. 16 ; Rs. 15 ..	Do.
2	Do. Kolaba ..	Rs. 15 each ..	Do.
1	Do. Bombay ..	Rs. 11 + Rs. 10 Temporary and Provisional allowance + Rs. 7 House Rent = Rs. 28.	Gaud Saraswat Brahmin.
1	Training School, Nasik ..	Rs. 15	Brahmin.
1	R. C. High School, Ahmedabad ..	Rs. 16	Do.
6	Deputy Educational Inspector's Office, Ahmedabad.	2 at Rs. 17 ; 4 at Rs. 16.	Do.
5	Do. Kalra ..	3 at Rs. 16 ; 2 at Rs. 15.	Do.
2	Do. Panch Mahals.	1 at Rs. 16 ; 1 at Rs. 15.	Do.
3	Do. Broach ..	Rs. 15 each ..	Do.
1	Do. Surat ..	Rs. 16	Do.
3	Do. Nawabshah ..	Rs. 16 each ..	Lohana.
3	Do. Sukkur ..	Rs. 16 each ..	Do.
2	Do. Upper Sind Frontier.	Rs. 16 each ..	Do.
4	Do. Larkana ..	Rs. 16 each ..	Do.
2	High School, Shikarpur ..	Rs. 17 ; Rs. 26 ..	Do.
2	Do. Larkana ..	Rs. 16 each ..	Do.
1	Neusharo Madressa and High School ..	Rs. 15	Do.
1	A. V. Girls' Middle School, Ahmednagar ..	....	Maratha.

APPENDIX No. 51

Statement referred to in clause (5) of the question

Taluka.	First Instalment.	Second Instalment.
Mandvi (Kharif villages) ..	5th January	5th March.
Olpad (do.) ..	5th January	5th March.
Chikhli (do.) ..	5th January	5th March.
Bulsar (do.) ..	5th January	5th March.
Jalalpur (do.) ..	5th January	5th March.
Pardi (do.) ..	5th January	5th March.
Bardoli (do.) ..	5th February	5th April.
Chorasi (do.) ..	5th February	5th April.
Valod (do.) ..	5th February	5th April.
Bardoli (rabi villages) ..	5th March	5th April.
Mandvi (do.) ..	10th March	5th April.
Olpad (do.) ..	10th March	5th April.

APPENDIX No. 52

Statement showing Co-operative Cotton Sale Societies in the Bombay Presidency

Serial No.	Name of the Society.	Number of docras sold.		
		1923-24.	1924-25.	1925-26
1	2	3	4	5
	<i>Dharwar District.</i>			
1	Dharwar Cotton Sale Society ..	1,029	1,070	2,477
2	Hubli Cotton Sale Society ..	19,499	23,801	5,634
3	Gadag Cotton Sale Society ..	7,705	18,627	12,914
4	Haveri Cotton Sale Society ..	1,827	4,235	4,268
5	Annigeri Cotton Sale Society ..	1,310	1,529	1,077
	<i>Belgaum District.</i>			
6	Bailhongal Cotton Sale Society ..	3,864	6,253	6,876
	<i>East Khandesh District.</i>	Number of cart-loads sold.		
7	Chalisgaon Cotton Sale Society ..	Not working		
8	Nandra Cotton Sale Society ..	Not working.		
9	Pachora Cotton Sale Society ..	3,341	3,607	4,055
		20,861	19,977	26,427
10	Shendurni Cotton Sale Society ..	Mds.	Mds.	Mds.
		Not working.		
	<i>Kaira District.</i>	No. of Bales. 10 Maunds each.		
11	Thaara Taluka Cotton Sale Society ..	..	180	95
	<i>Broach District.</i>			
12	Dahbali Cotton Sale Society ..	..	..	43
13	Diwa Cotton Sale Society ..	..	50	56
14	Hansot Cotton Sale Society ..	..	..	358
15	Islampur Cotton Sale Society ..	203	168	Not working
16	Kareli Cotton Sale Society ..	69	236	269
17	Kareli Ginning Society ..			
18	Khanapur Deh Cotton Sale Society ..	Not working.		
19	Kosamdi Cotton Sale Society ..	..	..	60
20	Sarod Group Cotton Sale Society ..	..	16	..
	<i>Surat District.</i>			
21	Asnad Cotton Sale Society ..	..	375	260
22	Endhel Group Cotton Sale Society ..	..	35	37
23	Ranveri Khurud Cotton Sale Society ..	..	189	175
24	Godsamba Group Cotton Sale Society ..	..	55	..
25	Gothan Group Cotton Sale Society ..	639	767	1,190
26	Kosad Cotton Sale Society ..	..	132	209
27	Pal Group Cotton Sale Society ..	..	236	241
28	Sadakpore Group Cotton Sale Society ..	..	57	45
29	Sonsek Group Cotton Sale Society ..	1,148	1,468	2,200
30	Sarbhon Group Cotton Sale Society ..	..	60	67

APPENDIX No. 53

1	Part (a)		Part (b).			
	Names of Local Authorities that have introduced compulsory education (under the old primary education District Municipal Act, 1918).		Local Authorities that have submitted schemes of expansion or compulsion.			
			District Local Boards.		Municipalities.	
			Compulsion.	Expansion.	Compulsion.	Expansion.
2	3	4	5	6	7	
Bombay Division	Bombay ..	..	Thana *	Nasik.**	
		Bandra.				
Central Division	Dhulia	W e s t K h a n- desh.**	†Satara	Sholapur.	
		Satara.	Ahmed- nagar.**	{ Sholapur. Ahmednagar. East Khandesh. West Khandesh. Ahmednagar. † West Khandesh.	A h m e d- nagar.**	
Northern Division..	..	Surat ..	..	..	Ahmedabad** Broach.	
Southern Division..	..	Byadgi ..	..	†Belgaum.	Gadag-Beti- geri.**	
Sind	†Karachi. Hyderabad. Nawabshah. Thar and Parkar. Upper Sind Fron- tier. Larkana.		

* Returned to the Local Authority for submission in the prescribed forms.

** Are being scrutinised.

† The schemes have been approved by Government and given effect to.

‡ Are under consideration.

APPENDIX No. 54

*Places visited by the Honourable Minister for Education from
January 1924 to date*

Month.	Date.	Place.
January 1924	29th	Jalgaon.
	30th	Amalner.
	31st	Dhulia.
February 1924	1st	Chalisgaon.
	2nd	Nasik.
	3rd	"
May 1924	8th	Panchgani.
	19th	Wai.
	20th	Satara.
	21st	Karad.
	22nd	Peth.
		Yellapur.
		Kameri.
	23rd	Kasegaon.
		Kala.
	24th	Vita.
	29th	Wathar.
	30th	Belgaum.
	31st	"
June 1924	1st	"
July 1924	12th	Pandharpur.
	13th	"
August 1924	3rd	Junnar.
	8th	Sangli.
	9th	Miraj.
	10th	Kolhapur.
	11th	"
September 1924	15th	Satara.
	16th	"
	17th	Koregaon.
		Rahimatpur.
	18th	Vaduj.
		Khataw.
		Dhaiwadi.
	19th	Koregaon
		Satara.
		Karad.
	20th	Satara.
	30th	Kolhapur.
		Ratnagiri.
October 1924	1st	"
	2nd	"
	2nd	"
	3rd	"
	4th	"
	5th	Kolhapur.
December 1924	9th	Jaitapur.
	10th	Rajapur.
	11th	Devgad.
	12th	Malvan.
	13th	Maesura.
		Malvan.
	14th	Vengurla.
	24th	Poona.
	to	
	30th	Belgaum.

APPENDIX No. 54—*contd.*

Month.				Date.	Place.
January 1925	..	..	..	11th to 13th 14th to 20th	.. Poona. .. Ahmednagar. Sangamner. Nasik.
March 1925	..	..	..	17th ..	.. Kandivli.
April 1925	..	..	..	2nd to 10th	.. Poona. Nandgaon. Malegaon. Satana. Kalwan. Nasik. Bhandardara. Igatpuri.
				11th to 13th	.. Koregaon. Satara. Satara Road.
				22nd to 27th	.. Dharwar. Haveri. Wathar. Poona.
May 1925	..	..	..	15th .. 17th .. 20th ..	.. Satara. .. Panchgani. .. "
June 1925	..	..	..	27th to 30th	.. Dharwar.
July 1925	..	..	..	7th to 12th	.. Bombay Thana. Kalyan. Bhivandi. Lonavla. Kamshet. Talegaon. Chinchwad.
November 1925				9th to 11th	.. Rewas. Sasavne. Alibag. Akshi. Nagaon. Chaul. Revdanda. Poinad. Pen. Panwel.
				24th to 27th	.. Poona.
January 1926	..	..	..	15th .. 16th ..	.. " .. Kandivli.
February 1926	..	..	..	10th ..	.. Karachi.
April 1926	..	..	..	5th to 17th	.. Hyderabad. Mirpurkhas. Sukkur. Larkana. Karachi.
June 1926	..	..	..	18th to 20th	.. Satara.

APPENDIX No. 55

Resolution passed at the meeting of the Divisional Board of Agriculture, Konkan, held in July 1925 recommending a relaxation of the rigour of the existing rules regarding the tapping of date palm trees for gul manufacture in the Thana District

Resolved that the opinion of this Board as recorded in the appended note should be communicated by the Chairman to the Director of Agriculture, Poona.

NOTE

Opinion of the Konkan Divisional Board on the subject of the relaxation of the rigour of the present rules for gul manufacture from palms

Read the application of Mr. Sorabji to the Director of Agriculture referred to this Board by the latter for the opinion of this Board together with a note accompanying the same explaining the unsatisfactory nature of the latest (1923) rules prescribed by Government regulating gul manufacture from juice of toddy trees, under Government Resolution No. 1009-C of March 10, 1923 (Revenue Department).

2. The Board had also the benefit of hearing Mr. Sorabji further detailing the halting effect of the new rules, and Mr. Gokhale, Deputy Director of Agriculture, Konkan, explaining his results of study of the Bengal system and of experiments and experience gained by him on the subject in the Umbergaon Peta of the Thana District as set out in the Bulletin No. 93 of 1919 of the Department of Agriculture, Bombay.

3. This Board has also carefully gone through the circumstances set out in the preamble of the Government Resolution No. 1009/C, Revenue Department, dated 10th March 1923, which led Government to prescribe the present rules.

4. This Board is convinced beyond any doubt that the whole conception running through the preamble and the rules that a time has arrived to organise the palm gul industry on a large commercial scale is incorrect. While the industry is eminently suited as a secondary cottage industry in connection with agriculture, giving the best opportunity to the farmers to yield a fair return for their labour, it does not leave sufficient margin of profit so as to make it an attractive commercial concern.

5. The condition of imposing half the cost of supervising establishment on the licensees would act and has acted as the greatest impediment, as proved by the fact that even the few attempts that were going on before the introduction of the latest rules have been discontinued.

6. The limitation of having no trees tapped for toddy shops or booths imposed in paragraph 3 (& 4) of the Government Resolution has made it almost impossible to have a fit place for gul-making which is not excluded by the above limitation because there are toddy shops and booths

APPENDIX No. 55—*contd.*

scattered over all the area possessing date trees in abundance at a much less distance than two miles.

7. In view of the unworkability of the conception of restricting the industry as a commercial concern, clause 2 of the new rules becomes a serious obstacle and should be deleted. The place of factory which need not be any better than a thatched mandap and a boiling furnace must conveniently be in the midst of a group of trees to be tapped for gul. In Madras or Bengal the Palm-gul industry is carried on only as a secondary industry to agriculture and no restriction about the number of trees is imposed there and there does not appear to be any need for doing so in Bombay.

8. Some of the land-owners have a very large number of palm trees on their estate, a fraction of which is sometimes used for toddy purposes. They should not therefore be debarred, as will be the effect of clause 3 of the Rules, from turning to advantage a large number of their remaining trees by way of making gul. The person to whom the license may be issued may therefore be left to the discretion of the Collector who is expected to enquire about the honesty of purpose of the applicants.

9. This Board learns that it is often the experience that the issue of license is delayed for a longer period than fifteen days, and if the operations of drawing toddy are not to be commenced till after the license is received and the trees are marked as provided for under clause 4 applicants would be the losers. So the applicants should be allowed to commence the operations after fifteen days from the time they sent in their applications if no reply in the negative would have been received from the Collector.

10. As regards the time of drawing toddy, earlier (*i.e.*, at colder time) in the morning the toddy is lowered, the sweeter it is for making good gul. So the hours should be fixed between 4-30 a.m. to sunset. In the early part of the tapping season and in the colder winter months it is possible to obtain sweet juice even from day (as against night) flow with proper precautions of liming or smoking and such day collections may have to be lowered after 3 p.m.

11. As it may be necessary to postpone the lowering of day collections after 3 p.m. the time allowed for drawing toddy in clause 7 should be extended up to sunset. As no supervision can be afforded by the industry or by the public funds, it is not possible to have the presence of a Government officer of the Excise Department every day to see to the destruction of the surplus toddy of which there is likely to be none, the sentence about such presence should be deleted from clause 7.

12. The propriety of imposing the condition of bringing the gul to a bonded warehouse and not removing it without a certificate or pass from an Excise officer in charge of the factory cannot be understood, when there is no such restriction on the gul manufactured from sugarcane in the same locality. Every licensee may at the most be asked to maintain an account of juice obtained and gul made therefrom daily and he might be expected to store the quantity in his own factory or house for a week

APPENDIX No. 55—*contd.*

by which time an Excise officer may check the quantity shown in the account.

13. This Board believes that Mr. Enthoven's Rules of 1920 were just the rules in the initial stages of the industry and would have been the best feeler to decide whether there was any scope for the establishment of the industry at all either as a cottage or commercial concern. There has been no evidence to say that Enthoven's rules led to any abuse of their simplicity, or to any loss of excise revenue referred to in the preamble of the Government Resolution, prescribing the present stringent rules. This Board is of opinion that there is absolutely no need to maintain such a close and rigid supervision, if the natural tendencies are really to be tested. Surprise inspection from the existing Excise staff ought to be equally or even more effective to gauge the correct situation and inclinations. There is not going to be a rush for sweet toddy licenses so as to bring about any appreciable loss of excise revenue within the first year of introducing simpler rules. If the actual figures of revenue from year to year show any tendency at any such large reduction Government might reserve the right to stop the concession at the beginning of the tapping season of any year.

14. There is a great waste of a natural product worth several lakhs annually in the form of lakhs of untapped palms in the Thana District ; to turn this to economical use this Board requests that Government should adopt rather a bold policy of fostering and encouraging the industry. If the industry assumes any large proportions in course of years, Government would be justified in maintaining an additional inspecting establishment of one Sub-Inspector and two peons or more for a taluka in view of turning to advantage a valuable natural resource now going to waste. There are two other provinces in India—Madras and Bengal—in which the gul-making industry from palms is carried on for several generations even without having to issue a license, and eventually without affecting the excise interests in the Bombay Presidency itself, cocoanut-tapping for gul is going on in the Kanara District for some years of late as a small cottage industry to a modest but a longer extent than in Thana, with simpler rules and with the knowledge of this Board without affecting the excise interest.

15. Government have already adopted an excise policy of gradual reduction (5 per cent. annually) of the number of trees to be permitted to be tapped for toddy and it is expected that in course of a few years, all toddy drawing may come to an end. It is therefore essential to initiate people into methods of using the large number of trees for gul-making.

16. This Board therefore recommends very strongly that the necessity of revising and simplifying the present rules on the lines indicated above so as to allow to test the real scope for this fitting secondary industry in connection with agriculture in areas abounding in palms be urged on the Government.

APPENDIX No. 55—concl.

*Resolution passed at the meeting of the Provincial Board of Agriculture
on 25th and 26th August 1925 regarding palm gul*

(4) That the Board calls attention to the possibilities of palm-gul making in areas where palms abound, and would request Government to consider again methods by which excise difficulties in this connection can be overcome.

APPENDIX No. 56

Statement showing the number of Small Cause Suits and ordinary Civil Suits in Sub-Courts, Mirpurkhas and Mithi

Year.	Small Cause Suits.				Ordinary Civil Suits.			
	Brought forward from the previous year.	Instituted during the year.	Tried during the year.	Left over at the end of the year.	Brought forward from the previous year.	Instituted during the year.	Tried during the year.	Left over at the end of the year.
1923	153	523	460	216	584	1558	1328	814
1924	216	407	571	52	814	956	1360	410
1925	52	385	346	91	410	895	977	328

APPENDIX

No.	Name of officer.	Date of officiating appointment in the Bombay Educational Service. (a)	Pay with allowances (duty allowance, etc.) in the Subordinate Educational Service at the time of selection to the Bombay Educational Service. (b)	Starting pay in the Bombay Educational Service. (c)
1	Mr. H. A. Desai, Officiating Deputy Educational Inspector, Ahmedabad.	1st April 1921 ..	Rs. 200+30 (Duty allowance).	Rs. 250
2	Mr. U. T. Hiranandani, Officiating Deputy Educational Inspector, Sukkur.	4th May 1921 ..	220+30 (Duty allowance).	250
3	Mr. N. A. Oka, Temporary School Board Administrative Officer, District Local Board, West Khandesh.	11th May 1922 ..	220+30 (Duty allowance).	250
4	Mr. V. B. Joglekar, Officiating 1st Superintendent, Director of Public Instruction's office.	5th June 1923 ..	210+30 (Duty allowance).	250
5	Mr. K. L. Hingorani, Officiating Personal Assistant to the Educational Inspector in Sind.	10th June 1922 ..	230+30 (Duty allowance).	250+10
6	Mr. N. B. Thadani, Temporary School Board Administrative Officer, District Local Board, Larkana.	6th June 1923 ..	220+30 (Duty allowance).	250
7	Mr. M. S. Memon, Officiating Deputy Educational Inspector for Mulla Schools, Hyderabad Division.	17th July 1923 ..	160	(160+50)=210
8	Mr. A. G. F. Kazi, Officiating Deputy Educational Inspector, Mulla Schools, Larkana Division.	1st April 1924 ..	140+28 (Duty allowance).	(140+50 acting allowance)=190.

