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PART VII.

Proceedings of the Council of the Governor of Bombay.

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

The Council met at Bombay on Tuesday, the 8th December 1914, at 12 o'clock noon.

PRESENT:

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

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

The Honourable Mr. C. H. A. HILL, C.S.I., C.I.E., I. C. S.

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

The Honourable the ADVOCATE GENERAL.

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

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

The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.

The Honourable Mr. T. W. BIRKETT.

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

The Honourable Mr. FAZALBHOY MEHERALLY CHINOY.

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

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (Lond.), L.M. & S.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. G. W. HATCH, I. C. S.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. J. E. C. JUKES, I. C. S.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwára.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Mr. E. MACONOCHIE, I. C. S.
The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
The Honourable Mr. J. A. D. McBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
The Honourable Mr. W. H. SHARP.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. E. G. TURNER, I. C. S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
The Honourable Mr. M. DEP. WEBB, C.I.E.

New Members.

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

The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. E. MACONOCHIE, I. C. S.
The Honourable Mr. MONTAGU DE POMEROY WEBB, C.I.E.

His Excellency the PRESIDENT :—I propose for the convenience of Honourable Members to suspend the Standing Orders and to take item No. 5 on our agenda first, namely, the resolution to be proposed by the Honourable Moulvie RAFIUDDIN AHMAD.

The Honourable Moulvie RAFIUDDIN AHMAD then moved :—

"That this Council begs to express its deep conviction of the righteousness of the cause of Great Britain in its participation in

the present war and assures His Majesty's Government of the unswerving loyalty and devotion of all communities and classes to the British Throne and offers its humble service to Government during the crisis, and prays that the Governor in Council will be pleased to convey this expression of opinion to His Majesty's Government."

In support of the resolution the Honourable Member said:—Your Excellency, I shall venture very briefly to proprose this resolution, because whilst it will, I know, meet with the unanimous support of this Council, the reasons which will induce us to give it unanimous support need no exposition at this stage. The Empire is today fighting for its existence. The causes which have forced this Empire, which is above all things a peace-loving Empire, to fight for its existence, are bound up with the rise to a position of mastery in Germany of a Government bent on forcing all other States, great and small, into a position of subservience to it. Circumstances have placed the heroic Belgian people in the forefront of the fight, but we recognize that the principle for which Belgium is struggling so gallantly is equally precious to us all—it is the right of peoples and States to work out their destinies in their own way, free from the ever-present menace of war by a State which has for years prepared itself for aggression. These are forces which come home very closely to us in India. We know that our highest destinies stand to be realized within the Empire and under the Crown; that the future of India is indissolubly associated with the triumph of those liberal principles which are the glory of British statesmanship: therefore, whilst we should have lent our loyal and full support in any war in which the Empire might be engaged, we are with it heart and soul, from prince to peasant, in a war for the defence of the smaller State from brutal aggression and of the right of peoples to work out their own salvation. If I may say a word on behalf of the community to which I belong, it will be that our allegiance to His Majesty the King-Emperor is strengthened rather than weakened by the stroke of fate which has brought Turkey into the field against the British Empire; we know where our duty as well as our interests lie, and we earnestly hope that even at this stage the people of Turkey will be able te wrest the control of their State from the hands of the section which has proved so singularly unfitted to exercise it. I ask the Council unanimously to adopt this resolution, and Your Excellency to accept yourself, and convey to His Imperial Majesty, the assurance of our unalterable devotion to his Throne and person, and of our ardent desire to support by all means in our power the armies of the Empire, until the righteous war into which we have been forced is brought to a triumphant conclusion. No part of this Empire is more solid in its support of this war than the people of the Bombay Presidency. Your Excellency knows them so well, that I believe you need no assurance upon this point. I think that under the inspiration of yourself and Her Excellency they have done what in them lies to relieve the distress and suffering which must be caused by war; and I may assure you, Sir, that they fully appreciate the calm and sagacious action which your Government has taken day by day to meet the emergencies arising from an unprecedented situation, and to allay the uneasiness necessarily arising in a people unfamiliar with war.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH said:—Your Excellency, I rise to support the first portion of the resolution of my Honourable friend, because the Germans are waging an unholy war with the sole intention of establishing an unchallenged predominance in the world.

As regards loyalty, Your Excellency, we are all loyal to the very core. We are, and we will continue to be, loyal, however long the war may last, and whatever its fluctuating fortunes may be. We are loyal because our religion teaches us to be loyal, and because we are conscious of the innumerable blessings which we have enjoyed and are enjoying under the British Rule.

Before I conclude, Your Excellency, I should like to refer to the unfortunate event of Turkey joining the enemy. Turkey by joining the enemy

has lost sympathy of all Indian Mussalmáns, because Turkey has joined the war against their best friend—Britain. The Mussalmáns of India showed considerable sympathy towards Turkey when she was in trouble, but now that the war she is waging is a war of aggresssion, we have absolutely no sympathy for Turkey. It is a pity that Turkey has no regard for the feelings of millions of Mahomedans.

With these words, Your Excellency, I support the resolution moved by the Honourable Moulvie RAFIUDDIN AHMAD.

The Honourable Sir JAMSETJEE JEEJEEBHOY said:—In support of the resolution moved by my friend the Honourable Moulvie RAFIUDDIN AHMAD little need be said at this time of the day. The righteousness of our cause in this great struggle requires no vindication; no one who has not been imbued with the ideals and standards of the Prussian military party doubts that England has drawn the sword in defence of principles which she has held inviolate through long ages. The Germans have set out, not only to re-cast the map of the world—with a view no doubt to the spread of German "Kultur"—but they are also attempting to re-cast our ethical notions. Perhaps they are astonished that an ungrateful Europe is not prepared to accept the imposition of either their "Kultur" or their lofty moral standards, and that it will not rest until it has restored to their proper place the forces which have made for progress and civilization.

As to the second part of the resolution, not much again can be said which has not been reiterated times without number during the last few weeks. The loyalty and devotion of India have been demonstrated in a manner which has thrilled the Empire, and by being among the first and in the forefront of the fight, we have demonstrated that saying that "India was the brightest jewel in the English Crown" was not an empty phrase. The princes and people of this great land have given unmistakable proof of their attachment to the Throne, and while it may be necessary to give formal expression to the sentiments which inspire all classes and creeds, it is obvious that we shall be judged, as we always desire to be, not by what we are saying, but what we are doing. And we all know what the verdict of history will be on the part that India is playing in the present struggle. With these few remarks I have much pleasure in supporting the proposition.

The Honourable Sardár SAYAD ALI EL EDROOS said:—Your Excellency, I beg to associate myself most heartily with what has been said by the former speakers. I believe the sentiments of the people of India on this terrible war have already been sufficiently made clear, and no further expression of the same is now needed. A wave of loyalty and enthusiastic devotion has passed over the whole country, and but one sentiment permeates all classes of the people, that of the most unflinching fealty to the British Throne and Government. What a bitter disappointment to the enemy, who counted upon the so-called "unrest" in India. It has also been a good answer to those who believed India could never be united in loyalty as a nation. It has shown that, whatever internal differences they may have had, the people of India today stand shoulder to shoulder in upholding the prestige of this great Empire. Thus the war cannot be called an unmixed evil. It has its bright sides as well. It has brought the rulers and the ruled in India more closely together and a better mutual understanding has prevailed. The decision to employ Indian troops in this great war has also amply justified itself. Our brave soldiers have already fulfilled our best expectations, and the steadfast courage with which they are fighting along with their British comrades in arms is sure to reflect the highest credit on the country they represent.

As a representative of Gujarát—particularly that of the Mahomedan community—I beg to be allowed to assure Your Excellency of our wholehearted devotion to the Government and our readiness to afford whatever help we can in these days of severe trial, and we join in the prayer that the British arms may soon emerge victorious and glorious from this bloody conflict.

I beg most heartily to support this resolution.

The Honourable Dr. DE MONTE said :—Your Excellency, it is with sincere pleasure that I rise to give my very cordial support to this resolution, and I congratulate the Honourable Mr. AHMAD on the able manner in which he has acquitted himself of the responsibility of moving it in this Council. My only regret is that it has not been possible for this Council to pass a resolution of this kind at an earlier date. After the magnificent way in which the whole country, from the Himalayas to Cape Comorin, has rallied round the Throne and Empire, after the gallant and thrilling achievements of our Indian soldiers on the field of battle, reports of which have reached us, and last, but not least, after the splendid response which the princes and people of India have made and are making to the call for funds to provide our soldiers with comforts, it seems somewhat belated for us to pass this resolution now. Still, "better late than never" is an excellent maxim, and I am sure that the people of this Presidency, of all classes and creeds, are wholeheartedly in favour of this resolution. The Catholic Christians, whom I have the honour to represent, feel an especial enthusiasm in this war, owing to the desecration of some of their most sacred shrines—the destruction of the noble Cathedral of Rheims and the dropping of bombs on the no less noble Cathedral of Notre Dame at Paris—by the German army. It is quite unnecessary at this time of the day, when all the world is in full possession of the facts, to enlarge upon the righteousness of the cause in which His Majesty the King-Emperor has drawn the sword. There can be no two opinions on the matter in an impartial mind. England has stood forward in her historic character of champion of oppressed and downtrodden nationalities, and the friend of liberty. She has undertaken all the sacrifices she is making, for the vindication of the public law of Europe and the maintenance of the sanctity of solemn treaties. I believe from my heart that there was never a more righteous war than that in which our Empire is engaged. It is the earnest prayer of all classes of the Indian people that complete victory may soon rest on the British arms, that the evil portents of militarism and materialism may disappear for ever and that the blessed Gospel of "Peace on Earth and Good will to men," proclaimed two thousand years ago, may reign undisturbed on earth by doctrines of physical force and moral backsliding. My Lord, I have great pleasure in supporting this resolution.

The Honourable Mr. MANMOHANDAS RAMJI said :—Your Excellency, I rise to support the proposition moved by my Honourable friend Moulvie RAFIUDDIN AHMAD, and in doing so I would join with the previous speakers in all they have said, inasmuch as our Empire is dragged into this war only for the sake of liberty and for defending the right cause. Your Excellency, this war, although its duration is very short, has caused great hardship to several families and several nations. But when the whole thing is over we shall be glad to see that the right will be protected by the Almighty God.

With these few words I beg to support the resolution moved by my Honourable friend Moulvie RAFIUDDIN AHMAD.

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK said :—My Lord, I crave Your Excellency's permission to add my feeble voice to the eloquent expressions of Bombay's loyalty to the Throne, by associating myself wholeheartedly with every word of the resolution, which has been so ably and sincerely moved and supported by my Honourable colleagues that have spoken before me. We are all grateful to Your Excellency for giving us this opportunity of expressing our loyalty and devotion to Government on this critical occasion. Though meetings after meetings are held in different parts of the Presidency, giving expression to loyalty, and though Government is convinced of India's firm devotion to the Crown, we feel that it is a privilege to us to give vent to the feelings of loyalty and firm attachment to the Throne of our British Government. Ever since Providence ordained India to be placed under the British Rule our kind and benign rulers never spared men and money to make us what we are—peaceful, progressive and happy. It is needless for me to enumerate the various blessings that have been conferred upon us by the

British Rule. The progress of trade and commerce has been such that the people of this country had never enjoyed before. The safety of our property and the freedom of our actions are so perfect that the most insignificant peasant, or an artisan, or a coolie, who depends on the small stock of produce he grows on his land, or earns on his tools, or the daily wages he gets for his day's labour, for his maintenance, gets the same protection and security as a landlord holding vast tracts of land, and rich industrial magnates owning extensive factories and engaging a troop of coolies. Suffice it to say that our connection with England has been a fountain of innumerable boons, and we owe everything to the British Rule. If India is ever to attain her salvation, and take her stand on an equal footing with the world's great nations, she can do so only under the auspicious *ægis* of our dear Britain. I need hardly say that the interests of this country, and the civilization of the whole world, are indissolubly bound up with the integrity and solidarity of the British Empire. We Indians are not a whit less devoted and loyal to our King-Emperor, and we would count it a privilege to offer our personal and material assistance in the defence of the Empire, an Empire that has stood for purity, strength, righteousness and civilization, and which has left visible and indelible marks where the British have held their sway.

My Lord, speaking as I do, as an Indian, we are indebted to the British *Ráj* a great deal, so much so that any sacrifice we may make at the present crisis will not be considered too great. This is indeed an occasion on which we should let the world know that India is prepared to rise as a man to make any service for upholding British power and prestige, and also to maintain Britain's position as the greatest world power. Although our share of work in the present war will probably be less than that of other countries, our will to help the Government, in various ways, will not be less than that of any other part of the Empire. The fact, that the subjects of the different parts of this country are vying with each other in their offer of assistance to the Government, is indeed a matter for jubilation and satisfaction. From every part of this wide continent, from every section of its multitudinous people, from the highest to the lowest, from the prince in his palace to the peasant in his cottage, there has emanated the most striking evidence of the devotion of the people of this Empire. By instincts, by habits, by immemorial traditions, we are loyal. Our loyalty has its roots deep in our hearts, and it springs from the fountain of affection. We are loyal, not only because it is part of our nature, our temperament, our creed, but because every one of us feels that with the stability and permanence of the British Rule are bound up our best prospects and advancements. All that I have to say is that with all the differences of race and creed India is united in her devotion and loyalty to the British Throne and to the person of His Most Gracious Majesty the King-Emperor.

The motives that have actuated our Government to join in the present war are .... not with a view to the territorial aggrandizement, but with the loftiest motives of righteousness—the protection of liberty and the weak. This war has been thrust upon our Government by the enemy, who have povoked, and there is not a breath of protest or dissent, with regard to the righteousness of the war, and the actions our Government have taken, in joining in this world-wide conflict. As justice is on our side, however heavy the odds may be, against which the forces of our Empire have to contend, there is not a single man in this country, who for a moment doubts that the ultimate victory will be ours.

My Lord, I may take this opportunity to inform Your Excellency and this Council that even in villages of the remotest part of the mofussil, from which I come, I could gauge personally, when I had occasion to address the villagers on the present war, the degree of sincerity in their loyalty to Government, and the depth of feelings and sympathy towards Government in the present war, and the readiness with which the whole population under our Government is ready to help in every way possible. They amply feel, and thoroughly realise, that in rendering any service to the Government at the present moment,

lies their duty, happiness and prosperity. I therefore desire to assure Your Excellency, and through Your Excellency the Government of India, and His Most Gracious Majesty the King-Emperor, that the citizens of this province, however remote they may reside from the seat of Government, and in what-position they are, they are loyal to the very fibre, and have resolved and determined to stand firmly and unflinchingly, by the flag of our King-Emperor, which is the banner of justice and freedom, and are prepared, if need be, to sacrifice all and everything they possess in this undertaking.

We might have our numerous wants and aspirations, but I speak the truth when I say that we shall sink them all, and bury them out of sight and mind, if necessary, till the war is over, and its effects on the finances of our Government are improved.

In conclusion, I beg to reassure the Government with all the sincerity of heart, that the whole of this Presidency shall ever remain loyal to the liberty loving, just and beneficial Government of our beloved Emperor, and shall ever be ready to make such sacrifices as we may be called upon to make, and help the Government in the successful issue out of the present war.

With these words I whole-heartedly support the resolution.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA said :—May it please your Excellency, at this time of day it seems to me that it is scarcely necessary to add any words to the universal and enthusiastic expression of loyalty and devotion to the British Crown and the British Empire which has in such a remarkable way spread over the whole country. Anybody who attended the great public meeting held in the Town Hall the other day would have seen what remarkable feelings of loyalty and devotion prevailed throughout all the communities, all the races, all the creeds of all the people of the whole Presidency, although the meeting was held in the city.

At that meeting I ventured to say that we were proud to think that the war England was waging was a just and righteous war in a just and righteous cause. My Lord, everything that has since transpired has shown that this war which is being waged is a war which it was absolutely necessary that England should undertake for the very existence, if I may say so, of the British Empire, for the cause of civilization, and for the cause of humanity; and a prayer goes from all enlightened people in this world that success, final and complete, may attend our great efforts in the cause, as I have said, of humanity and civilization.

Your Lordship will pardon me if I say a personal word on this occasion. I think it is a matter of great good fortune to the people of this Presidency that we have at the head of the administration and of society your Excellency and Lady Willingdon. (Applause.) My Lord, I do not want to say anything much more than that we are most grateful that we should have at this supreme juncture your Excellencies to guide and superintend, as you have done, all the efforts which we wish enthusiastically to put forward to co-operate on this great occasion.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD said :—Your Excellency, I beg to associate myself with all the sentiments that have been given expression to by the previous speakers. The outbreak of this war has conclusively demonstrated that all creeds and communities of this country are united to a man to support the British Empire. It must indeed be very gratifying to the people of this country to find that Indian soldiers have been privileged to fight shoulder to shoulder with British soldiers in support of the prestige and honour of the British Empire; and the reports that we have heard of their achievements must indeed have been gratifying to all people in this country, European and Indian, and this feeling has created great satisfaction amongst all classes. We all hope, your Excellency, that very soon peace, and lasting peace, would be restored in all parts of Europe.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency, I heartily join in the loyal sentiments expressed by the previous speakers, particularly those by our Honourable friend Sir PHEROZESHAH MEHTA. My Lord, since the outbreak of the war our people have themselves given such sure proofs of their deep loyalty all over the country that it is hardly necessary for us as their representatives to give any formal assurances about it in this Council. My Lord, we all know that our Empire stands on firm foundations. Though its head may be in England and other parts spread all over the world in Asia, Africa, America and far off Australia, its heart is centred in India, and in this land of ours the Empire is as securely rooted as in any other part of the globe. With the vast resources of this world-wide Empire at our disposal and with the powerful support of our Allies to back us, there can be no doubt whatever of the ultimate success of our arms. But, my Lord, we pray that the wild fire of the terrible war which has already spread over three Continents and dislocated the economic condition of the whole world may soon be brought under effective control with the loyal co-operation of all the members of the Empire. We pray for it in the interests of humanity and of the world at large and may God grant that the successful end may come soon. With these few words I again express my full sympathy with all that has fallen from the previous speakers and heartily support this Resolution moved by our Honourable friend MOULVIE RAFIUDDIN AHMAD.

The Honourable RAO BAHADUR SHRINIWAS KONHER RODDA said:—My Lord, coming from a part of the Presidency where the inhabitants look upon the *Prithwi Pati* as an incarnation of Vishnu, the one Universal Almighty Creator, it is but natural to say that the people of the Karnátak were loyal, are loyal, and will remain loyal for ever. The *Prithwi Pati* of ours, the King-Emperor, is not an ordinary thing, but he is really *Prithwi Pati, viz.*, the Emperor of the Earth, which includes every part of the world and on whose dominions the sun never sets. To such a mighty Sovereign we are firmly attached, as especially under His Imperial Majesty's reign we have enjoyed, and have been enjoying, and will enjoy, blessings of every kind. We look upon him as a Divine Incarnation.

Besides, in the present instance we have to express our just indignation at the evil doings of Germany whose ambitious ruler has set up an unreasonable war. Our King-Emperor has taken the war in the cause of justice and righteousness and in the cause of supporting the weaker nations. Such being the case it is our bounden duty to assure your Excellency that the whole country is prepared to afford all help, physical, material and moral, and to place all its resources at the disposal of the Throne in the just cause for which the war is undertaken.

I pray that your Excellency will be pleased to convey to His Imperial Majesty through the proper channel our sentiments as regards our firm loyalty, and we are fully prepared to afford all help from the very poorest to the richest.

The Honourable Mr. FAZULBHOY MEHERALLY CHINOY said:—At this stage, when the war has so far gone satisfactorily in favour of the Allies and in which India has played a conspicuous and honourable part, any expression of mere loyalty would be superfluous, unless the speeches themselves were deeds. My Lord, the whole of India has responded to the call of duty in fighting the Empire's battle, and the gallant Indian warriors are shedding their blood in the service of their beloved King-Emperor. I am proud to say that the Moslems of India have proved loyal to the very backbone and they have readily given their best in treasure and men. We will continue to do so till the end for our very liberty, honour and independence and the world and civilization hang on the issue of the war which has been thrust upon us by an implacable enemy to whom no obligations are sacred. We trust that our Indian troops will return to their country crowned with glory and success.

The Honourable SARDAR Sir CHINUBHAI MADHAVLAL said:—Your Excellency, I heartily support this resolution and thank my Honourable friend

MOULVIE for moving it. I will not take up the valuable time of this Council in describing our feelings of loyalty or in defending the war as a righteous one because all of us more or less in various capacities on several occasions in different places have had our say on the subject; but this is the only official time if I may say so for our Council to give expression to our feelings of loyalty, to our sense of justice and righteousness of the cause for which our great and beloved King Emperor has joined, and we sincerely wish that success will crown eventually. I also heartily endorse the remarks of my esteemed friend, Sir PHEROZESHAH MEHTA in connection with your Excellencies and it requires no great argument to prove what good your Excellencies' association with us in these trying times has done and what impetus your Excellencies have given us. With these few remarks, I support the resolution brought forward by my Honourable friend MOULVIE RAFIUDDIN AHMAD.

The Honourable Mr. BALKRISHNA SITARAM KAMAT said:—Your Excellency, after the very admirable remarks that have fallen from the previous speakers, it is scarcely necessary for me to add anything to what has already been said. But I feel that I would be failing in my duty, coming as I do from the Deccan, if a word on behalf of Poona and the Deccan was not added to what has been already said on the subject; and therefore, I take the liberty in the name of Poona and the Deccan to associate ourselves (and when I speak I also speak on behalf of my Honourable Colleagues who come from Poona) with this resolution of loyalty and devotion to the British Crown. I need hardly assure your Excellency that every man in the Deccan, belonging to whatever school of thought, and whether he is a Brahmin or a Non-Brahmin, educated or uneducated, in fact every man in the Deccan joins at this juncture in these feelings of loyalty to the British Crown and the Empire.

Although owing to certain circumstances, Poona had not had the privilege of formally conveying its sense of loyalty in a meeting, all the same I need hardly say here that Poona and the whole of the Deccan joins most sincerely and warmly in the feelings of loyalty, to which already expression has been given by my Honourable Colleagues.

The Honourable Mr. ABDUL HUSSEIN ADAMJI PEERBHOY said:—Your Excellency, I beg to support the resolution moved by my Honourable friend MOULVIE RAFIUDDIN AHMAD and I endorse every word that has been said by the previous speakers. The resolution confirms the proof of what has already been said all over the country, that it is a righteous cause which England has taken up and I think we should be loyal to His Majesty the King Emperor for the innumerable benefits which India has derived under British Rule.

The Honourable Mr. GHULAM MUHAMMAD WALAD KHAN BAHADUR WALI MUHAMMAD BHURGRI said:—Your Excellency, I beg to take the liberty of fully associating myself with the remarks that have been made by my Honourable friend the Mover of the Resolution.

The Honourable Mr. HARCHANDRAI VISHINDAS said:—Your Excellency, I entirely associate myself with the sentiments that have fallen from the various speakers and although we at various public meetings have expressed our devotion and loyalty to the British Crown, and public meetings have been held in every part of the country, it is but fitting that we, as accredited representatives of the people of this Presidency, should, in this Council, pass this resolution.

His Excellency the PRESIDENT said:—Before saying a few words in summing up this debate I should like to refer briefly to the personal references made by two honourable members. I say as a rule, and I am sure Honourable Members, especially the gentlemen who made the remarks, will agree with me that personal references are to be deprecated in Council. But I do also agree that we are discussing a matter under the most remarkable circumstances. Therefore, on this occasion, perhaps, I too, may be led to say that I appreciate most sincerely the kindly references of a personal character made by the mover of this resolution, and also more particularly by my Honour-

able friend, Sir PHEROZESHAH MEHTA. Let me assure him that such guidance and such superintendence as he suggests have been given by myself during these last rather strenuous months, would have been of little avail unless I had had the whole-hearted support, assistance and encouragement not only of those gentlemen closely associated with me in official life but by every class and condition of people in the Bombay Presidency.

I feel I need add little to the admirable speeches which have been delivered by Honourable Members who have addressed the Council on this Resolution, which has been ably moved by my Honourable friend Mr. RAFIUDDIN, but I would wish on behalf of Government to express our warm appreciation of the tone and character of these speeches and assure Honourable Members of our warm support of its terms.

This Resolution is of threefold character and I am glad that it emphiasses in the first place our deep conviction of the righteousness of the cause for which we are fighting, especially as we know that the official German Press Bureau has been persistently, though I think unsuccessfully endeavouring by various inaccurate statements which have been widely spread, to deceive the world and hush up the truth. We are fighting for the inviolability of Treaty rights, for the freedom and liberty of small Nations, and in order to crush for ever the brutal militarism of Germany which has brought so many horrors in its train during the last few months. And I venture to urge upon Honourable Members the desirability of using their influence in their various Districts to spread the true story of the reasons for our engaging in this struggle and to dispel the many wild rumours which I am sorry to say still find some credence in the minds of many of our people.

In the second place we assure His Majesty's Government of our loyalty and devotion to the Throne. I think I may truly say that we have never had any doubt as to the loyalty of the Bombay Presidency or indeed of the whole of India, and we can claim that it is no mere lip loyalty, for our people are bearing, and will in the future bear, with courage the numerous anxieties and trials of all kinds which are inevitable in time of war.

The economic and financial disturbance throughout the world must lay a heavy strain and burden on us here as well as on all the countries who are engaged in it. While it is the duty of Government to endeavour as far as possible to relieve that strain and while we are proud to give men and money and to take our full share in this struggle, I am confident that we are also prepared to carry with loyal fortitude our share of the burden in the full and confident belief in the absolute justice of our cause, and of the ultimate advantage that will accrue to us as a most important part of the British Empire.

A very severe test has during the past few weeks been applied to the loyalty of a large number of our fellow-citizens who are of the same religion as the subjects of the Sultan of Turkey and who have hitherto looked upon that ruler as the trustee of the Islamic faith, owing to the very regrettable fact that the hitherto friendly country of Turkey, under the malign and persistent pressure of Germany, has been forced into a state of war with the British Empire and her allies. The sympathy of all those who belong to other religious denominations must go out in full measure to them in their hour of trial, but while we all share their feeling of deep regret that the old friendship between the British Empire and Turkey should have been broken off, let us never forget that on Germany must rest the sole responsibility for having engineered this unfortunate state of things at this particular time.

The Empire of Turkey had no unfriendly relations with any of the allies when the war broke out, and had been assured by them all that her position in Europe would be secured and maintained provided she herself remained absolutely neutral. But Germany, who has been finding that the course of the war was not going at all so successfully as she anticipated, as a desperate resource has forced Turkey into committing certain acts of war, has dragged

her in on her side, much against the wishes of that country's most responsible statesmen, in order if possible to create a Mahomedan diversion in her favour in various parts of the world. And what is the answer she has received? Assurances of loyalty from princes and peoples of the Mahomedan faith that they will be no party to these unworthy machinations and are determined to be loyal to their rulers throughout this great struggle.

Germany, in fact, has made yet one more grave miscalculation. She hoped to cause a holy war to be declared as a consequence of dragging Turkey into the struggle. But she has been unable to deceive the Mahomedan world, who realise that she, a Christian power, has provoked this war for a political motive of her own and has rendered it impossible for them to regard Turkish co-operation with her converting it into a holy war of Islam.

Let me add this consideration for the attention of all Mahomedans at the present juncture. It may, I think, be truly said that our King-Emperor through his Government has always shown a determination to recognize and obtain absolute freedom for the numerous religious creeds and holy places within the British Empire, and that has been solemnly reaffirmed at this crisis by the striking Proclamation which the Viceroy issued to the members of the Mahomedan faith a short time ago. Now I ask any Honourable Member this question: Can the experience of the past few weeks lead us to expect that Germany, if it suited her purpose, would respect in any degree the religious susceptibilities of any community? The wholesale destruction of sacred edifices in Belgium and France is a full and sufficient answer to this question, and I venture to suggest that the true interests of Islam would be safer in the hands of the allies than under the heel of the military despotism of Germany.

Let me add one word on the third point raised in the resolution, which expresses our desire to give our humble services to Government. The fact that our Indian soldiers are fighting, and fighting splendidly, side by side with our forces from all parts of the Empire, the offers of service and help freely offered and generously given by all classes and races, the prince and the peasant, the old and the young, the rich and the poor, all coming forward with one spontaneous desire to give of their best to the cause, the great work which the ladies of India are doing in supplying comforts and clothing for our troops and hospitals, and finally the fine wave of patriotism which has spread through the land—these are surely full evidence of the intense desire to offer full services to the cause of our Empire.

And so, while we know that this war will bring pain and grief into many a home, we shall go forward confident that the God of Battles will give us the victory, for we are fighting for justice, for freedom and liberty among nations; proud in the knowledge that England and the rest of the Colonies fully realise that India is doing splendid service for our cause and certain that India will prove herself to be both at home and abroad a great bulwark of support in defence of the Empire.

The Resolution was then put to the vote and carried.

BILL No. V OF 1913 (A BILL TO PROVIDE FOR THE MAKING AND EXECUTION OF TOWN PLANNING SCHEMES).

His Excellency the PRESIDENT:—A Bill to provide for the making and execution of Town Planning Schemes. The Honourable Mr. CLAUDE HILL.

The Honourable Mr. C. H. A. HILL, in moving the second reading of the Bill, said:—Your Excellency, I feel that I need not detain Your Excellency's Council very long in moving the second reading of the Town Planning Bill, for the reasons that such a very large Select Committee discussed the matter very thoroughly and that, if I may judge from the nature and extent of the amendments to the Bill which have been received, it is clear that there is a general consensus of opinion on the part of this Council that the Bill as amended by the Select

Committee is one which should commend itself to the public. I imagine that it is a record for the Bombay Legislative Council that a Select Committee should have comprised seventeen members (of whom twelve were non-officials), and I am quite certain that another record is involved in the interest displayed and the degree of assistance given by all members of the Select Committee. I am very glad to have this opportunity of conveying my warm acknowledgement to all members for the very great assistance they gave me, and of acknowledging that what I believe to be the great improvements effected by the Select Committee were due in a very great measure to suggestions made by non-official Honourable Members as well as to the great acumen which was brought to bear by them upon the parent Bill, and upon all suggestions for its amendment.

If further testimony were required of the efficiency of the work of the Select Committee, it is contained in the approval expressed by the Government of India of the Bill as now revised. I shall have occasion later on to suggest two shall changes in connection with the remarks of the Government of India, but neither of these changes affect in the smallest degree the principles of the Bill or, I believe I may say, its efficacy.

There are just 2 or 3 points in the revised Bill to which perhaps I should refer for the benefit of those members of Council, though few in number, who were not members of the Select Committee. These though detailed in the report of the Select Committee should perhaps be specially mentioned. An important change was effected by substituting the "Governor in Council" for the "Commissioner" as the authority primarily responsible for the control of the making of town planning schemes from their inception to their final sanction. The point taken by the members of the Select Committee, and I think rightly taken, was that after all, apart from the local authority, the persons best qualified to revise in respect of town planning schemes were those who had access to expert advisers such as the Consulting Architect to Government, the Consulting Surveyor and so forth. Moreover, we feel that, at all events in the first inception of Town Planning Legislation, we should follow as far as possible the Parliamentary Act whereby the control in question is vested in the Local Government Board.

By clause 27 of the revised Bill we have brought prominently to notice the power of the local authority to settle all matters connected with the town planning scheme by agreement whenever agreement is possible, and we hope that as time goes on and local bodies and persons become familiarized with the working of this Bill, the settlement of town planning schemes by agreement will become the rule as in England rather than the exception. So many of the minor changes in the Bill are the subject of minor amendments, which will be discussed in their proper place, that I think I may pass them by for the moment and come to the very vital change which the Select Committee made in establishing a Tribunal of Arbitration. It will be remembered that in the original Bill, clause 35, a second arbitrator was mentioned. But it was the unanimous opinion of the Select Committee that it would be more satisfactory to circumscribe the finality of the decisions of the expert arbitrator and leave them to be subject to a final investigation and adjustment by a Tribunal of Arbitration. As regards the constitution of the Tribunal of Arbitration, the Select Committee were strongly in favour of associating a judicial authority on the board, and we therefore composed the tribunal of, for the mofussil, a District Judge and two Assessors, namely, an impartial person appointed by the Judge and the arbitrator, and in the City of Bombay the Select Committee recommended and inserted in the draft Bill that the Chairman should be a Judge of the High Court or failing that the Chief Judge of the Court of Small Causes, Bombay, the remaining members being constituted in the same way as for the mofussil. Now, although the Government of India have indicated reasons why we should not appoint by statute a Judge of the High Court to this post of President, I think that we have in the amendment, which I shall be proposing in due course to the Council, succeeded in devising a revised wording which will

secure what we want. Again, in the same chapter of the Bill we inserted a clause, 37, allowing the Tribunal to state a case on a point of law for the ruling of the High Court. This was not a point upon which the Select Committee laid any particular stress, but they accepted the suggestion which was made by a member of the Committee as a harmless one which might be useful. As I shall explain when we come to consider the Bill clause by clause, the Government of India see a technical objection to this clause, and I am quite sure that its omission from the Bill will neither affect the operation of the Bill nor be in any sense a serious disappointment to the members who decided to insert it. I think the last clause that I need mention in detail is clause 51, which obviates all doubts on the question of the need for the registration of documents made in connection with town planning schemes and definitely exempt them from registration.

In regard to clause 30, which is the subject of various amendments, all of which can be dealt with probably under one head, I will say nothing at present except that, in conformity with the principles which we have endeavoured to follow in connection with this Bill, in dealing with a matter so novel to India, Government propose to leave the decision on the point entirely to the sense of Your Excellency's Legislative Council.

In conclusion, I may perhaps be permitted to comment upon the somewhat unique position which Your Excellency's Council occupies in dealing with a matter connected with town planning at the present juncture. Owing to the prevalence of war, Parliamentary assemblages in Europe meet only for purposes connected with the war and the ordinary legislative machine is in most civilized countries at present at a standstill. Your Excellency will perhaps permit me to invite the special attention of Honourable Members to the remarkable position in which India stands in relation to this war, in that though forming part of an Empire which is one of chief belligerents, she is, owing to the safeguarding of the seas, able peacefully to prosecute the measures for her own civil advantage at a moment when almost all other countries, whether belligerent or neutral, are suffering from such an interruption of their ordinary avocations that the normal work of development has to be entirely neglected.

His Excellency the PRESIDENT :—The question is that this Bill be now read a second time.

The Honourable Mr. VITHALBAI JAVERBHAI PATEL said :—Your Excellency,—Before this Bill is read a second time, I should, with Your Excellency's permission, like to make a few observations. The Bill was referred to a Select Committee of 17 Honourable Members, more than a third of this House, and the report of that Committee is now before us for some time past. According to that report, the Bill, when it becomes law, will apply in the first instance to Sálsette. It will not apply to the limits of the Bombay Corporation except on the application made to the Governor in Council by the Corporation, such application having been previously assented to by a majority of the whole number of members constituting that body. The Bill will also apply to such other part or parts of the Presidency to which the Governor in Council may, by notification in the *Bombay Government Gazette*, make it applicable. These are the decisions of the Select Committee as to the applicability of the Bill to this Presidency, and yet curiously enough that Committee recommends in its report that a copy of this Bill should be sent to the Bombay Corporation but none to any other municipal body in the Presidency. I put it to the Honourable Members of this Council and to Your Excellency's Government to consider whether the Bombay Corporation to whose limits the Bill was not to apply except on their consent stood in need of a copy of this Bill before its second reading or the municipal bodies in the mofussil, to whose limits the Bill was to apply without their consent, really stood in such need? Besides, the Bombay Corporation was sufficiently represented on the Select Committee, whilst none of the representatives of the mofussil municipalities on this Council found a

place on that Committee. The Honourable Mover of this Bill, in his speech that he just now made, describes this Committee as a representative Committee. The question, therefore, for this Council to consider is whether a Committee that has on it none of the representatives of the municipalities to which the legislation is to apply without their consent, and has on it several representatives of a body to which the Bill is not to apply without its consent, can, in any sense, be called a representative Committee even by any stretch of imagination? I, therefore, ask the Council to hold as I do that the Select Committee in this particular case was anything but representative. Who are the representatives of the mofussil municipalities on this Council to which this legislation is to apply without their consent? My Honourable friend Mr. PAREKH represents the municipalities of the Northern Division in this Council for years. My Honourable friend Mr. BELVI represents the Southern Division. The President of of the Karáchi Municipality, the Honourable Mr. HARCHANDRAI, represents Sind Municipalities, and the Central Division Municipalities are represented by my friend the Honourable Mr. UPASANI. Do we find any of these gentlemen on the Select Committee? The answer at once is "No, none." The facts are, therefore, clear that none of the mofussil municipalities was called upon to submit its views on the provisions of this important Bill and none of the representatives of those municipalities was called upon to serve on the Select Committee. Under the circumstances, this Council has got to rely upon such representations as they have got from the people. Now let us see what those representations are. So far, only three representations have been received by Government. They are from the people of Mátunga, Máhim and Sálsette. I do not propose to trouble the Council by any discussion of the first two. It is perfectly clear that the people of Mátunga and Máhim were sufficiently represented on the Select Committee. Both these places fall within the limits of the Bombay Corporation, and the Bill, when it becomes law, shall not apply to the Corporation limits without the consent of that body. Thus the people of Máhim and Mátunga are more fortunately circumstanced than the people of any other part of this Presidency outside Bombay. Then remains the only other representation of the people of Sálsette, but before I come to the consideration of that document I should like to invite the attention of the Council to clause 3 (*j*), the importance of which does not seem to have been realized either at the first reading or in the Select Committee. This sub-clause (*j*) gives power to the local authority to make provision in a town planning scheme for the suspension of any rule having the force of law, bye-law, Act or other provision under whatever authority made, which is in force in the area included in the scheme.

His Excellency the PRESIDENT:—Will the Honourable Member tell me what is the clause he is referring to?

The Honourable Mr. PATEL:—Sub-clause (*j*) of clause 3 at page 2 of the Bill.

His Excellency the PRESIDENT:—Much obliged.

The Honourable Mr. PATEL (continuing):—To put it plainly, this Council proposes by this sub-clause to invest the Executive Government of this Presidency with the power to suspend any Act or regulation made by any authority either in India or in England. I object to the inclusion of this sub-clause in the Bill on two grounds, *viz.*, (1) this Council proposes in effect to delegate to the Governor in Council certain powers which the Council itself has not got, and (2) this Council is not authorized to delegate its power of legislation to any other body or person. The powers of any provincial legislature in India is contained in section 2 of the Indian Councils Act, 1861, as further amplified by section 5 of the Indian Councils Act, 1892. [Reads.] Under these two provisions this Council could repeal and amend any laws and regulations made by it only. If it is proposed to repeal and amend any law or regulation made by the Imperial Legislature, this Council (and not the Governor in Council) must first proceed to obtain the sanction of the Governor-General. No provincial legislature has the power to make any law or regulation which shall in any way affect any of

the provisions of the Indian Councils Act or of any other Act of Parliament in force or hereafter to be in force in that Presidency. These are the limitations to the powers of this Council, and I submit that the sub-clause is *ultra vires*, inasmuch as this Council proceeds, under it, to give powers to the Governor in Council to suspend any Act or regulation made by the Imperial Legislature independently of the question of the sanction of the Governor-General to be previously obtained in each case, and curiously enough it also proceeds to invest the Governor in Council with powers to suspend any Act or regulation made by Parliament.

Then there is the question of delegation. Has this Council really any authority to delegate its powers of legislation, which include power to suspend, repeal or amend any law? The powers of this Council have been, as I said before, regulated by the Indian Councils Act, which gives power to any provincial legislature to legislate under certain circumstances and with certain limitations but they do not at all give power to such legislature to delegate the power so given. This Council, therefore, derives its powers of legislation from Acts of Parliament, and unless those Acts also authorize delegation I submit that this Council could not under any circumstances authorize the Executive Government to do that which the Parliament expressly authorizes them to do. If it were otherwise, a provincial legislative assembly might very well meet once and by an Act authorize the Governor in Council to undertake all future legislation for the Presidency and quietly close its doors for the remaining period of its existence. This sub-clause, therefore, in my opinion, should be entirely dropped. If the authorities entrusted with the town planning work are of opinion that at a certain stage of any town planning scheme it is desirable or necessary that certain Acts or regulations require to be suspended there is nothing to prevent them to move the Governor in Council to bring in a Bill before us for that purpose. When they do that, we shall have an opportunity of examining that Bill clause by clause and give or withold our consent to it as we please. Under the circumstances, I strongly object to the inclusion of this sub-clause in this Bill.

Having dealt with this clause, I now turn to the consideration of what I consider to be the most important of the representations before the Council. That is the representation from the inhabitants of Sálsette to which the Town Planning Act shall apply in the first instance. The petitioners at one place in their representation say: "We do not propose to quarrel with the principles of the Bill. They may or may not be good. What we seriously object to is the singling out of Sálsette in the first instance for the operations of the town planning scheme." I must say I have my sympathy towards the sentiments thus expressed by the petitioners. They say that Sálsette is a poor and mostly an agricultural district, and this experimental measure must, in the first instance, be tried somewhere else before it is tried in Sálsette. Let us, therefore, examine the effect on Sálsette of the practical application of this measure. As soon as this Bill becomes law, various town planning schemes affecting vast agricultural and other areas in Sálsette will be submitted to the Governor in Council by the Sálsette local authorities for sanction. Probably most or some of these schemes are already prepared in anticipation of the passing of this measure. Once the schemes are sanctioned, local authorities will proceed to construct roads and make other improvements in furtherance of those schemes. Plot owners included in a particular town planning scheme will be called upon to contribute towards the cost of such roads and improvements. Agricultural land which hitherto was liable to the payment of agricultural assessment will be, as the petitioners apprehend, declared building site as soon as it is included in any town planning scheme and the owner will be made to pay building site assessment. Not only this, but the local authority will require funds for the maintenance of the new works created under the scheme, and it will proceed to tax the entire population within its limits to meet this expenditure. It is thus, perfectly clear that owners of lands included in a town planning scheme will have to pay (1) initial expenses of the construction of roads and the making of other improvements, (2) building site assessment whether a building

is actually put on a plot or not and (3) further taxation to meet the expenditure of the maintenance of new works made in furtherance of the scheme. The questions, therefore, for the consideration of this Council are (*a*) whether the landowners in Sálsette will be able to bear this burden and (*b*) what will be the consequence in case of their inability to bear it. With regard to the first question, the petitioners themselves say that Sálsette is a poor district and the Honourable Members have nothing before them to contradict them. There may be an individual here or there in Salsette who may be rich but we are not concerned with him. We have to consider the cases of those petty plot owners whose plots will be included in Town Planning schemes. Those petty land-holders who will not afford to pay the treble burden must, I am afraid, make room for their rich Bombay neighbours and find bread outside Sálsette. I put it to the Council whether these apprehensions of the Sálsette inhabitants are totally unfounded and groundless as my Honourable friend Mr. HILL would put it, or are they really worthy of very serious consideration by each and every member of this Assembly. One would not object so much to this Bill had the Select Committee decided to apply its provisions by way of experiment to the rich City and Island of Bombay before they are extended to any other part of the Presidency. However, I do not propose to say more on this point, and prefer to proceed to the consideration of the second point raised by the petitioners. They contend that they should be treated with the same consideration as the Legislature proposes to treat Bombay in the matter of the application of the provisions of this Bill. If the provisions of this Bill are not to be extended to the limits of the Bombay Corporation except on the application of that body, they should not be similarly extended to Sálsette except on the application of the local bodies there. The Select Committee is of opinion that the special circumstances of the City of Bombay require special treatment and hence they have excluded Bombay from the operation of this measure except on the application of the Corporation. I wonder what those special circumstances could be. Town Planning, if it means anything at all, means expense, and if there are any circumstances which require consideration before the application of this measure to any part of this Presidency, they are surely the circumstances regarding the financial condition of the people and the local body of that part. If you look at the matter from this point of view, I submit, that the special circumstances of Bombay require its inclusion rather than its exclusion in regard to the operation of this Bill. It has not been disputed that this is an experimental measure in India, and is it not but fair and reasonable to ask that this experiment must first be tried in that part of the country where the inhabitants are wealthy, where the people are sufficiently educated and public spirited so as to be able to guide and control the actions of officers charged with the execution of this measure and where there is real and substantial representation of the people on the local bodies? The point raised by the petitioners does not, it appears, go so far. It merely demands that the measure should not be extended to any part of Sálsette without obtaining the consent of the local body concerned. I hope the Honourable Members of this Council will have no hesitation in granting this most modest demand.

In the third objection raised by the petitioners, they contend that the present constitution of the Notified Area Committees which will be known as local authorities under the Town Planning Act, is such that the people of Sálsette will have no voice whatever in the preparation of schemes and in the various other acts to be done under the Act by a local authority. It seems that there are at present seven or eight Notified Area Committees in Sálsette. Each of these Committees consists of three members only, *viz.*, the Special Officer, Sálsette Building Site, Mámlatdár, Sálsette, and, any Non-Official gentleman nominated by Government whether resident within the area or not. This being so, a Notified Area Committee is entirely a Government body. Now, if we turn to the Bill, we find that section after section gives some power to or throws some duty on a local authority. Why, in fact the very initiation of a town planning scheme is left to a local authority. In this state of affairs, are not the people of Sálsette justified in asking this Council not to leave the whole Town

Planning business to such local authorities but to give some effective voice to the people whose rights to property are at stake? As it is, it will be entirely a Government concern and the people have got to take it as they find. I ask the Honourable Members to consider the fact that this is an experimental measure to be tried for the first time in India and considering the character and importance of its provisions, it would not be right or safe to discard the voice of the people altogether and leave the whole thing to Government officials. What is the remedy then? The petitioners suggest that the constitution of a Notified Area Committee be so changed as to provide for sufficient representation of the people on that body or two or three Notified Area Committees should be grouped together and constituted a Municipality. If the Council is anxious to allow the people to have some voice in the experiment of this new measure, it is absolutely necessary that this prayer of the Sálsette people must be heard and suitable provision must be made in this Bill or by way of amendment of the District Municipal Act before the Town Planning Act is put into operation in Sálsette.

In the fourth objection raised by the petitioners, they apprehend that as soon as any Agricultural land is included in a Town Planning Scheme, such land will be declared a Building site and it will be made liable to pay Building Site Assessment, whether the owner puts a building on it or not. They also apprehend that the owner of any Agricultural land included in a scheme will be prevented from using such land for Agriculture. I am not prepared to say that these apprehensions are not well founded. It is perfectly fair and reasonable to ask that because any Agricultural land is included in a Town Planning Scheme, it should not on that account merely be made liable to pay Building Site Assessment and it is surely most unreasonable and harsh to prevent the owner on that account from using it for Agriculture. Cases might arise, and I should say in a poor district like Sálsette they are bound to arise, where an owner of an Agricultural land included in a Scheme will not be in a position to put a building on it for years to come. I respectfully submit that such safeguards as would leave no room for the apprehensions mentioned in the petition ought to be made by the Legislature.

Objections Nos. 5 and 6 of the Sálsette representation have the strong support of my Honourable friend Ráo Bahádur SATHE, who, I am sure, will deal with them as he has done in his Minute of Dissent and I do not wish to take up the time of the Council by any discussion at this stage on them.

In conclusion, I should like to add a word or two on the introduction of this novel legislation in the Country before its results are materialized in England.

I maintained at the first reading and maintain now that the present financial condition of the Country and various other considerations, some of which I urged at the first reading, are entirely against the application of any expensive experimental measure of this kind. Conscious as I am that the majority of this Council are against me on this point, I do not propose to enter into any discussion of those considerations but close my observations with the most emphatic but respectful protest against this measure.

The Honourable Mr. JEHANGIR H. KOTHARI said:—Your Excellency,—I beg leave to say a few words in support of the motion for the second reading of the Bill and in doing so would first give expression to my personal appreciation and satisfaction for the progressive spirit which has characterised the action of Government in leading the way in India in the direction of legislation for the improvement of the cities and towns of this Presidency.

My travels have brought me into personal contact with the results which have attended legislation on the same lines in many cities in various parts of the world, particularly in Canada, Alaska, the United States, New Zealand and Australia, and I am also well aware of the pains which have been taken by the Honourable Member in charge of the Bill to make available for the Bombay Presidency the practical experience in legislating for town planning all over the world.

In the awakening to the imperative need of a different and better method of city making we are but following the precedent of other nations. Continental European cities decades ago, and English and South American cities more recently, changed radically their municipal regulations and their methods of building cities. The splendid results of their activity are now apparent to every citizen and visitor. In the Bill which is now before us we hope to provide a means of handling with skill and experience, supported by law and public authority, the complex question of the improvement of modern city life.