No. 57

Rate of annual increment in the Sub-ordinate Educational Service.	Rate of annual increment in the Bombay Educational Service.	Total period of service in the Bombay Educational Service.	Present pay.	The salaries these officers would have got if they had been given annual increments at the rate fixed for Bombay Educational Service.	Remarks.
(d)	(e)	(f)	(g)	(h)	
Rs. 10	Rs. 20	Y. m. d. 4 9 0	Rs 290	Rs. 330	
10	20	4 7 28	300	330	
10	20	3 7 21	300	310	
10	20	3 0 27*	290+56 0 0 Compensatory allowance.	310+59 Com- pensatory allowance.	*Including his previous officiating service in the Bombay Educational Service for 6 months.
10	20	3 6 22	300+57 8 0 Compensatory allowance.	310+59 Com- pensatory allowance.	
10	20	2 6 26	290	290	
10	20	2 5 14	(180+50 acting allowance)= 230.	250	
10	20	1 9 0	(150+50 acting allowance)= 200.	210	

No.	Name of officer.	Date of officiating appointment in the Bombay Educational Service.	Pay with allowances (duty allowance etc.) in the Subordinate Educational Service at the time of selection to the Bombay Educational Service.	Starting pay in the Bombay Educational Service.
		(a)	(b)	(c)
			Rs.	Rs.
9	Mr. B. G. Varde, Officiating Head Master, High School, Dhulia.	18th June 1924 ..	270+45 House (rent).	290+112 (Compensatory allowance).
10	Mr. J. G. Pundlik, Temporary School Board Administrative Officer, District Local Board, East Khandesh.	11th August 1924.	180+30 (Duty allowance).	(180+50 acting allowance) = 230.
11	Mr. D. D. Taskar, Temporary School Board Administrative Officer, District Local Board, Nasik.	9th December 1924.	180+30 (Duty allowance).	(180+50 acting allowance) = 230
12	Mr. K. R. Jeurkar, Officiating Personal Assistant to the Educational Inspector, Bombay Division.	20th November 1924.	250+30 (Duty allowance).	270+10
13	Mr. B. N. Vagal, Officiating Head Master, High School, Satara.	25th December 1924.	260	270
14	Mr. N. T. Jagtap, Temporary School Board Administrative Officer, District Local Board, Belgaum.	1st February 1925.	130+26 Duty allowance.	130+50=180
15	Mr. K. D. Desai, Officiating Assistant Principal, Elphinstone High School.	1st March 1925 ..	280+45 House rent.	270+106 Compensatory allowance.
16	Mr. R. I. Parikh, Officiating Head Master, High School, Gouhri.	20th June 1925 ..	280	290
17	Mr. M. D. Dalal, Officiating Deputy Educational Inspector, Kaira.	9th August 1925 ..	260+30 Duty allowance.	290

No. 57—contd.

Rate of annual increment in the Subordinate Educational Service.	Rate of annual increment in the Bombay Educational Service.	Total period of service in the Bombay Educational Service.	Present pay.	The salaries these officers would have got if they had been given annual increments at the rate fixed for Bombay Educational Service.	Remarks.
(d)	(e)	(f)	(g)	(h)	
Ra. 10	Ra. 20	Y. m. d. 1 6 15	Ra. 310	Ra. 310	
10	20	1 4 21	190+50 (acting allowance)= 240.	250	
10	20	1 5 12*	190+50=240 ..	250	*Including 0-4-19 of previous officiating service in B. E. S.
10	20	4 0 16	†300+115 Com- pensatory allowance.	330+124 Com- pensatory allowance.	†Including 2-11-5 of previous officiating B.E.S. Service.
10	20	1 0 7	290	290	
5	20	0 11 0	130+50=180	180	
10	20	0 10 0	270+106 Com- pensatory allowance.	270+106 Com- pensatory allowance.	
10	20	0 6 12	290	290	
10	20	0 4 3	300	290	

APPENDIX

No.	Name of officer.	Date of officiating appointment in the Bombay Educational Service. (a)	Pay with allowances (duty allowance, etc.) in the Subordinate Educational Service at the time of selection to the Bombay Educational Service. (b)	Starting pay in the Bombay Educational Service. (c)
18	Mr. B. V. Vedak ..	1st December 1925.	Rs. 190+30 Duty allowance.	Rs. 240
19	Mr. M. M. Bhagchandani, Officiating Deputy Educational Inspector, Thar and Parkar. <i>Collegiate Branch</i>	16th October 1925.	240+30 Duty allowance.	270
20	Mr. V. D. Alurkar, Officiating Lecturer in Mathematics, Elphinstone College.	10th November 1921.	210	250
21	Mr. V.P. Bokil, Officiating Lecturer in History and Method, S. T. College.	26th June 1924 ..	130+26 Duty allowance	130+50=180
22	Miss V. Baptista, Officiating, Lecturer in English, S. T. College. <i>Special Branch</i>	8th June 1923 ..	270	280
23	Mr. V. N. Mestry, Officiating Teacher of Normal Class, School of Art, Bombay. <i>B. E. S. (Women's Branch)</i>	13th March 1925..	200	250
24	Miss Elijah, Officiating Head Mistress, A.-V. Girls' School, Dharwar.	3rd November 1921.	150	200

No. 57—concl.

Rate of annual increment in the Sub-ordinate Educational Service.	Rate of annual increment in the Bombay Educational Service.	Total period of service in the Bombay Educational Service.	Present pay.	The salaries these officers would have got if they had been given annual increments at the rate fixed for Bombay Educational Service.	Remarks.
(d)	(e)	(f)	(g)	(h)	
Ra. 10	Ra. 20	Y. m. d. 0 1 0	Ra. 240+48 Com- pensatory allowance.	Ra. 240+48 Com- pensatory allowance.	
10	20	0 2 16	270	270	
10	20	4 1 22	300+115 Com- pensatory allowance.	330+124 Com- pensatory allowance.	
5	20	1 6 6	135+50=185 74 Compensa- tory allowance.	200+80 Com- pensatory allowance.	
10	20	2 1 1	310+118 Com- pensatory allowance.	310+118 Com- pensatory allowance.	
5 and 10	20	1 0 26*	250+100 Com- pensatory allowance.	250+100 Com- pensatory allowance.	*Including 0-3-6 previous offi- ciating B. E. S. service.
10	10	3 5 4	230+46 House rent.	230+46 House rent.	

APPENDIX No. 58

Government House,

Ganeshkhind,

4th November 1925.

In connection with the complaint made by your Association that Hindus are not being appointed or promoted to higher posts in the public services in Sind to the extent that they deserve, I am to send you the accompanying statement showing how the Sind Hindu members of the Legislative Council have voted since the Reformed Councils were started in 1921.

These figures indicate that during the three years of the first Reformed Council your representatives have recorded for and against Government the following percentage of the total number of votes cast by each :—

	For Government.	Against Government.
	Per cent.	Per cent.
Mr. Pahalajani ..	9	91
Mr. Jethanand Mukhi ..	14	86
Mr. Ojha ..	21	79

At the elections of 1923, your community had an opportunity of reconsidering the attitude of your representatives on the Legislative Council, with the result that they re-elected the two members who had been the strongest opponents of Government, and replaced the most moderate of the three by Mr. Advani, who has in the last two years voted against Government seventy times and for Government once. The percentage of votes against Government to total votes recorded by each member during 1924 and 1925 works out, to the nearest figure, as follows :—

	Against Government
	Per cent.
Mr. Advani	99
Mr. Pahalajani	90
Mr. Jethanand Mukhi	72

It has been represented to His Excellency that these figures are no more than a dim reflection of the general attitude towards Government of the great majority of the Sind Hindu community and especially of the Amil or bureaucratic section of it, which is most concerned with Government appointments, and it is said that these figures merely confirm what can be otherwise inferred from the activities of Amil agitators and the publications of Amil editors. It has been consequently suggested that, in making appointments to Government service and specially in making higher appointments, Government would do well

APPENDIX No. 58—*contd.*

and would indeed be taking the only prudent course, to select their servants rather from among those who are its supporters than from those whose representatives have been its most inveterate opponents.

As your Association has raised this question of employment in the public services, His Excellency thinks it is only right that you should be informed of the comments to which the course followed by your representatives on the Legislative Council has exposed your community in order that your Association may have an opportunity of putting forward any remarks which they may desire to offer.

It must not be understood from what has been said above, that His Excellency agrees that there is any justification for the complaint made by your Association with regard to appointments or promotions in Sind, or that Government in making such promotions or appointments has been actuated by any considerations with respect to the action taken in the Legislative Council by your representatives. Such, indeed, is not the case. His Excellency, however, considers that it is only right that your Association should be made aware of the feeling which exists.

(Signed) J. C. KER.

The Secretary,

Sind Hindu Association,

Hyderabad, Sind.

APPENDIX No. 58—concl'd.

*Statement showing how the representatives of the Sind Hindus
on the Legislative Council have voted*

Year	Mr. Wadhmal Oodharan.		Mr. Jethanand Mukhi.		Mr. Pahalajani.		Mr. Dipchand Ojha.		Mr. Advani.	
	For Government.	Against Government.	For Government.	Against Government.	For Government.	Against Government.	For Government.	Against Government.	For Government.	Against Government.
1921 ..	2	2	2	10	3	29	..	..	..	..
1922 ..	..	..	0	9	3	42	3	17	..	..
1923 ..	..	..	2	5	2	13	3	5	..	..
Total ..	2	2	4	24	8	84	6	22	..	..
1924 ..	..	..	4	28	3	57	..	..	1	38
1925 ..	..	..	11	11	5	17	..	..	0	32
Total for 1924 and 1925 ..	..	..	15	39	8	74	..	..	1	70

Note.—Divisions in which Government remained neutral have been excluded.

Appendices

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APPENDIX No. 59

*Statement showing the figures of revenue collected at Uran in the
Kolaba District under certain heads for the last three years*

Year.	Duty on salt removed.	Customs.	Country liquor.		Landing and Wharfage Fees.
			Still-head duty.	Vend fee.	
	Rs.	Rs.	Rs.	Rs.	Rs.
1923-24 ..	6,78,397	402	{ Mora 11,083 Uran 26,021	Mora 3,650 Uran 11,100	3,429
1924-25 ..	8,79,125	426	{ Mora 11,171 Uran 19,873	Mora 2,750 Uran 16,125	3,807
1925-26 ..	7,06,050	1,102	{ Mora 9,281 Uran 15,917	Mora 6,500 Uran 18,378	Figure not available.

*Statement showing the expenditure on Mora Bunder (near Uran)
incurred out of the Landing and Wharfage Fees Fund during
the last three years*

Year				Expenditure		
				Rs.	a.	p.
1923-24	..	..	..	426	14	0
1924-25	..	..	..	10	0	0
1925-26	..	..	..	....

APPENDIX No. 60

Statement showing the watans created in the Southern Division after the passing of the Watan Act.

(1) and (2) Kulkarniki Watans of Hungundi and Benhal in Ron Taluka were granted to Rao Saheb Shesgirrao Mudkavi in recognition of his good services as Mamlatdar.

(3) Some Rayatwari lands of Artal in the Bankapur Taluka, owned by Rao Bahadur R. C. Artal, I.S.O., were converted into Patilki Watan property and as such continued to him in token of his exceptionally distinguished services.

(4) One Anant Krishna who commuted his right of Kulkarniki service of Hospet in the Hangal Taluka was granted the right of Patilki service of Yalawatti in the same Taluka.

APPENDIX No. 61

Statement showing the Districts in which a typewriting fund has been created and the date on which it was created, etc.

Name of the district.	Date on which the fund was opened.	How the fund is being spent in Poona district.	Who is the owner of the furniture bought out of the fund.	What is the balance of the fund in each District, in which it has been created, up to the end of December 1925.	Remarks.
	(a)	(b)	(c)	(d)	
				Ra. a. p.	
Kalra	1st January 1926 ..	In purchasing typewriting machines and accessories therefor and in the maintenance and upkeep of the machines.	The machines bought out of the fund are the Government property.	500 0 0	
Ahmedabad ..	1st November 1920 ..			6,710 3 8	
Satara	1st November 1916 ..			2,777 1 1	
Ratnagiri ..	3rd February 1921 ..			868 9 3	
Kanara	1st August 1916 ..			1,538 7 5	
West Khandesh ..	1922 ..			4 9 11	
Belgaum	July 1925 ..			3,651 7 2	
Broach	May 1922 ..			455 10 8	
Sholapur	12th June 1917 ..			486 10 6	
Poona*	17th August 1921 ..			2,500 0 0	*The fund in Poona has been discontinued since 1st June 1925.
Surat	1st September 1920 ..			1,893 2 2	
Bljapur	March 1921 ..			2,059 14 3	

APPENDIX No. 62

Statement showing the number of Honorary Organizers in the Bombay Division (i.e., the Town and Island of Bombay and the Ratnagiri, Kolaba, Ahmednagar and Thana Districts) and the amount spent by Government as travelling expenses and bhatta of each Organizer during the last five years

Name of Organizer.	Amount of Travelling Allowance.	Name of Organizer.	Amount of Travelling Allowance.
1921-22		1922-23	
	Rs. a. p.		Rs. a. p.
1. Mr. V. K. Sanjanwala		1. Mr. S. K. Bole ..	....
2. Mr. B. D. Rajwade ..	745 2 0	2. Mr. R. V. Varadkar ..	....
3. Mr. S. N. Vengurlekar ..	....	3. Mr. G. N. Sahasrabudhe ..	32 14 0
4. Mr. V. S. Dhapre ..	....	4. Mr. B. V. Raykar ..	103 2 0
5. Mr. R. M. Kaprekar ..	69 2 6	5. Mr. V. K. Sanjanwala ..	57 4 0
6. R. S. V. M. Tendulkar ..	....	6. Mr. B. D. Rajwade ..	629 0 0
7. Mr. Y. G. Gurjar ..	226 4 0	7. Mr. S. N. Vengurlekar ..	....
8. Mr. K. L. Datar ..	....	8. Mr. V. S. Dhapre ..	....
9. Mr. G. A. Rayekar ..	104 4 0	9. Mr. R. M. Kaprekar ..	23 2 0
10. Mr. R. G. Mainkar ..	719 14 0	10. Mr. R. G. Mainkar ..	455 4 0
11. Mr. V. V. Athalye ..	161 0 0	11. Mr. N. B. Rajwade ..	147 0 0
12. Mr. A. G. Mainkar ..	203 0 0	12. Mr. V. V. Athalye ..	422 6 0
13. Mr. S. D. Kharade ..	211 2 0	13. Mr. A. G. Mainkar ..	94 14 0
14. Mr. D. M. Agashe ..	....	14. Mr. S. D. Kharade ..	253 11 0
15. Mr. L. B. Kadulkar ..	28 2 0	15. Mr. L. B. Kadulka ..	78 7 0
16. Mr. A. A. Thorat ..	....	16. R. S. V. M. Tendulka ..	18 0 0
17. Mr. N. Y. Mirikar ..	279 8 0	17. Mr. K. L. Datar ..	....
18. Mr. D. N. Deshmukh ..	319 1 0	18. Mr. Y. G. Gurjar ..	16 8 0
19. Mr. R. B. Rajhounsa ..	509 8 0	19. Mr. G. A. Raykar ..	49 2 0
20. Mr. G. R. Patil ..	138 3 0	20. Mr. A. A. Thorat ..	397 15 0
21. Mr. R. G. Amrite ..	27 6 0	21. Mr. N. Y. Mirikar ..	178 5 0
22. Mr. D. S. Lande ..	167 7 0	22. Mr. D. N. Deshmukh ..	347 14 0
		23. Mr. N. S. Mirkar ..	68 7 0
		24. Mr. G. R. Patil ..	162 3 0
		25. Mr. R. G. Amrite ..	16 10 0
		26. Mr. D. L. Lande ..	18 8 0
		27. Mr. R. B. Rajhounsa ..	72 0 0
	3,908 15 6		
			3,642 8 0

APPENDIX No. 62—*contd.*

Name of Organizer.	Amount of Travelling Allowance.	Name of Organizer.	Amount of Travelling Allowance.
1923-24		1924-25	
	Rs. a. p.		Rs. a. p.
1. Mr. S. K. Bole ..	....	1. Mr. S. K. Bole ..	....
2. Mr. R. V. Varadkar ..	....	2. Mr. G. N. Sahasrabudhe ..	157 8 0
3. Mr. G. N. Sahasrabudhe ..	103 8 0		87 5 0
	201 9 0	3. Mr. B. V. Raykar ..	78 5 0
4. Mr. R. V. Raykar ..	43 4 0	4. Mr. A. V. Chitre ..	....
5. Mr. V. K. Sanjanwala ..	62 2 0	5. Mr. S. S. Mehta ..	....
6. Mr. S. J. Zunzarrao ..	....	6. Mr. V. K. Sanjanwala ..	25 0 0
7. Mr. B. D. Rajwade ..	902 8 0	7. Mr. S. J. Zunzarrao ..	265 6 0
8. Mr. V. S. Dhapre ..	....	8. Mr. B. D. Rajwade ..	730 8 0
9. Mr. I. C. Bokad ..	....	9. Mr. M. S. Dhapre ..	....
10. Mr. A. A. Thorat ..	245 10 0	10. Mr. I. C. Bokad ..	....
11. Mr. N. Y. Mirikar ..	81 5 0	11. Mr. A. A. Thorat ..	355 4 0
12. R. S. V. A. Velankar ..	....	12. Mr. N. Y. Mirikar ..	....
13. Mr. D. N. Deshmukh ..	373 11 0	13. R. S. V. A. Velankar ..	358 6 0
14. Mr. N. S. Mirikar ..	134 5 0	14. Mr. D. N. Deshmukh ..	260 8 0
15. Mr. G. R. Patil ..	199 0 0	15. Mr. N. S. Mirikar ..	99 12 0
16. Mr. D. S. Lande ..	22 2 0	16. Mr. G. R. Patil ..	274 12 0
17. Mr. K. L. Datar ..	220 8 0	17. Mr. D. S. Lande ..	....
18. Mr. R. B. Dalvi ..	111 12 0	18. Mr. K. L. Datar ..	206 6 0
19. Mr. G. A. Raykar ..	204 1 0	19. Mr. R. B. Dalvi ..	414 12 0
20. Mr. R. G. Mainkar ..	650 6 0	20. Mr. G. A. Raykar ..	200 12 0
21. Mr. N. B. Rajwade ..	251 4 0	21. Mr. R. G. Mainkar ..	105 0 0
22. Mr. V. V. Athalye ..	529 14 0	22. Mr. N. B. Rajwade ..	402 12 0
23. Mr. S. D. Kharade ..	298 6 0	23. Mr. V. V. Athalye ..	639 13 0
24. Mr. L. B. Kadulkar ..	61 12 0	24. Mr. S. D. Kharade ..	364 3 0
25. Mr. B. V. Rane ..	....	25. Mr. L. B. Kadulkar ..	32 2 0
		26. Mr. B. V. Rane ..	....
	4,696 15 0		5,058 1 0

APPENDIX No. 62—concl'd.