There are many misconceptions current about town and city planning, but none is further from the fact than the notion that comprehensive plans are only for large cities. The reverse is nearer the truth. It is in the comparatively small cities and provincial towns, cities with population ranging from twenty-five hundred to two lakhs, comprehensive planning or re-planning may be made of far-reaching and permanent service. There is scarcely anything in the smaller places that may not be changed. For example, railroad approaches may be set right; crossings eliminated; areas reclaimed for commerce and recreation; open spaces acquired even in built-up parts of the town, a satisfactory street plan can be carried out, and spacious and adequate road-way established; public buildings can be grouped in an orderly way and a park system, made up of well distributed and well balanced public grounds, can be outlined for gradual and systematic development. All these civic conveniences, indispensable sooner or later to a progressive community, may be had in the small city with relative ease and at slight cost.

When we talk of town planning in the mofussil of this Presidency our thoughts at once turn to the case of the Provincial cities—Karáchi, Poona, Ahmedabad, Belgaum—where the pressing need of town planning and improvements are matters of urgent and imperative necessity. But the measure with which we are now dealing is equally applicable to and takes an added importance in respect of the great number of smaller municipal towns at district and táluka headquarters.

The smaller cities of this Presidency have not undertaken those public improvements that are so essential to modern life. Their streets are still obstructed, dangerous and unsightly; their school grounds are either too small or do not exist at all; their playgrounds are either inadequate or undeveloped; they have not drawn up comprehensive plans for roads and street extension.

In conclusion, let me observe that town-planning is not a movement to make towns beautiful in a superficial sense. It aims to provide those facilities that are for the common good that concern everybody; it seeks to save waste due to unskilful and planless procedure by doing things at the right time and in the right way.

In supporting the motion for the second reading of the Bill, I therefore beg very heartily to congratulate the Bombay Government on setting the lead to the remainder of India on a matter of such supreme importance to the welfare of urban communities.

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK said:—May it please Your Excellency,—I have very great pleasure in supporting the second reading of the Town Planning Bill. The urgent need of such a measure for our province has been sufficiently discussed in the first reading of the Bill. The increase in the number of population both in urban and rural areas, and consequent congestion in them, has necessitated the extension of towns and in some cases even villages, but in the absence of any Act to regulate these extensions, and the inadequacy of the provisions of the Municipal Acts and bye-laws in this respect, experience has shown that houses even in recent years have been built wherever space was available, most irregularly, both inside and outside the towns, having no regard to the sanitary principles and hygienic rules. This is not because the people do not realise the importance of building

systematic towns, but because the powers which we have on the statute are not sufficient to regulate the existing new buildings. The vast contrast which we see in the blocks of buildings built by the Bombay Improvement Trust since its creation, and the old ones, affords an illustration of the desirability of a system in the building of towns. In many mofussil towns, extensions have been undertaken both on account of congestion and realization of the benefits of living in open area. To save these newly built towns from ugly appearance, and to give them the benefits of the modern hygienic rules, an Act of this nature is essentially necessary, and should invariably be applied for new extensions even in the Mofussil towns and rural area.

Since the introduction of the Bill, and since its reappearance after a great modification by the Select Committee, there have been only two representations by the residents of undeveloped parts of this city. It has been found that on account of the unsystematic developments of the greater part of this city, the constitution of the Improvement Trust was found necessary. When the parts from which these representations come are yet undeveloped, I do not see why they should take objection. Moreover, as they form part of the City of Bombay, and the Municipal Corporation for the City of Bombay has been given special right of asking for the application of the Act by a majority of more than half of its members, I do not see why we should consider their objection at this stage. The other objection raised seems to be about the cost. In the cases where the Act is to be applied are new extensions and planning of entirely new towns, the cost will not at all be great and will be easily borne by the public. In this connection I may be permitted to inform Your Excellency and this Council the experience we have gained at Ránebennur, a small Municipal town, with which I am connected. Last year about 24 acres of land was acquired, building plots were constituted and sold to people, after laying roads and reserving sufficient space for breathing places, parks, etc. The Municipality was not only able to realise the whole cost of the scheme, but was able to lay aside a decent sum for further improvements, such as wells, lighting and the like, in that locality. Being encouraged by this and the demand for such plots being great, they have undertaken another scheme of about 50 acres. It is also argued that Indians are not accustomed to live in open places and in detached houses, but experience at Belgaum, Dhárwár Bijápur, Ránebennur and other places where extensions have been undertaken shows that plots are rapidly sold, and there is a pressing demand for more plots invariably, and decent buildings are not only being erected but are occupied. I therefore submit that if town planning scheme is made applicable to new extensions where these are undertaken or will be undertaken, it is sure to be successful both financially and practically. Of course the application of the Act to the area fully built upon will create some hardship to owners of some property, but the various benefits of the improvements accruing by the introduction of the Act will sufficiently compensate the loss and inconvenien e, to which some of the parties will be temporarily put to.

Some powers are proposed to be given to individual officers during the various stages of the operations of the Act, and I presume that Government intends to entrust these powers to responsible officers, and there is no need for any misapprehension about injustice or hardship being done to the public.

With these remarks I support the second reading of the Bill, and I hope that when the Bill passes into law it will be applied to some Mofussil town or extension as an experimental measure.

The Honourable Mr. E. G. TURNER spoke as follows:—Your Excellency,—I should just like to say a few words on some of the remarks which fell from my Honourable friend Mr. PATEL. It seems to me that most of his remarks referred to the different sections in detail which will be considered when the various amendments are proposed in the Council.

As regards not consulting the various local authorities in Sálsette in reference to this Bill, I really cannot remember now whether any local authority there

was specially asked to report or to give their opinion on the Bill, but what I do know is that the Bill was published in the *Government Gazette* at length and each of the Notified Areas Committees, the Municipalities and local bodies were acquainted with the Bill by means of the *Government Gazette*. Besides which, I personally know all the members of the various local bodies in Sálsette, and I think I can justly say that with every one of those members I have freely discussed the Bill and spoken about its introduction into the Island of Sálsette.

As regards clause 3 (*j*) regarding the granting of power to the executive to suspend laws to which the Honourable Mr. PATEL referred, I am afraid it is a legal point on which the legal advisers no doubt will give their opinion; but, at any rate, it can be discussed when the amendment is before the Council.

I have had considerable experience of local Government in Sálsette of Municipalities and "notified areas." I was a President of the Bándra Municipality for a number of years, and I was the first Chairman of the first "Notified Areas Committees" that were formed. I am quite sure that anybody who knows the way in which buildings have been erected and are being erected in Sálsette will admit that there have been very many occasions when the committees have wished to stop a particular man doing a particular thing or to prevent a man from putting up a shop in the midst of a residential building. Such occasions as these have been many, and we have all felt that we wanted some more powers in addition to what are given under the District Municipal Act. The Honourable Mr. PATEL must not think that because the Town Planning Act is made applicable to Sálsette that immediately the whole of Sálsette will be town-planned at once, and the owners included will be compelled to accept the position, whether they like it or not. Local authorities will not be so stupid, I think, as to enter upon a scheme which they themselves from their own point of view do not reasonably think would be a financial success, and in addition to that, I am quite sure that the Governor in Council will make full enquiry into every proposal for a scheme which is submitted to him, and unless he is quite convinced that it is good for the benefit and development of Sálsette that a particular scheme should be made he will refuse to give his sanction to it.

There is one point which I really do not understand at all. The Honourable Mr. PATEL referred to paragraph 3 of the memorial presented by the inhabitants of Sálsette in reference to building sites assessment. I really do not understand what their fear is. In this Act there is no mention whatever made of Government assessment. Government assessment upon land is regulated by the Land Revenue Code, and during the continuance of the Survey Settlement the survey rates prevail, unless an owner converts his agricultural land to non-agricultural use. Therefore even if a Town Planning Scheme has been sanctioned for a particular area, or whether it has been sanctioned or not, I do not see how that at all affects the question of the Government assessment upon that land. Without the buildings, the owner like others will be called upon to pay non-agricultural assessment for his building site. I should also like to inform this Council that Government has already publicly announced that when any Town Planning Scheme has been brought into force the Government assessment under certain conditions will be actually reduced to what it is at present. Therefore there need be no fear whatever of the people having to pay more; on the other hand, they have every reason from the notifications published by Government to feel that they might even pay less.

As regards the "Notified Areas Committees," it is quite true that at the present time most of them consist of three Members, but there is one exception, and that is the case of Ghat-Kopar where there are five Members, two extra having been recently appointed. It seems to me that this is a matter where full discretion as to the constitution of the committees has been given to the Governor in Council. Under the District Municipal Act he has full power to appoint as many persons as he likes in most cases, and also to appoint as many officials or non-officials as he thinks fit, and it seems to me it would be needlessly fettering the discretion of the Governor in Council if any restriction on h a discretion were placed. The Local Officers, I am of opinion, are best fitted to

know what is the best constitution for them, and as they grow and develop, their powers will be enlarged, until at last they are big enough to be given the full powers of a Municipality.

His Excellency the PRESIDENT :—Perhaps it will be to the convenience of Honourable Members if we adjourn till a quarter to three.

The Council then adjourned for Lunch.

The Council re-assembled at 2-45 p. m.

His Excellency the PRESIDENT :—Order, order. A Bill for the making and Execution of Town Planning Schemes, Second reading. The Honourable Mr. GODBOLE.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE spoke as follows :—Your Excellency,—As a member of the Select Committee I have considered this Bill in detail, and I might say at once that I strongly support the second reading of this Bill. I think in the case of growing towns, or towns that are being developed, the provisions of the Bill would be extremely useful. I have an instance in view of a growing town. Those who know or have visited the village of Lonánd in the Sátára district may be aware that this village is going soon to develop into a large town. It is going to be a central place in connection with a large canal that Government are constructing, and it is also going to be a junction station of a new railway. In the course of 10 or 12 years this village will develop into a large town. In the case of such growing villages the provisions of this Act will be extremely useful, as the future growth of the places will be regulated on recognized principles of sanitation. As regards the discussion which has taken place hitherto, I think the Honourable Mr. PATEL'S views as regards the constitution of notified areas are well worth consideration. According to the Bill as it is presented by the Select Committee, a notified area has the option of preparing a town planning scheme and sending it to Government for sanction. According to the constitution a notified area committee is to consist of three members appointed by Government; the people concerned themselves have no voice in the appointments. I think, Sir, that in the case of notified areas wanting town planning schemes, we ought to have some provisions like those entered in the amendment of the Honourable Mr. PATEL. His proposals will, no doubt, be duly considered when the Council proceeds to consider the amendments in detail.

Before I close my remarks I want to draw the attention of the Honourable Member in charge of the Bill to certain reports that have reached me. I am told that since the Select Committee went into the Bill and modified it in its present shape, an expert has been visiting this Presidency. The gentleman I am referring to is Professor GEDDES. I am told, Sir, that the opinion of Professor GEDDES, who is said to be an expert in this matter, has not been very favourable to the Bill. This is the report that has reached me. I do not know whether it is true or not. I would ask the Honourable Member in charge of the Bill to tell us, when he replies to the debate, whether the rumours that I have heard have got any foundation at all, and whether Mr. GEDDES has approved generally of the provisions that are put down in the Bill. If Mr. GEDDES has objected to several provisions of the Bill, I would certainly postpone the second reading, and have his reports circulated to members of this Council before dealing further with the Bill. With these remarks I support the second reading of this Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH spoke as follows :—May it please Your Excellency,—I rise with considerable diffidence in offering comments with reference to the measure which has met with the approval of a Select Committee, which was both big and strong. There are, however, one or two points upon which, I submit, looking to the importance of the measure, some observations are necessary. The basic principle of town planning legislature is that where a large number of property owners desire

that there should be a supply of some sanitary needs or that some conveniences that they require should be supplied and this desire is approved of by the State, in such cases the minority should not have the power of preventing the majority from getting what they desire. That being the principle, I submit, that in reference to Sálsette, the Committee ought to have considered the question whether it was not possible by some means to ascertain the desire in reference to the town planning of the majority of the property owners. As it is, the matter is left in the hands of the notified area committee, and the committee, we have been told, in most cases, consists of 3 individuals, two of whom are officials. We have been given to understand by my friend the Honourable Mr. TURNER that Your Excellency's Government proposes to make an alteration in the constitution of the notified area committees. I submit, however, that matters relating to undertakings of this kind should be conducted with the consent of the majority of the people who own properties in that area. I have no doubt that Government will do their best to put upon the committees people whom they consider to be the representatives of the views of the land-owners, but I for one, in all such cases, consider it more satisfactory if, instead of people appointed by Government, there be upon the committees a majority of members elected by the property holders themselves in order that the committees may represent the views of the bulk of the holders of land. Another matter on which, I submit, some consideration is needed, is in respect of lands which are in the vicinity of a notified area or municipalities. In such cases also, if the improvements are not needed for the area itself but are to be undertaken for the benefit of the municipality or notified area, it would not be proper to transfer the area to the latter and make the voice of its property holders impotent. In such cases, I submit, the proper course would be to take up the area under the Land Acquisition Acts. I also consider that in such cases it is better that the wishes of the people whose property will be affected should be ascertained before any action is taken.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH said:—Your Excellency,—I beg to support the second reading of this Bill. Some of the Honourable gentlemen who preceded me expressed the opinion that this Bill ought not to be proceeded with further. I humbly submit that it would not be advisable to postpone the further consideration of this Bill. In the vicinity of large towns and cities suburban areas are growing up without any regular plan, and every day that passes makes it a more complicated and more costly procedure to regulate and improve these ill-built areas. It is, therefore, necessary that a town planning enactment should be placed on the Statute Book without further delay.

The Honourable Mr. PATEL observed that as this enactment is not to be applied to the Bombay City without the consent of the Bombay Municipal Corporation, so also in the case of local bodies in the mofussil the Bill should provide for their consent being obtained before the provisions of the Act are applied to their areas. Now, the conditions of Bombay are peculiar. Bombay has a City Improvement Trust in addition to the Municipal Corporation, and it may be worthwhile considering whether the operations of a third statutory body are called for. But these conditions do not obtain in the mofussil. The scheme of the Act for the mofussil is that Government have the power to extend the Act to particular areas and that the local authorities in such areas have the power to introduce town planning schemes for their localities. This, I would urge, is a fair division of work.

The Honourable Mr. PATEL expressed the apprehension that sub-clause (*j*) of clause 3 would be *ultra vires*, inasmuch as this Council cannot pass an enactment authorizing the executive to suspend the operation of laws. I would in the first place invite attention to the fact that this provision is borrowed from section 55 (*2*) of the English Housing, Town Planning etc. Act, 1909, which provides "for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactment, bye-laws, regulations, or other provisions under whatever authority made, which are in operation in the

area included in the scheme." Further, it must be noted that the object of this provision is to avoid conflict of regulations. In areas for which town planning schemes are put in force, there may be building bye-laws or sanitary regulations made by municipalities which may not fit in with the details of the town planning scheme. It would be necessary in such cases to suspend the operation of such existing rules, bye-laws and regulations. As these rules, bye-laws and regulations are made by municipalities with the sanction of Government, so the provisions for their suspension would be made by a town planning authority with the sanction of Government; and this would be perfectly *intra vires*. It would be perhaps said that at any rate the operation of an Act cannot be suspended in this manner. I would point out that the sub-clause does not contemplate the suspension of the operation of the Penal Code or the Code of Civil Procedure at the instance of a town planning authority. All that is meant is that where some provision in a Municipal Act or a similar enactment is found to be inconsistent with the details of a town planning scheme such provision may be suspended for the purposes of the scheme. This qualification may be perhaps made clear. If there is any legal objection to such a course it may be considered when the Bill is read clause by clause.

The Honourable Mr. PATEL further objected to the Act being made applicable to Sálsette at once. I would submit that Sálsette is peculiarly fitted for the immediate application of the Act. It is in the vicinity of Bombay and is being fast built up. This has led to Government making several provisions for regulating the construction of buildings in Sálsette, and the operation of a complete town planning scheme is eminently called for in Sálsette.

With these observations I support the Bill in its second reading.

The Honourable Sir PHEROZESHAH M. MEHTA spoke as follows:—May it please Your Excellency,—I only desire to make a very few observations with regard to the second reading of this Bill. It is a new piece of legislation, and I am very glad that this Presidency takes the credit of initiating it before any of the other Presidencies.

My Honourable friend Mr. HILL spoke in very flattering terms of the assistance which was rendered to him by the very large Committee which sat as the Select Committee for the consideration of this Bill. My Honourable friend Mr. PATEL was rather inclined to carp about the representative character of the Committee, but I think that the description given by my Honourable friend Mr. PAREKH was a juster one than the carping one given by the Honourable Mr. PATEL. He called it a "large and strong Committee," and I think it was a large and strong Committee, and my Honourable friend in charge of the Bill was quite right in saying that it was really a record-breaking Committee. He said that the assistance that it had rendered him was of a large character, was very valuable. That observation requires to be supplemented by another, and it is this, that I think the Committee was very fortunate in possessing my Honourable friend Mr. HILL as its Chairman. I am speaking from some little experience when I say that Mr. HILL makes an ideal Chairman of Committees, for this reason that, while he is a strong and firm-minded person, as we have reason to know, he is also one always open to reason and possesses a judicial frame of mind, and always places himself in a judicial position to take into consideration the views of those who differ from him, and it seems to me that it is one of the characteristics which makes a Chairman absolutely invaluable in conducting the deliberations of an important Committee. Therefore it is that I am glad to be able to say that the Council is very grateful to the Committee and its Chairman for their indefatigable and arduous labours in the consideration of this Bill.

My Lord, I congratulate my Honourable friend Mr. HILL in steering this very important Bill to a safe haven. He has steered it successfully in spite of what has been said by the Honourable Mr. PATEL and the Honourable Mr. PAREKH. I venture to think that if there were any doubts about the

merits of this Bill, they would all be removed after hearing Mr. PATEL. For what did his speech amount to? Mr. PATEL first spoke against the representative character of the Committee. Well, I believe there were seventeen Members on that Committee. Seventeen Members of this Council, I think, whoever they may be, whether they come from the Southern Division or the Northern Division, or from any other part of the Bombay Presidency, may well be trusted to consider a Bill of this character in all its bearings.

Then, my Lord, what were the other objections which led the Honourable Mr. PATEL to conclude his speech by saying that he entered a protest against the passing of this Bill. They were about the constitution of the Notified Areas Committees and the grievance of Salsette that it should have been put in the forefront in the operation of this Act. Well, the only objection he advanced, was a joke. He is a lawyer, and I suppose that nobody knows better than he does that clause (*j*) to which he referred applies only to certain specific purposes. I am sure he was joking when he made the observation that because clause (*j*) is introduced in the Bill for a certain special limited restricted purpose, as it is introduced in other Acts, for the purpose of enabling the operation of the essential parts to be carried out unfettered by any local bye-laws or rules and such other things, that we may as well abolish this Council. Well, that was all the criticism which was levelled by Mr. PATEL against the Bill. Therefore it seems to me that the vindication of the Bill really comes from the mouth of the Honourable Mr. PATEL himself.

As to my Honourable friend Mr. PAREKH, although he always speaks very moderately, still it seems to me that he advanced nothing which could be said to go against the essential character and the essential principles upon which this Bill is founded. He said that the basic principle is that if a large number of land-owners want sanitary and other improvements and if a minority comes in their way, the Local Government may well be trusted to allow the will of the majority to prevail. I think my friend Mr. PAREKH forgets that the essential principle goes a great deal further than that. It is to protect the general rate-payer from bearing burdens which really ought to fall on those who derive advantages from improvements. It is for the purpose of preventing large areas of land from being as if it were misapplied from its proper purposes. All these are very important considerations in the progress of a rising village or a rising space of land, and therefore it is that in the interests of the whole people, of all those who are responsible for the finances, that it is necessary that only a few land-owners should not be allowed to aggrandize themselves and to benefit by betterment which takes place at the cost of the general rate-payer. This question of betterment is a very large question with which we have not been able to deal in the past. In Bombay a large number of private individual land-owners derive benefit from moneys spent by the general rate-payer without contributing anything themselves really to it, and that has been always most unjust and inequitable. We have been perpetually making efforts to see that people whose lands are bettered by the improvements made at the cost of the general tax-payer should not altogether escape with impunity. That is one of the cardinal and essential principles upon which the Town Planning Act are founded. Therefore it is most useful and valuable that they should be applied to all growing places like Salsette, and Salsette was selected and specially mentioned because it presents incidents and phenomena which make it very easily accessible to all the benefits of an Act like the present.

My Lord, I entirely approve of this Bill. But when one remembers that it is a new and novel piece of legislation, that it is the first of its kind in India, where it has been never tried before, that it has been tried in other countries with varying success, it is important that its application to India will be carefully watched, and I do trust that in its application, Government will see that the utmost care and the utmost caution are exercised. All Bills of this character, all Acts of this character, depend for their ultimate

success, not upon the mere wording of the Act itself but upon the way they are practically administered, and I have no doubt that Government will see that this new piece of legislation in its application is watched with care and with caution. With these few words, Your Excellency, I congratulate, I say again, my Honourable friend Mr. HILL in steering this important and valuable piece of legislation to a safe haven.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA said :—Your Excellency,—After the able speech of my Honourable friend Sir PHEROZESHAH I shall not detain the Council by making a long speech but I will only read out a few opinions of experts in support of the proposal to apply this Act in the first instance to Salsette.

My Honourable friend Mr. PATEL wants to know why Salsette should be first selected for the application of the Act, and it has been mentioned by the author of the annotated edition of the English Town Planning Act that it should first be applied to lands passing from agricultural to building sites.

With the permission of the Council, I shall read out a few sentences, and the first sentence is a reply to my Honourable friend. "A scheme cannot be prepared from a town or part of a town which has already been built up". This gives the reason why it should not be applied to Bombay. Then it is said 'In the second place it seems that a scheme cannot be prepared..... (reads)."

Your Excellency, Salsette comes under exactly these condidions where shere are small spaces which sooner or later will be brought under building tites, and therefore it is decided to apply the Act in the first instance to Salsette.

There seems to be some misunderstanding that as soon as the Act is applied to Salsette the whole of Salsette will be brought under the operation of the Act, and the local authorities in Salsette will at once begin to prepare town planning for the whole of the town. It is not so. The whole power is left under clause 9 to the local authorities; so that I think my friend's criticisms are far from sound.

My Honourable friend Mr. PATEL took exception to clause 3 (*j*). I do not know if his objection is based on any legal grounds, if so, as I am not a lawyer, my lawyer friends will be able to meet his objection. As the clause has been approved by the Legislative Department of the Government of India, and as long as they did not take exception to that clause remaining in the Bill, I think that my Honourable friend has no ground to complain. With these few words I support the second reading of the Bill.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA said :—Your Excellency,—The principle of the Bill is a very sound one. The scheme has been under the consideration of the Government of Bombay for months together, and although it is the first of its kind in India it will prove a blessing to places in the vicinity of Bombay and in other towns.

Now my Honourable friend Mr. PATEL objects to its application to Salsette and asks why it should not be made applicable to Bombay and why it should be made applicable to Salsette only in the first instance. Well, there are certain special reasons for this. Bombay is so densely crowded that such a scheme cannot be all of a sudden brought into force, while Salsette is so very near and has so many means of communication and facilities to travel, and therefore that area has been selected for applying the Act in the first instance. If by degrees the circumstances of the Municipalities in the mofussil admit of the application of this Act, and after the experience gained in Salsette the Act will be applied to other Municipal towns like Belgaum, Ahmedabad, Karáchi and such other places where the towns are already congested; such being the case, the Bill, as amended by the Select Committee, can, I think, be read a second time, and if there is any point which requires explanation, there are the amendments to be proposed and they may be discussed. With these

few words I entirely and whole-heartedly support the second reading of this Bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—We are sincerely thankful to the Select Committee for the great pains which it has taken to improve this Bill, and our particular thanks are due to the Honourable Mover who as Chairman guided the proceedings of the Select Committee. Nothing is further from our minds than to say anything against any of the members of the Select Committee. The Honourable Mr. PATEL himself had nothing to urge against any of them personally, but then it is due to him to say that his protest against the constitution of the Select Committee was fully justified. The Honourable Sir PHEROZESHAH has taken exception to his remarks on this point, but, my Lord, we have to bear in mind that the constitution of our own Council is based on the principle of representation, and it is necessary that we must keep that very principle always in view when we appoint our Select Committees. It is only because this principle was not kept in view that we have to take exception to the constitution of the Select Committee in the present case. I appeal to our veteran friend Sir PHEROZESHAH MEHTA and ask him if there had been an important Bill before us referring to the Bombay Corporation, and if that had been brought before the Council without its being referred to the Corporation, and if the same had been passed through a Select Committee without any Member of the Corporation itself being appointed on the Committee to represent its interests, would he not have complained and fought for the principle which we advocate? It is not a matter of personality at all. I know there were on the Select Committee Members as capable as any of those representing the mofussil municipalities, but they did not represent the municipalities, and it was, I think, due to those Municipal bodies that they should have been allowed an opportunity to themselves in the first instance to represent their views on a legal measure which was to directly affect their interests. At any rate, there should have been placed on the Select Committee the Members whom they had elected to represent their interests in this Council. This was the more necessary as this Bill was of a novel kind, containing as it does very complicated provisions involving new financial burdens on the municipalities. My Lord, the Bill was duly referred to the Bombay Municipality for its opinion, and was it not fair that the courtesy shown to the Bombay Corporation should have been shown to at least the more important city municipalities in the mofussil?

Our friend the Honourable Mr. TURNER has said that Government had published the Bill in the *Bombay Government Gazette*. Well, I ask him if the Bombay Corporation had not got copies of the *Gazette*? And if nevertheless it was deemed necessary to refer the Bill to that body for opinion, should not similar considerations have been extended to the mofussil municipalities, and was it not the more necessary that some at least of the Members who represented them in the Council should have been placed on the Select Committee to consider the provisions of the Bill from the standpoint of their interests. I do not speak anything about individuals, but it is only on a matter of principle that we have to make our protest on this point.

Now, with reference to the provisions of the Bill itself, the first point which I discussed at the first reading was as to the application of the Bill to the Municipal towns as they stand or only to new towns and suburbs to be laid out. We urged that so far as the old towns were concerned, it would be more convenient to do the needful by suitable bye-laws and, if necessary, by some few amendments in the provisions of the District Municipal Act with the working of which we are now so intimately acquainted, and that the operations of the Town Planning Bill might be tried in the first instance in only planning out schemes for new towns or for new suburbs which would be by themselves independent of the old towns.

The Honourable Mover of the Bill himself told us at the first reading, and it has been since also accepted by the whole body of the Select Committee, that,

so far as the developed areas of old towns are concerned, it would be too expensive to apply the present Bill to them, but they propose to apply the provisions of the Bill to such areas of existing towns as may be in course of development.

Now this may lead to an anomalous situation, my Lord. We will have a portion of the town under the Town Planning Act and the remaining portion under the Municipal Act, and there will be a conflict in the operation of the two Acts, especially when they are to be worked on different principles and through different agencies. The Bombay Municipal Corporation itself is feeling the inconvenience of having the incubus of the Improvement Trust upon them. In Bombay they are strong enough to stand the Improvement Trust experts, but we in the mofussil are not so far advanced, and where shall we be supposing we have to differ? Even now we find it difficult to hold our own as against official opinion, and how much more difficult will the position be if we happen to differ in matters over which we shall have no control; that being the case, does it not stand to reason that the municipalities should have a voice in the matter of the application of this Act to the area within their jurisdiction. Our Bombay friends were strongly represented on the Select Committee and the Bombay Municipality is excluded from the operation of this Act.

The Honourable Sir PHEROZESHAH:—For the exclusion.

The Honourable Mr. UPASANI continuing said:—There is an express proviso added to clause 1, providing that, unless the Bombay Municipality itself apply for it, the Act shall not be extended to any part of its area. I should certainly have preferred that the interests of the mofussil municipalities were equally taken care of and similar concession provided in favour of them. In my opinion all those bodies will come under the operation of this Act sooner or later and they should be consulted before the Act is extended to their area. The difference is this. Under the first clause as it stands, Government may apply the Act so soon as it is passed to any municipal area in the mofussil, and compel the municipality to have the town planned, whereas so long as the Act cannot be extended without their consent you cannot compel them. They have to consider their own local circumstances. Everybody wants to have model dwellings to live in. The municipalities themselves exist for that purpose, but we have also to consider the local means. There are so many difficulties in our way in the matter of removing congestion and overcrowding. Those will not be removed by this Act. In many cases, even when we have got open lands outside a town, they are not inhabited, because the people cannot afford the means to put up buildings on them or to have needful facilities for communication with business centres of the town. They require help in both these directions, and it should come from the State and the whole town, but the Bill provides otherwise. Now if new suburbs are opened they will remove the congestion of the whole town and the whole population will be benefitted in the matter of sanitation and comfort. For my part, therefore, I feel that the suburbs should be treated as the offspring of the town and the whole town ought to bear the expenditure required for the development of the suburbs, and these new areas to be developed under the Town Planning Schemes ought to be part and parcel of the present town and ought to be subject to the same rates prevailing in the town. The vital principle of the Bill is to differentiate the expenses and to recover them to the extent of half the increment from the owners of the plots to be developed. My Lord, it is a very difficult thing to arrive at the increment to be calculated under the provisions of the Bill, and I am afraid the calculation will be made more or less on mere speculative considerations. Therefore, it would be better, so far as possible, to change some of the provisions on this point in the direction of the amendments which I propose to move with a view to reduce the incidence of the burden upon those who may occupy the areas to be developed under this Act.

Another point to be noticed is as regards the areas that do not lie within municipal limits or which are not in its vicinity. In the Bill it is proposed to treat them as separate notified areas. I think it would be better if we had

interested the Local Boards in this matter. The District Local Boards have an interest in the sanitation of the district. It is part of their duty to provide for it. It would be better for the District Local Board and the Town itself jointly to contribute to have the needful done in the interests of the general sanitation of the town to be developed. Some suggestion on this point is I believe proposed to be moved by our Honourable friend Mr. PATEL, and we shall think of the suggestion later on.

I shall not take up more time of the Council in going through the detailed provisions of the Bill to which the amendments refer, and I have no doubt your Lordship will allow us enough time to discuss them.

The Honourable MOULVIE RAFIUDDIN AHMAD said:—Your Excellency,—I will just draw my Honourable friend the Mover's attention to section 3, sub-section (*h*), of the Bill. "The preservation of objects ..... (Reads)".

For purposes of preservation, I think it is necessary to have a more extensive phrase than "and of buildings actually used for religious purposes". For some buildings which though not used for the purposes of worship might still be actually held in veneration by the people at large, such as tombs and burial places. I will make a personal appeal to my Honourable friend to include in the objects of preservation all places for which people have special veneration. If I remember aright, there is not a city in this Presidency where at times disputes have not arisen with regard to burial grounds which have caused serious disturbance. With that suggestion, Sir, I will strongly support the second reading.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE said:—Your Excellency,—I rise to support the second reading of this Bill. Many speeches have been made in support of it and many of the speakers have said that the Select Committee was able to improve a good deal upon the provisions of the Bill as it was presented to us in the March session, but I must say here, that these improvements were mainly due to the indulgent attitude which was shown to the members of the Select Committee by the able and tactful Chairman, the Honourable Member in charge of the Bill, and but for his indulgence, we would not have been able to put forward many of the suggestions, and to bring about many useful amendments. Having said so much about the working of the Select Committee, I would take up certain points which have been referred to by Members who have preceded me. As regards the question whether Bombay should be differently treated from Mofussil places, I think much need not be said about it. The reason is clear. I have myself said something about it in my humble minute of dissent, but on further consideration, and from what I learnt from the Select Committee Report, I think the reasons which actuated the Select Committee in giving special treatment to the Bombay Corporation was the immense confidence which is placed in the Corporators of Bombay, as compared with that in Mofussil Corporators, and I must say there is some truth in that. But, at the same time, I think that some provision should have been made to consult the wishes of local authority before the Act was extended, and though there is no specific provision in the Act, I feel confident that before extension is allowed the local authorities and District Officers will be consulted, whether certain reasons have arisen which necessitate the extension of this Act, and if this is done, though the provision is not placed in the Act, the objects will be secured. That is the view which I take of this question.

As to the second point which was taken by my Honourable friend Mr. PATEL, I can only say that if Government were in a position to know, or if Government would come across places where Town Planning Schemes have to be introduced in notified areas, I think a consequential amendment will be sooner or later required in the Municipal Act, because nobody would deny that for the introduction of certain important schemes as Town Planning Schemes some representatives of the people are required. When the Act of 1901 was passed, notified area Committees were only provided for as contingen-

cies, but now, if such big works are going to fall upon them, I think some provision will have to be made for the better constitution of notified area Committees.

The other point by my Honourable friend Mr. PATEL was about inclusion of clause (*j*) in section 3. Of course, I need not add a word to what has fallen from my Honourable friend Sir PHEROZESHAH whom we can look up to as to whether this provision will be *ultra vires* or not, and many are of opinion that this provision will not make the section inoperative or *ultra vires*. This view which the Select Committee has taken, seems to have been correctly taken, inasmuch as the Legislative Department of the Government of India did not raise any objection.

Coming to the next point as regards the method of determining the increment to which a reference was made by my Honourable friend Mr. UPASANI, I may tell him that several proposals were placed before the Select Committee with a view to see how the question of fixing increments could be solved so as to cause least hardship to the owners, and on mature consideration it was found that the present was the only feasible scheme which we could adopt, but if it could be shown to the satisfaction of all that other remedies are better suited in the interests of the persons affected by the Town Planning Scheme, none of us has any objection to adopt them, but a contribution up to 50 per cent. was considered as best under the circumstances. There is another point of local authorities consulting the owners. I think I need not dilate upon that point, because there is a clear section which allows owners of property to come forward and to place their objections not only before local authorities but before the Governor in Council (*vide* section 9) before sanction is given to the scheme. They can therefore at the first stages of the scheme bring forward their grievances to the notice of the local authority and the Governor in Council and they can suggest changes in a particular scheme or they can come forward with their own schemes. Another point which I have mentioned in my minute of dissent is one about the method of recovering dues, and although I have not given a specific amendment on that point, I may be allowed to say one word. It seems to me that to make these dues recoverable under the provisions of Land Revenue Code would work hard, and if we have a provision similar to the one which we have in the Bombay Improvement Trust Act, namely, that such orders of Tribunals should be treated as decrees of Civil Courts and executed in accordance with the procedure of the Civil Procedure Code, I think this hardship will be mitigated and the recovery of the money will also be secured. That is my suggestion. Then one other point, and I think the most important, is about the inclusion of clauses 3 and 7 within the purview of the Tribunal. I was glad to learn from the Honourable Mover of the Bill that Government have an open mind on this question, and though I have given my reasons in short in the minute of dissent, still I wish to add that this is a point which really ought to be considered with the consideration it deserves, and I will only make one observation with respect to that point, and that observation is this.

The Honourable Mr. HILL :—May I ask what clauses the Honourable Member is referring to ?

The Honourable Mr. SATHE :—I am referring to the inclusion of clauses 3 and 7, and my point in making the suggestion is this : that if we examine the whole scheme of the Act we find that certain increment is to be arrived at with a view to cover the costs of the Town Planning Schemes, and the method is described as to how that is to be arrived at. For that purpose we have to value pieces of lands or plots according to the market rate at the time of declaration of intention to make Town Planning Scheme, and also we have to make valuations of the same plots by determining the prospective value estimated on the assumption that the scheme has been completed, and the difference between the two prices is the amount which would go to determine the increment. My suggestion is that just as the question of prospective valuation is considered to

be important, the question of present valuation which forms a great factor in determining increments is also an important one and may therefore be referred to the Tribunal. Therefore, just as we refer all these cases of present valuation coming within the purview of the Land Acquisition Act to the District Judge, similarly the question of present valuation might usefully be referred to the Tribunal by including clauses 3 and 7 in the clauses which have already been put down as coming within the authority of the Tribunal of arbitration. I may say something more, if necessary, when it will be my turn to propose that amendment; with these few words I beg to support the second reading.

The Honourable Mr. C. H. A. HILL spoke as follows:—Your Excellency, I fancy that every Honourable Member of this Council has on different occasions been asked to make a ceremonial speech or something of that kind or to deliver an address on some subject, and I am quite sure, knowing the conscientious principles which actuate the actions of the Members of this Council, they have one and all on such occasions gone home and studied their subject, worked up suitable quotations and come ready prepared with an admirable speech to meet the occasion. Well, it is on such occasions a matter for great disappointment when some previous speaker has utilised one's quotations and made use of all the material laboriously collated. Although the circumstances in which I stand here are somewhat similar, my feelings are totally different. I find after listening to the speeches of the Honourable Sir PHEROZESHAH MEHTA, the Honourable Mr. LALUBHAI and others, that I am left practically without any work to do, and that it is really almost superfluous that I should detain this Council at all. And, far from being disappointed, I am exceedingly grateful to those Honourable Members. However, there are one or two points which perhaps still require a passing notice, and, with Your Excellency's permission, I will begin with the question which has been debated of the non-extension of this Bill to Bombay except on the application of the Corporation. Well, Sir, I think that we are all agreed here that the Island of Bombay, administered as it is by the Municipal Corporation of Bombay, stands on a totally different footing (hear, hear) from any other part of the Bombay Presidency, furnished as it is already,—I am not sure how my Honourable friends will welcome this,—with the City Improvement Trust (hear, hear), the Bombay City Improvement Trust, which is really a part of the Bombay Corporation's machinery. Under these circumstances I say with confidence that the differentiation between the Island of Bombay and the rest of the Presidency needs no defence whatever.

Now, Sir, I would turn for a moment to the painful subject of the constitution of the Select Committee. It is really a matter for sincere regret to me to think that in proposing the names of the Select Committee I did, as a matter of fact, overlook the actual question of what Honourable Members represented what constituencies; and for this I throw myself on the mercy of the Council. But I submit, Sir, that looking to the names of those who helped me on the Select Committee, it will be admitted that the whole weight of the names connotes Municipal experience of a very practical kind, and it was that which I chiefly looked to, and I regret to say I overlooked the actual constituencies from which the representatives came. It was their practical acquaintance with Municipal affairs which seemed to me to constitute the best guarantee of efficient advice being given by those Members, and I should like once more to say that in the selection of Members I was most emphatically not disappointed, and that every Member of the Select Committee displayed a familiarity with Municipal affairs which gave all the assistance that could possibly be desired in the consideration of this Bill.

The next point which, I submit, has been mistakenly laboured is the question of notified areas. I would draw the attention of this Council to the fact that the constitution of a notified area Committee has really nothing to do with this Bill. It is an existing entity under the Municipal law, and all that this Bill does is to take cognisance of the existence of the notified area Committees as being corporate bodies which can take certain steps for their own advantage under this Bill; and I am quite certain that if this Bill is justifiable at

all, every local self-governing body, even in its most embryonic stage, should be in a position to take advantage of this Bill if it so desires.

As regards the question raised by my Honourable friend Mr. PATEL whether a notified area Committee is a sufficiently representative institution to justify its making proposals under this Bill; that is a matter which the Governor in Council will carefully consider on each occasion; and it seems quite likely that, as my Honourable friend Mr. TURNER indicated, when it comes to the point whether an area is of sufficient Municipal importance to justify the promulgation of a Town Planning Scheme, that question will of course be carefully considered before sanction is given to any scheme.

Well, Sir, another point which the Honourable Mr. PATEL raised relates to the question of the legality of clause 3 (*j*) of this Bill. I can only say that it has passed through the scathing ordeal of examination by the Legislative Department of the Government of India, and I assume that the Legislative Department of the Government of India consider that that clause is not illegal. As regards its desirability, I think there can be no two opinions. Perhaps Honourable Members are not aware of the extent to which in England local bye-laws have stood in the way of the promulgation of Town Planning Schemes. It has been necessary over and over again for Parliament to pass special Acts of Parliament in order to over-ride other enactments which have obstructed the improvement of a town. It is for the purpose of avoiding a similar state of affairs that this clause was introduced by the Select Committee, and I venture to submit that, on consideration, the Council will admit that it should stand as part of the Bill.

I should like to give one assurance to the Honourable Mr. GODBOLE, namely that I have seen Professor GEDDES, and that he referred in conversation to the Town Planning Bill which he had evidently seen; but he uttered no criticism at all and gave no indication of a desire to criticise its provisions. I confess I did not cross-examine him on the subject, nor did he question me, so that I can only assume, from his reference to the Town Planning Bill as a subject for congratulation, that he had not anything very serious to criticise with regard to this Bill.

Well, Sir, my Honourable friend Mr. PAREKH, gave me a great shock. He suggested that Town Planning Schemes and Town Improvements should only be entered upon at the request of the property owners. Now, I would suggest to the Honourable Members that that is a very aristocratic point of view to take, and the general point of view should be that improvements in town building and so forth should properly be for the benefit of the populace at large and not for the property owners or a majority of them. That should be the determining factor with regard to the introduction of the measures for the benefit of housing the poor and general hygiene. It seems to me a most undemocratic suggestion of my Honourable friend, and I believe he can hardly have realized what the real meaning of what he suggested was.

I found, Sir, some difficulty in following what my Honourable friend Mr. UPASANI said, because it struck me that his general thesis was that, those interested in Local and Municipal Government in the mofussil were so harassed and worried and almost submerged by all sorts of Municipal legislation that the addition of any further legislation would completely drown them. Under the existing laws it appears to him that the officials pursue them and harass them to such an extent that he would gravely deprecate the addition of any further machinery. In fact he went so far as to suggest that Government officials connected with Municipal administration were hindering the progress of local self-government. I am quite sure he did not mean that, but that was the gist of his complaint; and I am afraid that, if his premises are correct, we *are* adding another mill-stone to be hung round the necks of Municipalities. But I do appeal to this Council to take the Bill as a whole, to look at it as a whole, and see whether the Bill viewed as a whole does not specifically consider and safeguard in every possible way the interests of local bodies. That is the aim and object of the Bill, and we wish in all respects to add to the efficiency of local

bodies in order that the carrying out of Town Planning in the future may not be subjected to the reproach which has sometimes been levelled at it in the past.

As regards my Honourable friend Mr. RAFIUDDIN, he made a suggestion regarding clause 3(*h*). I do not think that my honourable friend submitted any amendment to clause 3 (*h*) of the Bill, nor have I any recollection of any suggestions being made by him for the modification of its wording, but I venture to assume, Sir, that, should the Honourable Member be able to devise an amendment, even though it be not already on the Table, Your Excellency will be good enough to allow it to be considered when the time comes for taking the Bill clause by clause.

I think, Sir, these are all the points to which I need specifically refer in proposing that this Bill be read a second time.

I am extremely obliged to the Council generally for the favourable view they have taken of this Bill as a whole, and for the very strong support which has been given to it by my honourable friend Sir PHEROZESHAH MEHTA and others, and which, as I have said, has almost deprived me of the right of reply to the debate. I should like to say, particularly with reference to my honourable friend Ráo Bahádur SATHE and his proposed amendment under clause 30, that his absence from the meeting of the Select Committee, which actually considered that part of the Bill, accounts for that matter having been specifically brought forward by him, and to assure him that, as I said at the beginning of this debate, we shall be only too pleased to consider the matter on its merits, and to allow it to be decided by the general sense of the Council when the time comes.

In conclusion, Sir, I think we all owe a considerable debt of gratitude,—at least I know that Your Excellency's Legislative Department owes that debt,—to the Honourable Mr. KOTHARI. He very kindly placed himself in correspondence with people whom he has met in his travels all over the world and many authorities, Municipal and otherwise, in England, in New Zealand, in America, in France,—in fact all over the world,—responded most cordially in sending literature, all relating to Town Planning, which will greatly aid the formulation of Town Planning Schemes hereafter when they come up before Government in a concrete form. The Bombay Government are sincerely grateful for the help so cordially given.

I now move, Sir, that the Bill as amended by the Select Committee be read a second time.

The motion for the second reading of the Bill was then put to the vote and carried.

His Excellency the PRESIDENT:—The Bill will now be read clause by clause.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL spoke as follows:—Your Excellency, The amendment that stands in my name is as follows:—(Reads).

My Lord, this amendment if accepted or carried would give credit to this Council for according equal treatment to the Bombay Corporation as well as to the mofussil Municipal or other local bodies in the matter of the application of this measure. I am of opinion that an experimental measure of this character should not be made applicable to the area of any local body except on the application of that body. I do not understand why there should be a differential treatment between the Bombay Corporation and the mofussil local bodies in this respect. The Honourable Ráo Bahádur SATHE who had the honour to serve on the Select Committee is also of the same opinion as appears from his minute of dissent. I therefore hope that this Council will accept the view I have been advocating by this amendment. Let the local authority in the mofussil have the choice to have this measure applied to their areas or not. With these few words I put this amendment for the consideration of this Council.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—Your Excellency,—There is an amendment standing in my name which is almost similar to that of the Honourable Mr. PATEL, and I will say what I have to say with reference to it in support of the Honourable Mr. Patel's amendment.

His Excellency the President :—Then I understand that the Honourable Member will not move his own amendment.

The Honourable Mr. UPASANI :—No, My Lord. I am not going to move my amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI in supporting the amendment of the Honourable Mr. PATEL spoke as follows :—Your Excellency,—My object in supporting this amendment is this, that local bodies with their knowledge of the local conditions and necessities of the place should be the proper authorities to decide whether it is necessary for them to apply this Act to their town or whether they would be able to do the needful under the provisions of the District Municipal Act, and I think they may be allowed to exercise their own discretion in the matter. If they think that the machinery of the Act is needed, then it will be open to them to apply for the application of the Act to their town area. It is the same privilege which has been conceded to Bombay. I admit the conditions of Bombay are exceptional, but the citizens there who own house property belong to the well-to-do classes and they can afford to have the costly machinery provided in the Bill for Town Planning Schemes, and it is better suited for them than for the mofussil towns in which the conditions are different. The question in the mofussil is more of cost and means rather than of necessity and convenience. We would all like to drive in motor cars in our villages, but we have not the means for them and must be content with our country carts which are better suited for our means and needs. I think nothing will be lost by allowing the local bodies to decide for themselves whether the application of this Act is not a real necessity for their town. They will be amenable to the advise of the District Officers, and Government itself has under the Municipal Act the power to compel them to do what may be necessary in the interests of their town. If the Government are convinced of the necessity of applying the Act they will certainly compel the local body to consent to the application of it even if the local body be given the option to decide the matter in the first instance. If the amendment is accepted, Government's power will not be taken away, and at the same time the local bodies will have the option of deciding what would be most suitable for them.

His Excellency the PRESIDENT :—Order, order. I do not wish to suggest to the Honourable Member that he should not go on with his speech, but I would like him to be briefer in his remarks.

The Honourable Mr. UPASANI continuing :—Very well, My Lord. My Honourabe friend Mr. SATHE has suggested that if the amendment is not accepted, there should at least be an understanding that these bodies will be consulted before the Act is made applicable to the area under their jurisdiction, but I think the understanding suggested will not form part of the law, and therefore it would be better that there should be something definitely laid down in the Act. For that reason I beg to support my honourable friend Mr. PATEL's amendment.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—I do not think that I can do anything except to repeat more or less what I have already said in explanation of the distinction between the treatment in respect of the application of this Bill to the Bombay City and to the other areas contemplated. But I would again like to point out that this clause does not even in the case of Salsette bring any Town Planning Schemes into being ; it merely operates so as to make this Act, when passed, applicable to the whole of the Island of Salsette, whereas in respect of other areas in the Presidency we are not sure whether the Town Planning Act may or may not hereafter be extended to them. It depends on their needs.

In respect of this particular amendment by which an application by the local authorities is sought to be made a condition precedent to the application of the Act, I venture to say, Sir, that just as the Select Committee has done, the majority of this Council will appreciate the advantage of following the usual procedure in respect of Acts of this kind in allowing the Act to be extensible to any area other than the area which we know has special characteristics, namely, the Island of Bombay, at the option of Government without necessarily waiting for the application of the local authority. It will be for the local authorities to have each town-planning scheme validated under the Act. I think the conditions are quite simple and clear, and that the apprehensions entertained by the Honourable Member who moved this amendment are quite groundless; and I venture to ask that the Council will vote against the amendment proposed.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—I do not know if my Honourable friend Mr. UPASANI withdraws his amendment.

The Honourable Mr. UPASANI:—Yes, my Lord.

Amendment by leave withdrawn.