Statement showing the number of Honorary Organizers in the Bombay Division (i.e., the Town and Island of Bombay and the Ratnagiri, Kolaba, Ahmednagar and Thana Districts) and the amount spent by Government as travelling expenses and bhatta of each Organizer during the last five years

Name of Organizer.				Amount of Travelling Allowance.
1925-26				Ra. s. p.
1.	Mr. S. K. Bole ..	..	..	....
2.	Mr. G. N. Sahasrabudhe ..	..	..	129 0 0
				157 0 0
3.	Mr. B. V. Raykar ..	..	..	87 10 0
4.	Mr. V. K. Sanjanwalla ..	..	..	62 2 0
5.	Mr. S. J. Zonzarrao ..	..	..	214 10 0
6.	Mr. M. A. Thakore ..	..	..	71 10 0
7.	Mr. M. S. Dhapre ..	..	..	....
8.	Mr. I. C. Bokad ..	..	..	....
9.	Mr. B. D. Rajwade ..	..	..	256 0 0
10.	Mr. A. A. Thorat ..	..	..	93 4 0
11.	Mr. N. Y. Mirikar ..	..	..	44 12 0
12.	R. S. V. A. Velankar ..	..	..	378 14 0
13.	Mr. D. N. Deshmukh ..	..	..	357 0 0
14.	Mr. N. S. Mirikar ..	..	..	161 0 0
15.	Mr. G. R. Patil ..	..	..	28 8 0
16.	Mr. K. L. Datar ..	..	..	....
17.	Mr. R. B. Dalvi ..	..	..	390 6 0
18.	Mr. G. A. Raykar ..	..	..	60 0 0
19.	Mr. N. B. Rajwade ..	..	..	262 14 0
20.	Mr. V. V. Athalye ..	..	..	583 2 0
21.	Mr. B. S. Varadkar ..	..	..	....
22.	Mr. L. B. Kadulkar ..	..	..	161 6 0
23.	Mr. B. V. Rane ..	..	..	....
24.	Mr. S. D. Kharade ..	..	..	91 1 0
				3,590 2 0

APPENDIX No. 63

EDUCATIONAL DEPARTMENT

Bombay Castle, 27th January 1925

No. 2238.—In supersession of all previous notifications on the subject, the Government of Bombay (Transferred Departments) are pleased to publish for general information the following rules for the Vernacular Final Examination :—

I. The Vernacular Final Examination will be held by the Educational Department every year at convenient centres in April in the Presidency proper and in September in Sind on dates (which will be the same for all the districts in a Division) to be fixed and notified by the Educational Inspectors.

II. The Educational Inspector of the division will superintend the examination and will appoint the examining committees which will consist of a President and two or more members selected from officers of Government or such representatives of non-Government recognised schools as may be willing to serve.

III. Applications for admission to the examination must be made in the printed form appended (see Appendix A) and must be forwarded to the President of the Examination Committee of the centre at which a candidate desires to appear so as to reach him on or before the 1st of March in each year in the Presidency proper and the 1st of August in Sind. The Inspector will instruct a candidate to appear at a particular centre in the event of there being any difficulty in examining him in a language selected by him at the centre he has chosen.

N.B.—Forms of application can be obtained on application from the President free of cost.

IV. Every male candidate must, before he is admitted to the examination, satisfy the Committee that he has not completed his 25th year by the 1st of April (in the Presidency proper)
September (in Sind) following the date of his application, and that he has resided for the past six months in the district. Special exceptions to this rule may be allowed by the Educational Inspector. In the case of girl candidates there is no restriction with respect to age. The maximum limit of age does not apply to candidates who are already in the permanent service of Government or have served as teachers for at least two years in an educational public institution.

V. The Educational Inspector will grant certificates to candidates who pass the examination. Each certificate is given in Appendix C. must bear the holder's signature in the vernacular. A duplicate certificate may be issued by the Educational Inspector on his being satisfied that the original certificate has been lost or destroyed and on payment of a double fee.

VI. The Educational Inspector will publish annually in the *Government Gazette* and will post in vernacular at the head-quarters of the district a list of candidates who pass the examination. The names will

APPENDIX No. 63—*contd.*

be arranged for the divisions or districts in order of merit, and the total number of marks obtained will be shown opposite each name. A list in the vernacular showing the names of successful candidates in each district will be posted at the District Local Board office of each district.

VII. No candidate who has once passed the examination and received a certificate will, under any circumstances, be allowed to re-appear for the examination.

VIII. A candidate for the examination must pay a fee of Rs. 3 before the examination commences.

IX. Detailed regulations, consistent with these rules, will, from time to time, be issued by the Director of Public Instruction to secure uniformity in the conduct of the examination in the several educational divisions.

X. The syllabus of the examination is given in Appendix B annexed to these Regulations.

APPENDIX A

(FORM OF APPLICATION—THIS FORM WILL BE PRINTED IN THE
FOUR VERNACULARS AND URDU)

Application for Admission to the Vernacular Final Examination

(See Rule III of the Vernacular Final Examination Rules)

To

The President, Vernacular Final Examination Committee,
Centre.

Sir,

I request permission to present myself at the next Vernacular Final Examination to be held at . I wish to be examined in* and† to answer questions in the first Head through the medium of . My second language is .

I declare that the following particulars and certificates are true to the best of my knowledge and belief, and that I have not passed the examination before.

‡I also declare that I have never attended any recognised school.

I am, Sir,

Your obedient servant,

* Here enter one of the following : Marathi, Gujarati, Kanarese, Sindhi and Urdu.

† This statement is to be made only by Urdu-Vernacular or Vernacular-Urdu candidates.

‡ This declaration may be scored out by candidates who attend or have attended any recognised school.

APPENDIX No. 63—*contd.*

Name with father's name and surname*

Race or creed and caste

Completed years of age on $\frac{1st\ April}{1st\ September}$ next

Date of birth according to Christian era

(Name of) Village Taluka

District.

Name of school, if any, from which appeared

Post Office address

Date

19 .

Certificate† to be signed by the Head Master of the applicant's last school.

I certify that the birth date of
as entered in the general register of this school is

Signature and official
designation of the Head
Master.

Date

19 .

*Certificate to be signed by the Head Master of the applicant's last
school or by person of known respectability*

I certify that during the last six months
has been residing at
and that he bears a good moral character.

Signature, designa-
tion and full address. }

Date

19 .

APPENDIX B

(SYLLABUS OF THE EXAMINATION)

The medium of the Examination will be Marathi, Gujarati, Kanarese, Sindhi, Urdu-Vernacular or Vernacular-Urdu.

Marks.

125 First Head‡—

30 (a) Reading of the prose pieces and recitation of 300 lines of poetry from the highest departmental vernacular reading book. Oral questions will be asked to test the candidate's knowledge of the passages read and recited.

* Mahomedan candidates may or may not give their surnames.

† In the case of candidates who have never before attended any school this certificate should be signed by a person of known respectability, with the words "as entered in the general register of this school" omitted.

‡ In the case of Urdu the necessary text-books will be prescribed from time to time by the Educational Inspector.

Marks

APPENDIX No. 63—*contd.*

First Head—*contd.*

- 45 (b) Explanation of the prose pieces and of 300 lines of poetry from the highest departmental reading book.
- 30 (c) Grammar complete with analysis of sentences and parsing and etymology. Prosody of the metres occurring in the line of poetry prescribed.
- 20 (d) Reading difficult official manuscripts with fluency. In the case of Urdu-Vernacular candidates manuscripts other than official may be read.

N.B.—For (b) and (c) one paper will be set.

75 Second Head—

- 50 (a) Writing in current hand an essay or report on a given subject. Spelling, Grammar and Punctuation to be considered.
- 25 (b) Handwriting and separation of words in the above.

200 Third Head—

- 100 (a) Arithmetic complete, including problems in linear, superficial and cubic measures.
- 50 (b) New Geometry, Part I, section I, complete, and all theorems and problems in sections II and III with easy questions on them.
- 50 (c) Native accounts.

100 Fourth Head—

- 50 (a) History of India complete, some information regarding the system of Government as contained in the vernacular translation of the Citizen of India.
- 50 (b) Geography of the world with commercial relations of various countries with India and with special knowledge of British possessions. Elements of Physical geography inclusive of terms of natural phenomena. Map drawing of India showing parallels of latitude and longitude.

100 Fifth Head—

- “Arogyavidnyan” (by R. M. Joshi, M.A., L.L.B.), complete or “Physiology and Hygiene” (by G. M. Deshmukh) and elementary science as in the 7th reader.

(For Urdu-Vernacular candidates only)

100 Sixth Head—

- 60 (a) Reading with understanding, 30 lessons of the Departmental Seventh Book. Simple parsing and syntax.
- 40 (b) Writing in current hand a letter or a report in the Vernacular. In Marathi districts reading Modi manuscripts in addition.

APPENDIX No. 63—concll.

Marks. (For Vernacular-Urdu candidates only)

100 Sixth Head—

100 Reading 75 pages from a suitable Urdu reading book with understanding of the part read and etymology of words. Grammar complete. Recitation of two hundred lines of Urdu poetry from a suitable book to be learnt and recited. Reading difficult Urdu manuscripts. Writing in current hand a report or an essay on a simple subject.

N.B.—Throughout the examination marks will be deducted for want of neatness and for bad handwriting.

APPENDIX C

(Form of Certificate)

DEPARTMENT OF PUBLIC INSTRUCTION, BOMBAY

Vernacular Final Examination Certificate

No.

This is to certify that _____ passed the Vernacular Final
Examination at the _____ Centre in the _____ Division
in the month of 19____, in the following subjects :—

- | | |
|---------------------------------|------------------------------|
| 1. Vernacular (). | 5. Arogyavidnyan and Elemen- |
| 2. Mathematics. | tary Science. |
| 3. Composition and Handwriting. | 6. Second* Language () |
| 4. History and Geography. | |

Candidate's birth date.

Signature of the Candidate.

_____, President, Educational Inspector.
Vernacular Final Examination Committee. Division.

Date 192 .

By order of the Government of Bombay (Transferred Departments),

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

*This entry is to be made only in the case of Urdu-Vernacular or Vernacular-Urdu candidates.

APPENDIX No. 64

Statement showing the number of Mussulmans and Non-Mussulmans employed in the Subordinate (Permanent and Temporary) Services in the Lloyd Barrage and Canals Construction

Circle.	Grade of service.	Grade of pay.	No. of Mussulmans.	No. of Non-Mussulmans.
		Rs.		
<i>Chief Engineer's Office</i> ..	Permanent Upper Subordinate ..	100—12—460	..	1
	Temporary Upper Subordinate ..	126—12—510	..	1
<i>North Western Circle</i> ..	Permanent Upper Subordinate ..	100—12—460	..	1
	Temporary Upper Subordinate ..	126—12—510	1	6
	Permanent Lower Subordinate ..	60— 5—150	..	1
	Temporary Lower Subordinate ..	80— 5—200	4	19
<i>Lloyd Barrage Circle</i> ..	Permanent Upper Subordinate ..	100—12—460	..	3*
	Temporary Upper Subordinate ..	126—12—510	3	11
	Permanent Lower Subordinate ..	60— 5—150	..	..
	Temporary Lower Subordinate ..	80— 5—200	3	19
<i>Rohri Canal Circle</i> ..	Permanent Upper Subordinate ..	100—12—460	..	3
	Temporary Upper Subordinate ..	126—12—510	2	18
	Permanent Lower Subordinate ..	60— 5—150	..	3
	Temporary Lower Subordinate ..	80— 5—200	7	36
<i>Eastern Nara Circle</i> ..	Permanent Upper Subordinate ..	100—12—460	..	4
	Temporary Upper Subordinate ..	126—12—510	1	4
	Permanent Lower Subordinate ..	60— 5—150	1	3
	Temporary Lower Subordinate ..	80— 5—200	6	23
<i>Western Circle</i> ..	Permanent Upper Subordinate ..	100—12—460	1	2
	Temporary Upper Subordinate ..	126—12—510	2	17
	Permanent Lower Subordinate ..	60— 5—150	..	..
	Temporary Lower Subordinate ..	80— 5—200	9	30
			40	205

* Including one Officiating Assistant Engineer.

APPENDIX No. 65

Extract paragraph 40, clauses 12 and 13 from the Traffic Manual

12. At terminal and changing stations, Head Guards should see that passenger carriages have all been thoroughly cleaned, that the water closets are clean and the flush is in good order, and that there is a supply of clean water in all the lavatory cisterns.

13. Guards are responsible for ensuring the safety and comfort of all passengers on their trains, and they must give this matter their first attention. They should make a practice of walking along their trains at stations, to see whether passengers want any assistance or information. They should keep a careful look-out for irregularities of any kind, especially at night, and more especially as regards 1st and 2nd class compartments, which may be empty or occupied by solitary passengers.

APPENDIX No. 66

Statement showing items of expenditure, demand statements sent and recoveries made on account of Pôt Hissa measurement in Poona District up to the end of 1925

Taluka.	Total expenditure incurred.	Total Demand statements sent.	Recoveries made.	Balance to be recovered.	Remarks.
1	2	3	4	5	6
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Mawal ..	36,806 8 6	36,923 0 2	36,869 2 9	53 13 6	
Junbar ..	1,01,639 7 0	1,12,013 11 0	99,251 14 4	12,761 18 2	
Khed ..	1,16,363 15 0	69,666 4 0	14,014 10 4	55,651 9 8*	The work is in progress. Demand statements issued after December 1925 are not included in column 3.
Haveli ..	26,746 12 11	26,705 8 9	26,524 11 9	180 13 0†	The work of preparing Kajibedar maps is almost complete for which Demand statements will be issued.
Furandhar ..	60,819 15 7	62,976 11 8	59,841 1 2	3,135 10 1	
Indapur ..	26,016 0 1	27,488 12 0	27,488 12 0	....
Dhond ..	2,156 14 0	916 9 0	732 0 3	184 8 9	The work is in progress.
Bhimthadi ..	22,666 11 2	....	....	....	Information is not available.
Mulshi ..	....	....	....	....
Ambegaon ..	33,929 8 2	40,043 8 6	40,043 8 6	....
Sirur ..	13,809 0 11	....	....	....	Information is not available.

APPENDIX

Questions.	Ahmedabad.	Broach.	Kaira.	Panch Mahals.	Surat.	Thana.
		Northern Division.				
Number of Muhammadans in the District	99,295	69,988	65,215	28,685	56,250	31,904
Number of non-Muhammadans in the District	791,616	237,767	645,767	348,175	618,101	728,012
Number of non-Muhammadan voters for the Bombay Legislative Council	44,882	18,006	23,406	10,954	24,325	20,592
Percentage of non-Muhammadan voters to the population ..	5.66	7.57	3.62	3.14	3.93	2.82
Number of Muhammadan voters for the Bombay Legislative Council			17,885			
Percentage of Muhammadan voters to population ..			5.1			
* Payment of what revenue entitles a person to vote ..						
Number of non-Muhammadan representatives allotted to the district	2	1	2	1	3	3
Number of Muhammadan representatives allotted to the district .. ..	..	..	3	..	..	..

* Attention is invited to rules 2 (d) and 3 (b) of

† Also entitled to elect one member for

No. 67

Ahmednagar.	Khandesh, East.	Khandesh, West.	Nasik.	Poona.	Satara.	Sholapur.
			Central Division.			
37,736	107,509	32,509	46,458	46,517	35,989	58,702
693,816	966,328	609,338	786,118	962,516	990,270	683,308
15,177	25,819	17,203	17,220	24,687	19,405	18,532
2.18	2.66	2.82	2.19	2.58	1.95	2.71
			6,948			
			1.9			
3	3	1†	3	4	3	1†
..

Schedule II to the Bombay Electoral Rules.
reserved seat in rotation.

APPENDIX

Questions.	Belgaum.	Bijapur.	Dharwar.	Kanara.	Kolaba.	Ratnagiri.
			Southern Division.			
Number of Muhammadans in the District	80,292	96,125	143,037	26,402	28,354	80,991
Number of non-Muhammadans in the District	872,704	700,751	893,887	375,325	534,588	1,073,253
Number of non-Muhammadan voters for the Bombay Legislative Council	20,589	16,561	31,997	9,160	11,844	17,446
Percentage of non-Muhammadan voters to the population ..	2.35	2.36	3.58	2.44	2.21	1.82
Number of Muhammadan voters for the Bombay Legislative Council			8,200			
Percentage of Muhammadan voters to population ..	..	..	1.8			
* Payment of what revenue entitles a person to vote ..	..	..	..	..	..	..
Number of non-Muhammadan representatives allotted to the District	2	1	2	1	1†	3
Number of Muhammadan representatives allotted to the District .. ..	..	..	3	..	..	..

* Attention is invited to rules 2 (d) and 3 (b) of

† Also entitled to elect one member

No. 67—contd.

Hyder- bad.	Karachi.	Lar- kana.	Nawab- shah.	Sukkur.	Thar & Par- kar.	Upper Sind Frontier.	Bombay City.	Ahmed- abad & Surat Cities.	Poona & Sholapur Cities.	Kara- chi City.
				Sind.						
411,776	286,151	499,553	321,135	358,396	212,735	216,277	184,685	78,109	33,427	..
161,674	155,914	98,407	97,525	151,806	183,596	24,342	991,229	..	..	116,447
Eastern Sind (Hyderabad, Thar Parker and Nawabshah Districts)*				Western Sind (Karachi, Larkana, Sukkur and Upper Sind Frontier.)						
	14,980				22,758		66,544	..	..	11,423
	3'38				5'28		6'71	..	..	9'8
10,397	9,365	10,107	6,050	8,305	4,402	3,927	15,428	7,594	3,532	..
2'52	2'42	2'02	1'68	2'31	2'06	1'61	8'35	9'72	10'56	..
	1				1		7	1	1	1
2	2	3	1	2	2	1	2	..	..	..

Schedule II to the Bombay Electoral Rules.

for a reserved seat in rotation.

APPENDIX A

BILL No. XXIII OF 1925

(A Bill to consolidate and amend the law relating to the Courts in Sind)

REPORT OF THE SELECT COMMITTEE

We, the undersigned members* of the Select Committee appointed to consider Bill No. XXIII of 1925 (A Bill to consolidate and amend the law relating to the Courts in Sind) have the honour to report as follows :

We have carefully considered the Bill and have made certain changes in it. The more important changes made by us are mentioned below.

In view of the provision for the appointment of a Chief Judge already made in clause 4 (i), clause 5 of the Bill appears to us to be unnecessary, and we have therefore deleted it.

Clause 8.—We think it unnecessary to define the expression “Senior Judge”, and have therefore deleted sub-clause (3) of this clause.

Clause 9.—We have redrafted this clause, in order to make it clear that the Chief Court shall be the Court of Session for the Sessions Division of Karachi.

Clause 14.—The clause provides for certain duties being performed by the Government Advocate for Sind, but no provision has been made for his appointment. We have therefore made the necessary provision in this clause.

Clause 15.—We have decided by a majority that the words “if the judge who made the decree declares that the case is a fit one for appeal” in sub-clause (2) should be deleted. We are against such a restriction on the right of appeal.

Clause 25.—Under the existing rule, there is no restriction on the jurisdiction of Assistant Judges as regards applications for references under special Acts and Miscellaneous applications. We see no reason why there should be any restriction on their jurisdiction as regards original suits. We have therefore deleted the words “of which the subject matter is less than Rs. 10,000 in amount or value” in sub-clause (2).

Clause 38.—We have redrafted this clause, so as to make it clear that all suits against Government Railways may be brought in the ordinary courts. We have also made some drafting changes in the clause, so as to make it more clear.

Schedule I.—Owing to the amendments made in certain Acts by the Oudh Courts Supplementary Act, 1925 (XXXII of 1925), which came into force on the 3rd October 1925, we have made various amendments

* The signature of Mr. Noor Mahomed will be appended when received.

in the First Schedule appended to the Bill. We have also deleted the reference to the Court Fees Act, 1870, which would have had the effect of increasing the fees now levied on applications to the Chief Court of Sind in its revisional jurisdiction.

The majority of the Committee were of opinion that provision should be made in the Bill that no judges of the Chief Court should be appointed to act temporarily in any other court. It was, however, found that any provision to this effect would be *ultra vires* of the Local Legislature.

The Committee was of opinion that the power given to Government by clause 35 to invest subordinate judges with appellate powers was necessary, but that it should be exercised with great care.

The accompanying notes on clauses explain the other changes made by us in the Bill.

Notes on Clauses

Clause 2.—The usual reference in recent Bombay Acts is to the Governor in Council and not to the Governor of Bombay in Council. We have therefore deleted the words “of Bombay” wherever they occur in this and other clauses of the Bill.

Clause 4 (2) (a).—We have deleted certain words which are unnecessary, in view of the definition of Barrister given in section 3 of the Bombay General Clauses Act, 1904.

Clause 4 (2) (d).—We have included Advocates in this clause.

Clause 6.—In view of the specific designation given to the Chief Court for Sind in clause 3, we have altered the word “Court” to “Chief Court” wherever it occurs in this and other clauses of the Bill.

Clause 13.—We have amended this clause so as to make it clear that a reference from a single judge shall be to a bench of two judges and a reference from a bench of judges shall be to a full bench.

Clause 20.—We have made some drafting changes in this clause.

Clause 27.—Provision has been made for the conferring of the powers and jurisdiction referred to in this clause upon Joint Judges also.

Clause 29.—We have amended sub-clause (2) of this clause, as appeals from appellate decrees of an Assistant Judge can lie only to the Chief Court.

Clause 33.—We have made a slight amendment in this clause in order to make it clear that the special jurisdiction of a first class subordinate judge shall extend only to the civil district to which his Court belongs.

Clause 37.—By the Indian Succession Act, XXXIX of 1925, the Indian Succession Act, 1865, and the Probate and Administration Act, V of 1881, have both been repealed. We have made the necessary changes in this clause.

Clauses 39 and 40.—Provision has been made for Joint Judges.

Clause 43 (3).—We have restricted the subordinate Judge's powers of appointment to peons and menial servants only.

We recommend that this report and the Bill as amended be translated into Sindhi and the translations published in the *Sind Official Gazette*.

(Signed) M. H. W. HAYWARD (*subject to a minute of dissent*).
 (") RAFIUDDIN AHMAD.
 (") V. A. GRANTHAM.
 (") A. MONTGOMERIE.
 (") S. T. KAMBLI.
 (") A. N. SURVE (*Subject to a minute of dissent*).
 (") W. B. HOSSACK.
 (") S. N. BHUTTO.
 (") GHULAM HUSSAIN HIDAYA-TALLAH.
 (") B. G. PAHALAJANI (*subject to a minute of dissent*).^{*}
 (") G. B. PRADHAN.

(*Minutes of dissent by the Honourable Sir Maurice Hayward, K.C.S.I., I.C.S.*)

I have signed the report subject to the following minute of dissent:

Clause 15.—I consider the restriction desirable as recommended by the Civil Justice Committee and as included in the Oudh Courts Act.

I consider the improved prospects and status of the Judges will be sufficient guarantee against their accepting temporary transfers in officiating vacancies to the High Court. It is unnecessary therefore in my view to impose statutory restrictions, even if it were legally possible to do so without affecting the provisions of section 101 of the Government of India Act.

Cf. Section 80-A (4) of the Government of India Act.

(Signed) M. H. W. HAYWARD.

16th December 1925.

(*Minute of dissent by Mr. A. N. Surve, M.L.C.*)

I was able to attend two out of three meetings; consequently I was not present when clauses 13 to 38 were discussed.

Clause 4 (1).—Even after hearing the official reasons for maintaining the statutory staff of the Chief Court at one chief and 3 judges, I consider it necessary to increase it to one chief and four judges.

^{*} Will be published when received.

Clause 4 (2) Proviso.—Reservation of 50 per cent. posts for I.C.S. judges is excessive in view of the fact that the other 50 per cent. are to be shared by three groups, viz., Barrister, Sub-Judge and Advocate cum High Court Pleader. I consider 25 per cent. provision for the I.C.S. quite ample. I would therefore suggest that only one out of four judges should be an I.C.S.

Clause 43 (1) Proviso and Clause 43 (3).—In the case of dismissal of menials, the proviso and sub-clause (3) make a distinction. Under the proviso, the menial servant can be dismissed by obtaining previous sanction of the Chief Judge; but under sub-clause (3) an appeal would lie to the Chief Judge. Thus it would appear that menials in Sub-judges' Courts are better treated than those in the District and Chief Judges' Courts inasmuch as the former enjoy the statutory right of appeal, whereas the latter would—in practice—enjoy no such right. The reason for this distinction is not satisfactorily explained.

Except these and a few other points, I am in general agreement with the majority report.

(Signed) A. N. SURVE.

53, Umerkhadi,

Bombay, 27th December 1925.

BILL No. XXIII OF 1925

A Bill to consolidate and amend the law relating to the Courts in Sind

(As amended by the Select Committee)

WHEREAS it is expedient to consolidate and amend the *Cf. VI of 1900.* law relating to the Courts in Sind; and whereas the previous ^{preamble.} sanction of the Governor General, required by section 80A ^{5 and 6 Geo.} of the Government of India Act, has been obtained for the ^{5, a. 61.} passing of this Act: It is hereby enacted as follows:—

Preliminary

1. *Short title.*—This Act may be called the Sind Courts Act, 1925.

2. *Extent and commencement.*—(1) It extends to the Presidency of Bombay.

(2) It shall come into force on such date as the Governor of Bombay in Council may, by notification in the *Bombay Government Gazette*, appoint.

The Chief Court

3. *Establishment of Chief Court.*—On and from the *Cf. VI of 1900, s. 4.* commencement of this Act there shall be established for Sind a Chief Court hereinafter referred to as “the Chief Court.”

4. *Constitution of Chief Court and appointment and tenure of Judges.*—(1) The Chief Court shall consist of a Chief Judge and three or more Judges who shall be appointed by the Governor General in Council and shall hold office during his pleasure. *Cf. Oudh Courts Act IV of 1925, s. 4, and Govt. of India Act s. 10 as amended by Indian High Courts Act, 1922.*

(2) The Chief Judge and Judges must each be either:

(a) A Barrister of England or Ireland or a Member of the Faculty of Advocates in Scotland of not less than five years’ standing; or

(b) A Member of the Indian Civil Service of not less than ten years’ standing and having for at least three years served as or exercised the powers of a District Judge; or

(c) A person having held judicial office not inferior to that of a Subordinate Judge or a Judge of the Small Cause Court for a period of not less than five years; or

(d) A person who has been an Advocate or a Pleader of any Court which is a High Court within the meaning of clause (24) (22) of section 3 of the General Clause Act, 1897 ^{X of 1897} ^{Bom. I of 1904.} for an aggregate period of not less than ten years: 1904.

Provided that the Chief Judge and Judges counted together must include not less than two such Barristers, Advocates or Pleaders and not less than two Members of the Indian Civil Service.

(3) Additional Judges duly qualified as aforesaid may be appointed for such period not exceeding two years as may be required by the Governor General in Council and shall each of them during such period have all the powers of a Judge of the Chief Court.

5. ~~The Governor General in Council may in his discretion from time to time appoint one of the Judges of the Chief Court to be the Chief Judge.~~

6. 5. *Provision for vacancy in the office of Chief Judge.*—On the occurrence of a vacancy in the office of the Chief Judge and during any absence of the Chief Judge the Governor of Bombay in Council shall ~~may~~ appoint one of the other judges of the Chief Court to perform the duties of the Chief Judge, until some person has been appointed by the Governor General in Council to the office of Chief Judge of the Chief Court, and has entered on the discharge of the duties of that office, or until the absent Chief Judge has returned to his duties, as the case requires.

7. 6. *Provision for vacancy in the office of a judge other than the Chief Judge.*—On the occurrence of a vacancy in the office of a judge other than the Chief Judge, and during any absence of any such judge or on the appointment of any judge to act as Chief Judge the Governor of Bombay in Council may appoint a person to act *officiate* as a judge of the Chief Court and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by the Governor General in Council to the office of judge of the Chief Court and has entered on the discharge of the duties of the office, or until the absent Judge has returned to his duties or until the Governor of Bombay in Council sees cause to cancel the appointment of the acting judge.

8. 7. *Rank and precedence of Chief Judge and Judges of Chief Court.*—(1) The Chief Judge (if any) whether permanent or officiating shall have rank and precedence before the other judges of the Chief Court.

(2) Save as aforesaid and subject to any general or special direction by the Governor General in Council the judges shall have rank and precedence according to the seniority of their appointment as such judges :

Provided that a permanent judge shall be deemed to be senior to, and shall have rank and precedence before, an officiating judge.

Cf. VI of 1900,
a. 7, and Punj.
III of 1914,
s. 5.

~~(3) In the construction of this Act the expression 'senior judge' shall mean the judge for the time being entitled to the first place in rank and precedence.~~

9. 8. *Civil and criminal jurisdiction of Chief Court.*—The Chief Court shall be the highest civil court of appeal and revision and the highest court of criminal appeal and revision for Sind and the principal civil and criminal court of original jurisdiction for the civil district and the sessions division respectively of Karachi and shall be the Court of Session and shall exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi. Cf. VI of 1900, s. 8; Punj. III of 1914, s. 6 and 7.

10. 9. *Civil jurisdiction in Karachi district.*—The Chief Court shall be the court of appeal from all decrees and orders passed by subordinate courts in the civil district of Karachi from which an appeal lies under any law for the time being in force.

11. 10. *Criminal jurisdiction in Karachi sessions division.*—(1) Notwithstanding anything in the Code of Criminal Procedure, 1898 :— Cf. VI of 1900, s. 13. V of 1898.

(a) a magistrate exercising jurisdiction in the sessions division of Karachi, when committing accused persons for trial, shall commit them to the Chief Court; and

(b) all appeals which lie under any law for the time being in force to the Court of Session from the sentences or orders of Courts or Magistrates exercising jurisdiction in the sessions division of Karachi shall lie to the Chief Court.

(2) Section 9 of the Code of Criminal Procedure, 1898, V of 1898. shall not apply to the sessions division of Karachi.

12. 11. *Delegation of powers to members of Court : Full Bench.*—(1) Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its judges of any of its powers. Cf. Punj. III of 1914, s. 8

(2) The Chief Court may make rules, declaring what number of judges, not being less than three shall constitute a full bench of the Chief Court, and may by these rules prescribe the mode of determining which judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the senior judge Chief Judge may determine which judge in each case shall sit alone and which judges of the Chief Court shall constitute any bench.

Cf. VI of 1900, a. 11, & Punj. III of 1914, a. 11. 13. 12. *Power to refer question to full bench.*—Any single judge of the Chief Court and any bench of judges thereof, not being a full bench, may in any case refer for the decision of a bench of two judges or of a full bench, *respectively*, any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the judge or bench and shall dispose of the case in accordance with the decision of the bench to which the question has been referred.

Cf. VI of 1900, a. 12, & Punj. III of 1914, a. 12. 14. 13. *Review in certain criminal cases.*—Where in any case any such question as is referred to in section 13 12 has been decided by a judge of the Chief Court exercising the jurisdiction of the Chief Court as the principal criminal court of original jurisdiction for the sessions division of Karachi, and no reference has been made under the provisions of that section or of section 434 of the Code of Criminal Procedure, 1898, the Chief Court may on its being certified by the Government Advocate for Sind that in his opinion the decision should be further considered, review the case or such part of it as may be necessary, and finally determine the question, and may thereupon alter the judgment, order or sentence passed by the judge and pass such judgment, order or sentence as it thinks right.

V of 1908.

The Government Advocate for Sind shall be appointed by the Governor in Council.

Cf. U. P. Act IV of 1925, a. 12. 15. 14. *Appeal from original civil jurisdiction of Chief Court.*—(1) Except as otherwise provided by any enactment for the time being in force, an appeal from any original decree or from any order against which an appeal is permitted by any law for the time being in force made by a single judge of the Chief Court, shall lie to a Bench consisting of two other judges of the Chief Court.