Clauses (1) and (2) were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 3. I understand that the Honourable MOULVIE RAFIUDDIN wants to move an amendment to sub-clause 3 (*h*).

The Honourable MOULVIE RAFIUDDIN AHMAD:—Sir, I propose to add after the words "and of buildings actually used for religious purposes" at the end of clause 3 (*h*), the words "or places regarded by the public with special veneration."

His Excellency the PRESIDENT:—I think I had better read out to the Council the amendment exactly as we wish it to stand. The Honourable Member would like to add at the end of clause 3 (*h*) after the words "and of buildings actually used for religious purposes," the words "or regarded by the public with special veneration."

The Honourable MOULVIE RAFIUDDIN:—The Honourable the Advocate General suggested the addition of the word "religious," so I will adopt that.

The Honourable Sir PHEROZESHAH MEHTA:—Who will decide that?

The Honourable MOULVIE RAFIUDDIN AHMAD:—The Governor in Council will decide that eventually. So that my amendment will read as follows:—"(*h*) the preservation of objects of historical interest or natural beauty and of buildings actually used for religious purposes or regarded by the public with special religious veneration."

The Honourable Mr. HARCHANDRAI VISHINDAS:—May I know, Your Excellency, what will be the effect of the suggestion put forward by the Honourable MOULVI RAFIUDDIN.

His Excellency the PRESIDENT:—My Honourable friends are seriously considering the situation.

The Honourable Mr. C. H. A. HILL spoke as follows:—Your Excellency, I may say at once that Government are prepared to accept this amendment, namely the addition of words "or regarded by the public with special religious veneration" at the end of clause 3 (*h*).

The motion was then to put to the vote and carried.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL said:—Clause 3 (*j*) must be deleted. Your Excellency, the questions for this Council to consider are (1) whether this Council itself possesses the powers which they propose to transfer to the Governor in Council and (2) whether this Council

has any authority to delegate its power of legislation to the Governor in Council. It is really no "joke" as my Honourable friend Sir PHEROZESHAH seems to think, but these are suggestions which I seriously put forward for the consideration of this Council. I have made it perfectly clear in my speech on the second reading that this Council has no power to suspend any law or regulation made by the Imperial Council without the assent of the Governor General previously obtained. It has no power under any circumstances to suspend any law passed by Parliament. In no case has this Council any authority whatsoever to delegate its power of legislation.

Under these circumstances I respectfully ask this Council to consider the legal aspect of the clause and judge for itself what are its powers under the Indian Councils Acts and whether they could legally delegate all or any of the powers they have got.

With these observations I leave my amendment in the hands of the Council.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA said:—Your Excellency,—With reference to the amendment moved by the Honourable Mr. PATEL, I may tell the Council that we adopted sub-clause (*j*) of clause 3 in the Select Committee, because there was a similar provision in the English Town Planning Act, as the House of Commons have given this power to the Local Government Board, and it means that they have not considered it illegal to do so. The words in the Act are "so far as necessary for the proper carrying out of the scheme any statutory enactment, bye-law or regulation." The only suggestion therefore that I would like to make is to add the words "so far as necessary for the proper carrying out of the scheme" be inserted in sub-clause (*j*). That will make the meaning quite clear, and if that is done I do not think my Honourable friend Mr. PATEL need have any misapprehension as to the scope of that sub-clause.

The Honourable Mr. DATTATRAYA VENKATESH BELVI said:—Your Excellency, I do not see my way to agree with what has fallen from my Honourable friend Mr. LALUBHAI SAMALDAS. In England the House of Commons is the highest legislature and it has got a right to enact in any way it pleases. But in this Presidency the Governor in Council will have to consider the Acts passed by the Imperial Legislative Council and by the House of Commons itself. The question is whether this Council has got any power to invest the Governor in Council with the power to suspend the operation of Acts which are not passed by this legislature. The question will have to be looked at from the lawyer's point of view, and in this connection, I submit that the opinion of the Honourable Advocate-General will be the only opinion that should be accepted by this Council.

It is not desirable that simply because we find a provision in the English Act there should be a similar provision in an Act passed by a subordinate legislature. For these reasons I am inclined to agree with my Honourable friend Mr. PATEL. However this is a question of law and if the Advocate-General's opinion is that no difficulty will arise on this score, I think, we should accept the clause as it stands.

The Honourable Mr. C. H. A. HILL said:—With Your Excellency's permission, I think it will save time of the Council if I suggest that inasmuch as no criticism has been made as to the substance of this clause except the one now made by the Honourable Mr. PATEL and since this question which is now raised in this Council has been, as I have already indicated, before the Legislative Department of this Government and before the Legislative Department of the Government of India, and since no objection has yet been taken on legal grounds to its inclusion in the Bill, I think, we may sleep safely in our beds and not apprehend any severe penalty for carrying into effect something which we have no power to do. If any illegality has been done we shall be hauled up quickly enough, and I suggest that as there is no criticism on the merits of the clause apart from the question of its legality, that we should pass it for the

moment. But I do recognise that the Honourable Mr. LALUBHAI's proposal, which limits the scope of this clause to a certain extent, and which also follows section 55 (2) of the Housing and Town Planning Act in England, has considerable force; and Government agree that certain words should be included in the clause, so that it will then run:—"That a town planning scheme may make provision for any of the following matters: The suspension so far as may be necessary for the proper carrying out of the scheme of any rule having the force of law, bye-law, etc." That limits the scope of the operation to a certain extent and perhaps will relieve the anxiety of this Council; and I suggest, Sir, that the proposal to delete this sub-clause ought to be rejected, and with Your Excellency's permission, I move that it be amended as suggested by the Honourable Mr. LALUBHAI.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL said:—Your Excellency,—In the first place I should like to read a similar provision under the English Act.

His Excellency the PRESIDENT:—Order, order, I do not know if the Honourable Member agrees to the words proposed.

The Honourable Mr. PATEL:—Not at all.

His Excellency the PRESIDENT:—Will the Honourable Member then discuss his amendment?

The Honourable Mr. PATEL (continuing):—Your Excellency,—much has been made in this Council regarding the existence of a similar provision in the English Act, and I should therefore like to invite the attention of this Council to that provision. It is contained in section 55 of the Housing and Town Planning Act, 1909. (Reads). The Honourable Members will thus see that under that Act no scheme which contains provisions suspending any enactment contained in a general public Act shall come into force unless a draft of that scheme has been laid before each House of Parliament for a period of not less than 40 days and no address within that period has been presented by either of those Houses to His Majesty against the proposed suspension. I am afraid we are in giving our consent to the passing of this clause going far beyond this. Again it has been urged by the Honourable MOVER of this Bill that the Legislative Department of the Government of India has taken no such objection to this clause. May I submit to this Council that we are not bound by the opinion of the Legislative Department of the Government of India much less that of the Legal Department of this Government? We have to construe section 42 of the Indian Councils Act, 1861, and section 5 of the Indian Councils Act, 1892, to see what powers we have. The language of both these sections is perfectly clear, and nowhere in these Acts do we find any authority to us to delegate any of our powers to legislate.

Under these circumstances, I would request the Council to consider this amendment favourably.

The Honourable Mr. C. H. A. HILL said:—With Your Excellency's permission I should like to suggest the insertion proposed by the Honourable Mr. LALUBHAI of the words "so far as may be necessary for the carrying out of the scheme" after the word "suspension".

The amendment was then put to the vote and lost and the clause as amended in the manner suggested by the Honourable Mr. LALUBHAI was carried.

Clauses 3 to 6 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 7. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL said:—Your Excellency, the amendment that I am going to move reads thus:—

Substitute the following for clause:—

"7. Notwithstanding anything contained in section 7 or of sub-section (3) of section 187 of the Bombay District Municipal Act, 1901, the

Governor in Council may declare any specified area for which it is proposed to make a Town Planning Scheme to be a Municipal District or a notified area and notwithstanding anything contained in proviso to sub-section (*1*) of section 188 of that Act, a Committee for any notified area for which it is proposed to make a town-planning scheme shall consist of not less than 5 and not more than 7 members, of whom a majority shall be elected residents of that area".

Your Excellency, as the clause stands at present, it gives power to the Governor in Council to constitute any area to which a town-planning scheme is to apply, a notified area. I ask this Council to go a step further and authorize the Governor in Council to constitute any such area, a Municipality. By the amendment proposed, I also ask the Council to allow proper representation of the people on a notified area committee to whose limits the Town Planning Act is to be made applicable.

My Honourable friend, Ráo Bahádur SATHE, seems to think that for this purpose an amendment of the District Municipal Act is necessary. I submit that without amending the District Municipal Act we could give election to the people on notified area committees. This can effectively be done if my amendment is accepted. When we are applying for the first time in India a novel legislation of this character by way of experiment, is it not right that the local bodies who have various powers, duties and responsibilities under the Act, should have on them proper representation of the people likely to be affected by its provisions?

With these observations, I move this amendment with a hope that it will be considered favourably.

The Honourable Mr. SHRIDHAR BALKHISHNA UPASANI said:—Your Excellency, I beg to support my Honourable friend Mr. PATEL in this amendment. My Lord, the section as it stands provides: (reads).

This clause thus contemplates a case in which it is already proposed by Government to introduce a Town Planning Scheme in the area to be declared as a notified area. The local authority will in that case be constituted only to carry out the scheme initiated by Government and its initiation by the local authority will become a matter of necessity and a mere formality. Moreover it is a heavy responsibility to be placed on a small body which will represent the notified area. Therefore it is desirable that we should constitute the local authority for the said area in a manner which will ensure its capacity to take up the responsibility proposed to be placed upon it to initiate and carry out the proposed scheme.

Under the Municipal Act as it stands, notified areas can only be declared in places which form the headquarters of the táluka and if that restriction is removed there will be the greater necessity that the committee to represent the notified area should be constituted as proposed in the amendment. Therefore, I think the Honourable Mr. PATEL'S amendment on this point should be accepted.

I have only to suggest if my Honourable friend will accept it one further amendment to his proposal, and it is that if the area to be notified under this section be in the vicinity of a town which is already a municipal town, then that area instead of being declared to be a separate notified area should form part of that Municipal town and be included within its municipal limits.

The provisions of the Bill as they stand provide for lands in the vicinity of a municipal town being taken up for a scheme and when they lie in the vicinity it will be much better to include them in the Municipal area rather than make them separate notified area, and this will be easily done if we only add the words "provided that where the area is in the vicinity of a local authority which proposes the scheme, the area shall be included in the Municipal limits". If my Honourable friend Mr. PATEL be agreeable I would suggest that those words be added to his amendment.

The Honourable Mr. C. H. A. HILL said:—Your Excellency, I really think it may save further debate if I point out that this suggestion of my Honourable friend seems to be altogether going beyond the scope of the Bill under consideration. It is true that under clause 7 of the Bill we have had to provide that, in an area in which it seems to be desirable to make a Town Planning Scheme, Government may declare such areas as "notified areas" in spite of the restrictions imposed by clause 187 of the Bombay District Municipal Act. But my Honourable friend Mr. PATEL proposes to go further and to reconstitute notified areas for that particular purpose, that is to say to alter the constitution of the committees appointed under clause 187 of the District Municipal Act. This Bill endeavours to touch as little as possible the Municipal Act and only so far as is necessary to safeguard any operation of the Municipal Act which would prevent us from usefully applying the Town Planning Act. Well, I suggest, Sir, that there may very well arise cases of notified areas which may contain a town, whether the headquarters of a táluka or not, to which it may be advisable to apply a Town Planning Scheme; and that it would be rather a pity if, in order to apply the Town Planning Act to it, we had to reconstitute the Committee by effecting an alteration in the law, so far as that notified area was concerned. And certainly I would deprecate very strongly the imposition of a maximum number of members to a notified area. That, I think in any case most undesirable. But I suggest, Sir, that at this stage this Council would be well advised not to examine in greater detail the minutiæ of the Municipal Act than is absolutely necessary to render it possible to apply this Town Planning Bill in as many localities as may seem to be desirable; and I venture to assure Honourable Members that no fear need be entertained that proposals will be made to apply the Town Planning Act without due regard to the constituted local authority. I suggest, therefore, Sir, that the proposed clause be accepted, and that the amendment to clause 7 of the Bill be rejected by the Council.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL said:—Your Excellency, what is there to guarantee beyond the assurance given by the Honourable Member in charge that the proposals under the Town Planning Act will not be applied recklessly or carelessly to any local areas by the authorities that may be charged with the execution of the Act. I appeal to this Council that before the provisions of the Act are extended to any local area, the people of that area must have fair representation on the local body of that area.

The amendment was then put to the vote and lost.

Clause 7 was then put to the vote and carried.

His Excellency the PRESIDENT.—Clause 8. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—The clause reads as follows (reads).—It will be seen that this clause lays down that a Town Planning Scheme under this Act may be made in respect of a land which is in course of development or is likely to be used for building purposes. Now it is not easy in all cases to say definitely whether a particular plot of land is in course of development or is likely to be used for building purposes unless the same be close to a business centre or to the residential quarters of the better classes. In the case of lands removed from such localities especially when they lie on the outskirts of the town, it would be difficult to say with confidence that they are in course of development or likely to be used for building purposes and in case they be only used for cultivation and have no buildings on them or in close proximity, the more natural and proper inference would be that they are not in course of development or likely to be used for building purposes and in that case, they would not come under the strict wording of the clause as it stands. But these lands may be the most suitable from a sanitary point or the only lands available in the vicinity for further extension of the town and to allow these also to be taken up for Town Planning under the Act, I propose that the following words be added at

the end of the first paragraph of this clause, *viz.*, "or is required to be so used for the development and extension of any adjoining city or town." The addition of these words will allow of the lands being taken up for a Town Planning Scheme under the Act, though they may not be actually in course of development or likely to be immediately used for building purposes as they stand. The addition of the words proposed will also enable a Municipality to take up from an adjoining municipal town or notified area any land which it may require for the extension of its town in cases where the same may not be wanted for the development of the other neighbouring town or in case the latter may not be in a position to utilise it for that purpose for itself. The addition of the words proposed would thus appear to be necessary and would extend the operation of the clause and my amendment on this point may, therefore, well be accepted by Government.

The Honourable Mr. E. G. TURNER said:—Your Excellency, the amendment refers to land in an adjoining city or town. It does not say how sub-clause (1) has any reference to land adjoining a particular city or town. The clause simply says generally that a Town Planning Scheme may be made in respect of any land. If we insert the words the Honourable Mr. UPASANI suggests I do not quite see how that makes the clause more general. In fact, I do not quite see what he refers to. "Any land" refers to any piece of land whatsoever. Another thing, he refers to land which is required to be used for the extension of towns. He does not say who will so require it to be used or how the requisition will be enforced. It will be very hard on owners to tell them that they must build upon their land. I know of no such rigid provision embodied in any scheme. I also would like to refer the Honourable Member to section 9 (2), where it says very distinctly that a Town Planning Scheme may not only be applied to land referred to in sub-clause (1) of section 8 but may also refer to land which is in the vicinity of such land. I would also refer him to clause 46 where a joint Town Planning Scheme may be made for two portions of land which are under different local authorities. It seems to me that sub-clause (1) section 9 and section 46 give ample powers to provide for what I understand the Honourable Member wishes.

His Excellency the PRESIDENT:—Does the Honourable Member wish to reply.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—Section 46 pointed out by the Honourable Mr. Turner refers to only cases of joint Town Planning Schemes by two local authorities joining together in a joint Town Planning Scheme. I contemplate not only those cases but also cases in which joint Town Planning Schemes may not be feasible. In the case of several small municipalities or notified areas, there may be plenty of land within their Municipal limits, which may not be wanted for the extension of their own towns and as regards which their local authorities may not have the means to join in a joint Town Planning Scheme with a neighbouring town or city. The latter, on the other hand, may require the land for its extension and may be in a position to develop it alone on its own account if it could be taken up for it by itself or by Government. Such cases, however, would not be covered by section 46 or by section 9 or by section 8 as it stands. If the words I propose be added to the latter section, they will cover all cases in which it may be necessary to apply a Town Planning Scheme to any land in the vicinity of a town which may be required to be taken up for its extension and development.

The amendment was then put to the vote and lost.

Clause 8 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 9. The Honourable Mr. HILL.

The Honourable Mr. C. H. HILL in moving the amendment said:—Your Excellency,—This amendment is purely one of drafting. It has been pointed out by the Honourable Mr. STRANGMAN that in the case of an enactment which is liable to undergo modification hereafter, it is bad

drafting to use the words "the preceding section" seeing that some day "section 8" may no longer be preceding section 9; therefore, Sir, I propose to substitute the words "section 8" for the words "the preceding section" in lines 5 and 6 of sub-clause (1) of section 9.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 9. Item No. 7. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—With Your Excellency's permission, I should like to drop this amendment, as I do not wish to trouble the Council.

The amendment was by leave withdrawn.

The Honourable Mr. C. H. A. HILL spoke as follows:—With Your Excellency's permission, I should like to make the observation that, although my Honourable friend does not wish to trouble the Council with his amendment, we will make a special note of the desirability of District Local Boards being consulted.

His Excellency the PRESIDENT:—Clause 9 (5). The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—My Lord,—This clause allows only one month's time to any person affected by a Town Planning Scheme to communicate in writing any objections or suggestions relating to the scheme for the consideration of the Governor in Council. My Lord, one month is far too short and I propose that at least two months be allowed. As a rule publications in the *Government Gazette* are read by a very small minority of people and it takes some time for the general public to know anything about them. It is supposed that whatever appears in the *Government Gazette* is known to everybody, but that is only a legal fiction, and the fact is that the mass of the people in the mofussil do not get the *Government Gazette*, nor know anything about what may appear therein. Under these circumstances one month will not at all suffice for the public concerned to get the needful information and to draw up the objections and suggestions which they may have to communicate for consideration with regard to any proposed scheme. Two months' time should at least be allowed as proposed by me and that would certainly not be too long.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—It may save the time of the Council if I say that, while Your Excellency's Executive Government has no particular views on this subject, the Members of the Select Committee considered the period very carefully and came to the conclusion that one month was ample. I do not know whether the opinion of Your Excellency's Legislative Council has undergone any change in the interval, but if that is not the case, I suggest that a division be taken to see whether the opinion of the Select Committee was a right one or whether the amendment should be adopted.

The amendment was then put to the vote and lost.

Clause 9 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 10. The Honourable Ráo Sáheb NAIK.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK said:—Your Excellency,—Clause 10 (1) with the addition of the words, for which I have given notice of amendment, runs thus—

"Within twelve months from the date of the notification sanctioning the making of a Town Planning Scheme, the local authority, shall, in consultation with the owners and sanitary experts, prepare and publish in the prescribed manner a draft scheme for the area in respect of which sanction has been given.

My main object in asking for this change is that when the Act is to be applied to the mofussil municipalities, these municipalities will be the local authorities, and generally they have not got sanitary experts under them to advise. As sanitary objects, such as drainage, water-supply, lighting, etc., form part of the objects of the Bill, and there is likelihood of some objections on the principles of sanitation, such as situation of sites, alignment of roads and buildings, with reference to prevailing winds, facilities for drainage and the like being raised by sanitary authorities, it seems advisable that the sanitary authorities should be consulted at various stages of the Town Planning Scheme, and as the preparation and publication of the draft scheme is its first and important stage and the proposals for the new alignments of roads, drainage, etc., are to be proposed in it, I think that the local authority should draw up the draft scheme in consultation with the sanitary authorities also. To point a concrete instance in this respect, if I am rightly informed, the Belgaum Municipality, in the extension which they have recently undertaken, laid the roads and the alignments of the buildings and sold the plots to the public, unfortunately, without consulting the sanitary authorities, and somehow or other, the attention of the sanitary authorities was directed to the defect in the alignment of buildings and roads not being in conformity with the prevailing winds, and they took objection. But, however, as the Municipality had sufficiently advanced in the sale of plots, and the public had also built houses on the plots sold, the alignment of roads and houses could not be changed without substantial loss to the public, and I have no authoritative information as to how the sanitary authorities dealt with this defect. To avoid such mistakes, I think sanitary authorities should be consulted beforehand. The rules to be made by Your Excellency, under section 53, cover only the manner of publication of the draft scheme, and therefore I humbly propose that the words "and sanitary experts" should be added between the words "owners" and "prepare".

My object for amendment of clause 10 (ii) also is the same as No. 1. As Your Excellency can command expert advice at any time, I have only worded this in slightly different words, and suggest that the same may be accepted.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA said:—Your Excellency,—I do not wish to support the amendment proposed by my Honourable friend Ráo Sáheb NAIK. In the first place when a scheme is laid before Government by a local authority it passes through the hands of one thousand and one officers of the various departments of the State like the Agricultural and Public Works Departments before Government accord their sanction to it. Under such circumstances I do not think it is necessary to consult the sanitary authorities in every case which will only cause delay in the matter. For these reasons I think the amendment proposed by my Honourable friend Ráo Sáheb NAIK is unnecessary.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—It may perhaps save the time of Your Excellency's Council if I say at once that we entirely sympathise with the Honourable Member's proposed amendment to this clause. Only I think that if the Honourable Mr. NAIK goes through the Bill carefully, he will see that the whole object and the way in which the sections are arranged and the control which Government exercise, all connote in the strongest possible manner the necessity at every stage of consulting all those persons who are qualified to advise, and if reference be made to clause 14 (2), it will be seen that the Governor in Council is bound to make inquiries before he gives sanction. All those things indicate, I suggest with deference, that the Select Committee have done all that is needed to hedge round the operations both of the local body and of the Governor in Council in such a way as to see that the best possible advice is obtained. Only the Select Committee carefully refrained from inserting specific obligations to consult specific persons, because it is a difficult thing to say who is a sanitary expert in any locality, while the Government have the service of the Sanitary

Commissioner and others at its command. I suggest, therefore, that in these circumstances perhaps the Honourable Member would be willing to withdraw his amendment.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK :— After the explanation given by the Honourable Member in charge, I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clauses 10, 11 and 12 were then put to the vote and carried.

His Excellency the PRESIDENT :—I think that we have made good progress this afternoon and that we might adjourn till tomorrow at 11-30 A M. The Council will now adjourn.

The Council then adjourned till Wednesday, the 9th December 1914.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Bombay, 8th December 1914.

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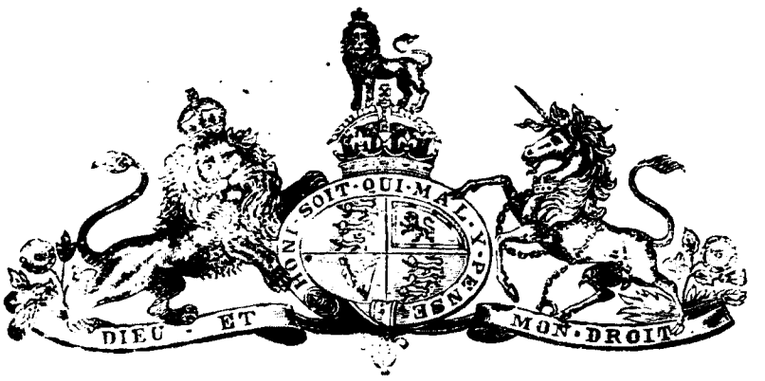

The

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SATURDAY, 16TH JANUARY 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

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

The Council met at Bombay on Wednesday, the 9th December 1914, at 11-30 a. m.

PRESENT:

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

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

The Honourable Mr. C. H. A. HILL, C.S.I., C.I.E., I. C. S.

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

The Honourable the ADVOCATE-GENERAL.

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

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

The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.

The Honourable Mr. T. W. BIRKETT.

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

The Honourable Mr. FAZALBHOY MEHERALLY CHINOY.

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

The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (London), L.M. & S.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. W. L. GRAHAM.
The Honourable Mr. G. W. HATCH, I. C. S.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. J. E. C. JUKES, I. C. S.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwáda.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Mr. E. MACONOCHIE, I. C. S.
The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
The Honourable Mr. J. A. D. MCBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sir PHEROZESHAH MERWANJEE MEHTA, K.C.I.E., Bar.-at-Law.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
The Honourable Mr. W. H. SHARP.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. E. G. TURNER, I. C. S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
The Honourable Mr. M. DEP. WEBB, C.I.E.

The Honourable the VICE-PRESIDENT:—Bill No. V of 1913, clause 13. The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI said:—Sir, section 13 provides one month from the date of the publication of a draft scheme for communicating to Government in writing any objections that may have to be urged against the draft; instead of that I propose that two months may be allowed. I had made a similar suggestion with regard to the time to be allowed for objections against the declaration of an intention to make a scheme under the Act. The same has not been passed, but here in this case it is absolutely necessary that at least two months' time should be allowed to the public to be acquainted with the details of the draft scheme and to submit in writing their objections in respect of them. The local authority is allowed 12 months to draw up the

scheme, and if it is not able to prepare it within that time nine months more are allowed to the Commissioners to prepare it for them. That being the case, would two months' time be too long to be allowed to the public to state their objections and suggestions as regards a draft scheme which may have taken 21 months or more to be prepared? In the first place, the people will have to acquaint themselves with the general details of the scheme, then of the plots in which they may be particularly concerned, and if these may have been re-constituted under section 13 then with further details in regard to them. Will one month be sufficient for all this and for drawing up in writing the objections and suggestions to be communicated against all the details of the draft scheme? I need hardly state that in the first place it will take some time before people get to know of the publication of the draft scheme in the *Government Gazette*. There is no provision in the Bill that at least those whose plots are affected by the scheme shall be served with notice of the publication or of the date on which it may be expected to appear in the *Government Gazette* and they will have to depend on their own chance to get information about it. I have already urged that only very few people in the mofussil actually get the *Government Gazette*, or read it regularly. There is no provision for notifying the publication in the local vernacular papers. That being the case, our people who are mostly illiterate will certainly require more than one month's time to study the details of the draft scheme and to submit their objections to Government. The two months which I have proposed may, therefore, well be allowed as being absolutely necessary in this case.

The Honourable Mr. E. G. TURNER said:—I think, Sir, that it is a matter of opinion whether one month is sufficiently long or not. The corresponding section in the English Act only allows one month from the time of publication of the draft scheme before its submission to Government for sanction. The Council have already rejected the amendment under clause 9 in which the Honourable Member wished two months to be put instead of one month, and I think in the case of clause 9 the case for the extra time is very much stronger than in the case of this particular clause. Under clause 9 the time was allowed to get all objections from people as to whether a scheme should be made at all, that is to say, without knowing any details of the scheme the people would have to say if they would have objection to the making of the scheme, but this case arises after a year or 21 months, during which time each of the owners would have been consulted and they would have seen maps and plans and probably carrying out agreements that they may have come to with the local authority, so that, when the draft scheme is finally sanctioned and published, I think that the owners know a very very great deal more about it than they know before the scheme was made at all. I, therefore, think that as this Council has already rejected the amendment of clause 9, it has very much stronger reason for rejecting the amendment under clause 13, and also as it is very necessary not to delay schemes more than is absolutely necessary.

The Honourable Mr. C. H. A. HILL said:—I think, Sir, that I might explain that Government have no rigid objection to this extension of period for which the Honourable Mr. UPASANI pleads. But, in point of fact, his arguments were fully considered before the Select Committee and his arguments ignore what the Select Committee had taken into account, namely, that during the whole period of the preparation of the scheme the method laid down implies and connotes that the arbitrator consults everybody concerned, furnishes them with every possible information, and, if possible, enters into an agreement with them; and by the time his procedure is completed, everybody, either remotely or closely connected with the scheme, is fully acquainted with it. Therefore, it seems to me, though we are entirely in the Council's hands as regards the period, unbusinesslike, and it would certainly be a waste of time to amplify the period to two months which is what the Honourable Mr. UPASANI pleads for.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. PRESIDENT, as regards the observation of the Honourable Mr. TURNER

that only one month is allowed in England, I submit that we have to remember that in England all proceedings and all publications take place in the vernacular of the country. Here all proceedings are published in a foreign language and a very small percentage of the people in the mofussil are sufficiently acquainted with it. They will in many cases have to depend on others to get needful information about the details of the scheme and to get their own objections and suggestions drafted in proper form. Under these circumstances, I do not think anything will be lost by allowing two months instead of only one. Several people may have to urge objections to the scheme which may cover a number of plots. That being the case, I think that we should allow reasonable time for objections to a scheme which may seriously interfere with the rights of the people in their own private properties. Let them have some fair play. The scheme will not be delayed. No time is prescribed for Government to accord its own sanction to it, and one month's delay will certainly not matter much. Under these circumstances, I pray that at least in this case the two months' time I propose must be allowed as absolutely necessary.

The motion was then put to the vote and lost.

The Honourable Mr. UPASANI then asked for a division which resulted in 8 for and 33 against the amendment as follows:—

Ayes.	Noes.
The Honourable Mr. Dattatraya Venkatesh Belvi, LLB.	The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
The Honourable Mr. Ghulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-law.	The Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable the Advocate General.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	The Honourable Mr. T. W. Birkett.
The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. Fazalbhoy Meherally Chinoy.
	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
	The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M. & S.
	The Honourable Mr. G. W. Hatch, I. C. S.
	The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
	The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
	The Honourable Mr. J. E. C. Jukes, I. C. S.
	The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwáda.

Ayes.	Noes.
	The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.
	The Honourable Mr. Jehangir H. Kothari.
	The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.
	The Honourable Mr. E. Maconochie, I. C. S.
	The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.
	The Honourable Mr. J. A. D. McBain.
	The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
	The Honourable Ráo Sáheb Venkatesh Shriniwas Naik.
	The Honourable Mr. E. Ferrers Nicholson.
	The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.
	The Honourable Mr. Manmohandas Ramji.
	The Honourable Ráo Bahádur Shriniwas Konher Rodda.
	The Honourable Ráo Bahádur Ganesh Krishna Sathe.
	The Honourable Mr. W. H. Sharp.
	The Honourable Sir Frederick L. Sprott, Kt.
	The Honourable Mr. E. G. Turner, I. C. S.
	The Honourable Mr. Harchandrai Vishindas, LL.B.
	The Honourable Mr. M. deP. Webb, C.I.E.

The Honourable the VICE-PRESIDENT:—I hope the Honourable Member who moved the amendment is satisfied that he has taken about ten minutes of the Council's time to ascertain the result.

Clauses 13 and 14 were then put to the vote and carried.

The Honourable the VICE-PRESIDENT:—Clause 15. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. President, clause 15, sub-clause (1), provides that "When a local authority has published a declaration of intention to make a scheme . . . . " This means that so soon as the intention is declared people are to stop from dealing with their property altogether except with the permission of the local authority concerned. The declaration of intention is only the initial stage and as such it need not be taken as the actual starting of the

scheme. After the declaration of intention a long time may elapse—sometimes one year sometimes even two years also—before even a draft of the scheme is prepared, and for aught we know the intention even after it is published may not materialise in any draft scheme at all. That being the case, I think it is not desirable that the people's rights should be interfered with before a regular draft scheme is prepared and published. It is only when the draft scheme is prepared that the scheme may be said to be definitely outlined and that may be taken to be the starting point when any interference with public rights may be allowed to commence. If no scheme is prepared by the local authority or by the Commissioner, the scheme may be dropped. If that happens, the interference with public rights will prove to have been unnecessary and unjustified, and therefore I say it is only when you have something definite done in the matter of the scheme that we might allow any interference with the people's right to deal with their properties as they like. There is no provision for payment of any compensation for their enjoyment being interfered with before the scheme is finally passed and started for execution. Strictly speaking, it is only when the land is actually taken up that the people should lose their right to enjoy it. I do not go so far. I have taken a middle course and only propose that the restrictions to be placed on the people's right to deal with their properties should be after a draft scheme is prepared and published and not from the date on which merely an intention to make a scheme is declared. For these reasons I propose that in place of the words "declaration of intention to make" the word "draft" may be substituted in the first paragraph of clause 15 so that it may read "When a local authority has published a draft scheme" instead of "When a local authority has published a declaration of intention to make a scheme" as it at present stands. This will not in any way interfere with the scheme itself, and it will obviate the undue hardship which may be caused to the public if the paragraph remains as it stands. Both ends will be met, and I urge that in the interests alike of the local authorities and of the public this amendment may be safely accepted.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH said:—Mr. President, the proposed alterations would create difficulties by bringing about complications and adding to the cost of the scheme. If the starting point for the restriction provided for in this clause were from the publication of a draft scheme, a number of buildings would spring up in the interval between the publication of a declaration of intention to make a scheme and the publication of a draft scheme, some with the intention of making a profit if buildings are allowed freely to be constructed till the draft scheme is published, the draft scheme would have to be altered or its cost would increase. The object of the restriction is to make a town planning scheme as little expensive as possible, and the amendment would frustrate that object. I would therefore oppose the amendment.

The Honourable Mr. BALKRISHNA SITARAM KAMAT spoke as follows:—Sir, no amendment standing in the name of the Honourable Mr. UPASANI has surprised me more than perhaps this amendment, because I feel that if there is any amendment which is likely to frustrate any scheme, it is perhaps this amendment by which he seeks to enforce this particular clause after the publication of the draft scheme. During all the 21 months or perhaps more, after the declaration to make a scheme, when people once get an inkling of what is proposed to be done in a particular area, I think numerous buildings will come into existence, the prices of the proposed plots or of the whole of the land will go up tremendously, and for the local authority the result will be disastrous. I think, therefore, that the amendment proposed by my Honourable friend is neither in the interests of the local authority nor in the interests of the individual owners. The whole thing, I am afraid, is misconceived, and I therefore, very strongly oppose the amendment proposed by the Honourable Mr. UPASANI.

The Honourable Mr. C. H. A. HILL said:—Sir, I am very much obliged to my Honourable friend Mr. KAMAT for his lucid explanation of what I am

certain the Honourable Mr. UPASANI failed to realise in moving his amendment, and if the Honourable Mr. UPASANI had been named as the 18th Member of the Select Committee, I feel sure he would never have moved his amendment at all; because, if anything is calculated to wreck the advantages which we hope will accrue from the Town Planning Bill now it would be to place facilities in the way of speculative builders and other persons for erecting buildings or in other ways for making arrangements to secure illicit profits from an intention to plan. It seems to me that we may just as well, if this amendment is to be carried into effect, withdraw the whole Bill. I am perfectly certain that in view of the Honourable Mr. KAMAT's lucid explanation my Honourable friend Mr. UPASANI will agree to withdraw his amendment which must be due to misunderstanding.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. President, I am obliged to the previous speakers for the explanation they have given, but for my part I think that though in the interests of the local authority it may be desirable that the operation of the scheme should be taken to commence from the time the intention to make the scheme is declared, I think from the standpoint of the public the proper course should be to take it to commence only from the time when the scheme has taken a definite shape, and that, at the earliest, is when the draft of the scheme is made and published. Until then the rights of the people in their private property ought not to be allowed to be interfered with merely on the local authority's declaring its intention to make a scheme which in fact may not be made or sanctioned.

Now as to the rise in the values of the lands included in the area taken under the scheme, I think that while consulting the interests of the local authority we have also to consider the interests of the individual owners concerned, and to do justice to both so far as possible according to their legitimate legal rights. My amendment aims at securing that object, and under these circumstances I would still urge that my amendment may be favourably considered.

The amendment was then put to the vote and lost.

The Honourable the VICE-PRESIDENT:—Clause 16. The Honourable Mr. TURNER.

The Honourable Mr. E. G. TURNER said:—Mr. President, the amendment that I propose is really a matter of drafting. I think it will make the wording a little more definite if the words proposed in my amendment are substituted. It seems to me that the words "sends no answer" would mean that the municipality on receipt of an application from a builder could simply say at the end of three months that "your application is under consideration" or something of that sort, which, to my mind, will be quite unfair to the builder. I think he should get a somewhat definite answer of some sort after waiting for three months. I do not think the proposed amendment calls for any further explanation.

The Honourable Mr. C. H. A. HILL said:—I need only say, Sir, that so far as the Government is concerned the amendment is accepted.

The amendment was put to the vote and carried.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Mr. President, the amendment which I propose only requires the omission of the words "or estimated to be spent" after the words "all sums spent" in sub-clause (6). I urge this because the sub-clause provides for including in the costs all sums spent, and under clause (*a*) provision is also made for including all sums payable by the local authority on account of costs. That being the case, I do not see why we should further include "all sums estimated to be spent." The estimates may or may not be correct. We have experience of the estimates being far in excess of the amounts actually spent. That being the case, it would not be proper to charge people with costs which are only estimated and not actually incurred, and it appears to me that we should

include in them only sums actually spent or payable and not those merely estimated to be spent. There is, therefore, no need at all for the inclusion of the words "estimated to be spent," and I think these may be deleted as proposed in my amendment.

The Honourable Mr. C. H. A. HILL said:—It may, perhaps, save the time of the Council if I explain that here again is an instance in which misunderstanding has caused my Honourable friend to propose an amendment. The costs of the scheme are distributed before the scheme actually comes into operation and before the execution of any works. The costs of road construction can, therefore, only be estimated. These estimates will be carefully scrutinised by Government, and perhaps my Honourable friend is familiar with the fact that estimates of construction are usually exceeded in execution, in which case it will be gratifying to the Honourable Mr. UPASANI to know that the local authority will have to spend more than is estimated. In such circumstances, I venture again, Sir, to appeal to my Honourable friend to withdraw his amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Sir,—After the explanation given by my Honourable friend Mr. HILL, I withdraw my amendment.

The amendment was by leave withdrawn.

Clause 16 was then put to the vote and carried.

[At this stage His Excellency the PRESIDENT occupied the Chair.]

His Excellency the PRESIDENT:—Clause 17. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—Even that I beg to withdraw.

The amendment was by leave withdrawn.

Clause 17 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 18. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—My Lord,—Clause 18 refers to contribution towards the costs of the scheme. The provision regarding that contribution is "that the costs of the scheme shall be met wholly or in part by a contribution to be levied on each plot included in the scheme." My Lord, what I urge is that when the area which is the subject of a scheme forms part of a municipal town, it is but fair that any cost incurred on that scheme ought to be shared by the whole population which lives within the municipal area, and even if the scheme refer to a place which stands outside the municipal limits and which by reason of its vicinity is required to be developed in the interests of the municipal town, even then it is also but fair that instead of the cost being imposed wholly or partly separately on the particular plots included in the scheme, it should be met as part of the expenditure on account of the whole town and the area included in the scheme should in that case form part of the town and be included within its limits.

Another reason is that if the contribution is separately levied wholly from only the plots included in the scheme it will be too heavy a charge on those who come under the scheme, and particularly because the costs of the scheme include good many things. Under clause 3 the scheme is to make provision for construction and diversion of streets, for construction and repair of buildings, bridges and other structures also, for drainage, water-supply, lighting, schools, markets, gardens, recreation grounds, etc.—all these are heavy items, and if the cost incurred on these is separately charged wholly or even partly upon the few owners who may own the plots included in the scheme, I think the cost will be disproportionate. Instead of that provision I propose in my amendment that

the cost should be proportionately distributed. My amendment runs thus:—[Reads.] It may appear that what I propose is rather elaborate, but, my Lord, the provision made in the section as it stands regarding the apportionment of costs is far more elaborate and complicated. I submit that my proposal, when worked, will be found to be much more simple and definite than the scheme indicated in the clause as it stands for the apportionment of the costs of the scheme. According to the wording in clause 18 as it stands it will be more a matter of speculation rather than calculation, if I may be allowed to say so, to apportion the cost on each plot in proportion to the increment accruing to it as estimated by the Tribunal of Arbitration. That being the case, I think it will be much better if we provide that the cost incurred on the scheme should be shared by the whole population of the town and of the plots which may be the subject of the scheme as proposed in my amendment. In that case there will be no injustice or hardship done to any particular party.

The Honourable Mr. C. H. A. HILL said:—Again, Sir, with Your Excellency's permission, I should like to be brief. Whether the general tax-payer should or should not pay part of the cost of the promotion of local schemes for local improvements is a question perhaps of interest as occasion arises; but, as a principle at all events, I venture to think that this Council will not support this amendment. And in any case it is well within the the knowledge of Honourable Members that Government have in recent years come frequently to the assistance of local bodies with grants for purposes analogous to town planning schemes, and there is no reason to suppose that in any well-thought-out town planning scheme that may hereafter be brought before them Government will not give favourable consideration to those cases in which a local body cannot afford to carry it out and perhaps contribute towards it. But to insert in the Bill that it is part of the general tax-payer's obligation to assist in town planning and local schemes is, I venture to submit, contrary to the general principles of this Bill and town planning in general.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—After what has fallen from the Honourable Mr. HILL, I have no objection to omit that portion which relates to the contribution by Government. What I wish to retain is that the contribution should be levied as I have suggested from the whole population and that the owners of the plots in the area included in the scheme may be charged, if necessary, a higher differential rate for the special advantage to them from the scheme. If you charge the cost on the owners of the plots included in the scheme and proceed to recover them in the manner provided in the clauses as they stand, in many cases it will only have the effect of compulsory evacuation, for the owners will not be able to pay at once, and they will have to dispose of their property. Therefore, rather than do that, let us have only a separate higher rate charged for the additional advantages, and accept the amendment I propose, omitting only the portion that refers to Government contribution.

His Excellency the PRESIDENT:—Does the Honourable Member wish to amend his amendment?

The Honourable Mr. UPASANI:—Yes, my Lord, I would like to amend it as I have suggested.

His Excellency the PRESIDENT:—I think that if he wishes to amend his amendment we had better defer the consideration of this clause. We want to get on with the Bill. Will the Honourable Member let us have his amended amendment in due course?

The Honourable Mr. UPASANI:—Yes, my Lord.

His Excellency the PRESIDENT:—Then we well postpone the consideration of clause 18 for the present.

His Excellency the PRESIDENT:—Clause 19. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord,—My amendment under this clause will go out with those under clauses 15, 16 and 17 which I have already withdrawn.

The amendment was by leave withdrawn.

Clauses 19 and 20 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 21. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I also beg to withdraw it, my Lord.

The amendment was by leave withdrawn.

Clauses 21 to 26 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 27. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—My Lord,—Clause 27 runs thus:—[Reads.] What I urge, my Lord, is that if the agreement is upheld then it will of course be binding, but if it is disallowed by Government or if it is varied then I think it will not be fair and equitable to hold that agreement binding on the parties with the variation made without their consent. If there is to be a variation, that variation should be with the consent of the parties, or otherwise it should render the agreement voidable at the option of either party. This is but fair and equitable and consistent with what we legally allow in cases of ordinary agreements between private parties under similar circumstances.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I venture very warmly to congratulate my Honourable friend Mr. UPASANI for having suggested an amendment which is really useful and which we should be very glad indeed to accept if he will accept a modification of his wording. The wording which I would suggest to give effect to what he proposes runs as follows:—To add the following proviso to clause 27:—"Provided that if the agreement be modified by Government, either party shall have the option of avoiding it if he so elects." That in substance gives effect to the admirable suggestion of my Honourable friend, and I venture to think that if he will agree to its substitution for his amendment the Council will probably accept it.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I have no objection to accept it, my Lord.

His Excellency the PRESIDENT:—Then the Honourable Member withdraws his amendment?

The Honourable Mr. UPASANI:—Yes, my Lord, I agree to accept the amendment proposed by the Honourable Mr. HILL.

The original amendment of the Honourable Mr. UPASANI was by leave withdrawn, and the amendment as further amended was then put to the vote and carried.

Clause 27 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 28. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency, I do not propose to move that amendment.

The amendment was by leave withdrawn.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—My Lord, clause 28 provides:—[Reads.] The gist of my amendment with regard to this clause is that the sums due to the local authority, instead of being recovered as arrears due on account of land revenue, should be recovered as municipal dues. They are not arrears of revenue due to Government, and the special privileges

and rights which Government enjoys in respect of recoveries of their dues on account of land revenue should not be transferred to the local authority. It may be to the interest of the local authority to have special facilities for recovering the dues, but it will entail great hardship on the owners who have to pay. Under the provisions of the Land Revenue Code Government impose fines, penalties, forfeiture of lands and so on, and such hard measures which are being resorted to for the collection of the Government revenue need not be adopted in respect of dues which are to be paid by the townsmen to its own municipal body. There is no difficultyin recovering other municipal dues and there need be no fear of any special difficulty in the recovery of these dues to justify the adoption of any exceptional measures. There is, therefore, no reason for a differential treatment in this matter, and to avoid needless hardship I propose that the local authority be allowed to recover their dues under this Act as ordinary municipal dues only.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—I have no desire whatever to shorten the debate on subjects which are really of a debatable character, but I venture to think that the Honourable Member has missed the whole distinction between recoveries in areas with which we are dealing now and recoveries in municipal areas. In the one case there is the movable property available for attachment; in the case of areas which we are contemplating there is probably no movable property available, and, Sir, if the method of recovering municipal dues is adopted, only movable property can be recovered. Therefore it seems to me that the Honourable Member has again somewhat misunderstood the vital distinction in this matter which caused the Select Committee to prefer that the arrears should be recovered as land revenue instead of as municipal dues. I venture to think again, Sir, that the Honourable Mr. UPASANI will, in the light of this explanation, probably be willing to withdraw his amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—Your Excellency,—I am sorry I am not satisfied with the explanation given by my Honourable friend Mr. HILL. I still think that in the interests of the people it will be more desirable that these dues should be recovered in the manner that all other municipal dues are recovered; and I submit that no unnecessary differentiation need be made in the mode of recovery in respect of only this particular item of municipal dues.

The amendment was then put to the vote and lost.

Clauses 28 to 30 were then put to the vote and carried.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE said :—Your Excellency,—If there was any chapter in this Bill which troubled the Select Committee most, I think it was the chapter of Finance, and the Select Committee devoted a greater portion of its time to the consideration as to how they could satisfactorily work that chapter out. The amendment which stands in my name is already hinted at in paragraph 3 of the Minute of Dissent which I appended to the Select Committee's Report, but I am afraid that will not be enough for the purposes of convincing the other Members of this Council as to the necessity of the amendment which I have proposed. If my Honourable friends would examine the several stages through which these town planning schemes have to go and the way in which they are financed, they will see that all the costs of the town planning schemes—which are bound to be exorbitant—have to be borne by the local authority and by owners of plots comprised in the town planning schemes, and in order that there should be no excessive strain on the owners of properties comprised in town planning schemes a provision is made in the Bill to limit the amount of contribution to be levied; but that contribution is to be levied on the amount of increment which is to be arrived at after calculating the market values of the plots and the prospective values of the same plots, on the assumption that the scheme is complete, and it is this, Sir, that is really a difficult matter to be dealt with. I find from the section as it stands in the Bill at clause 4 of section 30, page 13 [reads], and the clause on

which I have to move the amendment (section 31), *viz.*, "except in matters arising [reads]," that the question of prospective valuation is left to be finally determined by the Tribunal under clause 31, but my submission is that if that increment could only be arrived at by correct valuation of two times—correct valuation so far as market value is concerned, and correct valuation, namely, of prospective value of the property. The first valuation should not be left entirely to the discretion of the arbitrator, and just as the Bill has made provision for including clause 4 in section 30 within the scope of the Tribunal, my suggestion is that, similarly, the question of the determination of the market value should be left to be finally decided by the Tribunal. Then I respectfully ask the attention of Honourable Members to section 17 of the Bill [reads]. So that is the section which authorizes the arbitrator to assess the prospective value of plots in the first instance, and this decision will be subject to confirmation by the Tribunal, or the decision will be final if approved by the Tribunal. Another section which authorizes the plots to be valued according to the market value is clause (*d*) of sub-clause (*1*) of section 16, and from the marginal note I find that the reference given is to Land Acquisition Act of 1894, section 23 (i), first clause, and the question of valuing the property under the Land Acquisition Act is as difficult, or is on the same lines, as the question of valuing these plots at the time of declaration of intention to make the scheme, and if the Legislature has given the right to the people to have references made to the District Judge in cases coming under the purview of the Land Acquisition Act, I for one think that no differentiation should be made between those cases and the present. Besides, this enquiry, if left to the Tribunal, will not necessarily increase the costs, because in any case the increment will have to be determined by a comparative value, namely, present value and prospective value, and if an enquiry is to be made in respect to the prospective valuation of plots, I do not think the question of having market values determined by the Tribunal will necessarily entail any heavy expense which will increase the burden on the local authority and the owners. Let us turn to page 4 of the Select Committee's Report, Chapter III:—"No new principle regarding what is due . . . . [reads]." There is nothing particularly mentioned there which will show that the question of present valuation is not as important a question as the question of determining prospective values of plots comprised in the town planning schemes, and my submission is that if we want to introduce a new Legislature of this kind for the first time in this Presidency, we should endeavour to popularize it and we should do everything which will inspire confidence. We should, therefore, see that cases coming under the present Act are dealt with on the same lines as cases dealt with under the Land Acquisition Act, and my submission again, therefore, is that the question of present valuation should be considered equally important, and should be left to be finally decided by the Tribunal under section 31 by adding clauses 3 and 7.

With these few remarks I propose the amendment which stands in my name.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA said:—This question was thoroughly discussed in the Select Committee and it is a pity that my Honourable friend Mr. SATHE was not present at the last meeting of the Select Committee when it was finally decided to give the arbitrator final powers as regards sub-clauses (3) and (7). I have tried to see the chief points made out by my Honourable friend, and yet I am sorry to say, my Lord, that I am not convinced by his arguments. I think that my Honourable friend has clearly seen that sub-clause (d) (1) of clause (4) to which sub-clause (3) of clause 30 refers, has nothing to do with the increase in the price of land owing to completion of the scheme and he thinks that sub-clause (3) should be included in the powers of the Tribunal. My Honourable friend Mr. SATHE said that section 17 which corresponds to sub-clause (4) of section 30 leaves in the hands of the arbitrator references to increments on the assumption that the scheme has been completed. My Lord, the Select Committee thought that the arbitrator, who was an expert, would be the proper man to value the increment

or depreciation in the value of properties and prices of land owing to reasons which are due to the alteration of boundaries. It was mainly a question of calculation. I think the Council won't mind my putting a small problem before them. If a plot of land is valued at "a" in the first instance, its value will be greater or less as its size is increased or diminished. That is to be done by the simple rule of 3. If the plot's shape has been altered in such a manner that it has increased in value, the arbitrator will add a small percentage on it and value it a tax, when it will be usually very small. This valuation can be much better done by an expert than by a Tribunal. Even if he has made a mistake in valuing the plot at "a", that difference when multiplied by X, which after all is the most important item, will be so small that it is not worth while to leave it to the Tribunal. That was our idea in leaving this matter in the arbitrator's hands. We thought, that giving this work to the Tribunal will merely increase the cost of the scheme without in any way benefiting anybody. Mr. SATHE thinks that the cost won't increase. I believe the cost will go up. I believe the Honourable Mr. TURNER will be able to tell us what the increase in the cost will be. It was on these grounds we thought in the Select Committee that this matter should be left to the arbitrator, and if my Honourable friend Mr. SATHE satisfies me in his reply that the cost will not be proportionately heavy by leaving the question to the Tribunal I am prepared to side with him; but till he does so I shall support the Bill as it stands.

The Honourable Mr. E. G. TURNER said:—Your Excellency,—I quite recognize that there is a certain amount to be said for the inclusion of these two sub-clauses Nos. 3 and 7 in clause 31 and I also recognize the analogy of the work of the Tribunal in this matter to that of a Civil Court, in the case of a reference being made to it under the Land Acquisition Act. Both the Court and the Tribunal will deal with the accuracy or otherwise of the valuation of land as on a given date, but I should like to point out that there is this important difference, that a Civil Court is only called upon to confirm a valuation when a reference is made to it, whereas the Honourable Members wish the Tribunal to confirm each and every valuation which the arbitrator makes. Now, this will increase the work of the Tribunal considerably, and every day the Tribunal sits means so much added to the costs of a scheme for which the owners have to pay. It must, therefore, be considered whether the placing of this extra work upon the Tribunal will really be a practical measure that will be beneficial to the owners as a whole. The Tribunal has already a large amount of work to perform and the calculation of the increment that will accrue to each plot will take up much of their time. In England, no appeal is allowed against an arbitrator's decision in the matter of land values. But even supposing that in some cases—*e. g.*, where a large portion of land is acquired—that it would seem more fair to allow some sort of an appeal on the arbitrator's valuation, I do not consider that it would be at all fair on the majority of owners to run up the costs of a scheme, because the Tribunal is bound to investigate the case of every owner, who has to part with land however small in amount. I consider that if the sub-clauses 3 and 7 are to be added to section 31 that there should be some proviso to the effect that the arbitrator's valuation under sub-clause 7 should only be subject to confirmation by the Tribunal when it exceeds a certain amount, say Rs. 1,000.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—The Honourable Mr. SATHE has most lucidly explained his point in this matter and we ought to admit that there is a great deal of force in his argument and in the suggestion which he bases on it. At the same time I believe that if the Honourable Mr. SATHE had been present on the particular day when the Select Committee considered this particular point he would have realized that all his arguments were then as a matter of fact taken into account and that the Select Committee, unfortunately in his own absence, unanimously came to the conclusion that the balance of advantage lay in excluding, from the necessity of confirmation, those operations of the arbitrator which are embodied in clauses 3 and 7. As the Honourable Mr. TURNER has pointed out, there is so much force in the counter-argument that it is really a question for determination by each individual

upon his weighing the evidence. But to my mind the real point, which I know determined the opinion of the Select Committee and which has determined my own, was that there is really a considerable increase of cost involved both to individual owners and to local authorities if we prolong the proceedings in the manner which would be involved by relegating to the confirmation of the Tribunal these two particular classes of the functions of the arbitrator; and the Select Committee, rightly or wrongly, thought on the whole that it was better to risk the possibility of an occasional erroneous determination on the part of the arbitrator rather than to handicap all operations by this additional cost. At the same time the arbitrator is, as a matter of fact, in a better position in respect of these two functions to determine correctly than a Tribunal of Arbitration, although the arbitrator himself is also represented on that Tribunal. The arbitrator himself has to visit the whole of the locality concerned, enter into agreements with all the individuals concerned, and he is so intimately acquainted with all the circumstances that on the whole the Select Committee decided to eliminate these two particular functions from the Tribunal of Arbitration. That was the view of the Select Committee. Therefore, I venture to think, Sir, that it is safe to continue this clause of the Bill in the form in which it left the hands of the Select Committee.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE said:—My Lord,—The Honourable Mr. TURNER said that the work of the Tribunal will be greatly increased if we left the determination of individual cases for their decision, but if we come to the practical methods of the work which the Tribunal will adopt we will find that it will not be necessary for them to go into each case, because the town planning scheme will be applied to a certain area, and I for one cannot think that each individual case will materially require their special attention. Just as an arbitrator will make a survey of the whole situation and will value plots according to the situation and other surrounding circumstances, similarly the Tribunal will take into account the whole situation which is covered by the town planning scheme and estimate the values. When they find that any cases ought to be particularly examined, examination of individual cases will be necessary, but I think this will not materially increase the cost of the schemes nor the work of the Tribunal. In all cases in which we have given the Tribunal the power under clauses (4), (5) (6) and (9) of section 30, even there the arbitrator has to do all the preliminary work and he is to be on the Tribunal. So, as he has to do all this preliminary work, he will also do preliminary work of making present valuation of plots. Being one of the Tribunal, and considering the special knowledge which the arbitrator will bring to bear upon it, I do not think the costs of the scheme will be increased or the labour of the Tribunal will be materially increased. My only anxiety was not to leave the question of present valuation in the hands of the arbitrator. If the increment is to be determined by the Tribunal, I think it is but quite fair that both valuations should be left in one hand, but instead of that we have left one in the hands of the arbitrator and the other in the hands of the Tribunal. This question of increment is very important, as the owners have to contribute towards the costs of the scheme in proportion to the increment determined by the Tribunal. If there is a mistake in one, *viz.*, present valuation, there is bound to be a mistake in the other, *viz.*, increment. There is no reason to apprehend that the Tribunal will have to go through each individual case, and if my Honourable friend looks at it from this standpoint, then I think he will not oppose the amendment on the ground of additional costs. We do want to allow the whole work of valuation to be in one hand and, therefore, we think that the decision of the arbitrator should be made subject to the confirmation of the Tribunal, even on the question of present valuation. I think there need not be any apprehension on the ground that every owner will lay his case before the Tribunal and bring forward his evidence. With these few remarks I place my amendment before the Council.

The amendment was then put to the vote and lost.

The Honourable Mr. SATHE :—I would like to have a division, my Lord.

A division was then taken which resulted in 15 for and 30 against as follows :—

Ayes.	Noes.
The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.
The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.	The Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. Prabhashankar D. Pattani, C.I.E.
The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.	The Honourable the Advocate General.
The Honourable Ráo Sáheb Venkatesh Shriniwas Naik.	The Honourable Mr. Ghulam Muhammad valad Khán Bahádur Wali Muhammad Bhurgri, Bar.-at-Law.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. G. Carmichael, C.S.I., I. C. S.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Mr. Fazalbhoy Meherally Chinoy.
The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.	The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.	The Honourable Dr. D. A. D'Monte, M.D., L.R.C.P. (Lond.), L.M. & S.
The Honourable Mr. Manmohandas Ramji.	The Honourable Sardár Syed Ali El Edroos.
The Honourable Ráo Bahádur Ganesh Krishna Sathe.	The Honourable Mr. W. L. Graham.
The Honourable Mr. Chimanlal Harilal Setalvad, LL.B.	The Honourable Mr. G. W. Hatch, I. C. S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Harchandrai Vishindas, LL.B.	The Honourable Sir Jamsetjee Jeejeebhoy, Bart.
	The Honourable Mr. J. E. C. Jukes, I. C. S.
	The Honourable Sardár Dulabawa Raisingji, Thákor of Kerwáda.
	The Honourable Mr. Jehangir H. Kothari.
	The Honourable Surgeon-General R. W. S. Lyons, M.D., I. M. S.

The Honourable Mr. E. Maconochie, I. C. S.

The Honourable Sardár Sir Chinubhai Madhavlal Bart., C.I.E.

The Honourable Mr. J. A. D. McBain.

The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.

The Honourable Mr. E. Ferrers Nicholson.

The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.

The Honourable Ráo Bahádur Shriniwas Konher Rodda.

The Honourable Mr. W. H. Sharp.

The Honourable Sir Frederick L. Sprott, Kt.

The Honourable Mr. E. G. Turner, I. C. S.

The Honourable Mr. M. deP. Webb, C.I.E.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—My Lord, I propose that sub-clauses (2), (3) (7) and (8) of section 30 be included in clause 31.

His Excellency the PRESIDENT :—The Honourable Member is out of order. We have already refused that.

The Honourable Mr. UPASANI :—My Lord, sub-clauses (3) and (7) have only been disposed of. My amendment is that sub-clauses (2) and (8) be included in clause 31.

His Excellency the PRESIDENT :—Order, order. I wish really that my Honourable friend would shorten the debate very considerably. He is only to formally move his amendment. The Honourable Mr. SATHE has already spoken and I do not think it is necessary to give reasons.

The Honourable Mr. UPASANI :—Clause 31 provides [reads]. Sub-clause (6) of clause 30, which is included in clause 31, refers only to the calculation of the contribution to be levied on each plot and the arbitrator's orders as regards that money payment is not allowed to be final but is made subject to appeal to the Tribunal and it is the more necessary that his orders passed under sub-clauses (2) and (8) of section 30 which are to refer to rights, shares and ownerships in immovable property should also not be final but be likewise subject to appeal to the Tribunal. These orders will affect valuable rights in immovable property and involve judicial enquiry and will be of a far more important character than those passed under sub-clause (6), and, therefore, there is the greater reason to include sub-clauses (2) and (8) of section 30 in clause 31. Clause (2) of section 20 refers to the determination of shares in re-constituted plots allotted to be held in common and sub-clause (3) provides for the total or partial transfer of any right in an original plot to a re-constituted plot and for the extension of any right in an original plot in accordance with the provisions of sections 12 and 20. Orders passed with reference to these will be in the nature of judicial adjudication and they ought not to be final and conclusive

but subject to appeal to the Tribunal. It would be anomalous to disallow appeal against these orders affecting immovable properties and rights therein when the same is allowed in comparatively less important orders, referring only to mere pecuniary payments. My amendment for inclusion of sub-clauses (2) and (8) of section 30 in clause 31 would thus appear to be necessary and should, I think, be accepted.

The Honourable Mr. C. H. A. HILL said:—Again, Sir, I venture to intrude as I did at an earlier stage of the debate on this amendment for the same reason as before, for it is perfectly clear that the Honourable Member who moves this amendment has failed to understand what the effect of this clause is. It is only a reiteration of what clause 20, which we have passed already, authorizes the arbitrator to do. Therefore it is perfectly futile at this stage, if the Honourable Member will forgive me for using the expression, to consider whether the arbitrator ought or ought not to have the power. I suggest, therefore, that with regard to clause (8) there can be no question.

As regards sub-clause (2), I would draw the Honourable Member's attention to the fact that plots can only be allotted to persons in ownership in common with their consent under clause 12 (*b*). It is therefore extremely unlikely that they would consent to such joint ownership when settling among themselves their respective shares. The arbitrator will not interfere in any such arrangement and so there is no necessity to add to the costs of the scheme by relegating that also to the Tribunal of Arbitration. I venture to suggest, therefore, that the Honourable Member, in view of this explanation, might perhaps be induced to withdraw his amendment.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—My Lord,—In all cases of allotment of shares there will be no question of their having to be considered by the Tribunal. In cases where a share is allotted without consent of the parties then the allotment will have to be considered by the Tribunal. Therefore the explanation of the Honourable Mr. HILL does not apply. Well, in every case we do allow the arbitrator to pass his order in the first instance, that is quite true, but we insist that it should be subject to a revision by the Tribunal if the same be necessary. If there is to be a Tribunal for final adjudication and settlement of the more important matters arising with reference to schemes prepared under the Act, why make the single arbitrator's orders affecting the permanent rights in immovable property final? If an appeal to the Tribunal is allowed in the matter of questions arising under clauses (4), (5), (6) and (9) of section 30 which refer to mere money claims is it not fair and reasonable that the same should be allowed in the case of more important orders passed under sub-clauses (2) and (8) with reference to immovable property?

Therefore I pray that the amendment be passed.

The amendment was then put to the vote and lost.

The Honourable Mr. C. H. A. HILL said:—This, Your Excellency, is only a matter of drafting. The Honourable Mr. STRANGMAN suggested that we ought to make it clear that clause 31 does not supersede the provisos to sub-clause 10 of clause 30. I have very little doubt myself that it could not be taken to be superseded, but as a matter of greater caution Government were advised that we should add the words which stand as my proposal, namely, "in clause 31, after the figure 30", the words "and subject to provisos contained in clause (10) of section 30" shall be inserted.

The amendment was then put to the vote and carried.

Clause 31 was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 32. The Honourable Mr. SATHE.

The Honourable Mr. PATEL:—My Honourable friend Mr. SATHE is not here, but he has asked me to request Your Excellency's permission to withdraw his amendment. I also beg leave to withdraw my own and the Honourable Mr. UPASANI's amendments.

Amendments by leave withdrawn.

Clause 32 was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL said :—Your Excellency,—The amendment which stands in my name proposes to add certain words to clause 33, sub-clause (2).. It is really in two parts. The first part is made in accordance with the suggestions of the Government of India. I need not detain the Council very long on that head because in my opening remarks I referred to the fact that in respect of clause 33 the Government of India, while approving generally of the Bill, had made certain comments on the subject of designating a Judge of the High Court in virtue of that office as President of the Tribunal, and I explained at that time that we have devised a wording which we hoped would meet the views of the Government of India and secure the whole object which the Select Committee had in view. The observations of the Government of India were these: "Turning from the general aspect of the case, the Government of India notice that in paragraph 3 of the letter under reply it is stated the Judge of the High Court is not to sit on the proposed Tribunal in his capacity as a Judge, but as a *persona designata*. Clause 33 (2) of the Bill as drafted, however, appears to contemplate the Judge sitting as a Judge of the High Court, although not in the High Court. If the Bill makes it clear that the Judge is to sit as a *persona designata*, it is not apparent why any validation is necessary, for he would be merely sitting in his private capacity and not as a Judge of the High Court; and the Government of India see no reason for considering that a law providing for such an arrangement would be in excess of the powers of the Local Government. It is possible, however, that some alteration in the wording of clause 33 (2) of the Bill might, as regards this provision, avoid the necessity of any validating Act."

We have therefore proposed, in place of the words which at present find place in clause 33, to substitute the words "a person who holds or has held office as a Judge of the High Court of Judicature to be appointed by the Chief Justice." That, Sir, I venture to think, will be generally accepted as achieving all that the Select Committee desired and at the same time, incidentally, as rather enlarging our scope, as it is quite conceivable that ex-judges of the High Court resident in Bombay would be within the scope of selection for the appointment as President of the Tribunal. I venture to think therefore, Sir, that no difficulty will be experienced by the Council in supporting that part of the amendment.

Then, Sir, the second part relates to the province of Sind, and it is the suggestion of the Judicial Commissioner in Sind. It is a necessary amendment, for, although there is a District Court at Karáchi, there is no District Judge. The Additional Judicial Commissioner usually performs the duties of District Judge, and, therefore, it was a mistake in drafting to refer, so far as Karáchi was concerned, to the District Judge. We propose after the words "Justice" to add the words "In the District of Karáchi be such Additional Judicial Commissioner as may be appointed by the Judicial Commissioner". So that the whole clause will then read "The President shall, in the City of Bombay, be a person who holds or has held office as a Judge of the High Court of Judicature, to be appointed by the Chief Justice, in the District of Karáchi be such Additional Commissioner as may be appointed by the Judicial Commissioner, and elsewhere, the District Judge.

I venture to propose, Sir, that clause 33 be amended in accordance with these suggestions.

The Honourable Mr. UPASANI said:—As regards the amendment just proposed, my Lord, I think that if we are to provide by statute that the President of the Tribunal in Bombay shall be a Judge of the High Court, he ought, strictly speaking, to act in that capac y only while he holds that office. If this appointment were to be with the consent of the parties it would be another matter. He is to be invested with jurisdiction under the Act in his official

capacity and by reason of his being a high judicial functionary who will command public confidence by reason of his official status and responsibility. The District Judge is also to sit as President of the Tribunal in the mofussil in his official and not private capacity. If we make a departure in favour of a retired High Court Judge, why not then make it also in favour of a retired District Judge? Why make an invidious distinction? Rather than do it I should prefer that for the sake of ensuring public confidence it would be better to allow the clause to stand as it is.

The Honourable Mr. HARCHANDRAI VISHANDAS said:—Your Excellency,—In view of the Honourable Mr. UPASANI'S remarks, I would suggest, Your Excellency, the desirability of splitting this amendment into two clauses, because, I am of the opinion that the second clause about the additional Judicial Commissioner will not admit of a difference of opinion, where there is the difference of opinion it is difficult for Members to know how to vote.

His Excellency the PRESIDENT:—I am entirely in the hands of the Council with regard to that.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD said:—I venture to think, Your Excellency, that there need be no difficulty to Honourable Members as how to vote on this matter. I am afraid my Honourable friend Mr. UPASANI has not followed the reason why this amendment has been proposed by my Honourable friend Mr. HILL. As he has explained to the Council, the Government of India have pointed out, and rightly, that it will avoid the necessity of a validating Act if you amend the section in the manner now suggested. By that amendment it must be remembered that the real object that the Select Committee had in making this proposal is not interfered with. The Select Committee wanted to secure that in the decision of these matters you ought to have a person of the status of a High Court Judge to deal with them. That is certainly secured by the amendment now proposed. You will still have a High Court Judge to preside over the Tribunal of Arbitration, although, when he is doing that work he is not sitting as a High Court Judge, you secure a person of the status and qualifications of a High Court Judge—he is to be a High Court Judge or he may be a retired Judge who may be selected for doing this work. So the substance of the thing is there which the Select Committee wanted, and my Honourable friend Mr. UPASANI will recognise that the whole object of this amendment is not in any manner to detract from what the Select Committee wanted to secure, but simply to avoid a validating Act which otherwise would have been technically necessary in order to give effect to the recommendations of the Select Committee.

There is, however, one thing that I want to be clear about, Your Excellency. Under the original proposal no doubt what was intended was a Judge of the High Court as such Judge would be put upon this work and that being so you had the provision that he was to be nominated by the Chief Justice.

Now under the proposed amendment, what is proposed to be done is to take a High Court Judge and to put him to this work as on deputation. You also take power to appoint, if it is desirable, a retired Judge of the High Court to this post. Under these circumstances it is a matter for consideration whether you want to leave the appointment to the Chief Justice. Supposing you appoint a retired Judge of the Court, then you are not disturbing the High Court in any manner. Under those circumstances it is a matter for consideration whether it is still desirable to leave the appointment of such a retired Judge in the hands of the Chief Justice. This is a point that arises for consideration, because in the Select Committee we intended to take a Judge as a Judge, but now that you are providing for the appointment of a retired High Court Judge who is a non-official altogether, still you leave the appointment in the hands of the Chief Justice.

The Honourable Sir PHEROZESHAH:—What is your own opinion. (Laughter.)

The Honourable Mr. SETALVAD (continuing):—I only want to draw the attention of the Council to this. It all depends upon circumstances whether it will be desirable to leave the appointment to the Chief Justice or to the Governor in Council. It is very difficult, I quite admit, to decide whom you are to leave it to, but I want to draw the attention of the Council to the fact that this is a matter which under the altered amendment does require consideration.

The Honourable Sir PHEROZESHAH MERWANJI MEHTA said:—Your Excellency,—I have very great respect for the extremely painstaking zeal of my Honourable friend Mr. UPASANI. But I trust he will not consider hair-splitting a portion of that painstaking zeal. It seems to me that on this occasion he really has been splitting hair. He says that there is an essential difference between a Judge appointed as a Judge and the same man appointed not as a Judge but as one selected for the purpose of carrying out the functions of a Judge. It seems to me that the object which the Select Committee had in view and which the Council has in view is to see that there is a person of a certain status and of certain qualifications who is appointed as President of this important body. If that object is secured we get all that we want.

Now my Honourable friend Mr. SETALVAD I thought, when referring to the point which he raised, was going to compliment the Government on the self-denying ordinance placed on themselves by my Honourable friend Mr. HILL and Your Excellency's Government. (Laughter.) Instead of taking the power in their own hands to nominate a retired Judge themselves, they have left the nomination to be made by the Chief Justice. When raising his point, it was easy to observe that my Honourable friend Mr. SETALVAD was very much puzzled to say where the power should be—whether the power should be taken away from the Chief Justice and given to Government. I think we can leave the matter as in the amendment suggested by my Honourable friend Mr. HILL. I think we can well trust them when they deny themselves the power of appointing a Judge and give it to another person. It seems to me that the amendment proposed by my Honourable friend should meet the full approval of the Council.

The Honourable Mr. W. L. GRAHAM said:—Your Excellency,—I understand that under section 2 a High Court Judge in Bombay and a District Judge elsewhere will be appointed to preside over the Tribunal of Arbitration, and the Council will see that under section 40 fees are provided for. By the Honourable Member's amendment a retired High Court Judge can also be appointed. If such an officer is appointed to arbitrate, I would beg to bring to notice that no provision has been made for his remuneration in clause 40.

His Excellency the PRESIDENT:—I think the Honourable Member should defer his remarks till we come to clause 40.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I do not think I need deal very long in replying to the debate on my original motion since it has found such forcible and unequivocal support from my Honourable friends Sir PHEROZESHAH and Mr. SETALVAD. But I should like to say, Sir, that I have never in my life felt, as I have felt today, my complete and hopeless incapacity for explaining matters clearly. I have never failed so miserably as I have today, to explain points clearly which, I am certain, if thoroughly understood, would have eliminated much of the debate which has taken place this morning. I can only express my regret to the Council that my incapacity in that respect should have caused so much of their time to be wasted.

Also, Sir, I think perhaps I had better refer to one point, namely, the question of leaving in, the words "to be appointed by the Chief Justice". It seems on the whole to be more consistent with the whole idea which underlay the drafting of these sections by the Select Committee to leave the matter as far as possible to the nomination of the Chief Justice: and I am quite sure that my Honourable friend Mr. SETALVAD has no intention really to object to it, although he seemed rather dubious in the matter.

I do not think I need add more, Sir, in commending this amendment to clause 33.to the consideration of the Council.

The amendment was then put to the vote and carried.

The Honourable Mr. BALKRISHNA SITARAM KAMAT said :—Your Excellency,—The amendment which stands in my name seeks to add the word "non-official" after the word "impartial" in sub-clause (3) of clause 33, so that with this addition the sub-clause will read thus :—(Reads.) The Tribunal of Arbitration as constituted under the present clause 33 would consist of one Judge and two Assessors, and although I have no doubt that in all probability the person chosen by the presiding Judge as the assessor may be a fit and suitable person or an impartial person, and although also I have not the least doubt that the person chosen by the Judge may be trusted to discharge his duty very impartially, still I think, Sir, that it is quite conceivable that the person chosen by the District Judge in the mofussil or by the High Court Judge in the City of Bombay may happen always to be an official in the actual service of the Government. My object therefore in bringing this amendment is to secure and to expressly lay down that one of the assessors at least shall be a non-official; by "non-official", I mean a person not in the actual service of Government for the time being. I must confess, Sir, as a Member of the Select Committee that there was ample opportunity afforded to us to discuss this section thoroughly, and, just as the Honourable Sir PHEROZESHAH MEHTA remarked yesterday, I have absolutely nothing to complain regarding the very patient hearing and the very considerate manner in which the Chairman of the Select Committee received the suggestions of the Members on the various clauses, and particularly on this clause 33, regarding the Tribunal of Arbitration. I therefore bring forward this suggestion purely as a subsequent suggestion. It will be seen that the Honourable Mover in charge of the Bill has met the wishes of the Members of the Select Committee in two material points about the Tribunal of Arbitration, firstly in doing away with the clause regarding a second arbitrator which was laid down in the original Bill, and secondly, also by having a District Judge in the mofussil or a High Court Judge in the City of Bombay as the presiding authority on the Tribunal, and in these matters the Honourable Member in charge has met the wishes of the Members of the Select Committee very well, and our acknowledgments are therefore due to him. But if we go one step further, and if the suggestion which I venture to make is accepted, I think it will secure in a greater measure that confidence on the part of the public and that general acceptance of this Bill which has been the aim both of the Honourable Member in charge as well as the Members of the Select Committtee, as they themselves say, in their report. I think, Sir, that according to the ordinary laws of arbitration throughout the world, it is quite necessary that there should be representatives on the Tribunal of the various interests concerned regarding the points at issue, and so if there is at least one non-official assessor in the constitution of this Tribunal, it will secure greater confidence, as I say, on the part of the public regarding the awards. By way of analogy we are told in the marginal note of this section that this section is modelled after section 48 (*a*), sub-clause (3), of the Bombay Improvement Trust Act. Even there I find that one of the assessors is to be appointed by the Corporation of Bombay. That means that there is at least some opportunity to the people to represent their views on that Tribunal, and by analogy of reasoning, although I do not contend and press that the local authorities in the mofussil should have their direct representative on the Tribunal because I know there are certain technical difficulties, and although I do not wish also to contend and press that there should be a representative of the owners of plots, still I think if I only ask that the person to be chosen by the presiding Judge be a non-official, it would only be going one step further to secure that confidence of the public in this measure which is necessary, especially in a Bill of such a novel character, and which in the first stage of its operation requires a good deal of tactful consideration.

It might be contended perhaps that such suitable non-official persons may not be available to the extent as is necessary, but I for one think that in a place like Bombay where there are so many architects and land valuers there will not be any difficulty in choosing a suitable man who knows something about valuation of lands and the technicalities of land. So far as the mofussil is concerned, I think this Bill would be applied in the first instance to big towns like Poona and Ahmedabad, and in such places, although of course suitable experts knowing something about land valuations may not be as plentiful as they are in Bombay, still there are persons, retired servants from Government service for instance, and I have no objection to retired servants, because they form a non-official class, and there are such persons retired from Government service either from the Engineering Department or the Revenue Department who know sufficiently the technicalities of land and land valuation. I therefore think that there will be no practical difficulty either in the City of Bombay or in the mofussil to select a non-official expert. He need not be quite an expert on Town Planning; if he is a man knowing something about the technicalities of land valuation, I think his common sense will lead him to come to a correct judgment regarding all the points that will be referred for arbitration. So practically there will be no serious difficulty in choosing a suitable person a non-official assessor on this Tribunal of Arbitration. For these reasons, and especially in order to ensure the confidence of the public in the Tribunal of Arbitration, I have to urge that the Honourable Member in charge will meet further the wishes of the Members and of the public in giving one of the assessors at any rate a non-official person.

The Honourable Mr. C. H. A. HILL said:—May I, Sir, intrude once more upon the debate. I regret to say that I am unable to agree to the amendment proposed in the Bill itself, but I venture to hope that if I assure the Honourable Member that we will provide in the rules that wherever possible the impartial person referred to in this section shall be a non-official, and if my Honourable friend will accept that undertaking on my part and withdraw his amendment, I am quite certain that there will be no cause for regret. The difficulty in the way of accepting the Honourable Member's amendment is this; he may be quite right that there will not occur serious difficulty in finding an impartial non-official person, but we cannot be sure that it is so, and to that extent, it seems to me undesirable to tie ourselves down by legislation in a manner which in a given individual case, however remotely possible, should cripple our usefulness in carrying out Town Planning. And therefore I venture to suggest that my Honourable friend, in view of our undertaking that we will provide by rule that he shall ordinarily be, where possible, a non-official, will withdraw his amendment.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency,—If the rules contemplated under section 33 are well laid down as mentioned by the Honourable Member in charge, I have no objection to withdraw my amendment.

The amendment was by leave withdrawn.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—I do not propose to move my amendment, my Lord.

The amendment was by leave withdrawn.

The Honourable Mr. C. H. A. HILL said:—My amendment, Sir, in sub-clause (3) of section 33 is merely consequential and also so as to conform with the amendment which the Council has adopted in respect of sub-clause (2). I venture, therefore, to formally propose it.

The amendment was then put to the vote and carried.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—I beg to withdraw my amendment, as also those of the Honourable Mr. SATHE and the Honourable Mr. UPASANI.

The amendments were by leave withdrawn.

Clause 33 was then put to the vote and carried.

Clauses 34 to 36 were then put to the vote and carried.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—This, as I intimated in my opening remarks yesterday, is the second amendment necessitated in this Bill by the view taken by the Government of India that it is undesirable to pass a validating Act. The Government of India agree that to legalise an arrangement by which a Tribunal of Arbitration may state a case for a ruling of the High Court, requires validation, and they are rather reluctant to pass a validating Act specially for that purpose. The Government of India suggest that, in view of the very careful constitution of the Tribunal of Arbitration by appointing to that body as President the highest judicial authority available in the different areas concerned, the Bill already provides an adequate safeguard that legal points shall be carefully taken into account; and no doubt in the course of time certain rulings will grow up which will further aid the Tribunals of Arbitration in connection with their work under this Act, and, in such circumstances Your Excellency's Council has come to the conclusion that on the whole this clause may safely be omitted as suggested by the Government of India.

I should like to explain to Honourable Members that, as a matter of fact, this clause was inserted by the Select Committee at the suggestion, I think, of only one Honourable Member. Originally the Select Committee were most anxious to take every possible step to meet every possible contingency in the way of doubt in regard to the operation of this Act, and we rather went out of our way, perhaps in some respects, to safeguard and hedge round the operations of the Tribunal we were setting up. Well, Your Excellency's Legislative Council has now had the opportunity of going clause by clause through this Bill and are in a position to judge for themselves whether the final, if I may so describe it, safeguard of permitting a Tribunal of Arbitration to state a case for the ruling of the High Court on any question of law is such a matter that, having regard to the views of the Government of India, is worth insisting upon. I venture to suggest, Sir, that the omission of this clause will for all practical purposes have no deteriorating effect on the efficient machinery we are setting up. It was possibly an act rather of excessive caution on the part of the Select Committee to insert it. At all events, Sir, I suggest that, in view of the difficulty of overcoming the reluctance of the Government of India to validate it, we should now withdraw clause 37 from the Bill.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 38. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I beg to withdraw my Honourable friend Mr. SATHE's and those of mine and the Honourable Mr. UPASANI.

The amendments were by leave withdrawn.

Clauses 38 and 39 were then put to the vote and carried.

His Excellency the PRESIDENT: Clause 40. The Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT said:—Your Excellency,—This amendment is purely consequential and practically hinges upon the previous amendment. If therefore the previous amendment has been withdrawn, this also I beg to withdraw.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT: Can the Honourable Mr. GRAHAM tell the Council how long he will take to submit his amendment? (After a pause.) Perhaps we will postpone the consideration of clause 40.

His Excellency the PRESIDENT: Clause 41. The Honourable Mr. PATEL.

The Honourable Mr. PATEL: I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clauses 41 to 46 were then put to the vote and carried.

His Excellency the PRESIDENT: Clause 47. The Honourable Mr. UPASANI.

The Honourable Mr. UPASANI: I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clause 47 was then put to the vote and carried.

His Excellency the PRESIDENT: Clause 48. Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—The clause as it stands provides for compensation in case of a final scheme being revoked or varied to any person who may have incurred expenditure in complying with the scheme. I propose similar compensation to persons who have sustained any substantial loss or injury by reason of the revocation or variation. Supposing that a scheme of Town Planning is revoked or varied after being in part executed and an owner of a plot is given back his own plot in a condition which might require him to incur further expenditure, if you wish to give him compensation for what he has expended, then on the same principle he will be entitled to compensation for what he may have to expend to have the plot restored to its original condition. If the principle of compensation is allowed it ought I think to be allowed in all cases where expenditure have been incurred or may have to be necessarily incurred as also where substantial loss or injury may have been sustained.

The Honourable Mr. E. G. TURNER said:—Your Excellency, The wording of the clause is analogous to the wording of the corresponding section in the English Act. The insertion of the words proposed would needlessly encourage litigation, as owners would doubtless bring forward all sorts of claims. If a person has incurred expenditure for the purpose of complying with a scheme there can then be no doubt about the amount of compensation to be paid.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I regret to say that we cannot accept this amendment which, as the Honourable Mr. TURNER has pointed out, gives far too wide an opening for bogus claims; in fact it will leave the door open to practically any sort of bogus claims that may be brought forward, and will distinctly encourage litigation. The clause as it stands, which perhaps the Honourable Mr. UPASANI has not realised, is definitely specific in that, if, at any time after the date on which the final scheme has come into force, such scheme is varied or revoked, any person who has incurred expenditure for the purpose of such scheme shall be entitled to receive compensation. It relates to a part of the process of formulating a scheme, and the Select Committee certainly had no idea of enlarging that so as to encourage any body who has any sort of grievance to come forward and get compensation, and I venture to think that Your Excellency's Council will agree in that view.

His Excellency the PRESIDENT: Does the Honourable Mr. UPASANI wish to say anything in reply?

The Honourable Mr. UPASANI: I do not wish to say anything.

The amendment was then put to the vote and lost.

Clause 48 was then put to the vote and carried.

The Honourable Mr. PATEL having withdrawn his amendment to clause 49, clauses 49 and 50 were put to the vote and carried.

His Excellency the PRESIDENT: Clause 51, Honourable Mr. UPASANI.

The Honourable Mr. UPASANI: I beg to withdraw my amendment.

Amendment by leave withdrawn.

Clauses 51 and 52 were then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 53. The Honourable Mr. HILL.

The Honourable Mr. C. H. A. HILL said :—This amendment is consequential, Sir, on the elimination of clause 37. There are certain figures in the sub-clause of section 53 of the Bill which require alteration, namely, all the numbers relating to clauses which appear after section 37. I propose, therefore, that in sub-clause (*l*) for the figure "41" be substituted the figure "40". In sub-clause (*m*) for the figure "43" be substituted the figure "42". In sub-clause (*n*) for the figure "44" be substituted the figure "43". In sub-clauses (*o*) and (*p*) for the figure "46" be substituted the figure "45". In sub-clause (*q*) for the figure "51" be substituted the figure "50".

His Excellency the PRESIDENT :—I am sure Honourable Members do not wish me to repeat the figures proposed by my Honourable friend.

The amendment was then put to the vote and carried.

Clause 53 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 18. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said :—Your Excellency, In the amendment that I have given notice of, I propose to omit the words " and Government in such proportion as Government may fix having regard to the means of the Local Authority ". As regards the remaining portion I have already explained my reasons for charging the costs of the scheme to the whole population of the town and not on only the owners of the plots included in the scheme. I have also given my reasons for the cost being recovered in the form of a rate instead of in one sum and for charging a differential higher rate to the owners of the plots if the same be deemed necessary for any special advantages which may be secured to them under the scheme.

The Honourable Mr. C. H. A. HILL said :—Your Excellency, I have only one remark to make about the amendment, now that the vital part of it has been removed, and that is that, as consequential to it, if it be accepted, we shall have to recast the whole of the Town Planning Bill.

His Excellency the PRESIDENT :—Under those hideous circumstances, I think, my Honourable friend will see his way to withdraw his amendment.

The Honourable Mr. UPASANI :—Then I beg to withdraw the amendment.

Amendment by leave withdrawn.

Clause 18 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 40. The Honourable Mr. GRAHAM.

The Honourable Mr. W. L. GRAHAM said :—Your Excellency,—The amendment I beg to propose to sub-clause (1) of clause 40 is consequential on the amendment passed in clause 33, and I beg to suggest that this clause should read :—

> "The arbitrator, the President of the Tribunal of Arbitration, and the Assessor shall, save where they are salaried officers of Government, be entitled to such remuneration either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the Governor in Council may from time to time determine."

The Honourable Mr. C. H. A. HILL said :—Your Excellency, So far as I can see, the Honourable Mr. GRAHAM is to be thanked for having brought to notice an amendment which is really consequential to the alteration effected at the instance of the Government of India, and the amendment would probably have been introduced in our Legal Department had it occurred to us. We, therefore,

are very much obliged to the Honourable Member for having brought this to our notice. I understand that the amendment is to read (reads).

If that is correctly given then I think that Government may accept the amendment proposed.

The amendment was then put to the vote and carried.

The Honourable Mr. GRAHAM then proposed that sub-clause (2) should read as follows :—

"The salary of an arbitrator, a President of the Tribunal of Arbitration, or an Assessor who is a salaried officer of Government and any remuneration payable under sub-section (1) and all expenses incidental to the working of the Tribunal of Arbitration shall, unless the Governor in Council otherwise determines, be defrayed out of the funds of the local authority and shall be added to the costs of the scheme."

The amendment was then put to the vote and carried.

Clause 40 was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL said :—With Your Excellency's permission, I have one more verbal amendment consequent on the elimination of clause 37 which has hitherto escaped our notice and that is the substitution in clause 15 of sub-clause (2) of the figure "43" for the figure "44". In doing so, Sir, I hope that no other figures of this character have escaped the attention of Your Excellency's Legal Department and that this is the last amendment I shall have to propose.

The amendment was then put to the vote and carried.

Bill read a second time.

The motion for the Second Reading of the Bill was then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL in moving the third reading of Bill No. V of 1913 said :—With Your Excellency's permission I will now move that the third reading of Bill No. V of 1913 be passed by this Council. In doing so I do not think that many remarks will be expected of me. This Bill was introduced almost exactly a year ago in this Council and was read for the first time and referred to a Select Committee last March, leaving five months in full during which the Bill was before the country since the Select Committee sat, and, as I have already said, it was a very representative Select Committee. During these months the Select Committee's Report as well as the Bill as revised have been available to the public for criticism. The number of amendments which we have discussed in this Council has no doubt been considerable, but while some of them, I think, betrayed a want of appreciation of the extremely technical subject of Town Planning I do not on that account think that the time of the Council has been needlessly wasted in considering them. The point really is that in this technical matter the Select Committee was able to make use of the services of such experts as were available. They deliberated on the matter at very unusual length and submitted an unusual report, and it was on that account that several sections of this complex measure gave rise to misapprehensions or misunderstanding in the minds of some of those who were not present on the Select Committee. As I have already said, I cannot sufficiently express my own sense of appreciation to the Members of this Council, and particularly to Members of the Select Committee, for the manner in which they have assisted Your Excellency's Government throughout in disposing of this measure. I am assuming that the third reading will be passed and the Bill will become law, and I think, Sir, as Sir PHEROZESHAH said, that it is a matter for congratulation for Your Excellency that Your Excellency's Government should be taking the lead in India in this class of legislation. I am quite confident that this measure, which the Select Committee so carefully deliberated,

will prove an efficient measure for the improvement and future extension of towns in this Presidency, and I should like to add that, far from being a measure of oppression, as feared in some quarters, or of fomenting trouble between local bodies and the people residing in their limits, it will, I hope, pave the way, by the clauses relating to agreement, to a state of affairs in which much which is done at present, as a rule, through official channels and without full understanding on the part of people, will in future be carried through by agreement after discussion with the Arbitrator. I do not know that I need say more. I have already said that I cannot adequately express my sense of gratitude to the valuable help I have received from all Members of this Council on this matter, without which help I can only say I should not have been able to ask Your Excellency as I now do to permit me to move the third reading of this Bill.

His Excellency the PRESIDENT: Before the Bill finally leaves the Council, I should like to say that I feel that the character of the debate to which we have just listened and the peaceful course that this measure has had in passing through its various stages are a happy omen for the future usefulness of the Town Planning Bill. I have been surprised, I own, that there has been so little of what I call really substantial criticism of the details of the Bill, but this is largely due to the constant care and attention which my Honourable Colleague Mr. HILL and his Select Committee have given to its provisions which have enabled them to present it to the Council so much improved that it has almost escaped the searching criticism of my Honourable friend Mr. UPASANI. I think it was my Honourable friend Sir PHEROZESHAH who made an observation on second reading, which I think of great importance and with which I entirely agree. He expressed the view that this is a test measure and that we must all remember that it is the first Bill of the kind that has been introduced into India and that the responsibility of its administration lays an important task on the Bombay Government. He urged, and I think perfectly rightly, that we should act with caution and care in going forward with its administration, and I perfectly agree with him in his view. Honourable Members may rest assured that Government will do all they possibly can to administer the Bill with absolute fairness, and I trust that we shall have the fullest co-operation of all Honourable Members and people of influence in their various districts to assist us in our endeavour. After all, what is the real result which we wish to achieve from this Bill? I think it can fairly be said without any offence to anybody in the Bombay Presidency, or in other parts of India, that we see towns and suburbs all around us literally tumbling up into being without any idea of road development or the laying out of plots, without any knowledge or thought of sanitation, or the various other necessities of Town Planning. What I hope we may achieve by this Bill is this that, we shall find that Government and the local authorities will in the future combine with the citizens in their various localities to secure better, healthier and more sanitary homes for our workers, better means of access to their various places of labour and fine open spaces where they may get fresh air, healthy recreation, and, if we can secure these results, we shall raise up in this country a healthier, happier and much more self-respecting race of people than we can possibly expect to under the circumstances in which a good many of them live at the present time. With these words I thank all the Honourable Members for the constant attention they have given to the passing of this Bill through the Council, and all the assistance they have given during its various stages.

Bill read a third time.

The motion for the third reading of Bill No. V of 1913 was then put to the vote and carried.

His Excellency the PRESIDENT: I think perhaps we had better adjourn till three o'clock.

The Council adjourned till three o'clock.

The Council re-assembled after lunch at 3 p.m.

BILL NO. VIII OF 1914 (AN ACT TO PROVIDE FOR A SURVEY OF THE TOWN AND ISLAND OF BOMBAY.)

His Excellency the PRESIDENT: Order, order. A Bill to provide for a Survey of the Town and Island of Bombay. First reading. The Honourable Sir RICHARD LAMB.

The Honourable Sir RICHARD LAMB moves the First Reading of the Bill.

The Honourable Sir RICHARD LAMB in moving the first reading of the Bill said :—Your Excellency,—I have not very much to add to what is set forth in the Statement of Objects and Reasons. We have had in preparing the Bill the advantage of there being already in force in Calcutta an Act providing for a survey such as we wish to have completed in Bombay. We have therefore to a very great extent been willing to learn from Calcutta, and to draft our Bill on the lines of the Calcutta Survey Act. The survey itself has been undertaken after prolonged correspondence and examination of the methods which should be followed in carrying it out. The correspondence began so long ago as 1908, when enquiry was made into the need for a new survey to take the place of Laughton's survey. The Laughton survey was, as is generally acknowledged, a fairly accurate survey; but it was made very many years ago, and the arrangements for maintaining the survey records were not adequate, with the result that it is now very much out of date. The record maps are not available in numbers, and as to those which are available, great difficulty is found in consulting them. We therefore investigated whether a resurvey of the Town and Island of Bombay could be carried out by merely going over again through the old survey or whether an entirely new survey was desirable. On investigation it seemed perfectly clear that an entirely new survey was necessary. It was not possible to pick up for the most part the boundary marks of Laughton's survey, and it was necessary, therefore, to start afresh. We considered the best means in which the survey should be carried out and the Government of India consented to assist us by deputing an expert surveyor, Mr. Newland, with a certain establishment. We decided that the commencement of the work should be experimental, and as the work proceeded, to find out in what manner the survey should be done, and to what extent we should carry it on. The experimental work has proved successful. We are, therefore, as a matter of fact, continuing the survey, the extension and expansion of the experimental work, and what this Bill seeks to provide is legislative sanction to the procedure adopted by the surveyors. A great number of clauses of the Bill deal entirely with survey matters and follow, very closely indeed, even the wording of the Calcutta Act. The insertions in this Bill which are not to be found in the Calcutta Act are taken from the Bombay Land Revenue Code in respect of clauses 14 and 15 which provide for the regulation of survey fees. It will be proper to explain here that in the mofussil we have been carrying out, for some time past, a number of City surveys under the Land Revenue Code, and in all those surveys, a portion of the expenses is recovered by fees for the sanads which are issued to the respective owners of the plots demarcated and mapped as surveyed. In the case of Bombay before we began operations we consulted the Municipal Commissioner, the City Improvement Trust and the Port Trust. The Municipal Commissioner heartily concurred in the proposal that the survey should be undertaken, and the City Improvement Trust, as well as the Port Trust, also concurred. The Port Trust signified its willingness to bear a proportion of the cost. The Municipal Commissioner signified that he would be willing to recommend to the Corporation that the Corporation should bear a proportion of the cost. The City Improvement Trust it has not been thought necessary to ask. For the remainder of the cost it is proposed that as in the mofussil, so also in Bombay the holders of lands demarcated should contribute by paying fees for the record of their land. The exact proportion in which the cost will be distributed is not a matter which is dealt with in this Bill. I refer to these facts only in order that the Council may understand what is actually being done. The Bill itself deals with nothing more than the power given to Government to recover from holders of land certain fees which it is anticipated will suffice to cover perhaps about half the cost.

The next clause which contains a variation from the Calcutta Act is clause 19 in which words are inserted, which are not found in that Act, regarding the preparation of a Register of Possession. I do not propose at this stage of the proceedings to go into details as regards the character of a Register of Possession. I understand that there have been some apprehensions expressed as to what the effect of such an enactment may be, but I think that in all probability when we come to thrash the matter out in the Select Committee, a stage at which I hope this Bill will arrive in due course, we shall be able to show that there is no substantial ground for apprehension, and that the Register of Possession will be such a Register as must be maintained so as to do away with the necessity of hereafter undertaking, after another 30 or 50 years, another survey of Bombay, and so as to maintain a record of the actual holders of properties in Bombay. The remaining clauses follow the Calcutta Act, and I do not propose to deal with them now. There is also a Bill, of which I shall move the first reading, as soon as this Bill has been disposed of, which is entirely consequential on this Bill and makes certain amendments in the City of Bombay Land Revenue Act. On that I will make further remarks when we come to that Bill. For the present purpose, Sir, I think I have said sufficient to lay the Bill before this Council, and to justify my asking that this Bill may be read for the first time.

The Honourable Sir PHEROZESHAH MERWANJEE MEHTA said:—May it please Your Excellency,—This is a very harmless and innocent looking Bill in appearance, but I think that Honourable Members when they study it more carefully will find that it is a far more extensive Bill and deals in matters of greater importance than would be otherwise supposed. In that connection, Your Excellency, I cannot help wishing that we were following a course which the Viceroy's Council used to follow in the days when I was a Member of it. This Bill was published in the *Government Gazette* certainly long before the 18 days which are prescribed by our rules,—I believe it was published about the 2nd of November, but even then, I venture to think that the Bill is of such a character and requires such a minute examination that it seems to me almost impossible that the public, the press or any other bodies interested in it would really be able to study it before it came before the Council even for the first reading. In the Governor General's Council in the days to which I refer, the course which was followed with regard to Bills was this, that the first reading was allowed to come on and the first reading was passed. Then the Select Committee did not follow immediately after that. Its appointment was brought forward in the next sessions, and at the beginning of the sessions a Select Committee was appointed which brought up its report during the same sessions, and the Bill was considered and proceeded with in the usual course. That procedure allowed the public, the press and bodies interested to make their representations before the Select Committee commenced its deliberations. The course which we are following very often results in this, that the Select Committee finishes its deliberations before the people are able to come forward with their representations; and all the rest of the time, sometimes a good deal of time elapses after the report of the Select Committee is made and that is really of no avail so far as the deliberations of the Select Committee are concerned, and the Members of Council can realise from their experience that it is very difficult to make effective representations after a Bill has been considered by the Select Committee. The other course enables the Select Committee to gain time to receive all possible representations which the public, the press, the parties interested and other bodies interested could make in regard to the matter. Your Excellency, I make this observation particularly with regard to a Bill of this character which requires a very minute study before we can observe what is the real extent of the operations of the Bill, and I will venture to show that the operations are of a character which, if really carried out, would create an agitation in the City of Bombay to which there will scarcely be any other parallel.