(2) *Appeals from appellate civil jurisdiction of a single judge.*—Except as otherwise provided by any enactment for the time being in force, an appeal from any appellate decree made by a single judge of the Chief Court shall lie to a Bench consisting of two other judges of the Chief Court, ~~if the judge who made the decree declares that the case is a fit one for appeal.~~

Cf. VI of 1900, a. 16. 16. 15. *Procedure of Chief Court in exercise of civil and criminal jurisdiction.*—(1) Notwithstanding anything contained in the Code of Civil Procedure 1908, or the Code of Criminal Procedure, 1898, the Chief Court shall record evidence including examinations of accused persons and judgments in such manner as it may direct by rule made with the sanction of the Governor of Bombay in Council.

V of 1908.
V of 1898.

(2) So much of rule 35 of Order XLI of the First Schedule *Cf.* VI of 1900. to the Code of Civil Procedure, 1908, as requires the decree ^{a. 16 (3).} V of 1908. to be signed and dated by the judge or judges who passed it, shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

17. 16. *Ministerial officers of Chief Court.*—(1) Subject to *Cf.* VI of 1900 any rules and restrictions which may be prescribed by the ^{a. 17. & Punj.} Governor of ~~Bombay~~ in Council the Chief Judge may appoint ^{III of 1914, a.} Registrars, Deputy Registrars, Assistant Registrars, an Official Receiver, Official Commissioners, a Clerk of the Crown and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointments of the Registrars, Deputy Registrars, Assistant Registrars, the Official Receiver, the Official Commissioners and the Clerk of the Crown shall be subject to the sanction of the Governor of ~~Bombay~~ in Council.

(3) The officers appointed under sub-section (1) shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Every officer appointed under the provisions of this section shall receive such salary as the Chief Judge may fix, subject to the sanction of the Governor of ~~Bombay~~ in Council.

(5) Any officer appointed under sub-section (1) may be suspended or dismissed from his office by order of the Chief Judge:

Provided that none of the officers mentioned in sub-section (2) shall be dismissed without the previous sanction of the Governor of ~~Bombay~~ in Council.

18. 17 *Superintendence and control of other courts.*—The *Cf.* Bom. XII general superintendence, direction and control over all courts of 1866, a. subject to its appellate jurisdiction ~~are~~ shall be vested in the ^{15A; 5 & 6} Chief Court. ^{Geo. V, c. 61, a. 107.}

19. 18. *Admission and removal of Advocates, Pleaders and Attorneys.*—The Chief Court may, subject to such rules as it *Cf.* Bom. XII of 1866, a. 16. may with the sanction of the Governor of ~~Bombay~~ in Council determine, admit proper persons to be Advocates, Pleaders and Attorneys in any court in Sind, and may remove or suspend from practice for misbehaviour any person so admitted; and may authorise such Advocates, Pleaders and Attorneys to plead or to act or to plead and act for suitors and accused persons.

29. 19. *Power to make rules.*—In addition to any other power to make rules expressly or by implication conferred by this Act the Chief Court may with the sanction of the Governor of Bombay in Council, make rules consistent with this Act and any other enactment for the time being in force to regulate any of the following matters, namely :—

Cf. Bom. XII of 1866, s. 15 A (1).

(a) the supervision of all Courts subject to the control of the Chief Court and their visitation and inspection ;

Cf. Bom. XII of 1866, s. 15A (2), & XXV of 1869, s. 9.

(b) the exercise by the district judges of the general control vested in them over the civil courts in their respective civil districts ;

Cf. Bom. XII of 1866, s. 10 & XIV of 1869, s. 39.

(c) all matters relating to the officers of courts ;

Cf. VI of 1900 s. 19 (1) (b).

(d) ~~providing for~~ the translation of any papers filed in the Chief Court and ~~for~~ the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or translations and ~~requiring the recovery~~ from the persons at whose instance or on whose behalf papers are filed, payment of the expenses thereby incurred :

Cf. Bom. XII of 1866, s. 9A (c) & XIV of 1869, s. 43.

(e) the holidays and vacations of the Chief Court and the courts subordinate to it ;

Cf. XIV of 1869, ss. 5, 15 & 23.

(f) the places and times for the holding of courts ;

Cf. XIV of 1869, s. 41A.

(g) the qualifications and admission of proper persons to be petition-writers in courts, the issue of licenses to such persons, the fees to be charged by such persons and the conduct of business by such persons, and ~~providing the punishment by a fine not exceeding fifty rupees for~~ the breach of any such rules, and ~~determining~~ the authority by which such breaches shall be investigated and the fines imposed ; and ~~providing that any such fine shall be recoverable as if the recovery of any such fine as though it~~ were a fine imposed by a magistrate in the exercise of his ordinary jurisdiction ;

Cf. Bom. XII of 1866, s. 17.

(h) the fees to be charged for processes issued by the civil courts, or by any officer of any such court and the fees payable in any suit or proceeding in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding ;

Cf. XIV of 1869, s. 41.

(i) the manner in which the proceedings of civil courts shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies.

21. 20. *Registers, books, accounts, returns, statements and reports.*—The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of its business, or required by the Governor of Bombay in Council, and shall comply, in such form and manner as the Governor of Bombay in Council may deem proper, with any requisition which the Governor of Bombay in Council may make for records of, or papers belonging to the Chief Court, or any court subordinate to it, or for certified copies of or extracts from, such records of or papers, or for returns, statements or reports.

District Courts

22. 21. *Civil districts.*—(1) For the purposes of this Act the Governor of Bombay in Council may by notification divide Sind into civil districts and fix the limits of such civil districts and determine the headquarters of each such district. Cf. Punj. III of 1914, s. 19, VI of 1900, s. 23, & XIV of 1869, ss. 3 & 4.

(2) The districts existing for the purposes of civil justice when this Act comes into force shall be deemed to have been made under this Act.

23. 22. *District Courts.*—(1) There shall be in each civil district other than the district of Karachi a district court and the Governor of Bombay in Council shall appoint a district judge to each such court. Cf. Bom. XII of 1866, s. 2, & XIV of 1869, s. 5.

(2) *Original jurisdiction of district court.*—The district court shall be the principal court of original civil jurisdiction in the civil district. Cf. XIV of 1869, s. 7, & Bom. XII of 1866, s. 31.

24. 23. *Joint Judges.*—(1) The Governor of Bombay in Council may appoint joint judges to any district court. Cf. XIV of 1869, s. 12.

(2) Every such joint judge shall exercise the powers and jurisdiction of the district court concurrently with the district judge in such matters as may be referred to him by the district judge.

(3) All Regulations and Acts now or hereafter in force and applying to a district judge shall be deemed to apply also to the joint judge and the seal of the joint judge shall be the same as is used by the district judge.

25. 24. *Assistant Judges.*—(1) The Governor of Bombay in Council may appoint assistant judges to any district court. Cf. XIV of 1869, ss. 14 & 16.

(2) An assistant judge shall have jurisdiction to hear such original suits, of which the subject-matter is less than ten thousand rupees in amount or value, such applications or references under special Acts, and such miscellaneous applications not being of the nature of appeals, as the district judge may refer to him.

Cf. XIV of 1869, s. 17. 26. 25. *Appellate jurisdiction of assistant judge.*—(1) The Governor of ~~Bombay~~ in Council may confer upon any assistant judge the power to hear such appeals from the decrees and orders of the subordinate courts as lie to the district court and as may be referred to him by the district judge.

(2) An assistant judge on whom the power to hear appeals has been conferred under this or any other Act, shall continue to have such power so long and so often as he may hold the office of assistant judge, without reference to the civil district in which he may be employed: Provided that the Governor of ~~Bombay~~ in Council may at any time withdraw such power.

Cf. XIV of 1869, s. 19. 27. 26. *Power to invest joint or assistant judge with powers of district court.*—The Governor of ~~Bombay~~ in Council may confer upon any *joint or* assistant judge any of the powers and jurisdiction of the district court within any specified part of a civil district and such powers and jurisdiction shall not, while so conferred upon the *joint or* assistant judge, be exercised in such part by the district Judge.

Cf. XIV of 1869, s. 9. 28. 27. *Control of courts.*—The district judge shall have general control over all the civil courts within the district.

Cf. XIV of 1869, s. 8, & Bom. XII of 1866, s. 8. 29. 28. *Appellate jurisdiction of district court.*—(1) Save as provided in sections 9, 8, 10, 9, 27, 26, 34, 33, 35, 34 and 37 36 in any case where a decree or order of a subordinate court is appealable, the appeal shall lie to the district court.

(2) Where a decree or order passed by an assistant judge in his original jurisdiction is appealable, the appeal shall lie to the Chief Court or to the district court, according as the amount or value of the subject-matter exceeds, or does not exceed, five thousand rupees.

Subordinate Courts

Cf. Bom. XII of 1866, s. 4. 30. 29. *Subordinate courts.*—(1) There shall be in each civil district so many civil courts subordinate to the District Court (in this Act called "subordinate courts") as the Governor of ~~Bombay~~ in Council may by notification direct.

Cf. XIV of 1869, ss. 22A & 23. (2) The Governor of ~~Bombay~~ in Council may determine the local limits of the jurisdiction of subordinate courts and the places where such courts shall be held.

Cf. XIV of 1869, s. 23. (3) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.

Cf. XIV of 1869, s. 22. (4) The Governor of ~~Bombay~~ in Council shall appoint a subordinate judge to each such court.

Cf. XIV of 1869, s. 21. (5) The Governor of ~~Bombay~~ in Council may at any time for special reasons close temporarily any such court.

31. 30. *Joint subordinate judges and deputation.*—(1) The *Cf. XIV of Governor of Bombay* in Council may appoint joint sub-ordinate judges to a subordinate court. 1869, s. 23.

(2) The district judge, with the previous sanction of the Chief Court, may depute to a subordinate court the judge of any other subordinate court in the civil district.

(3) A subordinate judge so appointed or deputed to a subordinate court shall dispose of such civil business within the pecuniary limits of his jurisdiction as the judge of such court, subject to the control of the district judge, may refer to him.

32. 31. *Jurisdiction of subordinate courts.*—(1) The *Cf. XIV of ordinary jurisdiction of subordinate judges of the first class* shall extend to all original suits and proceedings of a civil nature. 1869, s. 24.

(2) The ordinary jurisdiction of subordinate judges of the second class shall extend to all such suits and proceedings wherein the subject matter does not exceed five thousand rupees in amount or value.

33. 32. *Special jurisdiction of First Class Subordinate Judge.*—(1) A subordinate judge of the first class, in addition to his ordinary jurisdiction, shall exercise in the civil district to which his court belongs a special jurisdiction in respect of such suits and proceedings of a civil nature, wherein the subject-matter exceeds five thousand rupees in amount or value, as may arise within the local limits of the jurisdiction of all subordinate courts in the civil district of which the judges are of the second class. *Cf. XIV of* 1869, s. 25.

(2) In any civil district in which there are two or more subordinate judges of the first class, the district judge, subject to the orders of the Chief Court, shall determine the local limits within which each such judge shall exercise his special jurisdiction.

34. 33. *Appeal from decision of first class subordinate judge.*—Where a decree or order passed by a subordinate judge of the first class in his ordinary or special jurisdiction in any suit or proceeding of which the amount or value of the subject matter exceeds five thousand rupees is appealable, the appeal shall lie to the Chief Court. *Cf. XIV of* 1869, s. 26.

35. 34. *Appellate jurisdiction of first class subordinate judge of small cause court judge.*—(1) The Governor of Bombay in Council may ~~save in the civil district of Karachi~~ invest any subordinate judge of the first class, or any judge of a court of small causes established under the Provincial Small Cause Courts Act, 1887, with power to hear appeals from such decrees and orders of subordinate courts as may be referred to him by the district judge. *Cf. XIV of* 1869, s. 27.

(2) The appellate decision in any such case shall have the same force as if passed by the district judge.

(3) A subordinate judge of the first class or a judge of a court of small causes, on whom the power of hearing appeals has been conferred under this or any other Acts, shall continue to have such power so long and so often as he may hold the office of subordinate judge of the first class or judge of a court of small causes, respectively, without reference to the civil district in which he may be employed : ~~Provided that the Governor of Bombay in Council may at any time withdraw such power.~~

Cf. XIV of 1869, s. 28. 36. 35. *Power to invest subordinate judges with small cause powers.*—The Governor of Bombay in Council may confer upon any subordinate judge within any specified local limits the jurisdiction of a court of small causes for the trial of suits cognizable by such courts up to any specified amount not exceeding, in the case of a subordinate judge of the first class, one thousand rupees, and in the case of a subordinate judge of the second class, two hundred rupees.

Cf. XIV of 1869, s. 28A. 37. 36. *Power to invest subordinate judges with jurisdiction under certain Acts.*—(1) The Chief Court may by general or special order invest any subordinate judge, within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of ~~X of 1865.~~ a district judge or a district court, as the case may be, under ~~XXXIX of 1925.~~ the Indian Succession Act, 1865 1925, ~~the Probate and Administration Act, 1881,~~ or paragraph 5 of Schedule III ~~V of 1881.~~ to the Code of Civil Procedure, 1908. *V of 1908.*

(2) Every order made by a subordinate judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the Chief Court or the district court according as the amount or value of the subject-matter exceeds or does not exceed five thousand rupees.

(3) Every order of the district court passed on appeal under sub-section (2) from the order of the subordinate judge shall be subject to an appeal to the Chief Court under the rules contained in the Code of Civil Procedure, 1908, applicable to appeals from appellate decrees.

V of 1908.

Cf. XIV of 1869, s. 32. 38. 37. *Government suits.*—(1) No subordinate court other than the court of a subordinate judge of the first class and no court of the small causes shall receive or register any suit in which the Secretary of State for India in Council or any officer of Government in his official capacity is a party.

(2) In every such case, the plaintiff shall be referred to the court of the subordinate judge of the first class and such suit shall be instituted only in the court of the subordinate

judge of the first class and shall be heard by such subordinate judge, ~~unless the district judge transfers the suit for hearing to his own file subject to the provisions of section 24 of the Code of Civil Procedure, 1908.~~

V of 1908.

~~(3) Provided that nothing in this section shall be deemed to apply to any such suit merely because any of the authorities or officers specified below is a party to such suit, that is to say :—~~

~~(1) A state railway, in the case of a suit for damages for loss of goods instituted against such railway.~~

~~(2) A local authority of which an officer of Government is a member in his official capacity.~~

~~(3) An officer of Government in his capacity of curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—~~

~~(a) Order 32, rule 4 (4) of the Code of Civil Procedure, 1908 ;~~

V of 1908.

~~(b) Section 5 of the Succession (Property Protection) Act ;~~

XIX of

~~(c) Section 69 or 71 of the Indian Lunacy Act, 1912 ;~~

1841.

~~(d) Section 7, 18 or 82 of the Guardians and Wards Act, 1890 ;~~

IV of

1912.

~~(e) Section 1 or 17 of the Ahmedabad Talukdars' Act, 1862 ;~~

VIII of

1800.

~~(f) Section 7 (2) (c) or 34 of the Sind Incumbered Estate Act, 1896 ;~~

VI of

1862.

or

XX of
1896.

~~(g) Section 3, 19 (1), 19 (2), 20, 22 (1), or 41 (1) of the Bombay Court of Wards Act, 1905.~~

Bom. I of

~~(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway ; or to apply to any suit merely because an officer of Government is a party thereto, in his capacity of—~~

~~(a) member of a local authority,~~

~~(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—~~

~~(i) Order 32, rule 4 (f), of the Code of Civil Procedure, 1908 ;~~

V of 1908.

~~(ii) section 5 of the Succession (Property Protection) Act, 1841 ;~~

XIX of 1841

~~(iii) section 69 or 71 of the Indian Lunacy Act, 1912 ;~~

IV of 1912.

- VIII of 1890. (iv) section 7, 18 or 42 of the *Guardians and Wards Act, 1890* ;
- Bom. VI of 1862. (v) section 1 or 17 of the *Ahmedabad Talukdars' Act, 1862* ;
- Bom. XX of 1896. (vi) section 7 (2) (c) or 34 of the *Sindh Incumbered Estates Act, 1896* ; or
- Bom. I of 1905. (vii) section 3, 19 (1), 19 (2), 20, 22 (1), or 41 (1) of the *Bombay Court of Wards Act, 1905*.

Temporary Vacancies

Cf. XIV of 1869, s. 35. 39. 38. *Temporary vacancy of office of district judge.*—In the event of the death of a district judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave *the joint judge, if any, or the first in rank of the assistant judges in the district, or in the absence from the district of the joint or assistant judge, the first in rank of the subordinate judges, shall assume charge of the district court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like and shall be designated joint judge, assistant judge or subordinate judge, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed, or assumed by an officer duly appointed thereto.*

Cf. XIV of 1869, s. 26. 40. 39. *Delegation of powers of district judge.*—Any district judge leaving the headquarters and proceeding on duty to any place within his district may delegate to a *joint judge or an assistant judge, or in the absence of a joint judge or an assistant judge, to a subordinate judge at the headquarters, the power of performing such duties, enumerated in section 40 38 as may be emergent ; and such officer shall be designated joint, assistant or subordinate judge, as the case may be, in charge of the headquarters.*

Cf. XIV of 1869, s. 37. 41. 40. *Temporary vacancy of office of subordinate judge.*—In the event of the death, suspension or temporary absence of any subordinate judge, the district judge may empower the judge of any subordinate court of the same civil district to perform the duties of the judge of the vacated subordinate court, either at the place of such court or of his own court ; but in every such case the registers and records of the two courts shall be kept distinct.

Suspension and removal of Subordinate Judges

Cf. Bom. XII of 1866, s. 9. 42. 41. *Suspension and removal.*—(1) The Governor of Bombay in Council may suspend or remove from office any subordinate judge for misbehaviour or neglect of duty.