Now, my Lord, this Bill reminds me of an incident in this Council which took place in the year 1904. I believe it was the first time that Your Lordship's

predecessor, Lord LAMINGTON, presided. A similar innocent looking Bill was brought forward alleged to have been based upon a Bill which had been recently passed in England itself, the English Motors Act,—the Act was passed, I believe in 1903, and this was brought in 1904, and a similar Bill had been passed for Bengal a few months before, and it was alleged in the Statement of Objects and Reasons that the Bombay Bill was based upon the English Statute and the Bengal Bill, and so it was, except with regard simply to one section. All the rest of the Bill was certainly founded upon the English Statute and the Bengal Bill, except one section, which quietly took power to grant monopolies for running motors not only in every town and place in the mofussil, but in every street and every road in all the streets including the City of Bombay, a most extensive thing. My Lord, I ventured to point out to the Council on that occasion,—and Lord LAMINGTON who had come then fresh from England was somehow or other cognisant of the question of granting monopolies in this way,—and after I took objection, he took the opportunity of discussing the matter with his colleagues during the lunch interval and pointed out to them that such a thing could not possibly be allowed, and when they returned, the Honourable Mr. FULTON, afterwards Sir ROBERT FULTON, ruefully announced that they had determined to withdraw that section completely. My Lord, the same thing happens with regard to the Bill before the Council. It is perfectly true that it is founded upon the City of Calcutta Survey Act,—I believe it is Act I of 1887. Now I perfectly admit that all the main provisions of this new Bill are founded on the Calcutta Act, and as the Honourable Sir RICHARD LAMB said:—"You have simply to substitute Bombay for the word Calcutta," and nothing would have led anybody to imagine that there was any substantial difference between the present Bill and the Calcutta Survey Act unless he had gone very minutely through the sections, because the sections are the same except the certain sections which were thrown out regarding arbitration from the Calcutta Act which were not required in this Act. The Calcutta Survey Act gave the usual power to Government to make rules for the purpose of carrying out the objects of the Act. Now the Calcutta Act contained a very appropriate clause for that purpose. I believe it was section 23 and it ran as follows:—"The Local Government may lay down rules not being inconsistent with this Act to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act and generally for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act", certainly a most proper section for the purpose of giving power to make rules. Now, Your Lordship will see, what does the Bombay Bill contain, and that is in section 19. The Calcutta clause gave only power to make bye-laws for purposes of survey, the main object of survey legislation. Now section 19 of the Bill before the Council reads thus: "Government may lay down rules not being inconsistent with this Act to provide for the preparation and maintenance of maps", the same words, perfectly right, "and of a Register of Possession". These are the additional words "and of a Register of Possession", otherwise the section is the same. Now, my Lord, I submit, "to make rules for the purpose of maintaining a Register of Possession" is an absolutely different thing from a survey, and the preparation and production of maps. I will ask the Members of Council to realise what the addition of these few words means really. In the first place, I will briefly state that it means an inquisition into all the private titles of private owners in the City of Bombay, whether they pay land revenue or not. Now I am not speaking without the book in saying this. A letter came from the Government of Bombay to the Bombay Corporation asking them to consent to pay a certain portion, one-sixth I believe, of the cost of the survey. Something in that letter, I frankly confess, roused my suspicion, and I moved in the Corporation that it be sent to the Standing Committee for the purpose of examination and report, and I spoke to the Chairman of the Standing Committee to ask the Commissioner for an explanation of certain of my suspicions, whether it did not involve some inquisition into private titles. The matter went before the Standing Committee, the Commissioner was asked for an explanation, and I think my Honourable friend Mr. CURTIS, I believe he is somewhere here, was

approached by Mr. CADELL and consulted as to what the real meaning was, and Mr. CURTIS will contradict me if I am not correct. In consultation with Mr. CURTIS he explained what would be the meaning of those words in the Bill, and I have got the letter which Mr. CADELL addressed. Upon that explanation in consultation with Mr. CURTIS, he sent a letter in which he explained the matter in this manner, and I ask the attention of the Council to the real explanation of what was intended to be done by the insertion of those few words. "The enquiry into disputed cases will be conducted by a gentleman of legal training appointed by Government". All these would come in under the Rules, there is nothing in the Act. The letter further said "I understand that it is the intention of Government shortly to legislate in the matter. I enclose a copy of paragraphs 17 and 18 of the Report of the Committee appointed by Government to make proposals. It will be seen that it is proposed to maintain a Central Office and make the registration of all changes and valuation of titles compulsory. This will doubtless have the effect of making entries strong evidence in Courts of Law, and this evidence will doubtless soon, if not immediately, be treated as presented. The record maintained will in fact be a record-of-rights". That is the meaning of those few words. Thus we have here under the guise of power of making rules for the purpose of maintaining a Register of Possession an inquisition into the titles of all private owners in the City of Bombay, so that there will come into existence in time a record-of-rights.

Now, Your Excellency, I ask in the first place, what right have Government to investigate private titles so that there should be at any time a record-of-rights so far as private properties are concerned? If you give notice to people to prove their right of title to possession hundreds of people who would never otherwise have dreamt of raising any claims will come forward. Has anybody ever heard of people being required to produce their title deeds so that all the flaws in them may be discovered? Most gentlemen will be aware that any number of titles, if examined by a solicitor, he will find that there are flaws in them. Though the titles may be perfectly good, still on investigation into the titles, it will lead to the exposure of flaws. So strong is the feeling in England in regard to that matter that Courts of Law will not permit witnesses to be compelled to produce title-deeds. That is the law in England, and that is the law which has been followed in India itself under the Evidence Act, and under section 131 no witness can be compelled, though all documents relevant for the purposes of a case can be compulsorily acquired, to produce his title deeds in any Court of Law, and Your Lordship and Members of Council will understand what this means. As I say, a title may be perfectly good, but if you subject it to a critical examination there may be a hundred flaws in it. Not that the party would be turned out in consequence, but he does not desire those flaws to be known to other people to raise all sorts of speculative claims in a variety of ways. Take for instance the Government themselves. If you go into the reported cases you will find that there are a number of them in which Government have absolutely refused to produce anything which may in any way show any defect or flaw in their own titles. I ask my honourable friend, Sir RICHARD LAMB, whose knowledge and experience of revenue matters is, I suppose, unequalled by anybody in this Presidency, whether Government will not refuse as utterly confidential the production of a document of that sort. They will never produce such documents, and I can imagine, if we were impertinent enough to put a question relating to the production of a document, Sir RICHARD LAMB getting up and sternly declining it as an absurd request and giving a *non possumus*. Whenever there is a dispute, the party would be required to go before a gentleman of legal training and to prove that he has a good title. Even to prove that he has possession he must produce his title deeds. Mark the use of that word "Possession". It is one of those dangerous words which might mean anything. What do you mean by "Possession"? Do you mean actual physical possession, do you mean the actual physical possession which may be held by a tenant at will, or a tenant at sufferance or by any body but the rightful owner? What possession do you mean?

The Honourable Mr. CURTIS :—Beneficial possession.

The honourable Sir PHEROZESHAH M. MEHTA :—Now what is a beneficial possession? My Honourable friend Mr. CURTIS will find that "beneficial possession" means all sorts of different things. What a vista of litigation and dispute would that raise up? A man is to be required to show his title to beneficial possession? I am afraid my honourable friend Mr. CURTIS who is expounding law will find it very difficult to support what he says when the time comes for him. It may mean, if you set aside actual possession, possession by a tenant at will, possession by sufferance, possession by monthly rent, possession for a period of years, it must mean, if he means anything at all, ownership, rightful ownership, and how are you going to prove the rightful ownership except by producing your title deeds? Supposing that you are called upon to prove your beneficial possession or ownership, how are you going to do it? Are you going in person with a bundle of your documents before this gentleman of legal training to produce and let him examine them. Well, an ordinary individual cannot go and propound his title deed before a legal gentleman, he must go to a pleader or a solicitor and take his advice. Now this will lead to putting an enormous burden upon private owners. It would be a real taxation of a heavy character upon every house-owner and every private owner in the city of Bombay. Even before any dispute arises if he is asked by notice to appear before this legal gentleman and produce his beneficial possession, do you think that anybody will venture to go before him without having consulted some solicitor or some legal adviser? Consider all the expense of the procedure which must follow under these circumstances? Are you going to allow the beneficial possession of the properties in Bombay to be taxed in this manner? For what? for a thing in which Government have no right to meddle at all. Government are perfectly right in carrying out a survey like Laughton's survey, and we would all like a survey which marks out the boundaries of properties, irrespective of the titles of those people who may be there. So far as you may require evidence for the purpose of proving the possession of any strip of land you may be required to produce it But beyond that what right have you to go into the question of the titles of private owners? The Calcutta Survey Act wisely confined itself to the functions proper of a Survey Act, and made them out accordingly. They never entered into this question of a record of possession or record of rights. Therefore, Your Excellency, I beg to point out to the Members of Council that this is a far more extensive Bill involving questions which would give rise to perturbation in this city such as you have never dreamt of in the old days. Everybody would tremble if he is spoken to with regard to his title deeds. In the city of Bombay, it is true that there are a certain number of large land owners who possess a large portion of the city. But there are a large number of what are called single house owners, people—a widow or a man who owns only a single house, part of which he or she occupies and part of which is let out. From the rent he or she maintains himself or herself. Just imagine a person in that position being called upon to appear before this gentleman of legal training and asked to show his possession. If it is disputed by anybody claimants may arise who would never have dreamt otherwise of questioning the right of the rightful person, and that he or she would be required to appear before this gentleman to show that he is entitled to beneficial ownership. What a burden you are putting upon the private owners and for a purpose in regard to which Government have no right to meddle at all? There are tribunals which go into these questions of disputed rights when the disputes arise. I do not know if Government have obtained the opinion of the Judges of the High Court. You will find that the percentage of disputed claims is very small, and for these few cases the Civil Court is the tribunal. They go to the Civil Tribunal and get their disputes decided. But here you enter upon an enquiry into all the properties in a large city like the city of Bombay and call upon them to prove their right of beneficial ownership all at once. As I said, Government have no right whatever to call upon any private owner except for certain public definite purposes like the survey and other things to do what is needful.

My honourable friend very glibly spoke of beneficial ownership. Take the question of an undivided Hindu family. What a difficult task it would be to settle it? Is the manager of the joint family to be put down, or all the persons interested or possibly all those occupying the house living together, are they all to be put down, and how long is this to be gone on with time after time, the registers being altered and changed and the thing carried on from year to year indefinitely?

My Lord, I have given no notice of any amendment at the first reading as I once intended to do, because I think it is possible to thrash out the matter in the discussion in the Select Committee, and therefore it is that I have given no notice of any amendment in regard to this point. But I do impress upon the Council that this Bill is far from being an innocent looking production which at first sight it appears to be, and it is not only not innocent, but I think it is likely, if carried out in the way in which it appears at present it might be, to do immense mischief, bring about immense agitation and throw a heavy pecuniary burden upon the citizens of Bombay which Government have no right to impose upon them. As I said, they are perfectly right in carrying out a survey for general purposes and for municipal purposes; they are perfectly right that they should have such a survey. But I say that, if this Bill tries to go beyond that purpose, it would be entering upon a function, which it is not the function of Government to enter upon, it would be meddling into private rights, it would be entering upon an inquisition of private titles and title deeds which no country does,—I won't say no country in the world because when I say that, it may be said "Oh there is Germany and Prussia", but I hope we have got rid of the fondness for imitating their methods, of following the Prussian models and German models as was once the vogue. I trust we shall no longer be enamoured of Prussian models and Prussian dictation (laughter).

The Honourable SIR RICHARD LAMB:—What about Scotland and London?

The Honourable Sir PEROZESHAH MEHTA:—There is no such thing as a Compulsory Register of Possession there.

The Honourable Mr. CURTIS:—I beg the Honourable Member's pardon.

The Honourable Sir PHEROZESHAH MEHTA continuing:—Well, I shall have the opportunity of pointing out at the proper time that my friend Mr. CURTIS is mistaken in thinking that any such thing exists in England or Scotland of the sort he imagines.

I venture to submit, My Lord, that if this Council embarks upon such an inquiry as is possible under the wording of section 19 in a country like this, and in a City like Bombay, with a population, Hindu and Mahomedan, with their different habits and their special laws, you will bring about such an agitation to which, as I said, there will scarcely be any other parallel. Take the case of a Mahomedan family. How will you discriminate whom to put on that Register of Possession? Well these are questions with which I will deal later on. I say that if you consider the conditions of Bombay life, if you consider the conditions of an enormous City like Bombay, if you press on this Bill with the object of securing a Register of Possession, you may call it a Record-of-Rights, I think you will bring a hornet's nest round your ears such as that of which we have no experience for very many years past indeed.

With regard to the rest of the Bill and with regard to the distribution of the cost, as I said, these details can best be settled when the matter goes to the Select Committee, and I know that my Honourable friend Sir RICHARD LAMB has asked me if I would serve on that Select Committee, and I have expressed my willingness to do so, though I should have preferred perhaps not to be so burdened because it is a matter which I feel essentially affects the interests of the City of Bombay, and I could not possibly refuse to serve on a Committee of that character.

With regard to the other question in reference to the distribution of the costs of the survey, as to the charges for giving maps of the different properties

to private people, this will have to be considered, whether such a thing should be compulsory or voluntary. If it is a useful thing for private parties to possess I have no doubt they will come forward voluntarily to ask for copies of those plans, but I am not quite sure yet whether it is wise to impose a compulsory burden upon every body to come forward and pay charges for securing the plans. This is a question which requires very careful consideration.

Then, My Lord, I come to the point which I first made, and that is that this is a Bill of very great magnitude in which it is necessary that the public should have ample time to consider the dimensions of the Bill. You cannot expect people, when the Bill was published only on the 2nd of November, to have gone into it thoroughly before it came before the Council to-day The Select Committee, if you appoint it at once, may sit at any time. There is nothing to restrict the Chairman of the Select Committee from calling it immediately after the Council closes, and very often such has been the case. This procedure will not give enough time for the purpose of enabling all the interested parties including the general public as well as the Press to really examine and make representations with regard to this Bill. And that was what made me to suggest whether such a course as I sketched out and which was followed in the Viceroy's Council might not be a useful course to take, that the appointment of the Select Committee should not follow immediately the adoption of the first reading of the Bill, but that the Select Committee should be appointed early in the next sessions, so that the parties interested and the public might have ample time to send in their representations which could then be considered by the Committee. What I say is that a Select Committee sitting in that way could receive all representations before commencing its deliberations. All the time that is required by our rules is 18 days before taking the report of the Select Committee in consideration and that will be within the time which the Council will occupy in the sessions and the Bill can be disposed of at that sessions without any further delay. However, this is only a suggestion which I throw out. This has been in my mind in connection with various other things in regard to which discussions had arisen as to the time which should be given for the purpose of enabling the public to make their representations, and very often I think my Honourable friend Sir RICHARD LAMB had to say that he will not call the Select Committee for such a period of time so that the parties may have time to make representations. It seems to me that the other course is a more definite course and the representations could be considered in the Select Committee. I have known of instances in which Select Committees have not considered the representations sent to them in this way. The representations have come sometimes perhaps a short time after the report had been drawn up by the Select Committee, and then of course the memorials were laid aside without being considered by the Select Committee. However, that is only a point which I have to throw out for future consideration, but I submit again that this is a Bill which requires very careful consideration and examination indeed.

The Honourable Mr. G. S. CURTIS said :—In view of the remarks which have fallen from the Honourable MOVER, I must ask the Council to bear with me if I go at some length into the history of the existing survey and, the circumstances under which it was originally undertaken. The existing survey of Bombay was started in 1865 on the initiative of Mr. Arthur Crawford, the Municipal Commissioner of the day, and carried out partly by subordinates of the Government Trigonometrical Survey under Col. Walker and partly by members of the Bombay Survey Department under Col. Laughton. The cost was rather more than rupees three lakhs and a half, of which the Bombay Municipality contributed the sum of over 50 thousand rupees. The completion of the map was followed by the preparation of a register designed to show the tenure of the land and the liability of the occupant to Government but the entries in this register were not based on any regular enquiry. They were filled up by an establishment of karkuns without any particular supervision. The survey and register were completed in 1874. In 1876 the Bombay City Land Revenue Bill (II of 1876) came before the local Legislative Council, and in the course

of the discussion upon it the Advocate General while he dwelt on the undesirability of enquiry into the titles emphasized the expediency of the Collector maintaining a register in which all transfers of title to land paying revenue to Government would be entered. This was the origin of section 30 of the present Land Revenue Act. In 1888 the present Municipal Act was passed. That Act contains a section, 149, which provides that all transfers of titles to premises paying property-tax shall be notified to the Municipal Commissioner. That section is, I believe, largely a dead letter owing to the want of a proper map and register.

The Honourable Sir PHEROZESHAH :—It is not a dead letter. It is actually being done.

The Honourable Mr. CURTIS (continuing) :—In 1890, the question of surveying Bombay once more came up for consideration. (I should mention that when Col. Laughton's survey was completed in 1874 it was said by experts that it would require revision in 15 years. In England maps of this sort are revised every 20 years.) The question was referred to Sir Charles Ollivant, who was Municipal Commissioner for many years, for his opinion, and he said that he was in favour of revision and considered it absolutely necessary to co-ordinate the Collector's map and the Municipal Register, there should in his opinion be one map and one register which should be kept up to date and show all details. The matter was the subject of correspondence for some years, but though the need of a fresh survey was fully established, financial considerations led to its being deferred. In 1908 Messrs. Barthalomew, the well-known map-makers of Charing Cross, brought to the notice of Government the inadequacy of the maps of Bombay and urged the desirability of bringing them up to date. As the result of that representation and under directions from Government the Collector of Bombay addressed a letter to the Municipal Commissioner from which I read the following paragraphs :—

> 4. The first question I would ask is does the Municipal Executive Engineer find the existing map so unsatisfactory as to render a revision urgently necessary and, if so, should that revision take the form of a fresh cadastral survey of the whole Island as indicated in the report, or would a partial revision suffice for municipal purposes? The second question is what proportion of the cost of revision is the Corporation prepared to meet?
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> 5. It has been suggested that a topographical map, showing merely roads, and public passages, also public buildings and Government and Municipal property, but not attempting to define the limits of private properties, would suffice for the needs of the public and the Municipality. Such a map could be prepared for about one quarter of the cost of the proposed cadastral survey. On this question also I request that I may be favoured with your opinion.
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> 6. In the event of a decision in favour of a complete cadastral survey it is suggested that a considerable portion of the cost might be recovered from the property owners by the levy of a cess fixed in proportion to the area of each property. A minimum charge of Rs. 5 for a holding containing less than 100 square yards, increasing by gradations to a maximum charge of Rs. 15 for a holding of over 4,000 square yards, is estimated to produce nearly 2¼ lákhs of rupees. In return for this charge it is suggested that the property holder should be given a plan of his holding drawn to scale and certified by the officer in charge of the survey as correct. The levy of this cess would require legislation. I am to invite your opinion on the desirability of undertaking legislation for the purpose.

In reply the Municipal Commissioner forwarded the opinion of the Heads of Departments and added his own. All were unanimous that a mere topographical survey would not be satisfactory and that a cadastral survey was absolutely necessary.

Now, Sir, there seems to be a certain amount of misunderstanding in the public mind as to what the expression "cadastral survey" really means. The word cadaster is derived from late Latin Capitastrum, and meant originally a poll tax. Later it was taken as equivalent to the expression terrana capitatio meaning the units of territorial taxation into which a province was divided for purposes of land tax. Finally it meant a register of the quantity, value, and ownership of land or property in a country.

The Municipal Commissioner then, Sir, opined for a cadastral survey. The same question was put to the Port Trust and to the Improvement Trust: both gave similar replies. Both said that they wanted (i) the map, (ii) a register of properties contained in that map.

On receipt of these replies further enquiries were made by Government as to whether a partial re-survey would suffice. It was then found that the maps of Laughton's survey were in a tattered condition, that the records of the original theodolite observations were lost and that with the exception of spasmodic efforts on the part of badly paid and badly supervised surveyors, no revision of the map worth the name had been carried out since it was completed in 1874. Government, on this, decided that a complete revision of the survey of Bombay was necessary. The next question arose as to the agency by which the survey was to be done. Many members of this Council who come from Mofussil towns, are familiar with our ordinary City surveys.

These surveys have of late years been taken up on a large scale at the request of the Municipalities. At the moment surveys are proceeding in Poona, Sholápur, Bársi, Gadag and there must be some 30 towns in which the survey is completed, in progress or likely to be undertaken in the near furture.

The Honourable Sir PHEROZESHAH MEHTA:—Under what Act?

The Honourable Mr. CURTIS (continuing):—Under the Land Revenue Code. But, Sir, it was found that the survey of Bombay was a far more difficult and complicated matter than the survey of a Mofussil town. The value of property in Bombay is so great that a very slight mistake in calculation may have most serious consequences. Hence Government decided not to employ Provincial Agency but to ask the Government of India to lend the services of surveyors from the Trigonometrical Survey. The Government of India were pleased to comply with the request, with the result that the estimates for the survey were prepared under the direct supervision of the Superintendent of the Government Trigonometrical Survey, to whom we are under great obligations for the personal interest which he has taken in the matter. The task of framing estimates was not an easy one. There was a complete lack of knowledge as to the outturn of work, which might be expected from the surveyors and above all whether it would be possible in the more crowded parts of the City to use the theodolite by day or whether it would not be necessary to "take sights" by night. Finally as a means of solving these differences it was decided to make an experiment in Girgaum. This experiment which was finished in March last was found quite satisfactory and furnished ground for supposing that the cost instead of being nearly 10 lákhs of Rupees would not exceed $6\frac{1}{2}$ lákhs. Having settled this point, the next question was what was to be done. It would have been more regular to have dismissed the experimental party and suspended proceedings until the necessary changes in the law had been made. But this would have involved useless expenditure. It was felt that it was better to expand the nucleus party of surveyors and proceed with the work without delay. This has been done and the result is that the survey of the estate as far as the north of Girgaum is now complete. Specimen sheets showing the new maps have been placed in the ante-room of the Council alongside with the maps prepared by Laughton dealing with the same areas. I venture to think that no unprejudiced person who examines them will be disposed to question the need for a re-survey.

I now come, Sir, to consider the principle of the Bill before the Council. I gather from the speech of the Honourable Sir PHEROZESHAH that he is not opposed to the re-survey and that he is prepared to support the first reading of

the Bill, subject to certain sections of it, more particularly section 19, being carefully examined by a Select Committee at as late a date as possible. I will now turn to section 19 and the expression there used *the Register of Possession.*

The Honourable Sir PHEROZESHAH :—It is styled elsewhere the *Record of Rights.*

The Honourable Mr. CURTIS (continuing) :—The Record of Right in possession. A cadastral survey as I said before postulates (i) a map, (ii) a register. It is for the Council to decide finally what this register shall contain. But I urge adherence to my original definition, a public register of the quantity, value and ownership of the real property in the given area.

Now as to the expression "beneficial possession", I can assure the Honourable gentlemen that I have never contemplated an elaborate enquiry into titles. If it will set his mind at rest on the point I should be quite willing to accept a proviso to section 19.

"*Provided* that from the Register of Possession there shall be no inference as to the title." What is wanted is to obtain a reliable list of the person's owning or occupying properties in Bombay. This list will be of the greatest possible utility to Government, to the Municipality and to the Port and Improvement Trusts.

The Honourable Sir PHEROZESHAH MEHTA :—You do not require a list for Municipal purposes at all.

The Honourable Mr. CURTIS :—That is a point which I must ask the Honourale Member to settle with the head of the Municipal Executive.

The Honourable Sir PHEROZESHAH MEHTA :—He is the head of the Municipal Executive but not the Municipal representative.

The Honourable Mr. CURTIS :—As I say I am quite ready to accept a proviso to section 19 that there shall be no inference as to title. From my point of view an enquiry into titles is quite superfluous. The Registers prepared for Laughton survey by mere karkuns without any regular enquiry have according to judical pronouncements acquired a very high value. I am sanguine that our Registers, based as they will be on a formal enquiry held by an officer of high attainments, will ripen in course of time into a credence of title which will be very valuable indeed.

I now turn to Sir PHEROZESHAH'S remarks regarding the registration of title in England and Scotland. The point is not very material for the purposes of the present discussion, but I can assure him that when he says that there is no registration of title in England or Scotland he is wrong. I can show him, if he cares to read them, a whole series of reports regarding registration of titles in England and if he likes to turn to the front page of the Times Newspaper, he will find advertisements inserted by the Registrar of Middlesex giving notice of applications for registration with absolute title.

The Honourable Sir PHEROZESHAH MEHTA :—Is this registration compulsory or voluntary ?

The Honourable Mr. CURTIS :—Compulsory as regards the County of Middlesex. Turning to the Mofussil we have, as I have already said, carried out City surveys in several places under sections 131-132 and following sections of the Land Revenue Code and Rule 82 of the Rule under section 214 of that Code. The procedure there is practically the same as that which we intend to adopt for Bombay. First of all a map is prepared. Next an enquiry officer is appointed who draws up a register. Entries in that register hold good as between Government and the Municipality on the one hand and the public on the other unless they are questioned by a Civil Suit brought within one year of the completion of the Register.

The Honourable Sir PHEROZESHAH MEHTA :—Do they affect the Revenue.

The Honourable Mr. CURTIS:—City surveys are not as a rule undertaken for fiscal purposes. In 99 cases out of 100 land in the urban area to which City Surveys are offered pays no revenue to Government. From a Revenue Officer's point of view it is unfortunate that the provisions of the Land Revenue Code in this respect cannot be applied to Bombay City. If they could, sections 131-132, etc., could be applied without further ado. As they cannot, we have to pass a special Act, and we have gone to Calcutta for our model.

As regards the additions to that Act which appears in our present Bill I contend that no more have been made than are necessary to make the Bill harmonize with the Supplementary Bill IX of 1914 and provide for the proper maintenance of the Survey Register. The Honourable member has read a letter from the Municipal Commissioner in which he remarks that an enquiry into disputed cases will be conducted by a gentleman with legal training. What is there to object to in this? If the enquiry were to be conducted by a Revenue Officer, it would at once be impugned on the ground of revenue bias.

Sir, I will not trouble the Council with my remarks any longer. I urge that this measure is one of very great utility, and of supreme necessity for the efficiency of the Municipal administration, for the operations of the Improvement Trust and for the proper development of this great City, of which we are all so proud. I therefore ask that it may be read a first time.

The Honourable Sir RICHARD A. LAMB said :—Your Excellency,—I propose to detain the Council for a very few minutes. After the somewhat impassioned rhetoric of my Honourable friend Sir PHEROZESHAH MEHTA, and after the somewhat diffuse speech of my Honourable friend Mr. CURTIS, it will not be proper to detain this Council long, especially as I understand that there is no objection to taking the first reading of the Bill.

I do not find myself entirely able to appreciate the grounds on which the Honourable Sir PHEROZESHAH MEHTA anticipates a terrific outbreak of distress and distrust discomfort and inconvenience to the landholders in Bombay. It seems to me that it is not necessary to assume that because a Register of Possession is to be framed that there will be a detailed inquiry into the titles of all persons holding lands. I presume that in any survey whatever when the plots of land are measured, demarcated and mapped there must be formed some list of those plots of land, and I presume that there must in all cases be entered against each item in the list some person's name. Personally I do not know of any survey that has ever come under my observation in which there is not such a list. There is always such a list in which there is an indication of whose holding the particular plot is. Such a list may properly be called a Register of Possession, or a Record of Possession, and I cannot myself understand how an entry of the actual possessor, the beneficial possessor, or whatever term you apply to the names entered in the register of plots which have been demarcated and mapped,—how the entry in the name of the actual possessor can be regarded as likely to cause immense disturbance and to involve inquiry into all the titles of all the landholders in Bombay. I cannot understand how if there be such a trouble imminent it has not already arisen since the year 1876, because in that year it was laid down that the Collector of Bombay should maintain such Registers as were necessary for recovering the revenues of Bombay; that the revenue was recoverable in the first instance from the superior holder, and it was also laid down that whenever there was any change in title,—the word "title" is used in the definition of superior holder,—whenever the title to any land, house or other immovable property was transferred or assigned, both the person by whom and the person to whom such property was transferred or assigned should give notice of the same to the Collector. That at the present time is being done by the Collector of Bombay, and ever since the year 1876 the Collector of Bombay has been keeping a list of persons, with their title as superior holders, who hold lands in the City, and the people holding these lands have been obliged to give notice to the Collector of any transfers or changes in their title.

This has been in force now for all these 38 years, and as yet no disturbance whatever has arisen. Similarly you find in the Municipal Act there is a section laying down, I think it is section 156, that a Register is to be kept of the persons primarily liable for the payment of Municipal taxes. The Commissioner keeps an Assessment book in which he enters the names of the persons primarily liable for the payment of property taxes. Under section 146 the person primarily liable is the actual occupier of the premises if he holds the premises immediately from Government or from the Corporation or from a fazendar. Otherwise the taxes shall be primarily leviable, if the premises are let, from the lessor; if the premises are sub-let, from the superior lessor; and if the premises are unlet, from the person in whom the right to let the same vests, that is the person in whom the title rests. Therefore the Municipality at least since the year 1888 has been maintaining a Register in which the title to the land is entered, and under section 149 of the Municipal Act the persons entitled have to give notice to the Commissioner of any transfer of title. So that first under the Bombay City Land Revenue Act and next under the Municipal Act there are at present in existence two Registers, one kept by the Collector and one by the Municipal Commissioner, of lands in the City of Bombay in which the names of people who are entitled to hold them are entered, and a notice has to be given by them to the Collector and the Commissioner of every change or transfer of title in those lands. All that is proposed to do now is to have under the survey of Bombay one record of the possession of these lands; and it is hoped that this Record of Possession of the lands which are now surveyed, demarcated and mapped will be of such a quality that both the Collector of Bombay and the Municipal Commissioner will be able to refer to it as something authoritative for the purpose of filling in their own entries for collection of the land revenue and for the collection of the Municipal tax. That it will become at once and straightaway a Record-of-rights, I do not myself regard as probable. What kind of possession it is which will cause a person's name to be entered in the register, is a point which the enquiring officer will have to determine.

A form of Register has been suggested,—it has not been finally adopted, it was suggested by the Committee to which the Honourable Mr. CURTIS referred on which he himself sat, and on which we had the benefit of the advice of the Honourable Mr. HATCH, who is now here, and of the present Solicitor to Government, the Honourable Mr. NICHOLSON. They suggested a form of Register to contain the new Survey number, Laughton's survey number, Sheet number of map, Area in square yards, description of tenure, name of person (certified at survey) in beneficial ownership, nature of beneficial ownership, name of person from whom title immediately derived, original grant (if any) from Government, and date, land revenue due to Government, ground-rent due otherwise and the reference to mutation register. Then they go on to suggest the form of the Mutation Register. Therefore, Sir, it seems to me that the fear which my Honourable friend expressed that very great hardship, consternation, distress and inconvenience will be caused to the land-holders in Bombay rests on no substantial basis, and I venture to suggest with all respect that it is a fantastic dream. Any way I am glad to recognise that my Honourable friend is willing to thrash out the matter in the Select Committee, and does not wish to oppose the first reading.

As regards the time which has been given to the public for the consideration of this Bill, I may say that the procedure for the conduct of Bills in the Viceroy's Legislative Council is laid down by rules applicable to that Council, and the procedure for conducting Bills in this Council is laid down by a separate set of rules for this Council, that the two sets of rules do not coincide, and that if we were to adopt the procedure followed in the Viceroy's Council we shall have to revise our rules.

The Honourable Sir PHEROZESHAH MEHTA.—No, no. You can do it under your present rules.

The Honourable Sir RICHARD LAMB.—My Honourable friend does not agree with me in this respect, but my own opinion is that we could not do it. I have not studied the point very closely, but at any rate time is given under our own procedure by an adequate lapse of time between the publication in the Gazette and the taking of the first reading, and then by calling together the Select Committee at a reasonable date after the first reading has been taken. As I have already informed my Honourable friend privately, I do not propose to proceed with the Select Committee on this Bill until some time in January,—I should like to have it some time between the 8th and the 15th of January. I think, therefore, Sir, that the first reading of this Bill may now be passed.

His Excellency the PRESIDENT said:—I think Honourable Members will agree that we have had a very interesting discussion on this Bill which deals with a very important question for the City of Bombay, but before going into its merits I would like to refer to certain suggestions which have been made as to giving more time for consideration of this Bill in its future stages. I venture to suggest that as my Honourable colleague proposes to postpone the session of the Select Committee until the middle of January that will allow every one ample time to consider the Bill and give everyone full opportunity of carefully weighing its provisions. For, after all, the controversy on the Bill is really a very small matter. It is a question as between the 2 terms "Record of Rights" and "Register of Possession". I notice at the beginning of his speech my Honourable friend Sir PHEROZESHAH MEHTA gave us an interesting parallel of a Bill which was brought into this Council in 1904, at the time Lord Lamington was Governor of this Presidency, and when, I gather, he was overwhelmed with the oratory of my Honourable friend—

The Honourable Sir PHEROZESHAH METHA:—No, Sir, by the arguments.

His Excellency the PRESIDENT:—Well, I give my Honourable friend the full benefit of his arguments—and that Lord Lamington was so overwhelmed that he withdrew the offending clause in the Bill after consulting his colleagues. I almost think my Honourable friend thought that history would repeat itself in this case and hoped that I would take my colleagues into consultation and withdraw the offending portion of this Bill, but the fact is that Lord Lamington was "a new boy," and I have had opportunities of listening to my Honourable friend before now, and I am able to withstand his eloquent suggestion. Honourable Members will agree that we want to have a Map of Bombay. From my Honourable friend Sir PHEROZESHAH MEHTA, I gather, the Map of Bombay should contain public grounds, public places and buildings of all sorts, but that the names and holdings of owners of private properties should not be included in this map.

The Honourable Sir PHEROZESHAH METHA:—No, No.

His Excellency the PRESIDENT:—I should like the Honourable Member to tell me what it is he wishes for.

The Honourable Sir PHEROZESHAH METHA:—My Lord, what I say is, in the survey, include all properties in the City of Bombay, their boundaries, all the public roads, and all the public places which belong either to Government, to the Corporation, the Improvement Trust, or to the Port Trust. The important thing is that no encroachment should take place. It is essential to put down boundaries of all properties, private properties included, and I do not dispute about it in any way.

His Excellency the PRESIDENT:—Then I think I am right in my view of my Honourable friend's position. He wishes to have absolutely clear boundaries as between private property and public property laid out but as regards boundaries between one private property owner and another that no enquiry should be made in order to define such boundaries, while our desire under this Bill is to have a full and complete map of the City of Bombay, with public and private ownerships clearly defined.

I really fail to see the objection to the inclusion of private ownerships in this survey, for speaking with some personal experience as a property-owner at

home every field, every building, and every house of my own property is defined with my name on the maps and with clear boundaries as between my property and the various private owners who own property round me. It seems to me that for Municipal and other purposes of this or any other City, some map of this sort is a most desirable thing, and I have a firm hope that this Bill will emerge from the Select Committee under the same favourable circumstances as the Bill which we discussed this morning. I do not know if my Honourable friend Mr. CURTIS is likely to be on the Committee but I hope that if he is, he and my Honourable friend may be able to discuss this point of difference and smooth away any difficulty which may exist and that this Bill will prove to be in the future of real value and utility to the City of Bombay.

Bill read a first time.

Motion for the first reading of the Bill was then put to the vote and carried.

Appointment of the Select Committee.

The Honourable Sir RICHARD A. LAMB said:—Your Excellency,—I now request that the Bill may be referred to a Select Committee consisting of all the elected members of this Council who come from the City of Bombay and a few more, namely: the Honourable Sir PHEROZESHAH MEHTA, the Honourable Mr. CHINOY, the Honourable Mr. MANMOHANDAS RAMJI, the Honourable Mr. SETALVAD, the Honourable Mr. BIRKETT, the Honourable Sir JAMSETJEE JEEJEEBHOY, the Honourable Sir FREDRICK SPROTT, the Honourable Mr. HATCH, the Honourable Mr. CURTIS, the Honourable Mr. CARMICHAEL and myself, with instructions to report by the 31st of January 1915.

The Honourable Sir PHEROZESHAH MEHTA:—It will give a very short time.

The Honourable Sir RICHARD A. LAMB, continuing:—I suggested the 31st of January because I thought that it was possible that we could meet early in January, and that we should be able to get through our discussion and have the report published before the 31st of January, so that the Bill as revised by the Select Committee might be before the public for the period between its publication and the meeting of this Council on or about the 13th March. If we get it out before the 31st of January, that will give six weeks before the publication of the Bill as revised by the Select Committee, and the meeting in March.

The Honourable Sir PHEROZESHAH MEHTA:—I would suggest, My Lord, 15th of February. Time should be given to the public to make their representations. If the report is made by the 15th of February, there will be time enough for the public to consider and make representations by the end of March.

The Honourable Sir RICHARD LAMB:—I have no objection to have it by the 15th of February. I suggested 31st January because it appeared to me we have from now to the middle of January a whole month. In that time the public could consider the matter further, and make any representations if they wished to before the 8th or 10th of January. Then the report would be before the public for full six weeks. If six weeks is too much and it is better that they should have a longer time before the Select Committee publish their report, I do not mind. We will alter the date, and say with instructions to report by the 14th of February.

Bill referred to a Select Committee.

The motion was then put to the vote and agreed to.

BILL No. IX OF 1914 (AN ACT FURTHER TO AMEND THE BOMBAY CITY LAND REVENUE ACT, 1876).

His Excellency the PRESIDENT:—A Bill further to amend the Bombay City Land Revenue Act. The Honourable Sir RICHARD LAMB.

The Honourable Sir RICHARD A. LAMB in moving the first reading of the Bill said:—Your Excellency,—This Bill is auxiliary and subsidiary

to the Bill which the Council has just read a first time. I propose that this Bill be also read a first time, and that as soon as it is passed that it also be referred to the same Committee.

Bill read a first time. The motion was put to the vote and carried.

Appointment of the Select Committee. The Honourable Sir RICHARD A. LAMB:—Your Excellency,—I propose that this Bill also be referred to the Select Committee consisting of the same Members as the Committee to which Bill No. VIII has been referred, with instructions to report by the same date.

Bill referred to a Select Committee. The motion was put to the vote and carried.

BILL No. X OF 1914 (AN ACT TO DECENTRALIZE AND OTHERWISE TO FACILITATE THE ADMINISTRATION OF CERTAIN ENACTMENTS IN FORCE IN THE PRESIDENCY OF BOMBAY).

His Excellency the PRESIDENT:—A Bill further to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay. The Honourable Mr. PATTANI.

The Honourable Mr. PRABHASHANKAR D. PATTANI said:—Your Excellency,—I beg to introduce the Bill to decentralize and otherwise to facilitate the administration of certain enactments. The Royal Commission on Decentralization submitted their report in 1909, and since that date the Government of India and the Local Governments have been gradually carrying into effect the various proposals of the Commission. There was considerable discussion on the question whether there should be a general Decentralization Act or specific Decentralization Acts, that is Act specifying the particular sections in which amendments should be made. It was finally decided that the latter course was preferable, and accordingly a Decentralization Bill has been introduced and passed in the Imperial Council, and similar Bills will be passed in the Local Councils. Thus the Madras Decentralization Bill was introduced in the Madras Legislative Council last June and we take ours in hand to-day.

A full account in justification of the Bill has been given in the Statement of Objects and Reasons, and as the provisions of the Bill consist of details which will be studied by the Select Committee, I will not discuss them at present; I would only point out that the necessity for giving more powers to the Divisional Commissioners has long been felt. Hitherto the Commissioner has had to refer for the orders of Government various local matters, such as those dealing with Sanitary Committees, which he could easily dispose of himself. The delegation of the powers mentioned in the Bill will make both for efficiency and for expedition in the administration of the country. I move, Your Excellency, that the Bill be read a first time.

Bill read a first time. The motion for the first reading of the Bill was then put to the vote and carried.

Appointment of the Select Committee. The Honourable PRABHASHANKAR D. PATTANI said:—Your Excellency,—The Bill having been read a first time, I move that a Select Committee be appointed consisting of the Honourable Mr. CURITS, the Honourable Mr. HATCH, the Honourable Rao Saheb NAIK, the Honourable Mr. UPASANI, the Honourable Rao Bahadur RAMANBHAI, the Honourable Mr. BELVI, the Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, and myself, with instructions to report by the 15th of January.

The Honourable Mr. UPASANI:—I should suggest, my Lord, before the 31st of March.

The Honourable Mr. PATTANI:—I propose that we should sit as soon as possible after this Council is over, so that the Members now present in Bombay may sit on it. The idea is to consider this Bill as soon as the Council is over.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI said:—Your Excellency,—This Bill refers to 10 Acts and it was published for the first time in the *Government Gazettee* only on the 12th November. Strong objection has already been taken by the Honourable Sir PHEROZESHAH MEHTA in connection with the Bombay City Survey Bill that the time allowed was not sufficient for the expression of public opinion. Therefore it would not be proper to commence the deliberations of the Select Committee immediately and I pray that a longer time should be allowed for submitting the report of the Select Committee. I leave it to Your Excellency to fix the time so as to be sufficient for the public to consider the provisions of the Bill and to submit their representations if they wish to make any.

His Excellency the PRESIDENT:—I think a Select Committee should be appointed to consider this Bill and submit their report by the 15th of February.

Bill referred to a Select Committee.

The motion was put to the vote and carried.

BILL No. VI OF 1914 (AN ACT TO AUTHORIZE THE LEVY OF DUES ON VESSELS FOR THE PROVISION OF LIGHTS ON THE COAST OF THE PROVINCE OF SIND).

His Excellency the PRESIDENT:—Bill No. VI of 1914. An Act to authorise for the levy of dues on vessels for the provision of lights on the Coast of the Province of Sind. The Honourable Mr. HILL.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—In proposing that Bill No. VI of 1914, a Bill to authorize the levy of dues on vessels for the provision of lights on the Coast of the Province of Sind, may be read the first time, I venture to think that I shall not be charged with making an unreasonable proposal. In the case of this particular Bill, the provisions are taken bodily, and without any subtle exceptions or additions, from a pre-existing Act which has worked for 10 years in Madras, and I shall if the first reading be carried, then suggest that it be referred to a Select Committee chiefly composed of gentlemen in Sind, with the suggestion that we should sit almost immediately to consider it. The Bill, as Honourable Members will see, follows clause by clause the Madras Coast Lights Act of 1904 (Act IX of 1904) relating to the lighting of the Coast of the Presidency of Madras; with one single exception. In clause 3 of the Madras Act a schedule is given which details the different circumstances under which different rates of dues are levied in respect of vessels coming from different directions. It will be obvious, I think, to Honourable Members that in the case of Madras Coast Lights, which relate to the lighting of Coasts over many miles on the East and West of India, the circumstances are entirely different to those relating to the Coast of the Province of Sind. In the Statement of Objects and Reasons are detailed the lights which are in existence now in the Coast of Sind, and which are proposed to be brought under the operation of the Bill in question. Therefore the details of clause 3 in the present Bill simply say that "For the purpose of providing lights on the Sind Coast ..... (Reads)".

The Honourable Mr. HILL moves the first reading of Bill No. VI of 1914.

Well, Sir, that is the only respect in which this Bill differs from the Madras Act, except that the minimum tonnage of vessels in this Bill which will come within its operation is 45 tons, whereas in the Madras Act it is 30 tons. Otherwise, this Bill slavishly follows the Madras Act. The general outline of it is that vessels exceeding 45 tons making use of the ports notified by the Commissioner in Sind shall pay dues (below a certain maximum) at a rate fixed by the Governor in Council and notified in the *Sind Official Gazette* and that the dues for sailing vessels shall not be more than half the rate for steam vessels. The remaining clauses refer to procedure, to seizure in default of payment of light dues and to the usual penal clauses. I do not think, therefore, Sir, that, until the Select Committee has examined the Bill it will

be necessary to enter upon a discussion of the provisions of the Bill, and I suggest that the Council should agree to the Bill being read for the first time now with a view to being referred to the Select Committee.

The Honourable Mr. HARCHANDRAI VISHINDAS said :—Your Excellency,—The first suggestion that would strike one as quite germane to a Bill of this nature is that it is quite necessary to consult the people who are affected by the imposition of the fees. Now I dare say that it is just possible that the Government will be able to make out a good case for the levy of the fees. But at present I am afraid I do not find myself in possession of sufficient data to decide upon this question with authority. The mere example that has been quoted to us as justifying this enactment is the provision on the Madras coast. I am sorry to say that I am not familiar with the provisions of that Act, but apart from that we are not told of any other instance in which fees of this kind have been levied for the provision of lights. I do not know whether the provision of lights in big ports like Bombay or Calcutta has necessitated the levy of fees of this nature. It may or may not be the case. But at all events I am strongly of the opinion that this is a case in which some further time should be allowed to the parties concerned before even the first reading of the Bill is passed, for the main reason that it is obvious that the main provisions of this Bill relate to the levying of fees. Secondly, if you pass the first reading of the Bill, you will be directly committing yourself to the position that the levy of fees is at least necessary, the other question of details being left to be determined by the Select Committee at the second reading. If, on the other hand, it appears to you from enquiries and from representations that might be submitted to the Council by the boat-owners and the owners of other crafts concerned from whom all this fees will be levied, that they have made out a case for exemption, and if the Council is convinced of it, then I submit, Your Excellency, even the first reading should not be passed. I am not aware if any such objections were invited from the boat-owners and other people concerned in Karachi, and if they were, I do not know whether they have submitted any objections. However, I think that this is a case in which even the first reading of the Bill should not be undertaken until the Council has had the opportunity of knowing that the parties concerned have been consulted and what reply they have submitted, in which case there will be a very good case for the levy of the proposed fees. On the other hand, if they have made objections, I think it is necessary for the Council to investigate into the validity of the objections and their soundness, and if after this the Council is convinced that the objections are not sound, then the first reading may be passed and the Bill proceeded with. If that course does not appeal to this Council, there is another course, and that is this, that the Select Committee should have power to consider objections of the nature I suggest, but even then there will be this objection, as I have said already, you will have admitted the principle of the levy of this fees, and then the course I am suggesting will be entirely nugatory and futile. I therefore, with these few remarks, place this consideration before Your Excellency that the first reading be postponed allowing the interval for the public opinion to develop.

The Honourable Mr. MONTAGU DE POMEROY WEBB said :—Your Excellency,—Speaking on behalf of the Shipping and Commercial Communities of Karachi I heartily welcome this Bill which may be regarded as the coping stone of 7 years' sustained and persistent representations from Karachi for the better lighting of the Sind Coast. I hope my Honourable friend Mr. HARCHANDRAI will be satisfied if I explain that so far as the Indian merchants and the Karachi Chamber of Commerce are concerned Government have already submitted the first draft of the Bill nearly a year ago and the Shipping and Mercantile Communities have approved of the Bill and expressed their willingness to defray whatever fees are necessary in order to obtain a proper lighting of the Coast of Sind. The Bill appears to be in every way satisfactory. The lights which it is proposed to supply are, as far as we are able to judge, quite in order, indeed, and the light which has already been showing for some

months at Cape Monze is generally recognized by shipping people to be one of the finest lights East of Suez,—a very good light indeed. I hope therefore that this Council will agree to the first reading of the Bill. When it goes to the Select Committee, there are one or two minor matters such as the minimum of tonnage on which fees should be levied, and also the period or frequency at which fees should be levied that will need consideration. These matters can be dealt with by the Select Committee. Meantime, I strongly deprecate any postponement of the first reading of the Bill which I would now ask the Council to read for the first time.

The Honourable Mr. W. L. GRAHAM said:—Your Excellency,—Speaking on behalf of the Shipping interests, I heartily endorse the words which have fallen from my Honourable friend Mr. WEBB. We had this Bill already under consideration I think since 1906. The Bill was thoroughly considered by the Karachi Chamber of Commerce, and, as I said before, on behalf of the shipping and trading interests of Karachi, I cordially agree with all their proposals except one or two small points which will be thrashed out in the Select Committee. I therefore suggest that the first reading should be gone through.

The Honourable Mr. JEHANGIR H. KOTHARE said:—Your Excellency,—I heartily endorse every word that has fallen from the lips of the Honourable Mr. WEBB in connection with the lighting of the Sind Coast. The necessity is felt most keenly for years past and so forcibly pointed out to the public by late Commander HOOD, one of the most experienced navigators who visited the Sind Coast regularly for years, and other masters both Europeans and Natives, and the sooner we deal with this important Bill the better.

The Honourable Mr. C. H. A. HILL said:—Your Excellency,—I regret that I did not make it clear in my introductory remarks that this Bill was the result of consultation and references to and from the Karachi Chamber of Commerce to the Commissioner in Sind and that it has been ascertained that it represented the wishes of the Shipping Community. I think, Sir, if I had made this clear my Honourable friend Mr. HARCHANDRAI would probably have omitted to criticize from that point of view the taking of the first reading of the Bill.

As regards the principle of the levy of fees, it has been properly said that it rests upon the principle that the general tax-payer should not pay the charges of maintenance of services which are for the benefit of a particular class, and that that class should contribute. The construction of these lights, at all events, has been carried out at provincial expense; but it is for the upkeep of the lights that it is now proposed to levy fees from those who benefit by the institution of these lights. I shall be very glad indeed to ask my Honourable friend Mr. HARCHANDRAI to assist me on the Select Committee. I am quite prepared to promise, if it is so desired by the Select Committee, or, in any case, that this Bill, with such amendments as may be introduced in the Select Committee, shall, after publication, be specially referred again to the Karachi Chamber of Commerce, and such other bodies as may be best qualified to advise us in regard to the Bill. In these circumstances, Sir, I think, I may venture to move the first reading.

Bill read a first time.

The motion was put to the vote and carried.

Appointment of the Select Committee.

The Honourable Mr. C. H. A. HILL:—I should like to propose now that the Bill be referred to a Select Committee consisting of the following members:—

The Honourable the ADVOCATE GENERAL,

The Honourable Mr. T. W. BIRKETT,

The Honourable Mr. HARCHANDRAI VISHINDAS,

The Honourable Mr. J. H. KOTHARE,

The Honourable Sir FREDERICK SPROTT,

The Honourable Mr. MONTAGU DE POMEROY WEBB, and myself,

with instructions to report at convenience.

Bill referred to the Select Committee.

The motion was then put to the vote and carried.

The Honourable Mr. HARCHANDRAI VISHINDAS said:—Your Excellency,—As the Honourable Member in charge of the Bill had consulted me in the morning if I would serve on the Select Committee, I had consented to it, but if it is intended to meet just now it will not be convenient for me, but if it is intended to meet on some other day, then I would suggest, to carry out the object that I have in view, that some other time be fixed, for the reason that the interval I intend to utilise by making inquiries of the people I have got in contemplation about whom I spoke on the motion of the first reading, that is, the owners of small boats and other crafts who are affected by the Bill. When the Honourable Mr. WEBB said——

His Excellency the PRESIDENT:—Order, Order. The Honourable Member cannot go into a dissertation of the Bill now. He may talk about the Select Committee.

The Honourable Mr. HARCHANDRAI VISHINDAS:—I was suggesting that in that case my name be taken off. My own point is that fees should not be levied without consulting the people concerned. I was elaborating that point. If it is intended to meet immediately and submit the report, then I am afraid I cannot serve on the Select Committee unless I acquaint myself with the wishes of the parties who would be affected by the provisions of this Bill.

The Honourable Mr. C. H. A. HILL:—When I spoke to the Honourable Member this morning, I suggested that we should sit tomorrow, Thursday, and submit the report immediately, and I still propose that.

The Honourable Mr. HARCHANDRAI VISHINDAS:—May I give an explanation? As this is a matter of levying fees on which I would be consulted, I think it would not be proper to give my consent to serve on the Committee unless I consulted the parties concerned. Therefore if my name is taken off, there is an end of the matter. If my name is to be retained, then I would not agree to the proposal of the report being submitted soon.

The Honourable Mr. C. H. A. HILL:—May I understand that the Honourable Mr. HARCHANDRAI proposes not to serve on the Select Committee?

The Honourable Mr. HARCHANDRAI VISHINDAS:—Quite so.

The Honourable Sir RICHARD A. LAMB spoke as follows:—Your Excellency,—I regret that in suggesting the names of the Select Committee to sit on the two Bills a little while ago, I entirely by oversight omitted to mention the name of of the Solicitor to Government, and I fully intended all the time that he should be asked to sit on the Select Committee. I now propose that the name of the Honourable Mr. NICHOLSON be added to that Select Committee.

The motion was put to the vote and agreed to.

The Honourable Sir RICHARD A. LAMB said:—Your Excellency,—I have one more request to make in respect of the Select Committee on the Gujarat Talukdars' Bill. The Honourable Mr. BARROW having resigned his seat on this Council, his place on the Committee is vacant, and in order that it may be filled, I request that the Commissioner, N. D., may be appointed a Member of that Select Committee.

The motion was put to the vote and carried.

His Excellency the PRESIDENT in closing the session of the Council said:—In adjourning this session of the Council I have once more to thank

Honourable Members most sincerely for the help and assistance they have given me during the session, and I can assure them that these are no empty words, for I appreciate very fully the constant assistance and consideration that I have received from Honourable Members, in my responsible position during the last two years. We have passed one most important Bill but I dare say Members are not sorry that our session has not been quite of such length as on the last occasion. May I say in conclusion that I am sure it is the wish of every Honourable Member in this Council, the deep and sincere wish, that our political sky may be clearer ere long, and I trust that on the next occasion we shall again meet under the same pleasant and though not always unanimous still united circumstances as we have always met on previous occasions.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,
Acting Secretary to the Legislative Council.

Bombay, 9th December 1914.

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PART VII.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Sindhi and the translation to be published in the "Sind Official Gazette". The date of publication to be reported.)

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind and the Bill as amended by the Select Committee, are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Legislative Council, published for general information :—

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. VI OF 1914.

(A Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind.)

We, the Members of the Select Committee to whom the Sind Coast-lights Bill has been referred, have examined the Bill and have the honour to report as follows :—

In respect of clause 3 of the Bill we are of opinion that the minimum tonnage fixed in the Bill should be adhered to ; but we recommend that, before the Bill comes on for second reading, the Governor in Council should institute inquiries with a view to ascertaining what is the prevailing tonnage of the vessels which trade at Keti Bandar, what is the total tonnage that will be liable to payment under the Bill at Keti Bandar, and what is the total amount of the fees that will be payable at Keti Bandar if the rate is to be 3½ pies per ton. Should this inquiry result in disclosing as a fact that the fees to be levied at the above rate under the

Bill are likely to produce a revenue higher than what is requisite for the up-keep of the light that may be installed at the mouth of the Indus, we should be prepared to recommend a lowering of the rate of the vessels which trade at Keti Bandar.

We have made two purely verbal amendments in the Bill in clauses 3 (*l*) and 4 (*b*).

(Signed) C. H. A. HILL.
(„) M. R. JARDINE.
(„) F. L. SPROTT.
(„) M. de P. WEBB.
(„) T. W. BIRKETT.
(„) JEHANGIR H. KOTHARI.

Bill No. VI of 1914.

An Act to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind.

(As amended by the Select Committee.)

WHEREAS it is expedient to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind; it is hereby enacted as follows:—

1. (*1*) This Act may be called the Sind Coast-lights Act, 191 .

Short title and extent.

(*2*) It extends to the whole of the Province of Sind.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(*a*) "Customs Collector" means a Customs Collector appointed under the Sea Customs Act, 1878, and includes any person appointed by the Commissioner in Sind to discharge the functions of a Customs Collector under this Act; and

(*b*) "ton" means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of British ships.

3. (*1*) For the purpose of providing lights on the ~~Sind coast~~ *coast of the Province of Sind*, coast-light dues shall be paid in respect of every vessel of the burden of forty-five tons or upwards arriving at or clearing out of any port, within the Province of Sind, notified in this behalf by the Commissioner in Sind.

Imposition of coast-light dues.

(*2*) The said dues shall be paid at such rates, not exceeding 9 pies per ton as the Governor in Council may, from time to time, fix by notification in the *Sind Official Gazette*, provided that sailing vessels shall not be chargeable at more than half the rates which would be chargeable if they were steam-vessels.

(*3*) The said coast-light dues shall be paid—

(*a*) in the case of a vessel clearing out of a port in Sind, previous to the grant of port-clearance; and

(*b*) in the case of a vessel arriving from a port outside Sind at a port in Sind, immediately upon her arrival in such port:

Provided that, when coast-light dues have been paid, in accordance with the provisions of this Act, in the case of any vessel, no further coast-light dues shall be payable in respect of that vessel for a period of thirty days from the date on which such dues were paid.

4. The Customs Collector shall levy the coast-light dues payable under section 3, and shall grant to the person paying the same a receipt in writing under his hand specifying—

Collection of coast-light dues, and grant of receipt therefor.

(*a*) the port at which the coast-light dues are paid;

(*b*) the amount paid; *and*

(*c*) the name, tonnage and other proper description of the vessel in respect of which the payment is made.

5. Within twenty-four hours after the arrival in any port of a vessel in respect of which coast-light dues are payable under section 3, the master shall give notice in writing of such arrival to the Customs Collector.

Master to report arrival of vessel.

6. In order to ascertain the tonnage of any vessel in respect of which coast-light dues are payable under section 3, the following rules shall be observed, namely:—

Ascertainment of tonnage.

(*a*) Where the vessel is registered under any law for the time being in force in British India, the Customs Collector may require the owner or master, or any other person having possession of her register, to produce such register for inspection; and, if any such owner, master or other person neglects or refuses to produce such register or otherwise to satisfy the Customs Collector as to what is the true tonnage of the vessel in respect of which such coast-light dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the Customs Collector may cause the vessel to be measured and the tonnage thereof to be ascertained; and

in such case the owner or master shall also be liable to pay the expenses of such measurement and ascertainment.

(*b*) Where the vessel is not so registered, and the owner or master fails to satisfy the Customs Collector as to what is her true tonnage according to the mode of measurement prescribed by the law for regulating the measurement of British registered vessels for the time being in force, the Customs Collector shall cause the vessel to be measured and the tonnage thereof to be ascertained according to such mode as aforesaid; and in such case the owner or master shall be liable to pay the expenses of such measurement and ascertainment.

Recovery of coast-light dues, expenses and costs.

7. Where the master of any vessel refuses or neglects to pay to the Customs Collector on demand the amount of any coast-light dues or expenses payable under this Act in respect of such vessel, the Customs Collector may seize the vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of such dues or expenses is paid;

and in case any part of such dues or expenses, or of the costs of such seizure and detention, remains unpaid for the space of five days next after any seizure so made, the Customs Collector may cause the vessel or other thing so seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses and costs (including the costs of sale) remaining unpaid, and shall, on demand, render the surplus (if any) to the master of the vessel.

No port clearance to be granted until coast-light dues, expenses and costs are paid.

8. The officer whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her master or some other person has paid, or secured to the satisfaction of the officer, the amount of all coast-light dues, expenses and costs payable in respect of the vessel under this Act, and of any fine imposed thereunder.

Penalty for evading payment of coast-light dues, expenses or costs.

9. Whoever, being the master of a vessel, evades, or attempts to evade, the payment of any coast-light dues, expenses or costs payable in respect of such vessel under this Act, shall be punishable with fine which may extend to two hundred rupees.

Determination of dispute as to liability to pay coast-light dues, expenses or costs.

10. Where any dispute arises as to whether any coast-light dues, expenses or costs are payable in respect of any vessel under this Act or as to the amount of such dues, expenses or costs, the dispute shall, on application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate exercising at the place where the dispute arises powers not less than those of a Magistrate of the second class; and the decision of such Magistrate shall be final.

Saving for certain vessels.

11. Nothing in this Act shall be deemed to apply to any vessel belonging to, or in the service of, His Majesty or the Government, or to any vessel of war belonging to any Foreign Prince or State.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Acting Secretary to the Legislative Council.

Bombay, 15th January 1915.

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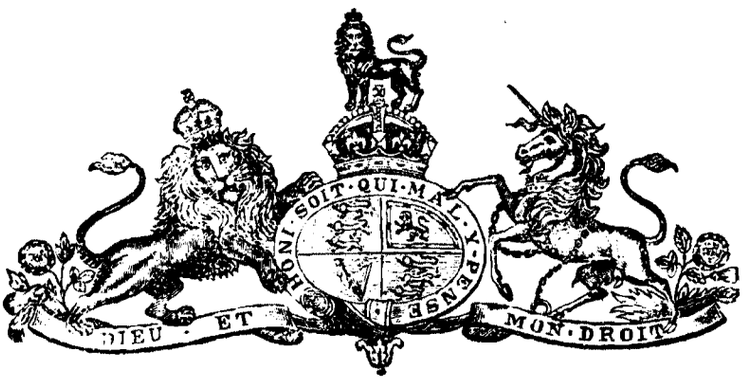

The

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PART VII.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Urdu and the translation to be published in the BOMBAY GOVERNMENT GAZETTE and the SIND OFFICIAL GAZETTE. The dates of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 28 (6) of the Rules for the conduct of business at Meetings of the Legislative Council of the Governor of Bombay.

BILL No. I OF 1915.

An Act to amend the Protection of Pilgrims Act, 1887.

Bom. II of 1887.

WHEREAS it is expedient to amend the Protection of Pilgrims Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows:

Short title.

1. This Act may be called the Bombay Protection of Pilgrims (Amendment) Act, 191 .

Bom. II of 1887.

Amendment of section 6.

2. In section 6, clause (*b*), of the Protection of Pilgrims Act, 1887, hereinafter called "the said Act," for the words "Native Passenger Ships Act, 1876," the words "Pilgrim Ships Act, 1895" shall be substituted and for the figure "7" the figure "8" shall be substituted. XIV of 1895

Amendment of section 11.

3. For section 11 of the said Act the following shall be substituted, namely:—

"11. (*1*) The master, owner or agent of every vessel shall, before advertising such vessel for the conveyance of pilgrims or offering to convey any pilgrim by such vessel or selling or permitting any person to sell a passage ticket to any pilgrim for conveyance by such vessel, be bound to supply the Protector of Pilgrims with full particulars as to the class, tonnage and age of the vessel, the maximum

number of tickets of each class to be issued, the maximum price of each class of ticket, the latest date of sailing, the ports, if any, to be touched at, and the probable date of arriving at Jeddah.

(*2*) Such master, owner or agent shall be bound to supply the Protector of Pilgrims, within three days from the date of demand, with such further particulars connected with the aforesaid matters as the Protector of Pilgrims may in writing demand from him."

4. For section 12 of the said Act the following shall be substituted, namely :—

Amendment of section 12.

"12. Any such master, owner or agent who, without reasonable excuse, the burden of proving which shall lie upon him, fails or refuses to supply such particulars or such further particulars or supplies false particulars, shall be liable to a fine which may extend to five hundred rupees."

5. After section 12 of the said Act the following sections shall be inserted, namely :—

New sections 12A and 12B.

"12*A*. Any such master, owner or agent who is unable to despatch such vessel on the latest date of sailing as supplied by him to the Protector of Pilgrims shall be bound to apply to the Commissioner for permission to despatch the vessel on a subsequent date, whereupon it shall be in the discretion of the Commissioner to reject such application, or to grant it, wholly or in part, provided that the Commissioner shall not grant the application unless the master, owner or agent satisfies him that his inability to despatch the vessel was owing to some unavoidable circumstance and not owing to any negligence or culpable omission on his part.

"12*B*. If any such master, owner or agent, without reasonable excuse, the burden of proving which shall lie upon him, fails to despatch such vessel on the latest date of sailing as supplied by him to the Protector of Pilgrims or on such subsequent date as the Commissioner may have permitted, such master, owner or agent shall be liable to a fine which may extend to one thousand rupees for the first day of detention and to a further fine, which may extend to five hundred rupees, for each succeeding day of detention including the day on which the vessel leaves the port of embarkation.

Explanation.—Day means any portion of time between midnight and midnight."

6. In section 13 of the said Act, for the words "10 of the Native Passenger Ships Act, 1876," the words "11 of the Pilgrim Ships Act, 1895," shall be substituted.

Amendment of section 13.

XIV of 18[illegible]

7. In section 15 of the said Act, for the figures and words "39, 40 and 42 of the Native Passenger Ships Act, 1876," the figures and words "51, 52 and 54 of the Pilgrim Ships Act, 1895," shall be substituted.

Amendment of section 15.

XIV of 189[illegible]

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to improve the conditions under which pilgrims to Mecca sail from Bombay and Karáchi. It has been found by experience that sections 11 and 12, as at present worded, do not prevent shipping companies from advertising earlier dates of sailing than those which they really intend to adopt, and from deliberately postponing the departure of ships, with the object of securing as full a complement of passengers as possible. The postponement of the date of sailing results in great inconvenience and expense to pilgrims who have travelled down to Bombay or Karáchi in time for the advertised date of departure. The conditions under which they have to live in Bombay are such that any large aggregation of pilgrims is a serious menace to the health of the City. Cases have occurred of repeated and avoidable delays in the departure of pilgrim ships which have caused grave trouble both to the pilgrims themselves and to the authorities in Bombay.

2. Under new section 11 the master, owner or agent of the ship is bound to supply all the requisite particulars in proper time and without waiting for an express demand for particulars from the Protector of Pilgrims.

3. Under new section 12A power is given to the "Commissioner" to give permission for the postponement of the departure of a pilgrim ship in unavoidable circumstances. By new section 12B any unauthorised and unreasonable delay in the departure of pilgrim ships is rendered punishable with fine.

4. The remaining clauses of the Bill serve to correct the references to certain provisions of the Native Passenger Ships Act, 1876, repealed by the Native Passenger Ships Act, 1887. The Act now applying to Pilgrim ships, however, is the Pilgrim Ships Act, 1895.

(Signed) W. D. SHEPPARD.

22nd October 1914.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Bombay Legislative Council.

Bombay, 11th February 1915.

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PART VII.

Proceedings of the Council of the Governor of Bombay.

To be translated into Marathi, Gujarati and Kanarese and the translations to be published in the BOMBAY GOVERNMENT GAZETTE. To be translated also into Sindhi and the translation to be published in the SIND OFFICIAL GAZETTE. The dates of publication to be reported.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to decentralize and otherwise to facilitate the administration of certain enactments in the Presidency of Bombay and the Bill as amended by the Select Committee, are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Legislative Council, published for general information :—

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. X OF 1914.

(*An Act to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay.*)

We, the Members of the Select Committee to whom the Bombay Decentralization Bill (Bill No. X of 1914) was referred, have carefully examined the Bill and have the honour to report as follows:—

We have decided by a majority to retain item 1 in schedule I under the Public Conveyances Act, Bom. VI of 1863, regarding the delegation of power to the Commissioner of Police to make subsidiary rules, for the better regulation of public conveyances, without the previous approval of Government.

In item 3 under the same Act some words, which were redundant, have been struck out.

Item 2 under the Bombay Village Police Act, Bom. VIII of 1867, regarding the grant of powers to police patils under section 15 of the Act, has been retained; but we are of opinion that it should be considered whether an appeal to the District Magistrate should not be allowed against the order of a police patil in cases of this nature. We suggest that the question may be considered at the next Meeting of the Commissioners or in such other manner as the Governor in Council may think best.

In the case of the Bombay District Municipal Act, Bom. III of 1901, we are of opinion that the decentralization proposed in item 1 was excessive. We have accordingly revised this item by restricting the delegation to the Commissioner to clause (*c*), sub-clauses (i), (iii), (iv), (v) and (vi). Accordingly the powers under clauses (*a*), (*b*) and (*c*) (ii), which deal with the determination of the number of councillors of a Municipality, the proportion of elected and nominated councillors respectively, the members to be elected by the rate-payers, and the qualifications of candidates and voters, will still remain with the Governor in Council.

We are also of opinion that the delegation proposed in item 2 under this Act was excessive. The proposal in the Bill was that the power to decide whether the vacancy in the office of a councillor had occurred or not should be delegated in the case of City Municipalities to the Commissioner and in the case of other Municipalities to the Collector. After considerable discussion we have decided that the delegation should stand in the case of the City Municipalities but not in the case of the other Municipalities. There will thus be no delegation in this matter to the Collector. The minority of the Committee were in favour of omitting this item from the Bill altogether.

We approve of the rest of the Bill.

The changes that we have made in the Bill are not designed to effect delegations already made or that may be made in future to the Commissioner in Sind under Act V of 1868.

We recommend that the Bill, as amended, and the Report of the Select Committee should be translated into the vernacular languages.

(Signed) P. D. PATTANI,
(„) G. S. CURTIS,
(„) G. W. HATCH,
(„) D. V. BELVI,
(„) SHAIKH GHULAM HUSSEIN HIDAYATALLAH,
(„) RAMANBHAI M. NILKANTH,
(„) VENKATESH SHRINIWAS NAIK,
(„) S. B. UPASANI (*subject to a minute of dissent*).

(Minute of Dissent by the Honourable Mr. S. B. Upasani.)

Item 1.—The provision, contained in section 14 of this Act requiring that rules framed by the Police Commissioner for promoting the objects of the Act shall be subject to the approval of the Governor in Council, is, I think, a salutary safeguard which should be retained in the interests of the general public of the city who will be affected by the operation of the rules and be liable to the penal consequences provided for their breach. Act VI of 1883, The Public Conveyances Act.

Item 2.—I think that the power vested in Government under section 34 should also be retained with it as it is in effect a legislative function and also because it carries with it the exercise of the powers to make appointments referred to in paragraph 2 of the section.

Item 2.—I think that, though the sanction of the Commissioner required in each case under section 9 of this Act may be dispensed with, one appeal at least should be allowed in the case of the dismissal of a Pátil whether he may hold office under the Hereditary Offices Act or may not. Act VIII of 1867, Bombay Village Police Act.

Item 3 refers to section 15 which empowers the Commissioner by an order in writing to authorize any Magistrate of a District to issue commissions to Police Pátils to try cases of certain petty offences. The Bill proposes to do away with the necessity for the authority from the Commissioner and to give the District Magistrates the power to issue the commissions on their own authority. This may be allowed, but some restriction must I think be placed on the issue of these commissions and I would suggest that a proviso be added to the effect that no commissions under this section shall be issued to Pátils at the District and Táluka Head-Quarters as also at other towns where stipendiary or Honorary Magistrates may be available to take cognizance of the cases to be heard by the Pátils under this section.

I think also that the power of the Police Pátil as regards punishment should be limited only to the award of fine and that confinement and detention should be omitted from this section as also from section 16 and that the Pátil should not be allowed to hear cases referred to in paragraph 3 of section 15 where he is to be both the complainant and the judge in his own cause. An appeal to the Táluka Mámlatdár or the First Class Magistrate having jurisdiction over the táluka may also be provided for. It was urged in the Select Committee that these amendments would not come within the scope of the present Bill, but, as the existing restriction on the grant of the commissions is to be relaxed, I think it might be taken to be within the scope of the heading and the preamble of the Bill to place restrictions against issue of the commissions where they are not needed as also to guard against abuse of the powers to be exercised under the commissions.

Item 4.—A proviso may I think be added to allow an appeal against the orders to be passed by the Mámlatdár and Mahálkari under section 64 (*e*) 2. Section 75 did not contemplate the passing of any final orders by these officers under this section and so no provision for appeal against them is made in section 77 which refers to appeals and hence the necessity for the proviso suggested. Act III of 1874, Bombay Hereditary Offices Act.

Item 6.—The power given under section 83 may I think better remain with Government or be delegated to only the Commissioner.

Items 2 and 3.—Questions of personal disqualification often involve points of law and the powers vested in this respect in Government under section 15 (3) and section 16 should I think remain with Government especially as the decision is to be final. Act III of 1901, Bombay District Municipal Act.

(Signed) S. B. UPASANI.

BILL No. X OF 1914.

An Act to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay.

WHEREAS it is expedient to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay,

AND WHEREAS the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act, it is hereby enacted as follows :—

55 and 56 Vict., c. 14.

1. This Act may be called the Bombay Decentralization Act, 191 .

Short Title.

2. The enactments specified in the third columns of the Schedules I and II are hereby amended to the extent and in the manner specified in the fourth columns thereof.

Amendments of certain enactments.

3. Any appointment, notification, order, scheme, rule, form or bye-law made or issued by an authority for the making or issuing of which a new authority is substituted by or under this Act shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority unless and until superseded by an appointment, notification, scheme, rule, form or bye-law made or issued by such new authority.

Saving of orders, etc., issued by previous authorities.

SCHEDULE I.

Acts of the Governor of Bombay in Council.

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
1863	VI	Public Conveyances (Bombay Town, Suburbs and Harbour) Act.	1. In section 14, paragraph 1, for the words "subject to the approval of the Governor in Council, make and publish" substitute the word "make"; and to section 14, paragraph 1, add the following words, namely:— "Any such rules being subject to previous publication in the *Bombay Government Gazette*; provided that such rules shall, in towns or places to which this Act is extended under section 34, be subject to the approval of the Commissioner of the Division in which the town or place is situated." 2. In section 34, paragraph 1, for the words "Governor in Council" substitute the words "Commissioner of the Division in which the town or place is situated." In section 34, paragraph 2, for the words "Governor in Council" substitute the words "Commissioner of the Division"; and to section 34, paragraph 2, add the following words, namely:—"Any such alteration in the scale, or disposal of the balance, of the fees shall be subject to previous publication in the *Bombay Government Gazette*".
Do.	Do.	Do. ...	3. In section 34, paragraph 3, for the words "Governor in Council" substitute the words "Commissioner of the Division", ~~and to section 34, paragraph 3, add the following words, namely:—"such order shall be subject to previous publication in the Bombay Government Gazette"~~.
1867	VIII	Bombay Village Police Act, 1867.	1. In section 5, clause 1, omit the words "subject to the approval of the Commissioner", 2. In section 9, paragraph 2, for the words "Provided that no person of the rank of patel shall be dismissed under this section without the sanction of the Commissioner, or, if he is an officiator under the provisions of the Bombay Hereditary Offices Act of Government" substitute the words "Provided that no person of the rank of patel, if he is an officiator under the provisions of the Bombay Hereditary Offices Act, shall be dismissed under this section without the sanction of Government." Bom. III of 1874. Bom. III of 1874. 3. In section 15, clause 1, for the words "a Commissioner by an order in writing to authorize any" substitute the word "the". 4. In section 18 omit the words "with the sanction of the Commissioner".
1874	III	Bombay Hereditary Offices Act, 1874.	1. In section 5, sub-section (*1*), after the word "Government" insert the words "or, in the case of a mortgage, charge, alienation or lease of not more than thirty years, of the Commissioner". 2. In section 45, clause (*f*), for the words "Governor in Council" substitute the word "Commissioner"; and in section 45, clause (*h*), for the word "Government" substitute the words "the Commissioner". 3. In section 52 for the word "Collector" substitute the words "Mámlatdár or the Mahálkari, as the case may be". 4. Renumber section 64 as section 64 (*1*), and for clause (*e*) of this sub-section substitute the following, namely:— "(*e*) to pass orders in regard to the dismissal of persons officiating"; and add to section 64 the following sub-section, namely:— "(2) The Mámlatdár and the Mahálkari are empowered to pass orders in regard to the appointment, remuneration, period of service, suspension and fining of persons officiating, the grant of leave of absence and other matters of discipline not expressly provided for by this or any other law for the time being in force."

SCHEDULE I—(*continued*).

Acts of the Governor of Bombay in Council—(continued).

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
1874	III	Bombay Hereditary Offices Act, 1874—(*continued*).	5. In section 70 for the word "Collector" substitute the words "Mámlatdár or the Mahálkari". 6. In section 83 for the word "Government" substitute the words "the Collector".
1884	I	Bombay Local Boards Act, 1884.	1. In section 14 for the words "Governor in Council" at the two places where they occur, substitute the word "Commissioner". 2. In section 17, paragraph 1, for the word "Government" substitute the words "the Commissioner". 3. In section 20, paragraph 3, for the words "Government so direct" substitute the words "the Commissioner so directs". 4. In section 36, paragraph 2, for the word "Government" substitute the words "the Commissioner, if the local bodies are in one division, and of Government, if they are in different divisions". 5. In section 43 for the words "Governor in Council", at the two places where they occur, substitute the word "Commissioner". 6. In the proviso to section 44 for the words "Governor in Council" substitute the words "Commissioner, if the districts are in one division, and the Governor in Council, if they are in different divisions".
1887	VI	Matádars Act, 1887...	1. In section 28 for the word "Collector" substitute the words "Mámlatdár or Mahálkari, as the case may be". 2. In section 30, sub-section (*1*), clause (*g*), for the words "Governor in Council" substitute the word "Commissioner"; and in section 30, sub-section (1), clause (*h*), for the word "Government" substitute the words "the Commissioner".
1888	V	Aden Port Trust Act, 1888.	1. In section 11, sub-section (*1*), after the word "up" insert the words "by the Political Resident at Aden"; and in section 11, sub-section (*2*), after the word "appointed" insert the words "by the Political Resident at Aden".
1889	I	Bombay Village Sanitation Act, 1889.	1. In section 5, sub-sections (*1*) and (*2*), and in section 7, sub-sections (*1*) and (*2*), for the words "Governor in Council" wherever they occur, substitute the word "Commissioner". In section 7, sub-section (*2*), for the words "a Secretary to Government" substitute the words "the Commissioner". In section 7, sub-section (*3*), for the word "Government" at the first place where it occurs the words "the Commissioner" shall be substituted; and for the words "it may" substitute the words "he may". In section 7, sub-section (*4*), for the word "Government" substitute the words "the Commissioner". 2. In section 19, sub-section (*1*), for the word "Government" at the first place where it occurs substitute the words "the Collector"; and in section 19, sub-section (*1*), for the words "Government directs" substitute the words "he may direct". In section 19, sub-section (2), for the words "subject to the orders of Government, appoints" substitute the words "may appoint". 3. In section 21, sub-section (*1*), omit the words "subject to the orders of Government". 4. In section 32 for the word "Government" substitute the words "the Commissioner". 5. In section 41, sub-section (*1*), for the words "Government appoints" substitute the words "the Commissioner may appoint".

SCHEDULE I—(*continued*).

Acts of the Governor of Bombay in Council—(continued).

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
1889	I	Bombay Village Sanitation Act, 1889 —*continued.*	6. In section 42 for the word "Government" substitute the words "the Commissioner". 7. In section 44 omit the words "with the sanction of Government".
1890	IV	Bombay District Police Act, 1890.	1. In section 11, sub-section (*1*), for the words "the Magistrate of the district in which he is enrolled" substitute the words "the Inspector-General, in the case of a Sub-Inspector, of the District Superintendent of the district in which he is enrolled, in the case of Police officers below the rank of a Sub-Inspector and not in the Criminal Investigation Department, and of the Deputy Inspector-General, Criminal Investigation Department, in the case of Police-officers in the Criminal Investigation Department below the rank of a Sub-Inspector". 2. In sections 23 and 25A for the word "Government" wherever it occurs, substitute the words "the Commissioner". 3. In section 25A, sub-section (*4*), omit the words "or by such officer as they from time to time empower in this behalf." 4. In section 35, sub-section (*2*), after the words "District Superintendent" at the first place where they occur, insert the words "Assistant Superintendent or Deputy Superintendent" and for the words "or District Superintendent" substitute the words "District Superintendent, Assistant Superintendent or Deputy Superintendent". 5. In section 39, sub-section (*3*), for the word "Government" wherever it occurs substitute the words "the Commissioner". 6. In section 45, sub-section (*2*), for the word "Government" substitute the words "the Commissioner". 7. In section 61 for the word "Government" substitute the words "the Commissioner". 8. In section 62, sub-section (*2*), for the word "first" substitute the word "second". 9. In Schedule B for the words "Seal of the Magistrate of the District" substitute the words "Seal of the Inspector-General, the District Superintendent, or the Deputy Inspector-General, Criminal Investigation Department, as the case may be".
1901	III	Bombay District Municipal Act, 1901.	1. Renumber section 11 as section 11, sub-section (*1*), and add to the section the following sub-section, namely :— "(*2*) The Governor in Council may from time to time delegate to the Commissioner any or all of the powers granted to the Governor in Council by *clause* (*c*), *sub-clauses* (*i*), (*iii*), (*iv*), (*v*) *and* (*vi*) *of* this section, subject to such restrictions or conditions, if any, as the Governor in Council may attach to the delegation". 2. In section 15, sub-section (*3*), for the words ~~"Governor in Council" substitute the word "Commissioner", and for the word "Commissioner" substitute the word "Collector"~~ "*Governor in Council in the case of City Municipalities, and of the Commissioner in other cases,*" *substitute the word* "*Commissioner.*" 3. In section 16, after the word "Council" insert the words "in the case of City Municipalities, and the Commissioner in other cases". 4. In section 23, sub-section (*5*), clause (*a*), for the words "Governor in Council" substitute the word "Commissioner". 5. In section 35, sub-section (*5*), for the words "Governor in Council" substitute the word "Commissioner". 6. To section 46, proviso (*a*), the following words shall be added, namely :—

SCHEDULE I—(*continued*).

Acts of the Governor of Bombay in Council—(continued).

1	2	3	4
Year of Act.	No.	Short title.	Amendments.
1901	III	Bombay District Municipal Act, 1901—(*continued*).	"Provided that, in the case of City Municipalities, the approval may be given by the Commissioner, instead of by Government, in respect of rules framed under clause *b* (*ii*), subject to the condition that any such rules relating to Chief Officers, Health Officers or Engineers, or to the salaries, fees or absentee or other allowances of such officers shall require the sanction of Government". 7. In section 56, clause (*m*), omit the words "in the case of City Municipalities, of the Commissioner, or in other cases". 8. In section 144, sub-section (*1*) and section 145, sub-section (*2*), after the word "Council" where it occurs for the first time insert the words "in the case of City Municipalities, and the Commissioner in other cases," and after the word "Council" where it occurs for the second time, insert the words "or the Commissioner, as the case may be". 9. In section 150, sub-section (*1*), for the words "Governor in Council" at the two places where they occur substitute the word "Commissioner".
1902	IV	City of Bombay Police Act, 1902.	1. In section 22, sub-section (*1*), at the commencement of the section insert the words "in the case of rules under clause (*b*), subject to the control of the Governor in Council, and in other cases". 2. In section 23, sub-section (*4*), omit the words "subject to the orders of the Governor in Council". 3. In section 27, sub-section (*1*), omit the words "with the sanction of the Governor-in-Council". 4. In section 45, sub-section (*1*), omit the words "with the previous sanction of the Governor in Council"; and in section 45, sub-section (*2*), omit the words "Governor in Council, on the recommendation of the". 5. In section 51, sub-section (*1*), omit the words "subject to the approval of the Governor in Council".

SCHEDULE II.

Act of the Governor-General of India in Council.

Number of Act.	No.	Short Title.	Amendments.
1	2	3	4
1857	XXIX	Act to make better provision for the collection of land-customs on certain foreign frontiers of the Presidency of Bombay.	1. In section 13, paragraph 1, for the words "Governor in Council" substitute the words "Commissioner of Customs"; and in section 13, paragraph 2, for the word "Government" substitute the words "the Commissioner of Customs". 2. In section 20, paragraph 2, for the word "one" substitute the word "five".

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Bombay Legislative Council.

Bombay, 19th February 1915.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Bombay Government Gazette

PUBLISHED BY AUTHORITY.

WEDNESDAY, 24TH MARCH 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

To be translated into Marathi and Gujarati and the translations to be published in the BOMBAY GOVERNMENT GAZETTE. The dates of publication to be reported.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to provide for a survey of the Town and Island of Bombay, and the Bill further to amend the Bombay City Land-revenue Act, 1876, and the Bill as amended by the Select Committee, are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Legislative Council, published for general information :—

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILLS NOS. VIII AND IX OF 1914.

(*An Act to provide for a survey of the Town and Island of Bombay, and an Act further to amend the Bombay City Land-revenue Act, 1876.*)

We, the Members of the Select Committee to whom the above-mentioned Bills (to provide for the survey of the City of Bombay and to make certain consequential amendments in the Bombay City Land-revenue Act, 1876) were referred, have carefully examined the Bills and have the honour to report as follows :—

1. The more important of the somewhat extensive modifications which we have made in the Survey Bill have two principal objects in view. Firstly, we are of opinion that it is necessary to define more clearly the purpose and method of the enquiries to be made by the survey officers in the course of the survey. The object of the survey is, as we understand, to produce a reliable map, supported by

a register containing the names of the present holders of the properties whose boundaries are indicated on the map. In the Bill as published there were certain provisions which suggested that the preparation of the "register of possession" might directly or indirectly involve something approaching an enquiry into titles. Such an enquiry was not one of the objects of the Bill and the procedure prescribed was wholly inadequate for it. At the same time we think that the provisions dealing with the investigation of the facts of possession were unnecessarily elaborate for the purposes of a survey, and that certain expressions in the Bill were likely to give rise to misapprehension. For these reasons we have inserted clause 7, which prescribes the survey map and register, and we have removed the somewhat formal provisions regarding enquiry into disputes, appeals, and subsequent enquiry by the "Enquiry Officer", together with all expressions which are capable of being so construed as to suggest that the operations of the survey involve any judicial enquiry into titles or are in any way determinative of rights.

2. Secondly, we observe that the Survey Bill, read with the City Land-revenue Bill as published, extended to the holders of all lands the obligation to report transfers of land, which at present applies only to holders of land paying revenue to Government. We do not, however, consider that the nature of the enquiries that will be made for the purposes of the survey will be such as to form the foundation of a record which would be kept up to date by a system of compulsory notification of transfer. Such a record could be prepared only after an adequate enquiry into title. We therefore think that it will not be desirable or necessary to impose upon landowners any legal obligation to report transfers, and we believe that even without such assistance the Collector will have sufficient information at his command to enable him to enter the necessary changes from time to time in the survey register. If these views are accepted by the Council, the greater part of the provisions of the City Land-revenue Bill can be eliminated, and the remaining two clauses can be incorporated in the Survey Bill.

Notes on Clauses.

Clause 2.—A definition of property is unnecessary in view of the modification in the provisions for the assessment of survey-fees.

For the definition of "owner" we have substituted a definition of "holder". The latter expression appears to be more convenient, as the provisions of the Bill are independent of proprietary rights. The person who will be liable for the survey-fee, for the maintenance of temporary boundary marks and the cost of revision of maps, and whose name will be entered in the register, is primarily the person in occupation of the land. But if the occupier pays rent for the land, the "holder" is the recipient of rent, unless he himself pays rent, in which case the highest in the scale is the "holder". It is, however, proposed specifically to exempt Government, the Corporation and the Improvement and Port Trusts from the payment of survey-fee [see clause 10 (2), proviso (*a*)]. The "explanation" deals with the case where money, either rent in the proper sense or assessment or otherwise, is paid to Government or one of the corporate bodies mentioned or to a fazendar, and where consequently Government or one of those bodies or the fazendar would, under the definition, be the "holder". We think that in such case the person making such payment should be the "holder", except where such person merely holds on a tenancy for less than a year.

Clause 4, proviso.—This has been modified so as to require notice to be given in all cases and to cover cases where the occupier is absent.

Clause 5.—The words making it legally incumbent upon the person served to attend and give information have been omitted, because they would make section 174 of the Indian Penal Code applicable as an alternative to clause 21 (of this Bill as published). We are of opinion that neither of these penalties need be prescribed. Holders will generally desire to be present and afford information regarding their land, and we think that the risk of an inaccurate entry being made in their absence will be sufficient inducement.

Clause 6.—The expression "shall be bound by the results of the survey" implies that the survey affects rights and has been omitted.

Clauses 7 to 11 (in the Bill as published).—As intimated in the opening paragraphs, we have omitted these clauses. We consider that their retention might lead to the impression that the result of the survey officer's summary investigation had something of the value of a judicial decision on the question of possession. In the great majority of cases the facts will be easily ascertainable. Should difficulty arise in particular instances, the survey officer will take the course indicated by the circumstances of each case, with regard to the requirements of the survey.

Clause 7 (of the Bill as amended).—In the Bill as published powers are conferred for making maps (clause 15) and a register of possession is referred to in the rules clause (No. 19). As a survey map and register will be the principal products of the survey, they should, we think, be explicitly provided for, and we have drafted the clause accordingly.

Clause 8 (original clause 12).—The proviso mentions cases where permanent boundary marks are superfluous.

Clause 9 (original clause 13).—The Bill as published indicated no means of securing compliance with the notice and sub-clause (2) has been added to remedy the defect.

Clause 10 (original clause 14).—The provisions regarding the levy of survey-fees have been expanded with the objects of defining exactly the person liable and the manner of assessment, and of making such exemptions as appear to be just. In the Bill as published, although the holder was made responsible for payment of the survey-fee, "holder" was not defined. The proviso limiting the amount leviable by way of survey-fees to one-half the cost of the survey has been inserted in view of the arrangements made between Government, the Corporation and the Port Trust for contributing to the cost of the survey.

Clause 15 (in the Bill as published).—See under clause 12.

Clause 11 (original clause 16).—The formal provisions for the enquiry into objections after the completion of the survey have been omitted and replaced by sub-clause (3), under which it will be open to any person to present objections to the Collector, who will, where necessary, cause the map or register to be corrected.

Clause 12 (original clause 15).—The amended clause empowers the Collector to keep the map and register up to date but excludes compulsory notification of transfers. The information available to the Collector from the registration office and other sources will, we believe, be sufficient for the purpose.

Clause 13.—This corresponds to original clause 15 (*b*).

Clause 17 (in the Bill as published).—The notification by Government of their approval of the survey appears unnecessary.

Clause 18 (in the Bill as published).—It appears unnecessary to fix a period of limitation for suits, and the clause might be open to objection as affecting the jurisdiction of the High Court.

Clause 19 (in the Bill as published).—The power to make rules is contained in clause 18 of the amended Bill.

Clause 15 (of the amended Bill).—This provision will make it clear that the survey will not involve any inquisition into titles.

Clause 21 (of the Bill as published).—See under clause 5.

Clause 23 (of the Bill as published).—We think that as any extension of the municipal limits of the city would have to be effected by legislation, the extension of the Survey Act could appropriately be considered in connection with such legislation, should the occasion arise.

Clauses 16 and 17 (of the amended Bill).—These correspond to clauses 2 and 4 (2) of Bill No. IX of 1914. The rest of that Bill is rendered unnecessary by the alterations in the Survey Bill which have been referred to in the preceding paragraphs and notes.

R. A. LAMB.
F. L. SPROTT.
EUSTACE FERRERS NICHOLSON.
MANMOHANDAS RAMJI.
FAZALBHOY M. CHINOY.
T. W. BIRKETT.
G. CARMICHAEL.
G. S. CURTIS.
C. H. SETALVAD.
PHEROZESHAH M. MEHTA.
JAMSETJEE JEEJEEBHOY.
G. W. HATCH.

BILL NO. VIII OF 1914.

An Act to provide for a survey of the Town and Island of Bombay.

As amended by the Select Committee.

WHEREAS it is expedient to provide for the survey and demarcation of land in the Town and Island of Bombay; It is hereby enacted as follows :— Preamble.

n. Act I 7, s. 1.

1. (*1*) This Act shall be called the Bombay City Survey Act, 1915; Short title and extent.

(*2*) It extends to the Town and Island of Bombay.

n. Act I 7, s. 2.

2. In this Act, unless there is anything repugnant in the subject or context,— Interpretation clause.

(*a*) "survey" includes identification of boundaries and all other operations antecedent to, or connected with, survey : "Survey."

(*b*) "Superintendent" means Superintendent of Survey under this Act : "Superintendent".

(*c*) "land" includes anything attached to the earth or permanently fastened to anything attached to the earth : "Land."

(*d*) *"holder", in relation to any land, means the occupier of such land, or, where rent is paid for such land, any person in receipt of rent for such land who does not pay rent to another person :* "Holder."

Explanation.—"Rent" in this clause does not include money paid for land to Government or to the Municipal Corporation of the City of Bombay or to the Trustees for the Improvement of the City of Bombay or to the Trustees of the Port of Bombay or to a fazendar, except when such money is paid by a person holding such land on a tenancy for a term of less than one year.

Ben. Act I 87, s. 3.

3. (*1*) *The Governor in Council* may, whenever *he thinks* fit, order that a survey shall be made of the lands situated in the Town and Island of Bombay, and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendents of Survey. Government may order survey and appoint Superintendent.

(*2*) The Assistant Superintendents shall exercise such powers as may be delegated to them by the Superintendent.

Ben. Act I 887, s. 4.

4. The Superintendent or *any* other officer employed in the survey *may* enter, between the hours of sunrise and sunset, upon any land within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry or of anything done on such land in pursuance of this Act : Superintendent may enter upon land.

Provided that no such entry shall be made unless a notice of the intention to make such entry has been posted at least twenty-four hours previously in some conspicuous manner on the land.

Cf. Ben. Act I of 1887, s. 5.

5. Before entering on any land for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the *holder or occupier* of the land about to be surveyed and on the *holders or occupiers* of conterminous lands, *calling upon* them to attend either personally or by agent on such land before him or before such officer as may be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice), for the purpose of pointing out boundaries and of affording such information as may be needed for the purposes of this Act, and intimating that in the event of their failing to attend he or such officer will proceed with the survey in their absence. Notice to be served on holders to attend.

Cf. Ben. Act I of 1887, s. 6.

6. *After* due service of notice under section 5, the Superintendent, or such officer as may be authorized by him, may proceed with the survey *whether the persons upon whom notices have been served are present or not.* After service of notices Superintendent may proceed with survey.

7. (*1*) *The Superintendent shall prepare a map and a register of all lands which have been surveyed under this Act.* Survey map and register.

(*2*) *To every piece of land separately shown on the map and entered in the register an indicative number shall be assigned, and the name of the person appearing to be the holder thereof at the time of the survey shall be entered in the register.*

(*3*) *Nothing contained in such map or register shall affect the rights of any person.*

Cf. Ben. Act I of 1887, s. 18.

8. The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient *for the purpose of the survey :* Superintendent may erect boundary marks.

Provided that no permanent boundary mark shall be erected when the boundary is defined by a permanent building, wall or fence.

Cf. Ben. Act I of 1887, s. 19.

9. (*1*) When any temporary boundary mark has been erected under section 8, the Superintendent may cause a notice in writing under his hand to be served on the *holder* of the land whereon, or adjoining which, such boundary mark is situate, requiring him to maintain such boundary mark till the survey has been completed. Maintenance of temporary boundary marks.

(*2*) *Should such holder not comply with such notice, the Superintendent may repair the boundary mark and the expenses shall be*

recoverable from such holder as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876.

Cf. Bom. Land Rev. Code, Bom. V of 1879, s. 132.

Survey-fee may be charged.

10. (*1*) The holder of *any land* surveyed *under this Act* shall be liable to the payment of a survey-fee *assessed on the area and rateable value of such land:*

Provided that the aggregate amount of the survey-fees assessed under this section shall not be greater than one-half of the total cost of the survey.

(*2*) *The amount of the survey-fee payable under sub-section* (*1*) *shall be regulated by the Collector in accordance with rules made by the Governor in Council under section 18:*

Provided that—

(*a*) *no survey-fee shall be payable by Government or by the Municipal Corporation of the City of Bombay or by the Trustees for the Improvement of the City of Bombay or by the Trustees of the Port of Bombay;*

(*b*) *the holder of any land of which the area and rateable value do not exceed such limit as may be prescribed by rule made by the Governor in Council under section 18 shall be exempt from the payment of any survey-fee in respect of that land;*

(*c*) *no survey-fee shall be payable in respect of buildings and lands exclusively occupied for public worship or for charitable purposes which under the City of Bombay Municipal Act, 1888, are exempt from the levy of the general tax.*

Bom. III of 1888.

(*3*) *Any survey-fee assessed in accordance with sub-sections* (*1*) *and* (*2*) *shall be payable within three months from the date of a notice to be served by the Collector upon the person liable therefor after the completion of the survey of the Town and Island of Bombay, and such survey-fee shall be leviable as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876.*

Bom. II of 1876.