(2) The Chief Court may suspend from office any subordinate judge pending inquiry into his conduct.

(3) The district judge may, in cases of urgent necessity, suspend from office any subordinate judge in the civil district, but shall forthwith report the case to the Chief Court.

Officials of Courts other than the Chief Courts

43. 42. *Appointment and removal of court officials.*—(1) The Chief Judge may appoint for the subordinate courts of the civil district of Karachi such ministerial officers as the Governor of Bombay in Council may direct; and the district judge of any other civil district may make the like appointments for the district court and the subordinate courts of such district; and the Chief Judge and district judge respectively may promote, suspend or dismiss any such officer. Cf. Bom. XII of 1866, s. 10.

Provided that no official officer who is in receipt of a monthly salary amounting to *not less than* thirty rupees shall be dismissed without the sanction of the Chief Judge.

(2) The Chief Judge may transfer any ministerial officer of any civil court to any other such court and the district judge may make any such transfer in the courts within the local limits of his jurisdiction. Cf. XIV of 1869, s. 40A.

(3) The judge of a subordinate court may appoint peons and ministerial servants of such court and may suspend or remove any bailiff or peon or ministerial menial servant, subject to an appeal to the Chief Judge in the case of the civil district of Karachi and to the district judge in the case of any other civil district. Cf. Bom. XII of 1866, s. 10.

Supplemental

44. 43. *Seal.*—Every court shall use a seal on which shall be engraved the royal arms and the title of such court. Cf. Bom. XII of 1866, s. 11 & XIV of 1869 ss. 11 & 29.

45. 44. *Execution of decree for debt against certain privileged persons.*—(1) No decree for payment of debt passed by any court shall, save as provided by sub-section (2), be executed against a defendant who is a member of any of the late reigning families of Sind and whose name is entered in a list published in this behalf by the Governor of Bombay in Council in the *Bombay Government Gazette*. Cf. Bom. XII of 1866, s. 11 & Bom. III of 1868.

(2) Where application is made for the execution of such decree against such person, the court shall forward a copy of the decree and of the application to the Commissioner in Sind, who may by special order direct that the decree shall be executed against such person and may specify the manner in which it may be executed.

46. 45. *Pending proceedings.*—(1) Every proceeding pending at the commencement of this Act in the Court of the Judicial Cf. VI of 1904 ss. 43 (2), 40 & 45.

Commissioner of Sind or in the District Court of Karachi or in the court of Session of Karachi shall be deemed to be transferred to the Chief Court of Sind and the Chief Court shall proceed to try, hear and determine the matter as if it had been instituted in such court.

(2) Appeals from decrees, sentences and orders passed and not appealed against before the commencement of this Act, which would before that date have lain to the said Court of the Judicial Commissioner or the said district or sessions court, shall lie to the Chief Court.

(3) All decrees, sentences and orders passed before the commencement of this Act by the said Court of the Judicial Commissioner or the said district or sessions court shall be deemed for the purposes of execution to have been passed by the Chief Court.

(4) Provided that nothing contained in sub-section (1) or sub-section (2) shall be construed to extend the period of limitation to which any suit or appeal may be subject.

Cf. U. P. Act
IV of 1925,
a. 49.

47. 46. *Enactments amended and replaced.*—(1) The enactments mentioned in the First Schedule are hereby amended, or, as the case may be, shall be deemed to be amended, to the extent and in the manner specified in the fourth column thereof.

(2) The enactments mentioned in the Second Schedule are hereby repealed, or, as the case may be shall be deemed to be repealed, to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE

ENACTMENTS AMENDED OR DEEMED TO BE AMENDED

[See section 47 46 (1)]

Year.	No.	Short title.	Amendments.
		Part I—Acts of	the Governor General in Council.
1866	XXVII	The Indian Trustees' Act, 1860.	In the definition of High Court in section 2, after the figures "101" the words "and also the Chief Court of Sind" shall be deemed to have been inserted.
1866	XXVIII	The Trustees and Mortgagees' Powers Act, 1866.	In the definition of High Court in section 1, after the figures "101" the words "and includes the Chief Court of Sind" shall be deemed to have been inserted.
1869	IV	The Indian Divorce Act, 1869.	In section 3, clause (1), after the words "the High Court of Judicature at Rangoon" the words "in Sind the Chief Court of Sind" shall be deemed to have been inserted. In section 3, clause (2), for the words "in Burma" the words "in Burma and Sind" shall be deemed to have been substituted.
1870	VII	The Court Fees Act, 1870.	After article 11 in Schedule I the following article shall be deemed to have been inserted, namely. "11A. Application When the Two to the Chief amount ru Court of or value pees. Sind for the of the exercise of subject its revisional jurisdiction in dis-diction put e under sec does not tion 115 of exee d the Code t w e n t y of Civil fi v e Procedure, rupees. 1908,—or

Year.	No.	Short title.	Amendments.
			<p>section 25 When The of the Pro such fee vincial amount levi Small or value able Causes exceeds on a Courts twenty me Act, 1887. five mo rupees. ran dum of ap peal.</p>
1875	XVIII	The Indian Law Reports—Act, 1875.	<p>(1) In the preamble after the figures "104" the words "and by the Chief Court of Sind" shall be deemed to have been in serted.</p> <p>(2) In section 3 after the words "High Courts" the words "or by the Chief Court of Sind" shall be deemed to have been inserted.</p>
1879	III	The Destruction of Records Act, 1879.	In section 3 after the word "Burma" the words "and the Chief Court of Sind" shall be deemed to have been inserted.
1879	XVIII	The Legal Prac titioners'—Act, 1879.	In sub section (4) of section 48 after the word "Burma" the words "and the Chief Court of Sind" shall be deemed to have been inserted.
1891	XVI	The Colonial Courts of Ad miralty (India) —Act, 1891.	<p>In section 2, (1) after clause (4) the following clause shall be deemed to have been inserted, namely:— " (5) the Chief Court of Sind, and ";</p> <p>(2) clause " (5) " shall be deemed to have been renumbered " (6) ".</p>
1898	V	The Code of Criminal Proce dure.	<p>(1) In section 4 sub section (1), clause (j), (i) after the word "Range on " the words " the Chief Court of Sind " shall be deemed to have been inserted, and</p>

Year.	No.	Short title.	Amendments.
1908	V	The Code of Civil Procedure.	<p>(ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judicial Commissioner of the Central Provinces" shall be deemed to have been substituted.</p> <p>(2) In section 266,</p> <p>(i) after the word "includes" the words "the Chief Court of Sind" shall be deemed to have been inserted, and</p> <p>(ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judicial Commissioner of the Central Provinces" shall be deemed to have been substituted.</p> <p>(3) In section 364, sub-section (1), after the word "Charter" the words "or the Chief Court of Sind" shall be deemed to have been inserted.</p> <p>(4) In section 365, after the word "Charter" the words "and the Chief Court of Sind" shall be deemed to have been inserted.</p> <p>In section 122 after the figures "1915" the words "and the Chief Court of Sind" shall be deemed to have been inserted.</p>

Year.	No.	Short title.	Amendments.
		<i>Part I.—Acts of</i>	<i>the Governor-General in Council</i>
1866	XXVII	<i>The Indian Trustees' Act, 1866.</i>	In the definition of High Court in section 2, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1866	XXVIII	<i>The Trustees' and Mortgagees' Powers Act, 1866.</i>	In the definition of High Court in section 1, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1869	IV	<i>The Indian Divorce Act, 1869.</i>	In clause (1) of section 3, after the words "of Oudh" the words "in Sind—the Chief Court of Sind" shall be deemed to have been inserted. In clause (2) of section 3, for the words "in Burma" the words "in Burma and Sind" shall be deemed to have been substituted.
1875	XVIII	<i>The Indian Low-Reports Act, 1875.</i>	(1) In the preamble for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted. (2) In section 3 for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1879	XVIII	<i>The Legal Practitioners' Act, 1879.</i>	In sub-section (A) of section 41 for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1891	XVI	<i>The Colonial Courts of Admiralty (India) Act, 1891.</i>	In section 2, (1) after clause (4) the following clause shall be deemed to have been inserted, namely:— "(5) The Chief Court of Sind, and"; (2) Clause "(5)" shall be deemed to have been re-numbered "(6)".
1898	V	<i>The Code of Criminal Procedure.</i>	(1) In clause (j) of sub-section (1) of section 4, (i) for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted, and (ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judicial Commissioner of the Central Provinces" shall be deemed to have been substituted. (2) In section 286, (i) for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted, and (ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judicial Commissioner of the Central Provinces" shall be deemed to have been substituted. (3) In sub-section (1) of section 364, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted. (4) In section 385, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1903	V	<i>The Code of Civil Procedure.</i>	In section 122 for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1908	IX	<i>The Indian Limitation Act, 1908.</i>	In section 123 read "Court" for "Courts". In the First Schedule, Third Division, in Article 162 after the word "Bombay" the words "or the Chief Court of Sind" shall be deemed to have been inserted.
		<i>Part II.—Acts of</i>	<i>the Governor of Bombay in Council</i>
1879	V	<i>The Bombay Land Revenue Code, 1879.</i>	In sub-section (3) of section 135H, for the words "Court of the Judicial Commissioner" the words "Chief Court" shall be substituted.
1906	II	<i>The Mamlatdars' Courts Act, 1906.</i>	In section 24 for the words "Court of the Judicial Commissioner" the words "Chief Court" shall be substituted.
1915	I	<i>The Bombay Town-Planning Act, 1915.</i>	In section 33, (1) In sub-section (2) for the words "Judicial Commissioner" where they occur for the second time the words "Chief Judge of the Chief Court of Sind" shall be substituted; and (2) for the words "Additional Judicial Commissioner" in sub-sections (2) and (3) the words "Judge of the Chief Court of Sind" shall be substituted.
1923	VI	<i>The Bombay Local Boards Act, 1923.</i>	In the explanation to clause (d) of sub-section (1) of section 9 for the words "Court of the Judicial Commissioner in Sind" the words "Chief Court of Sind" shall be substituted.

THE SECOND SCHEDULE

REPEALS

[See section 47 46 (2)]

Year.	No.	Short title.	Extent of repeal.
<i>Part I.—Acts of the Governor General in Council</i>			
1869	IV	The Indian Divorce Act, 1869.	In section 3, clause (3), the words "in Sind Judicial Commissioner of that Province" shall be deemed to have been repealed.
1869	XIV	The Bombay Civil Courts Act, 1869.	So far as extended by notification to Sind.
1891	XVI	The Colonial Courts of Admiralty (India) Act, 1891.	In section 2, (1) The word "and" in clause (5), and (2) Clause (6), shall be deemed to have been repealed.
<i>Part II.—Acts of the Governor of Bombay in Council</i>			
1866	XII	The Sindh Courts Act, 1866.	So much as has not been repealed.
1868	III	The Bombay Act V of 1867 (Amendment) Act, 1868.	So much as has not been repealed.
1906	I	The Sind Courts (Amendment) Act, 1906.	The whole.
1910	I	The Bombay Repealing and Amending Act, 1910.	So much of it as relates to the Sind Courts (Amendment Act, 1906).
1916	II	The Sind Courts (Amendment) Act, 1916.	The whole.

NOTIFICATION

LEGISLATIVE COUNCIL OFFICE

Town Hall, Bombay, 8th February 1926

No. 493.—With reference to the footnotes to the Report of the Select Committee on Bill No. XXIII of 1925 (A Bill to consolidate and amend the law relating to the Courts in Sind) published at pages 3—6 of the *Bombay Government Gazette*, Part V, dated the 2nd February 1926, it is notified that Mr. B. G. Pahalajani, M.L.C., has recorded the following minute of dissent and that Mr. Noor Mahomed, M.L.C., has signed the report subject to a minute of dissent shown below ;

(Minute of dissent by Mr. B. G. Pahalajani, M.L.C.)

I am of opinion that the Chief Judge of this Court should be a person belonging to clauses (a) and (d) of section 4 ; and that the Judges who are appointed out of the cadre of I.C.S. should not exceed one-third.

Section 18 requires a special provision to provide for Advocates and Barristers to be bound by and bind, their clients, by their contract.

Now that the Government have got an opportunity of amending the law, the protection given to the Secretary of State for India and public servants from their suing or being sued in ordinary courts like other litigants should be entirely done away with. In the whole of India, in no other presidency does this protection exist ; its existence is an anomaly.

(Signed) B. G. PAHALAJANI.

(Minute of dissent by Mr. Noor Mahomed, M.L.C.)

I sign the majority report subject to a minute of dissent.

1. Under clause 4 (1) of the bill the Chief Court is to consist of a Chief Judge and three or more Judges.

Under sub-clause (2) (c) a Subordinate Judge or a Judge of Small Cause Court of not less than five years' standing is eligible for appointment to a Judgeship of a Chief Court. But under the proviso sub-clause (2) not less than two of the Judges are to be Barristers, Advocates or pleaders and not less than two will be members of the I.C.S. That being so, sub-clause (c) making Subordinate Judge eligible for appointment to the Chief Court becomes nugatory in effect. I had therefore proposed in the Select Committee that the words "or Subordinate Judges or Judges of Small Cause Courts" should be added after the word "pleaders" in the proviso. This amendment was negatived by the majority of the Select Committee. I am strongly of opinion that this amendment should be accepted by the Council. I can see no reason why Subordinate Judge should be excluded from appointment to the Chief Court so long

as it consists of four Judges. Subordinate Judges are now recruited solely from the Bar and have got experience both at the Bar and on the Bench. They should therefore be made eligible for appointment like pleaders.

2. Also I strongly urge that the Chief Judge and the Judges of the future Sind Chief Court should not have the opportunity of making the Sind Chief Court only a stepping step for either some higher or a permanent place on the Bombay High Court. The recent experience of constant transfers and only very temporary appointments on the bench of the Judicial Commissioner's Court has been none too happy. Such constant transfers and temporary postings naturally destroy the smooth and the even working of the Judicial machinery. The political conditions in Sind and the ignorance of the litigants, particularly that of the defendants in the Civil Courts, require a uniform and consistent watch by the Judges of the highest Sind Court; and this will always remain impossible, unless and until some permanency of the Judges is secured by legislation. The non-official view on this matter was clear and definite; and I have every hope that the Government and the Council will come to a unanimous decision on this point, when the Bill comes up again for discussion before the House.

(Signed) NOOR MAHOMED.

N. J. WADIA,

Secretary to the Legislative Council of the
Governor of Bombay.

APPENDIX B

BILL No. VII OF 1926

(A Bill to amend the Bombay Prevention of Prostitution Act, 1923)

REPORT OF THE SELECT COMMITTEE

We, the undersigned members* of the Select Committee appointed to consider Bill No. VII of 1926 (a Bill to amend the Bombay Prevention of Prostitution Act, 1923), have the honour to report as follows :

2. We have examined the Bill and made a few changes in it.
3. We have considered the question whether the punishment provided in clause 3 of the Bill is sufficient. Two of the members were of opinion that the punishment should be increased, especially for second and subsequent offences. We have, however, decided by a majority that the punishment provided in clause 3 of the Bill is sufficient.
4. We have redrafted the proposed sub-section (6) (b) in order to make the wording of the sub-section correspond with that of sub-section (4) of section 9 of the Act.
5. We have made some slight drafting changes in clause 6.
6. We recommend that this report together with the minutes of dissent and the Bill as amended should be published in Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette* and in Sindhi in the *Sind Official Gazette*.

(Signed) J. L. RIEU.
 (") P. E. PERCIVAL.
 (") C. G. ADAM.
 (") HOOSEINALLY M. RAHIMTOOLA.
 (") R. G. PRADHAN.
 (") RAFIUDDIN AHMAD.
 (") S. K. BOLE.
 (") R. D. SHINDE.
 (") R. S. NEKALJAY (*subject to a minute of dissent*).
 (") A. N. SURVE (*subject to a minute of dissent*).

Minute of dissent by Mr. R. S. Nekaljay, M.L.C.

I am of the opinion that the punishment provided for the procurer has not proved to be effective and I would emphasize whipping with or without the addition of imprisonment as an efficient way of checking the growth of this offensive trade. Further, the police should be given power to arrest pimps without warrant and at the same time the

*Note.—The signature of Mr. Noor Muhamad will be notified when received.

Government should take steps to see that no corruption prevails in the police and that the guilty persons are brought to book.

For subsequent offences the procurers should be expelled from the city and thus put a stop to their dishonest living.

As for the girls who are victims of these pimps, they must be removed to the fallen homes where every assistance should be given to them to enable them to secure an honourable living.

In cases of subsequent offences I am of the opinion that segregation might prove effective and in dealing with these poor girls the Government should not lose sight of the fact that these despised girls should not be made confirmed criminals but should be helped out of their miserable condition.

Generally where women of ill-fame and ill-repute living in chawls or places occupied by other classes come to the notice of the police these should in the first place be segregated and thus prevent the evil spreading. Also persons thus segregated should be subjected to frequent medical examination.

(Signed) R. S. NEKALJAY, M.L.C.

Minute of dissent by Mr. A. N. Surve, M.L.C.