(*4*) *Any person who has paid the survey-fee assessed on any land under this section shall be entitled to receive free of charge a certified extract from the map and a certified extract from the register prepared under section 7, so far as they relate to such land.*

Cf. Ben. Act I of 1887, s. 20.

All documents connected with the survey to be sent to the Collector.

11. (*1*) After the survey of any part of the town has been completed, the Superintendent shall deposit *with the Collector* all maps, *registers and other* documents connected with the survey of such part.

(*2*) *Such deposit shall be notified in the Bombay Government Gazette, and any* person interested in the survey may, at any time within two months from the date of such notification, inspect such *maps, registers and other* documents free of charge.

(*3*) *During* such period the *Collector may, if necessary and without prejudice to the rights of any of the parties concerned, cause the map or the register prepared under section 7 to be corrected free of charge.*

Maintenance of survey map and register.

12. (*1*) *The map and register prepared under section 7 shall be maintained by the Collector, who shall cause the map to be revised and the entries in the register to be corrected from time to time as may be necessary, without prejudice to the rights of any person:*

Provided that no person shall for the purposes of this Act be required to give notice of the acquisition of any interest in land.

(*2*) The *Collector* may assess the cost of the revision of *any part of the* map and all contingent expenses on the land to which such *part* relates, and such cost shall be *payable by the holder of such land, subject to the same exemption as is provided in section 10, sub-section* (*2*), *proviso* (*a*), *with reference to the payment of survey-fees, and shall be leviable as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876.*

Cf. Bom. V of 1879, s. 135G.

Revision of maps.

13. Subject to rules made in this behalf *by the Governor in Council under section 18,* any officer acting under the orders of the *Collector of Bombay* may, for the purpose of revising any map *prepared* under this Act, exercise any of the powers of a *Superintendent* under this Act.

Cf. Ben. Ac of 1887, s.

How notices may be served.

14. Every notice *required* by this Act to be served on any person may be served—

(*a*) by delivering the same to *such* person, or *when such person cannot be found,* by posting the same on some conspicuous part of the house in which *such* person usually resides or holds his office or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his family, and, *in the case of a notice served under section 5 or section* 9, by fixing a copy *in some conspicuous manner on* the land to which it relates; or

(*b*) by sending a registered cover through the post office containing such notice *addressed to such* person at the place where he resides.

Privilege of title deeds.

15. *No person shall for the purposes of this Act be compelled to produce his title deeds to any land or to disclose their contents.*

Amendment of section 19 of Bombay Act II of 1876.

16. *In section 19 of the Bombay City Land-revenue Act, 1876, for the words "the survey made under the authority of Government during the years 1865 to 1872" the words "the latest survey completed under the authority of Government" shall be substituted.*

Bom. II of 1876.

Amendment of section 31 of Bombay Act II of 1876.

17. *In the second sentence of section 31 of the Bombay City Land-revenue Act, 1876, for the words "a person of*

Bom. II of 1876.

professional competence in that respect recognized by the Collector" the words "such officer as the Collector *may direct" shall be substituted.*

18. (*1*) *The Governor in Council may make rules not inconsistent with this Act to carry out the objects and provisions thereof.*

Rules.

(*2*) *The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.*

19. No proceedings under this Act shall be affected by reason of any informality, provided *that the provisions* of this Act be in substance and effect complied with.

Proceedings not to be affected by informality.

Cf. Ben. Act of 1887, s. 26

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Bombay Legislative Council.

Bombay, 19th March 1915.

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The
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PART VII.

Proceedings of the Council of the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 13th March 1915 are published for general information:—

FINAL LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, SECRETARIAT, BOMBAY, ON SATURDAY, THE 13TH MARCH 1915, AT 12 NOON.

Saturday, the 13th March 1915.

I.—NEW MEMBERS.—

Before taking their seats, newly elected or nominated Additional Members will take the oath of office.

II.—MOTIONS.

Motion by the Honourable Rao Bahádur S. K. Rodda :—

"That this Council desires to place on record its sense of deep sorrow at the untimely death of the Honourable Mr. Gopal Krishna Gokhale, *C.I.E.*, and its profound appreciation of his services on the Legislative Councils of the Governor of Bombay and of the Governor General."

III.—ELECTION.—

To fill the place of the Honourable Mr. G. K. Gokhale, *C. I. E.*, deceased, election of one member by the non-official Additional Members of the Legislative Council of the Governor of Bombay as their representative

in the Governor General's Legislative Council under Regulation II of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General. [*5 p.m.*]

Monday, the 15th March 1915.

IV.—QUESTIONS ASKED BY HONOURABLE MEMBERS AND ANSWERS THERETO.—

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

V.—PRESENTATION OF THE REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1915—16.

Resolution by the Honourable Mr. B. S. Kamat :—

"This Council recommends that a provision of Rs. 25,000 be made in the next year's Budget Estimates under Head 26-A. Agriculture, for the deputation of an officer to examine and report on such measures as may be necessary to improve the milk supply of towns, and that this expenditure be met by a corresponding reduction in the provision made for 'Police re-organization and reforms', in item No. 60, Statement B of new or extraordinary items of expenditure, under Head 20. Police".

VI.—BILLS.—

1. A Bill to consolidate and amend the law relating to the formal recognition of Heirs, Executors and Administrators and the appointment of Administrators of property by the Courts in the Bombay Presidency—*Motion for withdrawal of the Bill.*

Notice of motion by the Honourable Mr. P. D. Pattani, C.I.E.,—

"That leave may be granted for the withdrawal of the Bombay Certificate of Heirship Bill, No. III of 1910."

2. A Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind—*Second Reading.*

For Notice of amendment from the Honourable Mr. Harchandrai Vishindas, L.L.B., please see item A under Head VII.

3. A Bill to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay—*Second Reading.*

For notice of amendments from the Honourable Mr. S. B. Upasani, please see item B under Head VII.

4. A Bill to amend the Bombay Protection of Pilgrims Act, 1887—*First Reading.*

VII.—AMENDMENTS OF WHICH NOTICES HAVE BEEN RECEIVED.—

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Legislative Business, notices have been received of the following amendments :—

A.—Bill No. VI of 1914, (the Sind Coast-lights Bill), as amended by the Select Committee :—

From the Honourable Mr. Harchandrai Vishindas, LL.B.—

Clause 3.

That for the word "forty-five" in clause 3 (*1*), the word "seventy" be substituted.

B.—Bill No. X of 1914, (the Bombay Decentralization Bill), as amended by the Select Committee :—

From the Honourable Mr. S. B. Upasani.—

SEE SCHEDULE I OF THE BILL.

Bombay Village Police Act, 1867 (Bom. VIII of 1867).

Item 2.—(amendment of section 9, paragraph 2).

Between the words " provided " and " that " in lines 6 and 7 of this item add the following :—" that the party aggrieved shall have a right of one appeal against any order of dismissal which may be passed by the First Class Magistrate under this section, and ".

Item 3.—(amendment of section 15).

At the end of section 15, if amended as proposed in this item, add the following, *viz.* :—

" Provided that no commission under this section shall be issued to any Police-patel at district and táluka head-quarters as also at other towns where stipendiary or Honorary Magistrates may be available to take cognizance of the cases to be heard by the Patel under this section."

" Provided also that cases under paragraph 2 of clause 1 of this section which may come before the Police-patel and all cases under the Act in which he may deem punishment of confinement to be necessary shall be referred by him to the Mámlatdár of the táluka who may dispose of them on the merits and an appeal shall lie to the said Mámlatdár against all orders of conviction and fine which may be passed by the Police-patel."

Bombay Hereditary Offices Act, 1874 (Bom. III of 1874).

Item 4.—After new sub-section (*2*) of section 64 add the following :—

" Provided that one appeal shall lie against any order passed by the Mámlatdár or Mahálkari under this section."

Item 6.—(amendment of section 83).—Omit.

Bombay District Municipal Act, 1901 (Bom. III of 1901).

Items 2 and 3.—(amendments of sections 15 and 16).—Omit.

VIII.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.—

1. *Resolution by the Honourable Mr. W. L. Graham—*

" That all private carriages in Bombay be numbered, and their drivers licensed ".

2. *Resolution by the Honourable Mr. V. J. Patel, Bar.-at-Law—*

This Council recommends to His Excellency the Governor in Council to consider the desirability of—

(*a*) putting the Official Assignee, Bombay, on a suitable fixed salary and crediting to Government the fees at present charged by him ; and

(*b*) creating the office of Official Receiver on a suitable fixed salary, such officer to be thenceforth the official receiver-in-suits and the official liquidator of joint stock companies instead of the Official Assignee as at present.

IX.—PAPERS TO BE PRESENTED TO THE COUNCIL.—

1. Report of the Select Committee appointed to consider Bill No. VI of 1914 (a Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind).

2. Report of the Select Committee appointed to consider Bill No. X of 1914 (a Bill to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay).

3. Letter from the Government of India, Legislative Department, No. 584, dated the 16th February 1915, returning with the assent of His Excellency the Governor General the authentic copy of the Bombay Town Planning Act.

4. Correspondence containing the information required by the Select Committee appointed to consider Bill No. VI of 1914 (a Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind) regarding vessels trading at Keti Bunder.

5. Memorandum from Commissioner in Sind, No. M-51, dated the 24th February 1915—Forwarding opinions of the Indian Merchants' Association, Karachi, and the Karachi Chamber of Commerce on Bill No. VI of 1914 (a Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind), as amended by the Select Committee.

J. NISSIM,
Secretary to the Bombay Legislative Council.

Bombay, 11th March 1915.

LEGISLATIVE COUNCIL, 13th MARCH 1915.

LIST OF QUESTIONS AND ANSWERS.*

Questions.	*Answers.*
THE HONOURABLE MOULVIE RAFIUDDIN AHMAD.	
1. Will Government be pleased to state whether they have come to any final decision with regard to the utilization of eight lakhs of rupees placed at their disposal by Mr. Mahomed Yusuf Sowdagar for the education of Mahomedans in this Presidency? (Mr. Mahomed Yusuf's gift for education of Mahomedans.)	1. The answer is in the negative.
2. Will Government be pleased to lay on the Council Table any papers relating to the Sir Currimbhoy High School, the foundation stone of which was laid by Lord Sydenham in Poona very nearly three years ago? (Sir Currimbhoy High School at Poona.)	2. The Honourable Member is referred to the reply given to his question No. 3 put at the meeting of the Legislative Council held on the 27th July 1914. Government have nothing to add to that reply.

Supplementary Question.

The Honourable MOULVIE RUFIUDDIN AHMAD: I beg to ask whether during all these months, no correspondence has passed between Government and the Honourable Sir Fazulbhoy Currimbhoy Ebrahim?

The Honourable Mr. C. H. A. HILL: No correspondence of importance has passed.

3. Will Government be pleased to state—	3. (*a*) The reply is in the affirmative.
(*a*) Whether it is a fact that many of the stations on the Tápti Valley Railway have no railway platforms? (Tápti Valley Railway platforms at stations.)	
(*b*) If so, whether Government propose to invite the attention of the railway administration concerned to the want of such platforms?	(*b*) The matter is being considered.
THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.	
1. Has the attention of Government been drawn to the Judgment delivered on the 22nd December 1914 by His Majesty's High Court of Judicature at Bombay in Criminal Application for Revision No. 318 of 1914 presented by one Anandrao Balkrishna Rangnekar? (High Court Judgment in the case of Anandrao Balkrishna Rangnekar.)	1. Yes.

* This list of Questions and Answers was placed on the Table on Saturday, 13th March 1915. The Questions were put and the Answers read on Monday, 15th March 1915.

Questions.	*Answers.*
2. If so, will Government be graciously pleased to furnish information on the following points:—	
(*a*) The total expenditure of money out of the public exchequer on the prosecution of the case against the accused in all its stages? (And further information about the case.)	2. (*a*) Enquiry will be made.
(*b*) Whether Goverment has taken or intends to take any notice of the conduct of the complainant Ráo Sáheb Anant Bhaskar Nimkar towards the accused in the case?	(*b*) and (*c*) Further information about the case will be obtained to enable Government to consider whether it is necessary to take any action.
(*c*) Whether Government has given or intends to give any compensation to the accused for the mental worry and the expense to which he was put in defending himself?	
3. Will Government be pleased to state—	
(*a*) The present number of pupils in the Mission Anglo-Vernacular School and the George V Anglo-Vernacular School at Vengurla? (Schools at Vengurla.)	3. (*a*), (*b*), (*c*) and (*d*) The information has been called for.
(*b*) The amount of the grant-in-aid to the Mission Anglo-Vernacular School in the year 1914.	
(*c*) Whether it is a fact that the Educational Department has recognized the Mission Anglo-Vernacular School?	
(*d*) The grounds on which the Educational Department has hitherto declined to recognise the George V Anglo-Vernacular School.	
4. Will Government be pleased to state the total number of pupils who were refused admission for want of room into each of the Government High Schools in the Southern Division from December 1912 to the end of January 1915? (Government High Schools in S. D. number refused admission.)	4. The information has been called for.

Questions.	*Answers.*
5. Will Government be pleased to state—	
(*a*) When the Candy Municipal Medical Dispensary at Vengurla was first established?	5. (*a*) In the year 1886.
(*b*) The number of patients treated in the said Dispensary in each of the last five years?	(*b*) and (*c*) The information required by the Honourable Member will be found in the accompanying statements.* Information for the year 1914 is not available.
(*c*) The total yearly expense on the maintenance of the said Dispensary and the sums of money paid respectively by Government, the Táluka Local Board of Vengurla and the Municipality of Vengurla for its upkeep during the years 1913 and 1914? Candy Municipal Medical Dispensary at Vengurla.	
(*d*) Whether it is a fact that the Commissioner, Southern Division, has recently intimated to the Vengurla Municipality that in view of the opening of a Mission Hospital at Vengurla, no Assistant Surgeon will in future be in charge of the Municipal Dispensary?	(*d*) and (*e*) Enquiries are being made.
(*e*) Whether the Vengurla Municipality has unanimously recorded a resolution protesting against the Commissioner's orders?	
(*f*) Whether there is at present any other Assistant Surgeon in the whole of the Vengurla Táluka than the one employed in the Municipal Medical Dispensary?	(*f*) No.
(*g*) Whether any memorials have been submitted to Government by the people in the Vengurla Táluka against the orders passed by the Commissioner, Southern Division?	(*g*) A petition on the subject has been received from certain inhabitants of Vengurla and is under consideration.
6. Will Government be pleased to state the result of their inquiry into the allegations covered by my Question No. 15 (*a*) and (*b*) put at the meeting of the Council on the 27th July 1914? Complaint in the *Kesari* against the C. I. D.	6. Government made full enquiry and do not propose to take any further action in the matter.

* *See* Appendices A and B.

Questions.

Answers.

THE HONOURABLE MR. G. M. BHURGRI.

1. (*a*) Has the attention of Government been drawn to an article, entitled "Section 110 and its disastrous consequences" appearing in the issue of the 21st November 1914 of the "Aftabe Sind" published at Sukkur.

Newspaper article on the working of section 110 of the Criminal Procedure Code.

1. (*a*) Yes.

(*b*) If so, will Government be pleased to state if the presentment of facts is correct or otherwise.

(*b*) The presentment of facts is in several important particulars incorrect.

(*This question was asked at the meeting held on the 8th December 1914 when an* ad interim *reply was given.*)

2. Will Government be pleased to state how many acres have been forfeited to Government under the Fallow Rules, and how much fallow assessment has been paid to Government during the last five years?

Fallow Rules in Sind.

How much of that land was flow and lift land respectively?

(*This question was asked at the meeting held on the 27th July 1914 when an* ad interim *reply was given.*)

2. The following statement gives the information required by the Honourable Member:—

District.	Land forfeited under the Fallow Rules.			Amount of fallow assessment paid to Government during the five years ending 1913-14.
	Flow.	Lift.	Total.	
	Acres.	Acres.	Acres.	Rs.
Karáchi ...	2,863	2,692	5,555	6,025
Hyderabad ...	8,162	42,226	50,388	2,38,352
Lárkána ...	12,435	3,859	16,294	77,898
Thar and Párkar ...	46,243	30,966	77,209	1,55,743
Nawábshah ...	14,376	33,798	48,174	1,41,497
Sukkur ...	8,282	2,723	11,005	50,957
Upper Sind Frontier...	9,715	2,892	12,607	30,030
Total ...	102,076	119,156	221,232	7,00,50

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

1. (*a*) Is it a fact that the primary school buildings in the district of Thána are in bad repair?

Primary Schools in Thána District.

1. (*a*) If the Honourable Member will specify the particular school buildings which he has in mind, Government will make enquiries regarding them.

(*b*) Is it a fact that the plans of the new buildings have not been passed by the Executive Engineer for some time and is there any reason for the delay?

Questions.	*Answers.*
(*c*) Are Government aware that Rs. 37,000 available for educational purposes have had to be refunded by the District Local Board when there is urgent need, and money is wanted, for the improvement and better housing accommodation of schools in the district?	(*b*) and (*c*) Enquiries are being made.
2. Will Government be pleased to say whether two liquor shops in Thána, out of the total number of seven which were once closed on the recommendation of the Advisory Committee, have been again allowed to be opened and if so, for what reasons? (Liquor shops in Thána.)	2. The Honourable Member presumably refers to the Charai and Burudalli Shops in Thána Town. In 1913 the Advisory Committee recommended that these shops should be closed, the first from 1st April 1914 and the second from 1st April 1915. This recommendation was accepted, but in September 1914 the Committee reconsidered the question and unanimously decided to recommend that both shops should be maintained, and that another shop in the neighbourhood should be closed on the occurrence of a certain contingency. These recommendations have been accepted with the modification that a definite period has been fixed for abolishing the shop recommended for closure.
3. Do Government propose to take any action in regard to the discontinuance of the Toll Bar on the Bándra-Ghodbandar Road? (Toll on the Bándra-Ghodbandar Road.)	3. The Bándra-Ghodbandar Road is a District Local Board one and an enquiry is being made whether that body proposes to abolish the toll bar on it.
THE HONOURABLE SHEIKH GHULAM HUSSEIN HIDAYATALLAH.	
1. (*a*) Will Government be pleased to state if the enquiry undertaken to be made in respect of the period of Settlement in Sind has been started; and, if so, how far it has progressed? (Settlement in Sind.)	1. (*a*) and (*b*). The enquiry will be undertaken in April or May next by a committee which has been appointed for the purpose.
(*b*) Should the enquiry be complete, will Government be pleased to state when the results of the enquiry will be published?	
2. Will Government be pleased to state the revenue from, and expenditure on, the Local Board gardens in Sind during the last five years? (Local Board Gardens in Sind.)	2. A statement* showing the figures of income from, and expenditure on, Local Board gardens in Sind for the period of five years from 1909-10 to 1913-14 is placed on the Council Table.

*Appendix C.

Questions.

Answers.

3. (*a*) Is it a fact that in Sind, by virtue of a circular of the Commissioner, the Supervising Tapadar is required to repair such boundary marks as he considers out of repair, at Government cost, in the first instance, and then to recover the cost as arrears of revenue; that, before undertaking the work, a notice is put up at the Táluka Kacheri, calling upon all khátedárs to repair their boundary marks; that no written notices are issued to individual khátedárs specifying the survey numbers of which the boundary marks are out of repair and are required to be repaired?

Repairs of boundary marks in Sind.

3. (*a*) The procedure followed in Sind is that a general notice is given in the village warning all landholders to repair their boundary marks and if the repairs are not carried out within the time allowed, the repairs are executed at Government expense and the cost recovered from the landholder concerned.

(*b*) If so, will Government be pleased to say whether they propose to direct that such written notices to individual khátedárs shall, in the first instance, be issued?

(*b*) The procedure is in accordance with the provisions of section 122 of the Land Revenue Code and Government see no reason to modify it.

THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.

1. With reference to the answer given to my Question No. 8 (ii) put at the Council Meeting held in December last, regarding the recovery of arrears of land revenue by distraint and sale of moveable property by the Mámlatdár of Vengurla from one Anant Balkrishna Rangnekar of village Kochra in district Ratnágiri—

(i) Will Government be pleased to state whether they propose to make enquiries whether the said Mámlatdár had issued any written Notice of Demand in the first instance to the defaulter?

Land-revenue arrears recovery of—from an inhabitant of Kochra in Ratnágiri District.

(ii) Will Government be pleased to say if they have noticed the Judgment of the High Court of Bombay, published in the Bombay Dailies of 23rd December last, in the matter of the appeal of the said Rangnekar against a sentence of imprisonment and fine on a charge of

1. (i) to (iii) Attention is invited to the replies to questions 1 and 2 (*b*) and (*c*) put by the Honourable Mr. Belvi.

Questions.	*Answers.*
defamation of the said Mámlatdár of Vengurla, alleged to be contained in a petition of redress by the defaulter regarding the sale by distraint?	
(iii) Will Government also be pleased to say if they have been pleased to take notice, if any, of the action of the Mámlatdár which the High Court Judgment has characterised as "invidious" and "oppressive"?	
(iv) Will Government be pleased to state if they intend to issue any general orders for the guidance of Revenue Officers with a view to avoid hardship and expense to occupants, while having recourse, where no doubt necessary, to processes for the recovery of revenue dues?	(iv) Government have no reason to believe that the existing orders are inadequate.
2. (i) Will Government be pleased to furnish the figures of the total penal assessments for the years 1912-13, 1913-14 and 1914-15 (to date) recovered by the Executive Engineer for Irrigation, Poona, from agriculturists along the Mutha Canal for unauthorised or irregular use of canal water?	2. (i) Information is being called for.
Water-rate on Mutha Canal penal assessment.	
(ii) Is it a fact that penal assessment for water is levied on the strength of *ex parte panchnámás* held by the Irrigation authorities?	(ii) Enquiry is being made.
(iii) If so, is it a fact that the system has caused dissatisfaction amongst agriculturists along the Mutha Canal?	(iii) Enquiry is being made.
3. With reference to the answer given by Government to the interpellation* at the Council meeting held on the 16th of December 1913 regarding the collection of arrears in the Inám village of Pimpri in Purandhar Táluka of the Poona District, will Government be pleased to say:—	
(i) if it is the case that the Collector has in 1914 declined to recover from the tenants of the Inámdár	3. (i) Yes.
Collection of arrears at Pimpri in Purandhar Táluka.	

* Question No. 2 asked by the Honourable Mr. Upasani (Proceedings for 1913, page 855).

Questions.	*Answers.*
all arrears of revenue due under the assistance suits, except those due or the last six years only; and	
(ii) whether the Inámdár was given the opportunity to grant to his tenants remissions for the previous years on a scale corresponding to what was granted to the ryots in the neighbouring Government villages.	(ii) It has always been open to the Inámdár to grant remissions on any scale he pleases.
THE HONOURABLE SARDAR DULABAVA RAISINGHJI, THAKORE OF KERWADA.	
1. (*a*) Will Government be pleased to lay on the Council Table the speech made by the Honourable Mr. Reeves at the time of the introduction of the Tálukdári Bill in the year 1862?	1. (*a*) The speech referred to is printed in the Proceedings of the Council of the Governor of Bombay assembled for the purpose of making Laws and Regulations, 1862, Volume I, a copy of which is available in the Secretariat library for the Honourable Member's perusal.
Tálukdári Bill of 1862—Mr. Reeves' speech.	
(*b*) Did the Honourable Mover of that Bill then give an assurance on behalf of Government (1) to reconsider the *Jama question*, and (2) to declare the Tálukdárs full proprietors of their estates when the same were free from debts?	(*b*) The Honourable Member is referred to the Proceedings, where the speech will be found.
2. Will Government be pleased to place on the Council Table statement showing percentage and average of increase and decrease of jama at each survey, of the Tálukdári villages in Dholka, Dhandhuka and Viramgám Tálukas of the Ahmedabad District?	2. A statement showing the jamas levied at different periods in respect of the Tálukdári estates in the Viramgám, Dholka and Dhandhuka Tálukas is placed on the Council Table*.
Settlement of Jama in certain villages in Ahmedabad District.	
	* *See* Appendix D.
3. (*a*) Are Government aware that at Darbárs of the Commissioner, N. D., held to ascertain the views of Tálukdárs with regard to the present Tálukdári Bill he gave an assurance that he would place his views regarding the Tálukdárs' Jama before Government?	3. Copies of the relevant portion of the Commissioner's report, and of the orders of Government passed thereon, are placed on the Table.*
Jama promise of Commissioner, N. D., to refer the question of jama to Government.	
(*b*) If he has done so, will Government be pleased to lay his report on that subject on the Council Table for the information of the Honourable Members?	* *See* Appendix E.

Questions.

Answers.

4. Will Government be pleased to state whether there has been any systematic survey of cattle in this Presidency? If so, will Government be pleased to state what steps have been taken to preserve and improve the best breed of cattle?

Cattle in the Bombay Presidency.

4. A general survey of the cattle question in the Presidency has been undertaken by the Director of Agriculture, whose report Government expects, very shortly to receive.

THE HONOURABLE SARDAR BHALCHANDRARAO *alias* ANNASAHEB PATWARDHAN, CHIEF OF KURUNDWAD (SENIOR).

1. Will Government be pleased to construct with the co-operation of the Sángli State a metalled road from Kundal Road Station to Válva, a táluka town in the Sátára District, the present cart-track being almost unfit for traffic in the rainy season?

Road from Kundal Road Station to Válva.

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

1. The Collector of Sátára, who was consulted with regard to the necessity of the road, states that there is little or no goods traffic at Kundal Road Station at present. This may be due to lack of communications. He considers that a metalled road would be useful but the cost (Rs. 79,950) is prohibitive and certainly beyond the means of the District Local Board. The cost of the upkeep of the road will be Rs. 200 per mile. The cost of 3·75 miles in British territory will be Rs. 53,150 and of 1·25 miles in Sángli State will be Rs. 26,800. The line crosses one large nála called Nagralla, where a bridge will be required. The bridge over the Nagralla Nála will be within the limits of the Sángli State. At present there is no prospect of Government being able to supply funds for the portion of the road within British limits and the Chief of Sángli has been informed that Government do not at present propose to proceed with the construction of the road.

THE HONOURABLE RAO SAHEB VENKATESH SHRINIWAS NAIK.

1. Will Government be pleased to state—

(*a*) In how many villages in Sholápur district does the major part of the population speak Kánarese as its mother tongue?

Kánarese villages and schools in the Sholápur district.

1. (*a*) In seventy villages.

(*b*) What is the population of these villages?

(*b*) The aggregate population of these villages is 67,623.

Questions.	*Answers.*
(*c*) In how many such villages are there Kánarese primary schools?	(*c*) In one only.
(*d*) What is the Court language of these villages?	(*d*) Maráthi.
[*This question was asked at the meeting held on the 8th December 1914, when an* ad interim *reply was given.*]	
2. Will Government be pleased to furnish the following information for the last three years in regard to the charges credited to the Government (P. W. D.) on account of professional advice given to, and works done for, the Local Boards and Municipalities separately, by the P. W. Officers, in Dhárwár, Belgaum and Bijápur Districts:—	2. The information required is being called for and will be furnished on receipt.
Payments by Local Boards and Municipalities to Government for the services of the P. W. D.	
(*a*) Review charges for reviewing the plans and estimates framed by the subordinates of Local Boards and Municipalities.	
(*b*) Charges for framing the plans and estimates for works belonging to Local Boards and Municipalities.	
(*c*) Establishment charges on account of execution of Local Board and Municipal works through Government P. W. agency, showing separately the charges for educational works.	
(*d*) Any other charges paid by the Local Boards and Municipalities on account of professional advice received from Government P. W. Officers?	
3. (*a*) Is it a fact that the M. and S. M. Railway Company carried third class passengers to and from Hubli on the 14th February and on one or two days previous and subsequent to that day, in goods wagons?	3. (*a*) Government have no information on the subject.
Railway third class passengers on M. and S. M. Railway.	
(*b*) Will Government be pleased to say whether they propose to bring this matter to the notice of the Railway Board?	(*b*) Government are not disposed to address the Railway Board. In this connection the Honourable Member is referred to the answer -

Questions.	*Answers.*
	given to Question No. 10 put by the Honourable Mr. H. S. Dikshit at the Council Meeting of the 6th September 1902, a copy* of which is placed on the Council Table. * (*Vide* Appendix F.)
4. Will Government be pleased to say when they are likely to publish the press note about the past, present and future work done and to be done by various departments of Government with regard to the prospecting for artesian and sub-artesian supply of water in the Deccan and the Karnátic, as promised in the reply to the resolution No. 8 moved by me in the Legislative Council meeting held on the 1st of August 1914 ?	4. The work done by the Agricultural Department has been described in the pamphlet "Agricultural Engineering in the Bombay Presidency," copies of which were supplied to Honourable Members. The report of the committee of experts referred to in chapter II of the pamphlet is under consideration and a press note will be issued when Government have passed orders on the report.
5. Will Government be pleased to lay upon the Council Table the names of the places where the amount of Rs. 1,00,000 was spent, provided in this year's budget (item No. 409 of Statement B accompanying the Draft Financial Statement corrected up to 4th February 1914) for the construction of storage reservoirs in the upper reaches of suitable streams with a view to raise the level of sub-soil water in the drier tracts of the Deccan plateau, together with a statement showing the results obtained ? Construction of storage reservoirs in the Deccan.	5. No money has been spent out of the one lákh of rupees provided, but investigations were made, which eventuated in proposals to construct a dam near Bhalavni on the Great Indian Peninsula Railway and to complete a portion of the Bhamburdi tank dam, a famine work dating from 1900. Both places are in the Sholápur District. Owing to financial stringency due to the war the consideration of this work and preparation of the projects have been postponed. No provision has been made in 1915-16 budget for the same reason.
6. Will Government be pleased to say how many nurses are trained and sent out every year from different hospitals and nursing associations, fit for appointment in the mofussil hospitals and dispensaries ? Nurses trained.	6. Inquiry is being made.
7. (*a*) Have any proposals been made to Government by the Sanitary Commissioner, or by any Municipalities, for conveniently grouping smaller Municipalities for the purpose of appointing Health Officers and Sanitary Inspectors ? Municipalities and Health Officers and Sanitary Inspectors.	7. (*a*) One such proposal has been received from the Sanitary Commissioner.
(*b*) Will Government be pleased to lay upon the Council Table any such proposals if they have been received ?	(*b*) As the proposal is still under consideration, Government are not prepared at present to lay the papers on the table.

Questions.

Answers.

THE HONOURABLE RAO BAHADUR RAMANBHAI MAHIPATRAM NILKANTH.

1. Will Government be pleased to state:—

(1) Whether printers who deliver copies of books at Government offices under section 9 of the Printing Press and Newspapers Act (No. XXV of 1867) are required to adduce evidence showing that the publisher possesses copy-right in the book so delivered? And if so,

Delivery of printed books *gratis* to Government.

(2) Under what law are printers so required?

1. No.

2. Will Government be pleased to state—

(1) Whether the Railways are required to observe any standard plan in the construction of latrines for the use of Intermediate and Third Class Passengers at Railway Stations? and

Latrines for Third Class Passengers at Railway Stations.

(2) Whether the Railways are required so to construct the latrines that there may be separate compartments therein capable of being used with decency.

2. (1) There is no general Government Standard for latrines for Third and Intermediate Passengers in stations though the provision of suitable platform latrine accommodation is regarded as essential at all important passenger stations. This matter is one that constantly engages the attention of Government Inspecting Officers.

(2) It is usual to provide latrines containing separate units for male and female passengers—the number of units in each case being regulated by the amount of traffic at stations.

THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.

1. Will Government be pleased to say:

(1) Whether in 1900-01 on the death of Tálukdár Bapu Miya of Dholka leaving a minor son, his estate was placed under the Tálukdári Settlement Officer's management?

(2) Does his son still continue a minor or has he attained majority?

Management of the estate of Tálukdár Bapu Miya of Dholka.

(3) If the son has attained majority, is there any special reason for not restoring to him the management of his táluka?

1.

(1) Already answered.

(2) and (3) The boy is still a minor. He was born on 3rd September 1894.

Questions.

(4) Whether the management of the estate still continues with the Tálukdári Settlement Officer?

2. Will Government be pleased to say—

(1) What was the value of the property which was the subject-matter of litigation in the case of Bichhubha *vs.* Vela Dhanji, reported in XI Bombay Law Reporter at page 736?

(2) What was the total amount of costs incurred by the Tálukdári Settlement Officer, who was the guardian of the minor Bichhubha in the course of the said litigation?

Costs incurred by the Tálukdári Settlement Officer in the case of Bichhubha *vs.* Vela Dhanji.

THE HONOURABLE MR. VITHALBHAI JHAVERBHAI PATEL.

1. Will Government be pleased to say which of the municipalities in the Presidency—

(*a*) have appointed Chief Officers under section 182 (*1*) of the Bombay District Municipal Act,

(*b*) have appointed Chief Officers on requisitions made by the Governor in Council under section 177 (*1*) (*i*) of the Act,

(*c*) have appointed Government servants as their Chief Officers,

(*d*) have delegated, of their own accord, some of their powers to their Chief Officers under section 37 of the Act,

(*e*) have delegated some of their powers on requisition made under section 177 (*1*) (*iii*) of the Act,

(*f*) have not appointed Chief Officers in spite of requisition made under section 177 (*1*) (*i*),

(*g*) have not delegated their powers to their Chief Officers even after

Municipalities, Chief Officers and other matters.

Answers.

(4) Yes.

2.

(1) The value of the property referred to is estimated at Rs. 1,550.

(2) The total amount of costs incurred was Rs. 371-1-0. Of this sum, Rs. 71-1-0 only were paid by the estate concerned. The balance was charged to the general body of estates under management, on the ground that the main question at issue in the suit was a point of great importance to Tálukdárs generally.

1. The information referred to in questions (*a*) to (*e*), so far as it relates to city municipalities, is given in the accompanying statement*. With regard to questions (*f*) to (*i*), there are no city municipalities to be named.

*See Appendix (G).

Questions.	*Answers.*
requisition made in this behalf under section 177 (*1*) (*iii*), (*h*) have taken action under section 182 (*2*) to remove their Chief Officer, (*i*) have represented to Government the necessity of legislation— (I) requiring a payer of a qualifying tax to be a resident within municipal limits or within two miles thereof in order to be qualified as a candidate, (II) authorizing the Collector to move a Court of Law to set aside an election. [*This question was asked at the meeting of the Legislative Council held on the 27th July 1914 when an* ad interim *reply was given*].	
2. Will Government be pleased to say— (*a*) What were the average monthly emoluments for the last six years ending December 1914, of the Official Assignee, Bombay, as (i) Official Assignee, (ii) Receiver in various suits, and (iii) Liquidator of Companies in winding up? Official Assignee, Bombay.	2. (*a*) The information will be obtained and placed on the Table.
(*b*) Whether it is true that the present incumbent of the office of Official Assignee is retiring in a few months?	(*b*) Yes.
(*c*) Whether Government have given consideration to the proposal to put the Official Assignee on a fixed monthly salary instead of remunerating him by fees, and whether they have arrived at any, and, if so, what, decision in the matter? (*d*) Whether there are any proposals at present before Government to put the next incumbent of that office on a fixed monthly salary instead of remunerating him by fees? (*e*) Whether Government have before them any proposal to appoint a separate Official Receiver on a fixed monthly salary, as in some other provinces?	(*c*)—(*e*) These cognate matters are receiving attention.

Questions.

Answers.

3. Is it a fact that a new post of Educational Inspector has been created for Bombay? If so, will Government be pleased to say if they have any objection to set apart one more place of Educational Inspector for men in the Provincial Service?

Educational Inspector for Bombay.

3. The introduction of the scheme for the creation of a new Inspectorate for Bombay and certain adjacent districts has been postponed for the present in view of the existing financial situtation. Government have decided that the appointment of the additional Educational Inspector required for the new charge should be included in the Provincial Educational Service.

4. (*a*) Is it a fact that the promotion of an assistant teacher in a secondary school depends upon the total number of marks he obtains?

(*b*) Is it true that the total is made up of marks for qualifications and marks for the opinions of the Head Master and the Educational Inspector?

(*c*) Do Government approve of the inclusion of marks for such opinions in the total number of marks assigned to these teachers?

Assistant teachers—promotion of.

4. The answer to all the clauses of the question is in the affirmative.

5. Will Government be pleased to say whether the sum of Rs. 11,000 spent by them this year, out of the increased fees, in accordance with a recent Press Note for the improvement of the pay of teachers in secondary schools is part of the sum of Rs. 72,000 promised by them for this purpose in Government Resolution, Educational Department, No. 879 of 31st March 1913?

Teachers in secondary schools—pay of.

5. The answer is in the negative. As stated in paragraph 1 of the Press Note No. 3537, dated the 9th November 1914, the cost involved in the revision of the pay of assistant masters in secondary schools and vernacular training colleges amounts to Rs. 26,220 per annum. About one-sixth of the total number of teachers affected are employed in vernacular training colleges. Excluding this proportion of the cost, the balance, namely, Rs. 22,000 is on account of the revision of pay of teachers in secondary schools, and it has been debited against the extra income derived from enhanced fees in those schools.

6. Will Government be pleased to state what measures they have taken so successfully to dissipate the false rumours of prowmen caused by the bazar rumours as to induce them to return to Bombay and resume their work.

False rumours.

6. The return of lascars to their work in Bombay may be attributed to the general revival of confidence after the first shock of war. The District Officers of the districts concerned also worked hard to inspire the men with confidence and to allay panic. The Shipping

Questions.	*Answers.*
	Companies also despatched trusted serangs to induce their men to return. These measures produced good results.
7. Will Government be pleased to state whether they have taken any and, if so, what steps to restore confidence among the Bombay mill-hands who have gone away to their country and to induce them to return to Bombay? Mill-hands in Bombay.	7. No general complaints having been received of shortage of labour in the mills in Bombay, no special measures were taken to induce mill-hands who may have left for their homes to return to work. A number of unofficial gentlemen have been working among the hands in Bombay with the view of inspiring confidence, allaying panic and disseminating correct information about the war. The results have been most beneficial.
8. Will Government be pleased to say—	
(*a*) What use they make of the waste water (bittern) in salt-pans?	8. (*a*) At present bittern is not being put to any use either on Government or on private salt-works.
(*b*) Whether it is true that magnesium sulphate, potassium bromide, iodide, sodium sulphate, are manufactured in other countries, *e. g.*, France and Russia, from this water with the help of sun-rays? Waste water in salt-pans.	(*b*) According to the information with Government the chemicals that can be extracted from bittern are Magnesium Chloride and Sodium Sulphate. For some months past the possibility of producing from bittern a commercial supply of Magnesium Chloride has been under investigation and it is hoped that operations will shortly reach a point at which definite results can be reported.
(*c*) Whether any chemist has in the past petitioned Government to allow him the use of such water for the manufacture of all or any of the above drugs?	(*c*) No application of the nature referred to has been received, Government is prepared to grant all reasonable facilities for the promotion of any new enterprise in this direction.
THE HONOURABLE MR. MANMOHANDAS RAMJI.	
1. Will Government be pleased to state—	1. A statement* showing the commission drawn by the Official Assignee as Liquidator and as Receiver during the quinquennium ending the 31st December 1913 has been placed on the Council Table. Government are unable to give any information about the realizations from the estates in the hands of the Official Assignee as Liquidator and Receiver for the same period, because most of the estates have been discharged and the papers, books, etc., belonging to them have been handed over to the parties entitled to their possession.
The amount of realizations from the estates in charge of the Official Assignee (1) in his capacity of Official Liquidator and (2) in his capacity of Official Receiver, and his commission thereon during the last quinquennium. Realization from the estates in charge of the Official Assignee and his commission.	
[*This question was asked at the meeting held on the 8th December 1914, when an* ad interim *reply was given.*]	

* (*See* Appendix H.)

Questions.

2. Will Government be pleased to state—

(*a*) What is the cause of delay in the construction of the Koregaon-Sátára Railway; and

Railway projected between Koregaon and Sátára.

(*b*) Whether Government propose to move the Railway Board to expedite the construction of this Railway?

3. Will Government be pleased to state—

(*a*) Whether it is a fact that orders have been issued directing that tobacco should be warehoused in Custom House Road?

Tobacco warehouses in Bombay.

(*b*) Whether the old Warehouses were more convenient than the Warehouses in Custom House Road?

(*c*) Whether Government propose to allow tobacco merchants to continue to use the old Warehouses?

Answers.

2. (*a*) The delay is due to the length of time required by the Board of the parent line for the consideration of the project.

(*b*) Government expect to hear from the Railway Board shortly.

3. (*a*) Yes.

(*b*) Government have no reason to believe that the old Warehouses were more convenient than the new.

(*c*) No.

Supplementary Question.

Honourable Mr MANMOHANDAS RAMJI:—With regard to Question No. 3 (*c*) whether in view of the notification by the department (reads).

His Excellency the PRESIDENT:—Order, order. I cannot quite make out what the Honourable Member is saying. Is he reading an answer to a question or is he reading the question?

Honourable Mr. MANMOHANDAS RAMJI:—I am putting a supplementary question, My Lord.

Whether in view of the notification by the Revenue Department on the 8th March 1915 communicating the following decision the Governor in Council will be pleased to reconsider the answer.

His Excellency the PRESIDENT:—Order, order. The Honourable Member is suggesting a course of action. I cannot allow it.

4. With reference to my former question relating to the trade of Kárwár, will Government be pleased to state whether they propose to take any steps to restore the trade to its former level?

Kárwár trade.

4. No proposals in the matter are at present under the consideration of Government.

5. Will Government be pleased to state—

(1) Whether it is a fact that in August last the Collector sealed

5. (1) Owing to illegal removals of tobacco from the Warehouses of

Questions. *Answers.*

the Tobacco Warehouses situated at Clive Road? If so,

certain Warehousemen their warehousing operations were suspended from 18th August to 3rd October. Although no removals were allowed, the merchants were given full access to their godowns for the purpose of looking after their goods. The godowns were sealed for one day only whilst the enquiry into the illegal removals was pending. The godowns are always kept under the lock of the Collector as they contain bonded tobacco.

(2) Whether it has been brought to the notice of Government that the tobacco merchants were put to losses owing to stoppage of their business unexpectedly?

Administration of the Tobacco Act in Bombay.

(2) No complaint on the subject has reached Government.

(3) Whether the new warehouses have all the following conveniences, namely—

(*a*) sufficient area for cleaning and drying and subjecting tobacco to various processes?

(3) (*a*) The total ground area of the new Warehouses, excluding staircases, passages, etc., is larger than that of the old Warehouses. The space for cleaning and drying tobacco is less, but is quite sufficient for ordinary purposes.

(*b*) sufficient conveniences for loading and unloading the carts?

(*b*) Yes.

(4) How many licenses were cancelled by the Collector in August last? and

(4) Six licenses.

(5) Whether it is true that all the licenses were given to one man?

(5) No.

THE HONOURABLE RA'O BAHA'DUR GANESH KRISHNA SA'THE.

1. Will Government be pleased to give the following information:—

1. (*a*) There are three rooms, two for men and one for women.

(*a*) The number of lock-up rooms at Bársi in Sholápur Táluka for under-trial men and women.

Lock-ups and under-trial prisoners at Bársi.

(*b*) The number of under-trial prisoners (male and female) that can be accommodated therein according to rules.

(*b*) Each room accommodates four prisoners.

Questions.

(*c*) The number of under-trial prisoners (male and female) that were admitted in every month in the years 1913 and 1914 in the lock-ups at Bársi.

Answers.

(*c*) A statement* giving this information is attached hereto.

* (See Appendix I.)

The Honourable Member is also informed that the District Magistrate has already issued orders for the enlargement of the compound, the construction of more rooms, and the improvement of the existing rooms.

2. Will Government be pleased to give the following information for the years 1912, 1913 and 1914 :—

(*a*) Places where illicit distillation of country liquor was suspected by the authority in or near 'Ghoda' in the district of Poona with their respective distances from Ghoda.

Illicit distillation of country liquor near Ghoda in the Poona District.

2. (*a*) The following are the villages where illicit distillation was suspected :—

Name of village.	Distance in miles in a straight line from Ghoda.
1. Ahupe	20
2. Panchal	10
3. Advire	12
4. Gohe	8
5. Nigdale	17
6. Done	16
7. Wandre	18
8. Adhe	18
9. Aundhe	14
10. Hatwij	16
11. Bhiwda	15
12. Inglun	14
13. Sonavla	12
14. Deolawadi	17
15. Kevri	14
16. Dhulewadi	13
17. Wanewadi	12

(*b*) If any criminal prosecutions for illicit distillation were undertaken during those years and, if so, how many and with what result.

(*b*) Ten cases during the year 1913 and two cases during the year 1914 were detected at the following villages :—

Name of village.	Number of cases.	Result.
1. Inglun ...	5*	Conviction.
2. Sonavla ...	1*	Discharged.
3. Deolawadi ...	1	Conviction.
4. Kevri ...	1*	Discharged.
5. Adhe ...	2*	Conviction.
6. Dhulewadi ...	1*	Conviction.
7. Wanewadi ...	1*	Conviction.

Of the above 12 cases, 11 (marked*) were of illicit distillation, and one of possession of implements and utensils for the purpose of illicit distillation.

Questions.

(*c*) The amount of illicit liquor detected in each case.

[*These questions were asked at the meeting held on the 8th December 1914, when* ad interim *replies were given.*]

Answers.

(*c*) The following was the quantity of illicit liquor detected in the abovementioned cases :—

	Drams.
1. Inglun ...	... 22
2. Sonavla ...	... 24
3. Deolawadi ...	... ...
4. Kevri ...	... 10
5. Adhe ...	... 112
6. Dhulewadi ...	... 8
7. Wanewadi ...	... ...
	3 gallons 32 drams.

Besides the actual quantity of liquor seized in these cases, a large quantity of soaked and dried mhowra flowers was also seized. The quantity of liquor capable of being distilled from these flowers is roughly estimated at 45 gallons.

3. Will Government be pleased to state—

(*a*) if it is a fact that Mr. Manekji Cawasji Patel is at present a servant of the Educational Department and is doing work in the Elphinstone High School?

Mr. Manekji Cawasji Patel.

3. (*a*) The reply is in the affirmative.

(*b*) if so, the date of his appointment, his pay, his age and his university qualifications, and

(*b*) He was appointed to be an assistant on Rs. 150 per mensem on the 23rd November, 1914. He is 50 years old and has no university qualifications.

(*c*) whether he was promoted to the present post from lower grades in the same Department?

(*c*) The reply is in the negative.

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

(*a*) the number of officiating Mahárs fixed for the village of Shirbavi in the Sángola Táluka of the Sholápur District under Chapter X of the Watan Act;

Remuneration of Mahárs of Shirbavi.

4. (*a*) In the course of an order under section 19 of the Watan Act the District Deputy Collector adopted the view that four officiating Mahárs were sufficient for the village work.

(*b*) Whether disputes have arisen since last six years between the rayats and Mahárs of that village in connection with the payment of Baluta by the former to the latter;

(*b*) Disputes have arisen and have given rise to proceedings under sections 18 and 19 of the Watan Act.

Questions.	*Answers.*
(*c*) Whether the same dispute has been settled by the District Deputy Collector of Sholápur by an order calling upon each rayat to pay three annas in a rupee on the amount of assessment payable by him;	(*c*) Before the District Deputy Collector the rayats agreed to pay 'mhorhi baluta' at the rate of three annas per rupee of assessment, and that officer, considering the arrangement a fair one, applied that rate by an order under section 19.
(*d*) Whether the Mahárs of that village have inám lands productive of corn from 2 to 3 khandis per year.	(*d*) The Mahárs have inám lands which the District Deputy Collector estimated are capable of yielding about $2\frac{1}{2}$ khandis of corn in an average year.
(*e*) What is the annual land revenue of the village and what amount are the Mahárs entitled to receive on account of Baluta under the orders of the District Deputy Collector?	(*e*) The assessment of the village is Rs. 1,429 and at three annas per rupee the total *baluta* comes to Rs. 267-15-0.
5. Will Government be pleased to state if the rate fixed in some villages of the Indápur and Bárámati Tálukas of the Poona District is 3 to 6 pies per rupee of land revenue payable by the rayat to the Mahárs on account of the *baluta?*	5. Government have no information on the point.
Remuneration of Mahárs in some villages of Indápur and Bárámati Tálukas.	
6. Will Government be pleased to state whether disputes between Mahárs and rayats about the payment of Balutas have recently become more common, and, if so, whether Government have taken, or intend to take, any steps to put a stop to these disputes by fixing money compensation?	6. Government have not sufficient information on which to institute a comparison. The policy laid down by Government is that disputes should be settled by action taken under section 18 of the Watan Act.
Remuneration of Mahárs generally.	
THE HONOURABLE MR. CHIMANLAL HARILAL SETALVAD.	
1. Whether Government are aware that among the persons nominated by the Commissioner, N. D., to be members of the District Local Board, Kaira, for the triennial term commencing from 1st October 1914 (*vide Bombay Government Gazette*, Part I-A, of 19th November 1914), is Mr. Jesinghbhai Bhaibabhai Patel, a Barrister-at-Law, residing in Bombay and practising in the High Court throughout the year.	1. The information before Government shows that Mr. Patel is temporarily resident in Bombay where he practises as a Barrister.
Nominated members of the District Local Board, Kaira.	