I am still of opinion that the punishment laid down in clause 3 of the bill is insufficient, and requires enhancement. I had urged—but unsuccessfully—that a repetition of the offence should be punished more severely. Burma Act II of 1921, section 4, does make a distinction between first and subsequent offences for the purpose of punishing the latter with more severity. I may note here that in order to obtain an exact idea of the extent and prevalence of this form of crime, I had suggested that workers in the field of Social Evil, who could throw light on the points, be examined as expert witnesses, but that suggestion was not accepted. Had it been accepted, my honourable colleagues on the committee would have been on surer grounds in declaring the punishment laid down in the clause as sufficient. As the matters stand, I am constrained to say, with due respect, that the majority have come to a decision without taking into consideration all aspects of the question. I therefore reserve my right of moving amendments for the purpose of enhancing punishment and also for visiting offences subsequent to the first with greater rigour.

Section 9, sub-section (1), of the Prostitution Act confers two kinds of powers upon the Commissioner of Police, viz.—

(1) Prohibition of residing, in using or frequenting any house, room, or place, etc., and

(2) Removal of a person within or without the City of Bombay.

Clause 4 of the bill by adding sub-section (6) (a) to section 9 of the Act attempts to confer similar powers upon the District Magistrate, but with this difference, viz., that the Commissioner of Police derives his power under section 9, sub-section (1), whereas the District Magistrate

will derive his under the proposed sub-section (6) (a) *plus* the notification issued by the Governor in Council.

As regards the second kind of power, *viz.*, removal of a person, the powers of the Commissioner of Police are limited by sub-section (3) which requires him to obtain the previous sanction of the Government. Similar limitation on the power of the District Magistrate is not reproduced in the bill. Government may, before issuing the notification, limit the powers of the District Magistrate, but that will be by an executive act and not by virtue of a statutory provision. If Government fail to impose such a limitation on the power of the District Magistrate, then the result will be that the Commissioner of Police who is a superior officer and exercises jurisdiction within the narrow limits of the City of Bombay will have but *limited powers*, whereas the District Magistrate who is—comparatively speaking—an inferior officer and whose jurisdiction extends over the whole district, will possess *unlimited powers*, so far as the previous sanction of the Government is concerned. I do not think it is the intention of the legislature to arm the District Officer with this unlimited power. Removal of a person from a place is a very great power, and it is not in the interests of the subjects that exceptional power of this magnitude be conferred on the District Officer without any statutory limitation. I would therefore humbly recommend that a limitation on the power of the District Officer be put as it is put in the case of the Commissioner of Police, and that the District Magistrate be required to obtain the previous sanction of the Government whenever he wants to exercise his power of removal of a person from his jurisdiction.

(Signed) A. N. SURVE, M.L.C.

Bombay, 28th April 1926.

BILL No. VII OF 1926

A Bill to amend the Bombay Prevention of Prostitution Act, 1923

(As amended by the Select Committee)

WHEREAS it is expedient to amend the Bombay Prevention of Prostitution Act, 1923, in manner hereinafter appearing; Bom. XI of 1923.
 And whereas the previous sanction of the Governor General required by section 80A of the Government of India Act has 5 & 6 Geo. 5, c. 61.
 been obtained for the passing of this Act; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Prevention of Prostitution (Amendment) Act, 192 .

2. *Amendment of s. 1 of Bom. XI of 1923.*—In sub-section (2) of section 1 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the words and figures “sub-section 8 (3)” the following words and figures Bom. XI of 1923.
 shall be substituted :—

“section 8, sub-section (3).”

3. *Amendment of s. 3 of Bom. XI of 1923.*—In section 3 of the said Act,

(a) for the words “eight days” the words “three months” and

(b) for the words “fifty” the words “one hundred” shall be substituted.

4. *Amendment of s. 9 of Bom. XI of 1923.*—After sub-section (5) of section 9 of the said Act the following sub-section shall be added, namely :—

“(6) (a) Elsewhere than in the City of Bombay all or any of the powers conferred by this section on the Commissioner of Police for the City of Bombay may be exercised, as regards his district or part of his district, by the District Magistrate when empowered in that behalf by the Governor in Council by a notification in the *Bombay Government Gazette*.

(b) Any person who disobeys any requisition contained in any notice issued by the District Magistrate under the powers exercisable by him under clause (a) on whom a notice issued by the District Magistrate under the powers exercisable by him under clause (a) shall have been served, disobeying the requisition therein contained shall be liable to the penalties punishment provided in sub-section (4).

(c) Whoever, within two years from the date of his removal under the provisions of this sub-section, returns to any place within the district from which he has been

removed without the permission in writing of the District Magistrate shall be liable to the punishment provided in sub-section (5)."

5. *Amendment of s. 10 of Bom. XI of 1923.*—For sub-section (1) of section 10 of the said Act the following shall be substituted, namely :—

"(1) Any police officer on information, and if the offence is committed in his view, any police officer specially authorised in this behalf by the Commissioner of Police, may arrest without a warrant any person committing any offence punishable under section 3."

6. *Amendment of s. 13 of Bom. XI of 1923.*—In section 13 of the said Act,—

(a) For clause (c) of sub-section (1) the following shall be substituted, namely :—

"(c) in clause 33, (1) (i) after the figures '126' the word 'or' shall be deleted and after the figures '23' the words and figures 'or under section 128 of this Act or' shall be inserted."

(b) For clause (e) of sub-section (1) the following shall be substituted, namely :—

"(e) the following shall be inserted as sub-section (1) of section 35 :—

'any police officer empowered in this behalf by the Commissioner of Police may arrest without warrant for any offence specified in section 120.'"

APPENDIX C

BILL No. XIII OF 1926

A Bill further to amend the Bombay Port Trust Act, 1879

(As published in the "Bombay Government Gazette" of the
10th July 1926)

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; Bom. VI of 1879.
AND WHEREAS the previous sanction of the Governor General 1879.
required by section 80A of the Government of India Act 5. & 6 Geo. V, c. 61.
has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Port Trust (Amendment) Act, 192 .

2. *Amendment of section 22 of Bom. VI of 1879.*—In section 22 of the Bombay Port Trust Act, 1879, hereinafter called Bom. VI of 1879.
the said Act—

(a) in sub-section (5) after the word "them" where it occurs for the first time the words "and the Chairman" shall be inserted; and

(b) in sub-section (6) after the word "servants" where it occurs for the second time the words "and the Chairman" shall be inserted.

3. *Amendment of section 49 of Bom. VI of 1879.*—In sub-section (1) of section 49 of the said Act after the word "servants" where it occurs for the third time the words "and the Chairman" shall be inserted.

4. *Amendment made by sections 2 and 3 to have retrospective effect.*—The amendments made by sections 2 and 3 shall be deemed to have been made and to have had effect from the 21st day of May 1923.

5. *Amendment of section 61A of Bom. VI of 1879.*—For sub-section (2) of section 61A of the said Act the following sub-section shall be inserted, namely:—

"(2) Goods not stored in licensed warehouses to remain at risk and expense of owner if not removed within seven days.—If any owner, without any default on the part of the Board, fails to remove any goods other than those stored in the warehouses appointed by the Board for the storage of duty paid goods or in warehouses appointed under section 15, or licensed under section 16 of the Sea Customs Act, 1878, from the premises of the Board within VIII of 1878.
seven clear days from the date on which such goods shall

have been landed, such goods shall remain on the premises of the Board at the sole risk and expense of the owner and the Board shall thereupon be discharged from all liability theretofore incurred by them in respect of such goods."

STATEMENT OF OBJECTS AND REASONS

The objects of this Bill are explained in the following notes on clauses.

Notes on Clauses

Clause 2.—The Board of Trustees of the Port of Bombay have recommended that a provision should be made in the Act that if the person appointed by Government to be Chairman of the Board or to officiate in the office of the Chairman is not a Government officer or eligible on retirement for a pension, he should, under prescribed conditions, be permitted to subscribe to the Trustees' provident fund and to qualify for retiring gratuity under the rules applicable to officers holding permanent superior appointments on the staff of the Board. The clause is intended to give effect to the recommendation of the Board.

Clause 3.—The amendment is consequential.

Clause 4.—The Board have recommended that the provision contained in clause 2 of this Bill should apply to the present Chairman, Mr. W. H. Neilson, both in respect of his officiating and substantive tenure of the appointment of Chairman. This clause accordingly provides that the provision contained in clauses 2 and 3 shall apply with retrospective effect from the date on which Mr. Neilson was first appointed to act as Chairman.

Clause 5.—The form in which sub-section (2) of section 61A of the Bombay Port Trust Act, 1879, as enacted by Bombay Act XVII of 1925 has been passed produces a position at variance with that resulting from section 123 of the Sea Customs Act, 1878. This was not intended. The clause is accordingly designed to remove this inconsistency by the transfer of the reference to warehouses appointed under section 15 of the Sea Customs Act, 1878, from the main provisions of the section to the exception contained in the said section.

COWASJI JEHANGIR (JUNIOR).

4th June 1926.

APPENDIX D

BILL No. XVI OF 1926

A Bill to amend the Bombay City Municipalities Act, 1925

(As published in the "Bombay Government Gazette"
of the 16th July 1926)

WHEREAS it is expedient to amend the Bombay City Municipalities Act, 1925, in manner hereinafter appearing; Bom. XVIII of 1925.
It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay City Municipalities (Amendment) Act, 1926.

2. *Amendment of section 13 of Bom. XVIII of 1925.*—In sub-section (1) of section 13 of the Bombay City Municipalities Act, 1925, hereinafter called the said Act, for the words Bom. XVIII of 1925.
and figures "sub-clauses (iii) and (iv) of clause (c) of section 11" the words and figures "clause (c) of sub-section (1) of section 10" shall be substituted.

3. *Substitution of a new section for section 33 of Bom. XVIII of 1925.*—For section 33 of the said Act the following section shall be substituted, namely:—

"33. *Appointment of Chief Officer: Conditions of tenure.*—(1) There shall be a chief officer in every municipal borough who shall be a graduate of a recognized University or a qualified engineer appointed by the municipality:

Provided that a person permanently appointed as chief officer under the Bombay District Municipal Act, 1901, Bom. III of 1901.
before the coming into operation of this Act, need not be a graduate of a recognized university or a qualified engineer.

(2) No chief officer shall be removed from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors; and no such officer shall be punishable with fine."

4. *Sections 2 and 3 to have retrospective effect.*—The amendments made by sections 2 and 3 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation.

STATEMENT OF OBJECTS AND REASONS

The main object of this Bill is to protect such non-graduate chief officers as were in municipal service before the Bombay City Municipalities Act, 1925, came into operation. Section 33 of the Act requires that chief officers shall be graduates of a recognized University or qualified engineers. It was not intended that this condition should operate in respect of persons who were already appointed chief officers before the Act came into force. Clause 3 of the Bill, therefore, makes the necessary provision. In amending the section opportunity has been taken to re-arrange the provisions with a view to precision.

The amendment contained in clause 2 of the Bill is only verbal and that in clause 4 is consequential.

GHULAM HUSSAIN HIDAYATULLAH.

9th July 1926.

APPENDIX E

BILL No. XXXI OF 1925

(A Bill to amend the law relating to the emoluments claimable by
Watandar Hindu Priests)

REPORT OF THE SELECT COMMITTEE

We, the undersigned members* of the Select Committee appointed to consider Bill No. XXXI of 1925 (A Bill to amend the law relating to the emoluments claimable by watandar Hindu priests), have the honour to report as follows :—

We have considered the bill carefully and have made the following amendments in it :—

1. We have amended the preamble to make it clear that the previous sanction of the Governor General has been obtained for the Bill.

2. We have provided that the Act shall come into operation on the 1st April 1928.

3. We have made a small amendment in clause 2 in order to include in the definition alienees from watandar priests.

4. We have inserted a new clause (5) to provide that a hereditary priest who holds no inam land or cash allowance shall not be under any obligation to perform services for the village and that where he holds inam lands or receives cash allowance he shall have the option of being relieved of his obligation to serve on his agreeing to pay full assessment for his inam lands or foregoing his cash allowance.

We recommend that this report, together with the minutes of dissent and the Bill as amended, be published in Marathi, Gujarati and Kanarese in the *Bombay Government Gazette*.

(Signed) C. V. MEHTA,
(„) B. V. JADHAV,
(„) R. P. PARANJPYE (*subject to a minute
of dissent*),
(„) G. N. MUJUMDAR (*subject to a minute
of dissent*),
(„) R. S. NEKALJAY,
(„) S. K. BOLE (*subject to a minute of
dissent*),
(„) D. B. COOPER.

(*Minute of dissent by Dr. R. P. Paranjpye, M.L.C.*)

I have signed the report as I agree with the principle of the bill that there should be full liberty of conscience to every individual to perform his religious ceremonies in any way he likes. The bill has been altered

*Note.—The signatures of Messrs. S. S. Dev, R. G. Pradhan, R. D. Shinde, M. D. Karki and Rao Bahadur S. T. Kambli and Moulvi Rafiuddin Ahmad will be notified when received. The signature of the Honourable Mr. P. E. Percival was not obtained as he had resigned his appointment as a member of the Legislative Council.

so as to give equal liberty to the hereditary priest to refuse to officiate at the house of any person against his will. The bill takes away the monopoly of a class of people who have enjoyed certain rights and been subject to certain liabilities from times immemorial. These rights have come to them often without their seeking. They are now against public policy and it is right that they should disappear. But in a case where long-standing privileges which have been keenly cherished are being taken away it is fair that the hardships to individuals should be minimised as far as possible. It would therefore have been but fitting if this bill had contained some provision for granting compensation to these dispossessed priests, if not to the full extent of their loss, at least to a certain extent. This point was made by Sir Leslie Miller, a retired judge of the Madras High Court, in the Council of State when a similar bill came up for discussion there and it is unfortunate that such a provision has not been introduced in this bill.

29th June 1926.

(Signed) R. P. PARANJPYE.

(Minute of dissent by Sardar G. N. Mujumdar, M.L.C.)

I am opposed to the principle of this Bill. There was no necessity of bringing this bill into the Legislative Council as times are fast changing and no hereditary priest would now care so much for his emoluments, which can easily be proved from the fact that very few civil suits have been filed by the hereditary priests since 1874.

2. With regard to clause 5 (ii), the hereditary priest should not be obliged to pay full assessment on his inam land. In cases of other Balutedars, i.e., Sutar, Lohar, Nhavi (Barber), etc., Government have relieved them from their services to the village community by levying eight annas judi, i.e., half the revenue assessment on their inam lands, from them permanently. This principle should be followed in the case of hereditary priest and he should be made to pay only half the revenue assessment on his inam land. With regard to cash allowances the same principle should be followed,

Dated 29th June 1926,

(Signed) G. N. MUJUMDAR, M.L.C.

(Minute of dissent by Mr. S. K. Bole, M.L.C.)

I think it is fair to make a provision that as soon as a hereditary priest refuses to perform a religious ceremony of any individual villager he should cease to be a watandar priest and should be made to give up the watan land held for rendering religious services as well as to forego any cash allowance granted for the same.

(Signed) S. K. BOLE,

BILL No. XXXI OF 1925

*A Bill to amend the law relating to the emoluments claimable by
Watandar Hindu priests*

(As amended by the Select Committee)

WHEREAS it is expedient to amend the law relating to the emoluments claimable by Watandar Hindu priests and whereas the previous sanction of the Governor General required under section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Invalidation of Hindu Ceremonial Emoluments Act, 192 .

2. *Commencement.*—This Act shall come into operation on the first day of April 1928.

2. 3. *Definitions.*—In this Act,

“Ceremonial emoluments” means all perquisites, fees and any other dues claimable by any person for religious ceremonials, on account of his being a hereditary watandar priest or an alienee from a watandar priest.

3. 4. *Right to claim ceremonial emoluments.*—No person shall be entitled to claim, as a matter of right, any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments.

5. *After this Act comes into operation*

(i) *Hereditary priest may be relieved of his obligation to perform services.*—Every hereditary priest who holds no inam land or receives no cash allowances as remuneration for the performance of his services to the village shall be deemed to be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village.

(ii) *A hereditary priest who holds inam lands or receives a cash allowance as remuneration for the performance of his services shall, at his option, on written application to the Collector, be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village if he agrees to pay full revenue assessment on his inam lands or, as the case may be, to forego his cash allowance; provided that such option shall be allowed to be exercised once only in the case of each Inam grant.*

NOTIFICATION

LEGISLATIVE COUNCIL OFFICE

Council Hall, Poona, 5th July 1926

No. 1580.—With reference to the footnote to the Report of the Select Committee on Bill No. XXXI of 1925 (A Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests) published at pages 81—83 of the *Bombay Government Gazette*, Part V, dated the 3rd July 1926, it is notified that Mr. R. D. Shinde, M.L.C., has signed the said report and that Mr. S. S. Dev, M.L.C., has signed the same subject to the minute of dissent shown below :—

(Minute of dissent by Mr. S. S. Dev, M.L.C.)

I oppose the Bill. It is the second mischievous Bill that the House will have to consider in the July session. I wished I had not been in the Council to vote on such bills. The reasons which weigh with me are briefly these :—

1. Those that are acquainted with the communal activities of Maharashtra know that the Bill has its origin in the hatred of one class by another.

2. Our city life has been rendered miserable and we are out now to deprive the villages of their harmony. In a village there are generally twelve balutedars : (1) patil, (2) kulkarni, (3) sutar, (4) lohar, (5) chambhar, (6) kumbhar, (7) nhavi, (8) dhobi, (9) joshi, (10) gurav, (11) sonar, and (12) mahar. All these have got certain rights in the village commonwealth from times almost immemorial. Of these twelve, two are Brahmans: the kulkarni and the joshi. Kulkarnis have been almost removed by Government and the Satya-Shodhaks probably with the help of Government want to drive out the joshis. The bill seeks to strike the joshi by depriving him of the only means of livelihood, which he has been enjoying peacefully along with others for thousands of years.

3. I consider it as unjust to deprive any watandar of his watan rights without giving him any compensation. From old documents I find that, in acquiring these watans, the watandars had sometimes to make payments to the then Government. Can any Government that cares for justice deprive these watandars of their watans merely by legislating? Government did not confiscate the kulkarni watan but commuted it. Similarly I had suggested to the select committee that no Hindu should be allowed to dispense with the services of a watandar priest unless the Hindu was prepared to commute the priest's watan by paying him once for all a reasonable compensation.

4. The bill will create complications in the several dealings regarding these watans. The joshi watans, like any other immoveable property, have been sold, mortgaged and leased. Thousands of such transactions obtain even to-day. These will be affected by the bill. I wonder how any Council can so lightly pass a bill without giving any thought to this aspect of the question.

5. The bill relates to the religious practices and rights of the Hindus and it is against the declared policy of Government to interfere with religious matters.

6. It is sometimes urged by the responsible supporters of the bill that the joshis are generally ignorant of the practice of the various religious rites and that no one therefore should be under compulsion to call in the services of such persons. If it be so, which I doubt, the proper remedy would be, not to strike at the root of the watan, but to impose a condition that no joshi should have a right to any emoluments if he was not competent to perform the services required. I had suggested an amendment to clause 4 to that effect in the select committee, but the committee chose not to accept it.

7. The strongest ground on which the supporters of the bill try to justify it, is that, according to them, the present law entitling a joshi to claim as a matter of right any ceremonial emoluments from any Hindu, who does not call in the services of that man, interferes with the dictates of his conscience. It is a plausible argument likely to mislead some. I concede that no Hindu should be under any compulsion to take religious services from any particular person. I do not want any one to go against his conscience. The law also does not lay down that you shall call a man, whom you do not want, to perform your ceremonies. All that it requires is that you may act up to the dictates of your conscience and at the same time respect the vested rights of others. You can spare your conscience by not calling the man, but by making to him a nominal payment to which he is entitled.

8. The bill is not wanted by 99 per cent. of the Hindus. A small class of persons, called the Satya-Shodhaks, wants the bill. The tenets and the doings of this class are well known. No Government should sanction a measure which is opposed by 99 per cent. of the people,

9. The bill is going to affect the interests of thousands of joshis in the presidency. The select committee had received and was receiving up to the moment it met on 27th June, several representations from the joshis and others. Some of these representations advanced many important considerations against the bill, but, I am sorry to note, these representations were not even read in the select committee nor by all the members on the committee. Under Standing Orders, Chapter VIII 6 (4), I had urged in the select committee that the committee might be pleased to give an opportunity to the representatives of the joshis, whose interests were going to be affected by the measure, of being heard by the select committee. But the committee was in hot haste and it declined my prayer. I am grieved to find that such an important bill, affecting the livelihood of thousands of persons and the religious practices of all the Hindus should have been so lightly hurried through.

(Signed) S. S. DEV.

1st July 1926.

N. J. WADIA,
Secretary to the Legislative Council
of the Governor of Bombay.

NOTIFICATION

LEGISLATIVE COUNCIL OFFICE

Council Hall, Poona, 10th July 1926

No. 1627.—With reference to the footnote to the Report of the Select Committee on Bill No. XXXI of 1925 (A Bill to amend the law relating to the emoluments claimable by Watandar Hindu Priests) published at pages 81 to 83 of the *Bombay Government Gazette*, Part V, dated the 3rd July 1926, it is notified that Moulvi Rafiuddin Ahmad, Bar.-at-Law, M.L.C., has signed the said report and that Mr. R. G. Pradhan, M.L.C., and Mr. M. D. Karki, M.L.C., have signed the same subject to the minutes of dissent shown below :—

(Minute of dissent by Mr. R. G. Pradhan, M.L.C.)

"I regret very much that the proposal made in the Select Committee that representative Watandar priests should be examined with a view to ascertaining their views on the Bill was not passed. Such examination was necessary, not only because the Bill involves consequences which might be of a far-reaching character, but also because a new clause of a very serious nature has been inserted, which has never been before the public.

I do not quite see the necessity for the new clause, particularly sub-clause (ii).

Again, when the Deshpandes and the Agnihotris were relieved of their duties, they were not asked to pay full assessment on their inam lands. It is unfair to the hereditary priests that they should be treated differently.

A clause providing for compensation should be inserted in the Bill.

(Signed) R. G. PRADHAN."

(Minute of dissent by Mr. M. D. Karki, M.L.C.)

"The Bill aims at undoing the village organisation once made in the interests of the whole community living there. All our efforts now ought to be to strengthen or mend it as the case may be. We are now passing through a transitional period; so it is better to wait and see some time more than to attempt at ending a long-standing usage.

(Signed) M. D KARKI."

N. J. WADIA,

Secretary to the Legislative Council
of the Governor of Bombay.

APPENDIX F

BILL No. XXX OF 1925

*A Bill further to amend the Bombay Mamlatdars
Courts Act, II of 1926*

(As introduced on the 3rd November 1925 and published
in the "Bombay Government Gazette" of the 30th
November 1925.)

WHEREAS it is expedient further to amend the Bombay Mamlatdars' Courts Act II of 1906 in manner hereinafter appearing; AND WHEREAS the previous sanction of the Governor General under section 80A (3) of the Government of India Act has been obtained for the passing of this Act : ^{Bom. II of 1906.} ^{5 & 6 Geo. V, c. 61.}
It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Mamlatdars' Courts (Amendment) Act.

2. *Amendment of clauses 1 and 2 of section 23 of Act II of 1906.*—Clauses 1 and 2 of section 23 of Act II of 1906 shall ^{Bom. II of 1906.} be deleted and the following clauses shall be substituted for them :—

"(1) *Right of appeal.*—There shall lie an appeal to a Collector from any order passed by a Mamlatdar under this Act.

(2) *Collector's power in appeal against Mamlatdars' proceedings.*—The Collector may call for and examine the record of any suit under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper either in law or on facts may, after due notice to the parties, pass such order thereon as he thinks fit."

STATEMENT OF OBJECTS AND REASONS

Under the present law no appeal lies to a Collector against the decision of a Mamlatdar in a suit under Bombay Act II of 1906. A Mamlatdar is a final judge of facts. This state of things ought to be changed in the interest of justice.

The Bill is therefore intended by conferring a power of appeal on a Collector to ensure the proper appreciation of evidence in the matter of decision on facts on the part of the Mamlatdar with more care and responsibility.

Notes on Clauses

Clause 2 (1) seeks to empower a Collector to hear an appeal against Mamlatdar's proceedings.

Clause 2 (2) empowers a Collector to set aside the decision of a Mamlatdar under Bombay Act II of 1906 on facts as well.

(Signed) D. R. PATIL,
Member, Legislative Council.

Appendices
APPENDIX G

BILL No. IX OF 1926

*A Bill further to amend the Bombay Act No. IV of 1902, the
City of Bombay Police Act, 1902*

(As introduced on the 19th March 1926 and published
in the "Bombay Government Gazette" of the 13th
April 1926)

WHEREAS it is expedient to amend the City of Bombay Police Act, 1902, in manner hereinafter appearing; It is hereby enacted as follows :— Bom. IV of 1902.

1. *Short title.*—This Act may be called the City of Bombay Police (Amendment) Act, 192 .

2. *Amendment of sections 45 (1) (b) and 46 (1) of Bombay Act No. IV of 1902.*—In sections 45 (1) (b) and 46 (1) of the City of Bombay Police Act, 1902, hereinafter called the said Act, for the words "Municipal Commissioner" and also the words "general tax" the words, viz., "Collector of Bombay" and "land revenue", respectively, shall be substituted. Bom. IV of 1902.

3. *Omission of section 43 (2) of Bombay Act IV of 1902.*— Sub-section (2) of section 46 of the said Act shall be omitted. Bom. IV of 1902.

STATEMENT OF OBJECTS AND REASONS

Under the law as it stands at present the amount of compensation awarded by the Chief Presidency Magistrate for injury, loss or damage caused by an unlawful assembly is recovered through the agency of the Municipal Commissioner; but experience has shown that this procedure involves a very great loss of time and in consequence the sufferers are obliged to wait long and to receive the compensation in small instalments which in practice makes the relief given to them not only worthless but often expensive. For these reasons great dissatisfaction is felt by the sufferers; besides the question has often been raised in the Municipal Corporation of Bombay as to why Government should not rid that body of this gratuitous task. The bill seeks to transfer the duty of collecting the compensation money to the Collector of Bombay and thereby expedite its recovery and free the municipality from the statutory impressment.

A. N. SURVE, M.L.C.

APPENDIX G

BILL No. X OF 1926

A Bill to amend the Bombay Local Boards Act, 1923

(As introduced on the 19th March 1926 and published in the "Bombay Government Gazette" of the 13th April 1926)

Amendment of section 5 of Bombay Act VI of 1923.—Insert sub-clause (c) in section 5 :

"One member elected by the holders of the entire alienated villages, if any, within the taluka from amongst their own number, if there is but one such holder in the taluka, such holder himself or his representative."

STATEMENT OF OBJECTS AND REASONS

This bill aims at securing to the inamdars the right of returning from amongst them one representative on the local boards, to represent the interests of the class which is in a minority. The proposed amendment is in strict conformity with the accepted principle whereby the interests of the minorities are safeguarded, by giving them a separate representation on various governing bodies in the country. This principle is accepted even under the new Reforms and there is no reason why it should not be applied to the case of inamdars. When the principle is accepted in regard to the bigger governing institutions like the Council of State, the Legislative Assembly and the Provincial Councils, it is but proper that it should be unhesitatingly accepted in regard to the local boards, with the working of which the interests of the inamdars are most vitally connected. It is also an approved principle by now that those who contribute towards the general taxation must have their voice in the management of the affairs both of the country and the districts. There are more than 2,023 entire villages and thousands of acres of other inam lands, sufficient when taken as a whole, to represent any of the three divisions of the Presidency, to be affected by the Amendment. To discard the approved principle on which the amendment is based, and thereby to deny the inamdars any representation on the local boards, would be to deny them their most legitimate right which they enjoyed for years, till the present Bombay Local Boards Act came into force. The Bill, therefore, seeks to remove the patent injustice done to the inamdars.

BHASAHEB RAISINGJI,
Member of the Legislative Council
(Gujarat Sardar).

APPENDIX H

BILL No. V OF 1926

(A Bill further to amend the City of Bombay Police Act, 1902)

REPORT OF THE SELECT COMMITTEE

We, the undersigned members of the Select Committee appointed to consider Bill No. V of 1926 (A Bill further to amend the City of Bombay Police Act, 1902), have the honour to submit the following report :

We have carefully considered the Bill and have made the following amendments in clause 2 :—

(1) We have provided that the powers given to police officers under this section shall be restricted to animals found in a street or public place other than a place of worship.

(2) We have excluded bulls and cows from the operation of this section.

(3) We have inserted a clause to provide that where the animal can be removed without causing great suffering, the veterinary practitioner shall allow it to be removed by the owner or person in charge or any other person willing to do so to a veterinary hospital or *pinjrapole*, or if no such person is willing to do so may direct the police officer to remove it before it is destroyed. We have also provided that when an animal has to be destroyed in any street or public place, it shall, as far as possible, be screened from the public gaze while it is being destroyed.

We recommend that this report, together with the minutes of dissent, if any, and the Bill as amended, be published in English and Gujarati in the *Bombay Government Gazette*.

(Signed) J. E. B. HOTSON.

(„) J. C. SWAMINARAYAN (*subject to a minute of dissent*).

(„) A. N. SURVE (*subject to a minute of dissent*).

(„) K. E. DADACHANJI.

(„) LALJI NARANJI (*subject to a minute of dissent*).

(„) HOOSEINBHOY A. LALLJEE.

(„) R. G. PRADHAN.

(„) G. B. PRADHAN.

(„) C. G. ADAM.

(„) V. A. DABHOLKAR (*subject to a minute of dissent*).

(„) RAFIUDDIN AHMAD.

(Minute of dissent by Mr. J. C. Swaminarayan, M.L.C.)

The Bill is mainly concerned with animals, injured in street accidents in the City of Bombay and the animals, affected by it, are mostly bullocks and horses. To the Hindus, who regard animal life as sacrosanct as human life, the very idea of destruction is most repugnant. While the Select Committee was sitting, telegrams of protest from many Hindu and Jain Associations were read. Government consulted many associations but they omitted to consult the Hindu and Jain Associations which were most affected by the Bill. It is desirable that the Bill, as amended by the Select Committee, should be circulated to elicit the opinion of such bodies as the Grain Merchants' Association, the Rice Merchants' Association, the Piece-goods Merchants' Association, the Shroff Association, the Bullion Merchants' Association, the Indian Merchants' Chamber, the East India Cotton Association and other similar institutions like Pinjrapoles and Mahajans of Bombay.

It is possible that if such Associations are approached and consulted, they will be able to help in the matter and an arrangement, acceptable to all, will be made.

(Signed) J. C. SWAMINARAYAN.

29th July 1926.

(Minute of dissent by Mr. A. N. Surve, M.L.C.)

I had urged that the Hindu Police officers be exempted from the duty of killing animals, e.g., bullocks, etc. It is a duty repugnant to their religious sentiment, and when they joined service it was not contemplated by them that Government will impose a duty on them which is in clear contravention of their religious belief. I had also urged that the bill be ordered to be translated in the Marathi language. The population of Marathi speaking Hindus is very large and it is necessary that they should know of the change the Legislature was going to make—especially as it refers to religion. The volume of public feeling may be gauged by the fact that many telegrams from several Associations were received within a period of 48 hours from the time the bill was referred to the Select Committee. Great caution is necessary, and I think that if the bill as amended is published to elicit public opinion no serious inconvenience will result. The matter is not quite urgent in view of the public feeling aroused, because the number of animals to be killed from the date of the passing of the bill during the present session to the date of its passing in the next session will be small.

Council Hall, Poona,

(Signed) A. N. SURVE, M.L.C.

29th July 1926.

(Minute of dissent by Mr. Lalji Naranji, M.L.C.)

This Bill has not been referred for opinion to the various bodies which are principally concerned in the trade and commerce of the city of Bombay. Telegrams of protest from several such bodies have been

received against passing such a bill. I therefore strongly recommend that this bill be referred for opinion to the following bodies :—

The Grain Merchants' Association, Bombay.

The Rice Merchants' Association, Bombay.

The Piece-goods Merchants' Association, Bombay.

The Shroff Association, Bombay.

The Bullion Merchants' Association, Bombay.

The Indian Merchants' Chamber, Bombay.

The East India Cotton Association, Bombay,

the members of which bodies are the principal traders in various trades.

This Bill as amended by the select committee should be forwarded to the above bodies for opinion before it is adopted.

From Clause 2, "29-A (1)", I propose to *delete* the words "the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed" and I propose to put in their place the following words :—

"The police officer may at once remove the said animal either to a pinjrapole or to the veterinary hospital for treatment and remedy of the disease or injury".

The two provisos that are provided by the members of the select committee will then be redundant.

(Signed) LALJI NARANJI.

Poona, 28th July 1926.

(Minute of dissent by Sir Vasantao A. Dabholkar, Kt., C.B.E., M.L.C.)

Paragraph 3 : *delete* the words "as far as possible" after "it shall".

(Signed) V. A. DABHOLKAR.

BILL No. V OF 1926

*A Bill further to amend the City of Bombay
Police Act, 1902*

(As amended by the Select Committee)

Bom. IV of Bombay Police Act, 1902, in manner hereinafter appearing ;
1902. It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the City of Bombay Police (Amendment) Act, 192 .

2. *New section 29-A of Bombay IV of 1902.*—After section 29 of the City of Bombay Police Act, 1902, the following section shall be inserted, namely :—

“ 29-A. (1) *Destruction of suffering or unfit animals.*—Any police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, or in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed.

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal, or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Pinjrapole within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police Officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

Explanation.—For the purpose of this section bull does not include bullock.

(2) *Power to appoint Veterinary Practitioners.*—The Governor in Council may appoint such persons as he thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act."

Supplementary agenda for the second session of the Bombay Legislative Council which commenced on the 26th July 1926. (*Vide* Standing Order X, 1 (d)).

Resolution by Mr. V. R. Kothari, M.L.C.

1. "This Council recommends to Government that after the expiry of the period of the existing licenses no new licenses should be issued in the case of liquor and toddy shops in those villages (of towns) whose population is not more than five thousand."

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

1. "This Council recommends to Government that a forest college for the presidency of Bombay be established at Dharwar as early as possible."

Resolution by Mr. R. D. Shinde, M.L.C.

1. "In view of repeated famines in the Deccan, this Council recommends to Government that proper provision be made for pushing on the dry farming experiments made in the Manjri farm and to maintain on it qualified experts whose services should be wholly utilised for the experiments."

Resolution by Haji Khamiso Gul Mahomed, M.L.C.

1. "This Council recommends to Government that in future replies given to questions put by Honourable Members of this House should be of a more satisfactory nature."

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

1. "This Council recommends to Government that in future replies given to questions put by Honourable Members of this House should be of a more satisfactory nature."

N. J. WADIA,

Secretary to the Legislative Council
of the Governor of Bombay,

Poona, 28th July 1926.

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