Questions.

Answers.

2. Whether it is true that the said Mr. Jesinghbhai was a candidate for election to the District Local Board, Kaira, by the electors, and was not elected and the Commissioner, N.D., nominated him?

Nomination of Mr. J. B. Patel, Bar.-at-Law, to the District Local Board, Kaira.

[*These questions were asked at the meeting held on the 8th December 1914 when* ad interim *replies were given.*]

2. The answer is in the affirmative.

THE HONOURABLE MR. SHRIDHAR BALKRISHNA UPASNI.

1. (*a*) Will Government be pleased to place on the Table a list of the Second Class Irrigation Works, in the several districts in the Presidency proper?

Second Class Irrigation Works in the Presidency.

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

[*This question was asked at the meeting held on the 13th March 1914 when an* ad interim *reply was given.*]

1. The information is furnished in the statement* placed on the Table.

* See Appendix L.

2. What was the printing cost of the several old Vernacular Readers when they were printed through Government agency?

Printing cost of old Vernacular Readers.

2. The following statement supplies the information desired by the Honourable Member so far as the Maráthi Readers are concerned. The figures do not include charges on account of illustrations, honoraria for revision and storage in the Government Book Depôt:—

Maráthi Readers.	Number of copies printed.	Printing Charges.
I	250,000	11,423
II	150,000	15,083
III	100,000	11,310
IV	25,000	6,600
V	40,000	13,250
VI	20,000	5,900
VII	3,000	1,273

Questions.

Answers.

3. Will Government be pleased to state the total number of teachers in Girls' Schools in the Central Division and the number of male and female teachers among them, as also the average number of trained teachers annually supplied by the Poona Training College during the last five years?

Normal classes for trained female teachers.

3. The total number of teachers in Government, Local Board, and Municipal Girls' Schools in the Central Division is 447. Of these, 190 are men and 257 women. The average number of trained teachers annually supplied by the Training College for Women, Poona, during the last five years is 22·4.

Is it true that complaints are made as to the trained female teachers not being able to teach the higher vernacular standards efficiently?

No such complaints have been received by Government.

4. (*a*) Will Government be pleased to state if any notice has been taken of the proceedings taken under Chapter VIII of the Criminal Procedure Code by the Assistant Collector of Ahmednagar against the Chairman of the Vámbori Municipality, which were set aside by the High Court in September last?

Vâmbori Municipality.

4. The answer is in the negative.

5. Will Government be pleased to say if any orders have been issued for early collection of this year's instalments of assessment and tagái in Nagar or any other district of the Central Division as was done last year?

Collection of assessment and tagái in Central Division.

5. In the Ahmednagar District the date of the 1st Kharif instalment of land revenue for 1914-15 was changed from 5th January 1915 to 5th December 1914, as the rains had been timely and there was every prospect of an early harvest.

The date of the 1st Rabi instalment for 1914-15 in the rabi villages in the district, was changed from 5th February to 5th January 1915, as in these villages a large area of kharif crops had been sown this year.

It is usual to collect the normal instalment of tagái along with the first instalment of land revenue; but in the Ahmednagar District if any Kabjedár could not conveniently pay the tagái instalment along with the first instalment of land revenue he was allowed to pay it with the second land revenue instalment.

In the Poona District the kharif crop is disposed of in November. The dates of the kharif instalments of land revenue in the Deshi villages in the marginally noted tálukas

Questions.

Answers.

Junnar Táluka.
Khed Táluka.
Mával Táluka.
Haveli Táluka.
Mulshi Petha.
Ambegaon Petha.

and pethas and those of Kharif instalments in the Purandhar and Sirur Tálukas were therefore changed permanently from 5th January and 5th March to 5th December and 5th January, respectively, in order to enable the ryot to pay his dues immediately after disposing of his crops.

In Poona the tagái instalments were recovered along with the second instalment of land revenue in kharif villages in the ghát portion of the district and in all rabi villages. In the remaining kharif villages the tagái instalments were recovered with the first instalment of land revenue.

6. Will Government be pleased to state how many lady students are at present attending the Sassoon Hospitals at Poona to receive medical education?

Medical education of lady students in the Sassoon Hospitals, Poona.

6. There are seven lady students at present attending the Sassoon Hospitals, Poona, as shown below:—

	Hindu.	Mahomedan.	Christian.	Total.
3rd year	*Nil.*	*Nil.*	1	1
2nd year	*Nil.*	*Nil.*	1	1
1st year	2	1	2	5
			Total ...	7

Has any provision been made for residential quarters for them on the Hospital grounds or close to them?

No such provision has been made for residential quarters. A Hindu lady has, however, taken steps to institute a hostel in the vicinity of the New King Edward Memorial Hospital.

Have arrangements been made for their regular training in a full medical course in vernacular as was done for the old medical pupils trained as Hospital Assistants?

No arrangements are made to teach the lady students in the vernacular. Such arrangements are not required as the lady students are proficient in English.

Has any provision been made for scholarships for these lady students? If so, to what extent?

No provision has been made by Government for scholarships as these are restricted to Government students. There are, however, three scholarships available for students entering this year for the whole course. Of these, two of Rs. 25 each per mensem have been awarded by the trustees of the Wadia Charitable Trust, and one of Rs. 12 per mensem has beeen awarded through the Seva Sadan Society.

Questions.

Answers.

7. Will Government be pleased to state how many of the Subordinate Judges' Courts in East and West Khándesh have jurisdiction over only one táluka and how many over more than one. In case of the latter will Government be pleased to state the number of tálukas over which the jurisdiction extends, the total local area of the jurisdiction, the number of villages included therein and the maximum distance which the ryots have to go for attendance in the case of each Court; how many tálukas in the two districts have been apportioned between different courts.

Subordinate Judges' Courts in East and West Khándesh.

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

* See Appendix J.

8. With reference to the answer given to question No.2 (*b*) asked by me at the Council Meeting of the 16th December 1913, will Government be pleased to state what scale of remission or suspension has been allowed in the Government villages adjoining the village of Pimpri in táluka Purandhar in the Poona District for the period 1908-09 to 1913-14?

Collection of arrears at Pimpri at Purandhar Táluka.

8. The scale of suspension and remission granted at the four Government villages adjoining Pimpri is shown* in the accompanying statement.

*See Appendix K.

Is it true that arrears due for this period in the inám village of Pimpri are being recovered in full by the Inámdár by attachment of moveable property of the rayats under orders of the Mámlatdár?

The arrears due under assistance decrees for the period in question amount to Rs. 1,657 only and are being recovered under the orders of the Collector. Rs. 689 were paid by the rayats before attachment.

[*These questions were asked at the meeting held on the 8th December 1914 when* ad interim *replies were given.*]

9. (*a*) With reference to Question No. 25 asked by me at the Council Meeting of the 13th March 1914 to which an *ad interim* answer was given, will Government be pleased to state if the information called for has been received?

Mission Institution at Kukarmunda.

(*b*) Is it true that the Mission authorities proceeded to dig foundations for a Mission house on the site in question?

Questions.	*Answers.*
(*c*) Did the villagers appeal to the Collector in the matter? (*d*) Did the Collector, after inspecting the site personally, advise the Missionary gentlemen to select another site and offer to give him the site he selected? (*e*) Did the villagers offer, if required to do so, to pay the cost of the work already done? (*f*) Was the work proceeded with? (*g*) Is it a fact that there are no Christian residents in the said village, and the bulk of the population is Hindu? (*h*) Is it a fact that the site in question is close to Hindu temples and required for the use of the temples? (*i*) Will Government be pleased to state whether they propose to take any action in the matter?	9. The information called for has not yet been received.
10. (*a*) Will Government be pleased to state the area of the Ahmednagar Cantonment and the length of the portion of its boundary-line which touches the Nagar town and of that which touches the town of Bhingár? (*b*) What is the area of the Bhingár Town and of the Sadar Bazar and the population living in each of them? Ahmednagar Cantonment and the Bhingár Municipality. (*c*) What is the constitution of the Cantonment Committee and its annual Municipal income and expenditure? (*d*) How many, if any, of the members of the Cantonment Committee are residents of Bhingár or holders of property in that town?	10. (*a*)—(*d*) The information is being called for.
(*e*) Will Government be pleased to lay on the Table the correspondence referring to the proposal to abolish the Bhingár Municipality and the objections of the people of the town to the said proposal?	(*e*) As the question is under the consideration of Government they are not prepared to lay the papers on the Table.
11. (*a*) Will Government be pleased to state how many students were refused admission to the Dhulia Garud High School and to the Jalgaon High School this year for want of accommodation? High Schools at Dhulia and Jalgaon.	

Questions.	*Answers.*
(*b*) Is it true that when the High School at Jalgaon was opened in June last it was arranged between the Educational authorities and the Municipality that the local body should keep up its Anglo-Vernacular School for the first three English Standards and that there should be only one class of 35 boys in the High School for those standards? (*c*) Is it a fact that the Municipality of Jalgaon now propose to close the Anglo-Vernacular School? (*d*) Do Government propose to take any action in the matter of the continuance for the time being of this Anglo-Vernacular School?	11. The information has been called for.
12. Will Government be pleased to state— Municipality of Junnar. (*a*) Whether it is true that the District Deputy Collector in charge of the Junnar Táluka in the Poona District required Mr. Krishnaji Parashram Joshi, an elected member of the Junnar Municipality, to resign his seat on that body? (*b*) Whether Mr. Joshi was unwilling to resign? (*c*) Whether Mr. Joshi withdrew his resignation at the request of the Junnar Municipality? (*d*) Whether the District Deputy Collector objected to the withdrawal of the resignation?	12. Inquiries are being made.
13. Will Government be pleased to state how far Railway from Koregaon to Sátára. the Koregaon-Sátára Railway Scheme has progressed?	13. The matter is under the consideration of the Railway Board. In this connection the Honourable Member is referred to the answer given to Question No. 2 put by the Honourable Mr. Manmohandas Ramji.
14. (*a*) Will Government be pleased Municipality of Dharangaon—house-tax rates. to give the current scale of house-tax rates levied by the Dharangaon Municipality in East Khándesh and that which it proposes to introduce from 1915-16? (*b*) How many houses are included in each class under the current scale and in those under the new scale?	

Questions.	*Answers.*
(*c*) Is it true that in many cases the tax under the new scale is increased by 100, 200, 300 and even 400 per cent. and more?	14. The information is being called for.
(*d*) If so, will Government be pleased to state the maximum increase in individual cases under each class of the current scale and the total increase under all the classes?	
(*e*) Is the new scale fixed with reference to the rents or the values of the respective houses?	
15.* (*a*) Will Government be pleased to say whether in 1905-06 the Vatandár Kulkarnis in East and West Khándesh were asked by the Collector if they would commute their hereditary right of service on any terms? If so, what were the terms proposed and is it true that they refused to consent to it on any terms?	15. (*a*) Government have no information on the subject. They did not authorize the offer of any terms for commutation in 1905-06.
(*b*) Were any representations submitted to Government by the Vatandár Kulkarnis in the Central and Southern Divisions against the proposal to replace them by stipendiary Talátis, and, if so, will they be laid on the Table?	(*b*) Representations of the nature referred to have been received. A specimen of the representations is placed on the Table.†
Commutation of the Watans of Vatandár Kulkarnis.	† Appendix M.
(*c*) How many Kulkarnis have complained to Government, the local authorities or the Commissioner as to the consent obtained from them to the commutation of their right of service not having been given voluntarily and, if so, will their complaints be also laid on the Table?	(*c*) In several petitions the allegation referred to has been made. Specimens of the petitions are placed on the Table.‡
	‡ Appendix N.
(*d*) How many of the Vatandár Kulkarnis whose consent has been obtained to the proposed commutation were personally serving as Kulkarnis in the several districts in the Central Division?	(*d*) The information will be called for.
(*e*) How many Kulkarnis in the several districts in the Southern Division have given their consent to the proposed commutation and how many refused?	(*e*) Negotiations are still in progress. When they are completed, it will be possible to give the information.

[* Question No. 15 was put on Tuesday, 16th March 1915.]

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

APPENDIX A.

Statement showing the Number of Patients treated in the Candy Dispensary at Vengurla.

Year.	In-door.	Out-door.	Total.
1909	87	6,201	6,288
1910	110	7,000	7,110
1911	89	5,664	5,753
1912	83	5,222	5,305
1913	53	4,323	4,376

APPENDIX B.

Statement showing the yearly expense on the maintenance of the Candy Dispensary at Vengurla and the amounts paid respectively by Government, the Táluka Local Board of Vengurla and the Municipality of Vengurla for its upkeep during the year 1913.

Year.	Total expense.	Grants made by		
		Government.	Táluka Local Board.	Municipality.
	Rs.	Rs.	Rs.	Rs.
1913	5,152	1,580	1,520	1,780

APPENDIX C.

Statement showing the figures of Income from, and Expenditure on, Local Board Gardens in Sind for the period of five years from 1909-10 to 1913-14.

Year.	Income.	Expenditure.
	Rs.	Rs.
1909-10	9,669	26,361
1910-11	9,451	26,526
1911-12	10,709	29,062
1912-13	8,651	33,421
1913-14	9,043	34,602

APPENDIX D.

Statement referred to in the reply to Question No. 2 asked by the Honourable Sardar Dulabava Raisingji, Thakore of Kerwada.

1	2	3	4	5	6		7	8
Táluka.	Name of Estate.	Jama before 1864-65.	Jama Settlement of 1864-65.	Revised Jama.	Jama sanctioned in 1903-1904.		Subsequent Changes.	Remarks.
					(a) Reduced Jama.	(b) Full Jama.		
		Rs.	Rs.	Rs.	Rs	Rs.		
*Viramgám..	Bhaukoda ..	4,000	6,000	9,000	5,625	7,500	...	*The Revised Jama of the Viramgám Táluka shown in column 5 was sanctioned with effect from the Revenue year 1897-98. The existing Jama shown in column 6 (b) has been guaranteed till the Revenue year 1919-20.
	Dekavada ...	3,000	4,200	5,500	2,813	3,750	...	
	Kukvav ...	3,200	3,325	4,740	2,813	3,750	...	
	Chhaviar ...	1,800	2,250	3,375	2,250	3,000	...	
	Ukardi ...	475	625	935	600	800	...	
	Rudatal ...	900	1,125	1,685	1,264	1,685	...	
	Sadatpara ...	1,601	2,000	3,000	1,875	2,500	...	
	Sinaj ...	450	565	845	634	845	...	
	Dadhana ..	675	845	1,265	638	850	...	
	Panar ...	300	450	675	506	675	...	
	Bhagapura ...	450	565	845	634	845	...	
	Vithlapur ...	500	750	1,125	750	1,000	...	
	Telavi ...	450	500	710	533	710	...	
	Sujpara ...	350	400	455	...	455	...	
	Suvavala .	1,000	1,068	945	..	945	..	
	Nani Rauti ...	275	400	535	225	00	...	
	Rauti Moti ...	361	475	525	394	525	...	
	Jethipura ...	250	280	420	262	350	...	
	Bautai ...	350	425	590	242	590	...	
	Amarpu ...	275	350	460	300	400	...	
	Bhataria ...	300	300	425	319	425	...	
	Dabhsat ...	451	475	710	533	710	...	
	Abasna ...	580	600	650	487	650	...	
	Fatepura ...	171	215	320	187	250	...	
	Jhanjarwa ...	361	451	675	...	675	...	
	Gunjala ...	650	815	1,220	750	1,000	...	
	Tammania ...	500	750	1,125	750	1,000	..	
	Derwala ...	1,001	1,500	1,400	900	1,200	...	
	Modhwana ...	280	420	630	472	630	..	
	hanchi ...	485	728	600	450	600	...	
	uni ...	125	160	240	...	240	...	
	a od ...	141	180	270	...	270	...	

APPENDIX D—*continued.*

1	2	3	4	5	6		7	8
Táluka.	Name of Estate.	Jama before 1864-65.	Jama Settlement of 1864-65.	Revised Jama.	Jama sanctioned in 1903-1904.		Subsequent Changes.	Remarks.
					(*a*) Reduced Jama.	(*b*) Full Jama.		
		Rs.	Rs.	Rs.	Rs.	Rs.		
*Dholka ...	Utelia ...	5,148	5,942	§7,130	4,950	5,500	...	* The Revised Jama of the Dholka Táluka shown in column 5 was sanctioned with effect from the Revenue year 1893-94. The existing Jama shown in column 6 (*b*) has been guaranteed till the Revenue year 1917-18.
	Koth ...	28,201	30,264	37,073	27,000	30,000	...	
	Gangad ...	†12,987	16,000	18,400	14,400	16,000	...	
	Moti Bovu ...	4,687	5,000	5,500	4,500	5,000	...	
	Baroda ...	1,919	2,000	2,025	1,260	1,400	...	
	Ganol ...	2,410	2,500	2,600	1,350	1,500	...	
	Samani ...	341	512	750	...	750	...	† Average of 30 years before 1864-65.
	Dhingda ...	1,270	1,782	1,900	1,350	1,500	...	
	Chhabasar ...	1,185	1,365	1,400	1,170	1,300	...	‡Average before 1864-65.
	Dumali ...	‡910	910	850	765	850	...	§This Jama was reduced to Rs. 6,483 from the year 1899.
	Ambala Wanta ...	271	340	408	306	340	...	
	Chandisar Wanta ...	1,151	1,725	1,850	900	1,000	...	‖ This Jama was fixed in the year 1913 for the remainder of the settlement period.
	Vantha Vanta ...	430	490	550	288	320	...	
	Latif Khanji's Estate.	8,700	9,000	11,250	8,100	9,000	‖6,800	
¶Dhandhuka.	Aniali Bhimji ...	3,000	3,250	3,588	2,700	3,000	...	¶ The Revised Jama of the Dhandhuka Táluka shown in column 5 was sanctioned with effect from the Revenue year 1899-1900. The existing Jama shown in column 6 (*b*) has been guaranteed till the Revenue year 1918-19.
	Bagad ...	2,750	2,750	2,588	1,800	2,000	...	
	Chharodia ...	1,600	1,963	2,104	1,743	1,936	...	
	Dholera, No. I ...	2,440	3,300	3,300	...	...*	...	
	Dholera, No. II ...	2,320	3,700	3,920	...	...*	...	
	Galsana ...	2,250	2,675	2,572	2,263	2,514	...	
	Hadmantala ...	1,600	1,145	1,113	1,002	1,113	...	**Half the gross receipts of the estates under the management of the Tálukdári Settlement Officer are credited to Government and the remainder, after deducting expenses, are distributed among the Girássias.
	Jalia ...	1,601	2,025	2,120	1,503	1 669	...	
	Jaska ...	3,405	3,000	3,469	2,943	3,269	...	
	Jhinjhar ...	2,000	2,535	2,862	2,025	2,250	...	
	Khas ...	5,050	5,050	4,878	4,391	4,878	...	
	Nagnesh ...	6,331	7,765	9,128	7,722	8,580	...	††This Jama was sanctioned for a period of five years with effect from the year 1914.
	Navda ...	9,359	7,125	...	...	††1,850	...	
	Noli ...	2,055	2,800	2,750	2,484	2,760	...	
	Patna ...	851	1,110	1,107	765	850	...	
	Panvi ...	822	1,165	1,165	1,049	1,165	...	
	Racka ...	2,001	2,375	2,391	1,800	2,000	...	
	Sangoi ...	401	600	693	624	693	...	
	Shahpur ...	2,07.	1,575	1,357	1,161	1,290	...	
	Bahadi ...	...	100	150	...	150	...	
	Bela (two-thirds)...	325	488	732	450	500	...	
	Charanki ...	450	675	1,012	675	750		
	Chhasiana	1,301	1,950	2,925	2,633	2,995	...	

APPENDIX D—*continued.*

1	2	3	4	5	6		7	8
Taluka.	Name of Estate	Jama before 1864-65.	Jama Settlement of 1864-65.	Revised Jama.	Jama sanctioned in 1903-1904.		Subsequent Changes.	Remarks.
					(a) Reduced Jama.	(b) Full Jama.		
		Rs.	Rs.	Rs.	Rs.	Rs.		
Dhandhuka—*continued.*	Derdi ..	235	290	304	274	304	...	
	Dharpipla ..	2,501	2,370	2,503	2,253	2,503	...	
	Gamph ...	9,000	9,825	14,737	13,264	14,737	...	
	Gangajal ..	225	250	279	225	250	...	
	Harania ...	200	300	450	270	300	...	
	Hebatpur ...	551	825	1,031	900	1,000	...	
	Jhanjharka ...	1,701	1,915	2,082	1,724	1,915	...	
	Kinara ...	651	775	874	698	775	..	
	Kothadia ...	1,400	1,250	1,420	1,170	1,300	...	
	Muldharai ...	325	490	735	662	735	...	
	Nana Tradia ...	251	375	562	360	400	...	
	Ninawa ...	551	825	931	743	825	...	
	Ori ..	301	450	562	405	450	...	
	Panchi Rupavati ...	321	481	601	450	500	...	
	Piprali ...	...	78	117	105	116	...	
	Rojka ..	5,500	7,450	9,531	7,200	8,000	...	
	Salasar ...	901	1,350	1,541	1,215	1,350	..	
	Sarangpur (one-third).	160	240	360	324	360	...	
	Samadhiala (Govia)	950	*1,460	1,093	810	900	...	* Includes the Jama of Gorais which was fixed separately at Revision Settlement.
	Tagdi ..	2,201	2,500	2,686	2,250	2,500	...	
	Adval ...	4,001	5,025	5,388	4,500	5,000	...	
	Aniali Kasbati ..	925	1,225	1,324	1,185	1,316	...	
	Bhadla Mota ..	901	1,120	1,233	1,080	1,200	...	
	Bubavar ...	751	1,050	1,318	1,080	1,200	...	
	Cher ...	751	1,120	1,450	1,080	1,200	...	
	Chorvira ...	275	415	512	414	460	...	
	Gadhia ...	350	500	581	450	500	...	
	Kadipur ...	1,001	1,301	1,638	1,080	1,290	...	
	Keria ...	1,200	1,625	1,769	1,463	1,625	...	
	Khojapura ...	135	205	276	185	205	...	
	Khokharnesh ...	1,701	2,350	2,616	2,332	2,591	...	
	Loya ...	1,000	1,474	1,623	1,341	1,490	...	
	Movasia ...	800	858	887	765	850	...	
	Nadala ...	1,401	1,800	1,992	1,620	1,800	...	
	Nagadka ...	4,200	3,465	4,107	3,636	4,040	...	
	Samadhiala ...	375	462	509	455	505	...	
	Sanganpur ...	525	631	708	568	631	...	
	Shekhdod ...	161	240	290	225	250	...	

APPENDIX D—*concluded.*

1	2	3	4	5	6		7	8
Táluka.	Name of Estate.	Jama before 1864-65.	Jama Settlement of 1864-65.	Revised Jama.	Jama sanctioned in 1903-1904.		Subsequent Changes.	Remarks.
					(*a*) Reduced Jama.	(*b*) Full Jama.		
		Rs.	Rs.	Rs.	Rs.	Rs.		
Dhandhuka—*concluded.*	Timla ...	115	175	198	135	150	...	
	Umrala ...	1,600	1,900	2,087	1,710	1,900	...	
	Vagad ...	2,401	3,350	3,501	2,981	3,312	...	
	Bavaliari ...	1,100	1,710	1,996	1,440	1,600	...	
	Bodana ...	375	562	725	585	650	...	
	Devalia ...	1,401	2,067	2,500	1,861	2,067	...	
	Dhanala ...	1,001	1,200	1,500	1,080	1,200	...	
	Fedra ...	2,000	2,900	3,420	2,520	2,800	...	
	Kharad ...	1,501	2,250	2,681	2,025	2,250	...	
	Kundli ...	751	1,125	1,500	1,080	1,200	...	
	Mota Tradia ...	751	1,210	1,486	1,089	1,210	...	
	Nabhoi ...	530	634	760	540	600	...	
	Pipli ...	2,100	3,150	4,100	2,835	3,150	...	
	Rajpura ...	800	1,200	1,513	1,170	1,300	...	
	Sangasar ...	518	780	1,068	810	900	...	
	Unchdi ...	1,342	2,015	2,843	2,070	2,300	...	
	Devgana ...	1,701	1,500	1,686	1,440	1,600	...	
	Khasta ...	2,150	3,225	5,378	4,354	4,837	...	
	Parabdi ...	1,000	1,230	1,361	1,107	1,230	...	
	Vasna ...	601	900	1,308	...	1,308	...	
	Aniali Kathi ...	451	700	1,724*	630	760	...	* In the year 1902 this Jama was reduced to Rs. 700 for the remainder of the term of settlement.
	Goraia ...	...	...	696†	...	352	...	† In the year 1903, the Jamas of Goraia and Nana Matra were reduced to Rs. 352 and 423, respectvely. Before Revision Settlement the Jama of Goraia was included in that of Samadhiala (Gorai).
	Kotda ...	800	1,200	2,280	..	2,280	...	
	Nana Matra ...	201	327	565†	...	423	...	
	Alampur ...	388	388	388	...	388	...	
	Khamidana ...	158	158	158	...	158	...	

Foot Note.—The figures given in column 6 (*a*) are the reductions for eleven years on account of famine sanctioned with effect from the Revenue year 1902-03 up to 31st July 1913.

APPENDIX E.

PAPERS REFERRED TO IN THE REPLY TO QUESTION No. 3 ASKED BY THE HONOURABLE SARDAR DULABAVA RAISINGHJI, THAKOR OF KERWADA.

(1) Extract from the Report of the Commissioner, Northern Division.

6. The question of fixity of the *jama* in the Ahmedabad District is not really relevant to the present issue and I should not touch upon it here but for the promise I gave to the Tálukdárs that it should again be brought to the notice of Government. This is a matter which is, I believe, of far more absorbing interest to the Tálukdárs than any of the changes to be made by the Bill. It is one which has frequently been considered by Government, but although they have hitherto refused to bind themselves by any declaration that the *jama* shall never exceed a declared percentage of the survey assessment it does not follow that the last word on the subject has been said. Government have repeatedly made it clear that while unwilling to bind themselves in perpetuity they do not intend to demand more than a reasonable percentage. That the percentage now levied will be largely increased for many years to come is, I take it, extremely improbable. I should hesitate to recommend a perpetual settlement. I venture, however, to suggest that there would be small risk of injury to the interests of the State were the *jama* revised and a guarantee given that for a period of thirty years there shall be no increase of the amount settled in revision—it would be sufficient to replace the "may" in sub-clause 2 of clause 13 of the Bill by "shall". Such a concession would go far, I think, towards removing a grievance that many Tálukdárs believed themselves to have and it would involve but small risk of any appreciable loss of Government revenue.

(2) Orders passed by Government.

The Governor in Council has had under consideration the request made by a number of Tálukdárs and reported to Government by the Commissioner, Northern Division, and the Tálukdári Stttlement Officer, that the *jama* on their estates should be permanently fixed. While unable to accede to this request, the Governor in Council is willing that specific provision should be made for the revision of *jamas* and the levy of existing *jamas* while the revision is being made, for limiting the *jama* to such portion not exceeding three-fifths, or 60 per cent., of the aggregate of the survey assessment of the lands comprised in a Tálukdár's estate as Government may from time to time direct, and for fixing the *jama* so ascertained for a period of not less than thirty years. The requisite amendments in the Gujarát Tálukdárs' Bill now before the Legislative Council will accordingly be prepared for the consideration of the Council.

APPENDIX F.

QUESTION No. 10 PUT BY THE HONOURABLE MR. HARI SITARAM DIKSHIT AT THE COUNCIL MEETING OF 6TH SEPTEMBER 1902.	ANSWER GIVEN BY GOVERNMENT.
Is it the fact that the Southern Marátha Railway Company often make use of cattle-trucks for the purpose of carrying passengers? If so, will Government be pleased to take steps to put a stop to such a course?	In cases of absolute necessity the use of goods wagons for the carriage of passengers is permitted by order of the Governor General in Council under section 63 of the Railways Act, the duty of determining the number of passengers to be accommodated in each type of goods wagons at different seasons of the year and also of framing rules under which passengers may be carried in such stock being deputed to the Senior Government Inspectors. In accordance with this order rules for the conveyance of passengers in goods vehicles on the Southern Marátha Railway were drawn up and approved by the Senior Government Inspector, Bombay. By these rules cattle-trucks are not permitted to be used for the carriage of passengers and it has not come to the notice of the Senior Government Inspector that they are so used by the Railway Admininistration in contravention of the rules.

APPENDIX G.

STATEMENT.

Division.	Municipalities which have appointed Chief Officers under section 182 (1) of the Pombay District Municipal Act.	Municipalities which have appointed Chief Officers on requisitions made by the Governor in Council under section 177 (1) (i) of the Act.	Municipalities which have appointed Government Servants as their Chief Officers.	Municipalities which have delegated of their own accord some of their powers to their Chief Officers under section 37 of the Act.	Municipalities which have delegated some of their powers on requisition made under section 177 (1) (iii).
	(a	(b)	(c)	(d)	(e)
Northern Division...	Nadiád.	Ahmedabad.	Ahmedabad.	Nadiád.	Ahmedabad.
	Broach.	Surat.	Nadiád.	Broach.	Surat.
	Bándra.		Surat.	Bándra.	
			Bándra.		
Central Division ...	Ahmednagar.	Yeola.	Jálgaon.	Ahmednag .	Poona.
	Jalgaon.		Dhulia.	Dhulia	
	Dhulia.		Násik.	Násik.	
	Násik.		Yeola.	Yeola	
	Poona.			Poona.	
	Sholápur.			Sholápur.	
	Bársi.			Bársi.	
Southern Division...	Belgaum.		Belgaum.		
	Bijápur.		Bijápur.	Belgaum.	
	Bágalkot.		Bágalkot.	Bijápur.	
	Gadag-Bettigeri.		Gadag-Bettigeri.	Gadag-Bettigeri.	
	Dhárwár.		Dhárwár.	Dhárwár.	
Sind ...	Karáchi.	Sukkur.	.....	Kárachi.	Sukkur.
	Hyderabad.			Hyderabad.	
	Shikárpur.				

APPENDIX H.

Statement showing the Commission drawn by the Official Assignee as Liquidator and as Receiver during the quinquennium ending with 31st December 1913.

Year.	As Liquidator.			As Receiver.			Total.		
	Rs.	a	p.	Rs.	a.	p.	Rs.	a.	p.
1909	.....			73,603	1	10	73,603	1	10
1910	.....			69,440	8	2	69,440	8	2
1911	31,858	3	8	60,059	0	2	92,317	3	10
1912	17,994	4	0	96,536	4	1	1,14,530	8	1
1913	5,243	0	8	34,578	7	3	39,821	7	11
							3,89,712	13	10

APPENDIX I.

Statement of under-trial Prisoners, &c., that were admitted in every month in the year 1913 and 1914.

Name of the month.	The number of under-trial prisoners that were admitted.		Total number of admissions in each month of under-trial prisoners and convicts.		The average number of prisoners accommodated daily in each month.	
	Males.	Females.	Males.	Females.	Males.	Females.
1	2	3	4	5	6	7
1913.						
January	212	28	252	38	8·1	1·2
February	153	12	186	22	6·6	0·8
March	73	...	98	...	3·2	...
April	171	25	187	25	6·2	0·8
May	434	92	443	92	14·3	3·
June	197	17	260	19	8·7	0·6
July ...	130	1	182	17	5·9	0·5
August	315	4	344	4	11·1	0·1
September	357	15	408	29	13·6	1·0
October	249	37	278	46	9·	1·5
November	307	3	338	3	11·3	0·1
December	259	...	319	...	10·3	...
1914.						
January	538	2	543	4	17·5	0·1
February	128	14	143	20	5·1	0·7
March	286	6	358	18	11·5	0·6
April	240	5	257	5	8·6	0·2
May	190	42	230	42	7·4	1·4
June	501	30	553	30	18·4	1·
July	535	31	660	31	21·3	1·
August	191	27	270	27	8·7	0·9
September ...	204	...	230	...	7·7	...
October	507	...	545	...	17·6	...
November	329	95	387	120	12·9	4·0
December	167	...	183	12	5·9	0·4

APPENDIX J.

Statement giving the information called for by Government regarding Question No. 7 put by the Honourable Mr. S. B. Upasani at the meeting of the Bombay Legislative Council.

Name of Courts in East and West Khándesh exercising jurisdiction over one táluka only.	Names of Courts in East and West Khándesh exercising jurisdiction over more than one táluka.	Names of tálukas over which the jurisdiction of the Courts in column 2 extends.	Total local area in square miles of the jurisdiction of the Courts in column 2.	Number of villages included in the jurisdiction of the Courts in column 2.	Maximum distance the ryot has to travel in attending each of the Courts in column 2.	Names of tálukas in East Khándesh apportioned between different Courts.	Names of tálukas in West Khándesh apportioned between different Courts.	Remarks.
1	2	3	4	5	6	7	8	9
East Khándesh.	*East Khándesh.*							
1 Amalner .. 2 Erandol ...	Yával ...	Yával ... Chopda (part) ... Ráver (part) ...	765	235	30	Chopda ... Ráver ...	*Nil.* ...	
West Khándesh.								
Nil ...	Bhusával ...	Bhusával ... Ráver (part) ... Jámner (part) ... Jalgaon (part) ...	645	246	42	Bhusával . Jámner ... Jalgaon ...	... ...	
	Jalgaon ...	Jalgaon ... Jámner (part) ... Bhusával (part) ...	824	306	42	...	...	
	Chálisgaon ...	Chálisgaon ... Páchora ...	1,052	369	35	...	...	
	West Khándesh.							
	Dhulia ...	Dhulia ... Sindkheda ...	1,264	357	50	...	...	
	Shirpur ...	Shirpur ... Chopda (part) ...	678	329	36	...	...	
	Nandurbár ...	Nandurbár ... Taloda ... Sháháda ... Sákri ...	3,583	1,028	65	...	...	

APPENDIX K.

Name of Government village.	1908-09.		1909-10. Percentage.		1910-11. Percentage.		1911-12,		1912-13.		1913-14.		Remarks.
	Sus.	m.	Sus.	Rem.	Sus.	Rem.	Sus.	Rem.	Sus.	Rem.	Sus.	Rem.	
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	
Mavadi Supe ...	3	...	95	...	...	...	93	...	...	95	...	...	The remission at Naigaon and Pandeshwar is on account of Pát asthal assessment.
Naigaon ..	...	10	90	10	...	...	90	10	90	10	90	10	
Pandeshwar ...	...	...	97	3	...	...	97	3	97	3	47	...	
Kothale ...	7	...	38	...	...	...	80	..	...	..	...	...	

APPENDIX L.

Name of the District.	Number of Irrigation Works.	Number of irrigation works improved and extended by the British Government.	Number of Irrigation Works in respect of which disputes or difficulties have actually arisen so as to require their control being taken up by Government.
Northern Division.			
Ahmedabad	805	78	*Nil.*
Panch Mahâls	1	1	*Nil.*
Kaira	108	20	One.
Broach	190	50	*Nil.*
Surat	*Nil.*	.....	.....
Thána	*Nil.*	.....	.....
Central Division.			
Ahmednagar	2	1	*Nil.*
Sátára	1	1	*Nil.*
Sholápur	*Nil.*	.....	.....
East Khándesh	5	*Nil.*	Three bándhára systems on the Titur, Bori and Pánjhra Rivers.
West Khándesh	75	68	Two bándhára systems on the Gomai and Pánjhra Rivers.
Poona	8	5	*Nil.*
Násik	296	252	21
Southern Division.			
Belgaum	710	242	*Nil.*
Bijápur	15	8	1
Dhárwár	1,836	750	1
Kolába	*Nil.*	.....	.....
Kánara	2,135	84	*Nil.*
Ratnágiri	41	3	*Nil.*

APPENDIX M.

To

HIS EXCELLENCY THE RIGHT HONOURABLE FREEMAN FREEMAN-THOMAS BARON WILLINGDON OF RATTON, G.C.I.E.,
Governor of Bombay,
Bombay.

The humble petition of Pandit Narayan Watandár Kulkarni, in the

1. Kusmadi.
2. Hadapsavargaon.
3. Jayadare.
4. Lahit.
5. Pimpalkhule Tisare.
6. Nayagavan.
7. Panhálesâte.
8. Khirdisâte.
9. Ghawale.
10. Ahirwadi.

Yeola Táluka of the Násik District, most respectively sheweth :—

THAT Your Excellency's Petitioner has learnt with dismay that Government have been for some time contemplating the abolition of the Kulkarni Watans throughout the Presidency, the deprivation of the Watandár Kulkarnis of their right of service as village officers, and the appointment of Talátis or salaried servants in their place.

II. That the Petitioner has further learnt that officers of Government have been for some time collecting information in the Násik District for the purpose of ascertaining the number of Talátis which would be required to replace the existing Kulkarnis, and of ascertaining also the areas of the different groups of villages for which Talátis are to be appointed, the population and revenue of such groups and the cost of the maintenance of the establishment of these Talátis.

III. That Your Excellency's Petitioner may reasonably infer from these facts that the scheme of the abolition of the Kulkarni Watans has far advanced towards its realisation, and Your Petitioner submits that the news of these preparations has spread alarm and consternation among the whole class of Kulkarnis in the Násik District coupled with poignant regret that Government have not deemed it fit to take the Kulkarnis into their confidence over the matter even so far as to call upon them to submit an explanation of the position they hold, and the reply which they could give to the accusations that may be preferred against them.

IV. That Your Petitioner submits that, if there be any foundation for the alarming reports in this connection, Government would be pleased at least not to take any decisive action in this matter, unless and until the class of Watandár Kulkarnis, affected by the contemplated change in the system and in the personnell of the village-officers in the Násik District, are given an opportunity to know the accusations against them, and to reply to them.

V. That even the worst criminal has the privilege of a hearing before being condemned by a Judicial tribunal, and that the class of village-officers, to which Your Petitioner belongs, certainly deserves a hearing before punishment, especially as they have been serving Government for hundreds of years in the past and have been recognised to be an important factor in the civil administration of Government, though perhaps at the foot of the official heirarchy.

VI. That the proposal of the Government to abolish the Kulkarni Watans is opposed to Law as well as all other principles of Justice for the following among other reasons :—

(1) That the Kulkarnis are Watandárs under the Hereditary Officers Act III of 1874. Their status as Watandárs has been established by law and cannot therefore be changed.

(2) That the Kulkarnis have been doing the work of the collection of revenue from times antecedent to the advent of the British Government.

(3) That many of them held regular sanads of enjoyment of the Kulkarni Watan.

(4) That the Kulkarnis were both under the Mahomedan and the Marátha Governments the keystone, as it were, to the whole fabric of the village Panchâyat.

(5) That the British Government duly recognised and respected the status of the Kulkarnis by bringing it under the sway of law and regulations instead of leaving it to the arbitrary will of the Government.

(6) That the Kulkarnis have since then been discharging their duties and proving their usefulness to Government, by ministering to the needs of village administration in a variety of ways.

(7) That in course of time the remuneration of Kulkarnis was fixed to a scale, and thus a relation was established between the remuneration of the Kulkarnis and the revenue to be collected by them.

(8) That no consideration was paid to the gradual increase in the labour incumbent upon the Kulkarnis due to the evolution of the form and the ends of civil administration and the consequent multiplication of the duties of village officers.

(9) That notwithstanding such increase in labour and inadequacy of remuneration, the Kulkarnis have gone on discharging their duties with zeal, energy and also perfect loyalty to Government. They felt themselves bound to their Watans by a bond of love and affection for them, and the idea of the enjoyment of the Watan in perpetuity, by themselves and their descendants, reconciled them some how to the excessively heavy burden of work which they were called upon to bear.

(10) That side by side with the increase in their duties the Kulkarnis were called upon to satisfy more and more tests of training and examination and thus qualify themselves better for their work, and that the Kulkarnis have willingly submitted to these tests in the hope of making themselves only the more useful and efficient in their work.

(11) That the brunt of nearly the whole work of village administration falls on the Kulkarnis. But the Kulkarnis have, however, never complained of this and have done their duty most loyally and cheerfully.

(12) That Government have never erred on the side of indulgence to the Kulkarnis in the discharge of their duties, and the Kulkarnis have uncomplainingly submitted to the severity of discipline imposed on them by the superior revenue officers.

(13) That Kulkarnis are being slandered as dishonest by irresponsible persons; but only few and far between have been the cases in which any form of dishonesty was brought home to them, though they have been constantly exposed to temptation owing to their position as agents in revenue collection.

(14) That it is unjust to condemn the whole class of Kulkarnis for the faults, real or imaginary, of a few among them; and it is unjust in the highest degree to carry that condemnation so far as to make it the ground of the wholesale abolition of their Watans.

(15) That the Watandár Kulkarnis have always shown better work than either Talátis or non-Watandár Kulkarnis.

(16) That Government cannot legitimately complain of either want of intelligence or want of rectitude or good behaviour on the part of Kulkarnis in a greater measure than of any other class of Government servants, similarly situated in point of education or authority.

(17) That even with regard to Watandár Kulkarnis Government have under the Watan Act (Chap. IX) full powers of rejection of any individual

Kulkarni on the ground of incompetency or ineffiicency, or suspension or dismissal on the ground of misbehaviour. Moreover, Government have, under the Act, power to declare any Watan forfeited to them, for certain kinds of misconduct, not only of a registered Watandár himself, but even of a nominee appointed by him. Nay, further, under Act III of 1911 Government can forfeit the whole of a Watan for misbehaviour of certain kinds of any nominee or registered Watandár, sharing in the Watan to any extent. It cannot, therefore, be contended that Government cannot successfully reach or remedy any evil likely to arise out of the work or the doings of Watandár Kulkarnis.

VII. That under the circumstances it is not fair that Government should seek to supplant the whole class of Watandár Kulkarnis. Not only does the existing law not allow the proposed abolition of the Kulkarni Watans, but there are no reasonable grounds even for an attempt on the part of Government to disturb the existing state of things by an Act of State, or by new legislation. The Watandár Kulkarnis, like all other Watandárs, have enjoyed their Watans for centuries. It would be the grossest injustice and cruelty to lay the axe at the root of this their cherished hereditary possession, and would go directly against the noble spirit of the policy which actuated the gracious proclamation of Her late Majesty the Queen-Empress and the reiterated assurances given by Their Majesties Kings Edward VI and VII of their intention to continue that policy of respecting all vested rights of their subjects.

VIII. That Your Petitioner has great faith in Your Excellency's love of justice and fair-mindedness, and he prays that Your Excellency will forbid any scheme of abolition of Watans being made or will *veto* any such scheme if it be made.

And for this act of kindness Your Excellency's Petitioner will, as in duty bound, for ever pray.

कुसमाडी. हाजासावरगांव. जावदरे लहील. पीपळखुदेतीसेर नायगान्हात.
पनाळेसाटे. खीडीसीरे. घावले. आहेरवाडी. (तालुके येवले, जील्हा नासीक.)

सही राम नारायण कुळकर्णी दस्तुर खुद.

7th February 1914.

APPENDIX N.

To

HIS EXCELLENCY THE RIGHT HONOURABLE FREEMAN FREEMAN-THOMAS BARON WILLINGDON OF RATTON, G.C.I.E.,
Governor of Bombay,
Bombay.

नाशिक जिल्ह्यांतील कळवण तालुक्यातील गावें.

The humble Petition of खाली सह्या

नतड.	अमृत गणेश कुं.	ओतूर.	मरहर गणेश कुं.	वरून्हे Watandár Kulkarni, of the village
मेहेदर.		सिरसमणी.		
कन्हेरवाडी.		दह्याणे ओ.		of कळवण in the बागूस लिहिलेली Táluka of
मुळाणेवणा.		आठंवे.		
वडाचेवणी.		वाडीवुत.	बाळाजी बाजी कुं.	the Násik District, most respectfully
पिंपळभार्कंड.		एक लहे.		

sheweth :—

That Your Excellency's Petitioner has learnt with dismay that Government have been for some time contemplating the abolition of the Kulkarni Watans throughout the Presidency, the deprivation of the Watandár Kulkarnis of their right of service as village officers, and the appointment of Talátis or salaried servants in their place.

II. That the Petitioner has further learnt that officers of Government have been for some time collecting information in the Násik District for the purpose of ascertaining the number of Talátis which would be required to replace the existing Kulkarnis, and of ascertaining also the areas of the different groups of villages for which Talátis are to be appointed, the population and revenue of such groups and the cost of the maintenance of the establishment of these Talátis.

III. That Your Excellency's Petitioner may reasonably infer from these facts that the scheme of the abolition of the Kulkarni Watans has far advanced towards its realisation, and Your Petitioner submits that the news of these preparations has spread alarm and consternation among the whole class of Kulkarnis in the Násik District coupled with poignant regret that Government have not deemed it fit to take the Kulkarnis into their confidence over the matter even so far as to call upon them to submit an explanation of the position they hold, and the reply which they could give to the accusations that may be preferred against them.

IV. That Your Petitioner submits that, if there be any foundation for the alarming reports in this connection, Government would be pleased at least not to take any decisive action in this matter, unless and until the class of Watandár Kulkarnis, affected by the contemplated change in the system and in the personnell of the village-officers in the Násik District, are given an opportunity to know the accusations against them, and to reply to them.

V. That even the worst criminal has the privilege of a hearing before being condemned by a Judicial tribunal, and that the class of village-officers, to which Your Petitioner belongs, certainly deserves a hearing before punishment, especially as they have been serving Government for hundreds of years in the past and have been recognised to be an important factor in the civil administration of Government, though perhaps at the foot of the official heirarchy.

VI. That the proposal of the Government to abolish the Kulkarni Watans is opposed to Law as well as all other principles of Justice for the following among other reasons :—

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(3) That many of them held regular sanads of enjoyment of the Kulkarni Watan.

(4) That the Kulkarnis were both under the Mahomedan and the Maratha Governments the keystone, as it were, to the whole fabric of the village Panchayat.

(5) That the British Government duly recognised and respected the status of the Kulkarnis by bringing it under the sway of law and regulations, instead of leaving it to the arbitrary will of the Government.

(6) That the Kulkarnis have since then been discharging their duties and proving their usefulness to Government, by ministering to the needs of village administration in a variety of ways.

(7) That in course of time the remuneration of Kulkarnis was fixed to a scale, and thus a relation was established between the remuneration of the Kulkarnis and the revenue to be collected by them.

(8) That no consideration was paid to the gradual increase in the labour incumbent upon the Kulkarnis due to the evolution of the form and the ends of civil administration and the consequent multiplication of the duties of village officers.

(9) That notwithstanding such increase in labour and inadequacy of remuneration, the Kulkarnis have gone on discharging their duties with zeal, energy and also perfect loyalty to Government. They felt themselves bound to their Watans by a bond of love and affection for them, and the idea of the enjoyment of the Watan in perpetuity, by themselves and their descendants, reconciled them somehow to the excessively heavy burden of work which they were called upon to bear.

(10) That side by side with the increase in their duties the Kulkarnis were called upon to satisfy more and more tests of training and examination and thus qualify themselves better for their work, and that the Kulkarnis have willingly submitted to these tests in the hope of making themselves only the more useful and efficient in their work.

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(12) That Government have never erred on the side of indulgence to the Kulkarnis in the discharge of their duties, and the Kulkarnis have uncomplainingly submitted to the severity of discipline imposed on them by the superior revenue officers.

(13) That Kulkarnis are being slandered as dishonest by irresponsible persons; but only few and far between have been the cases in which any form of dishonesty was brought home to them, though they have been constantly exposed to temptation owing to their position as agents in revenue collection.

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(17) That even with regard to Watandar Kulkarnis Government have under the Watan Act (Chap. IX) full powers of rejection of any individual Kulkarni on the ground of incompetency or inefficiency, or suspension or dismissal on the ground of misbehaviour. Moreover, Government have, under the Act, power to declare any Watan forfeited to them, for certain kinds of misconduct, not only of a registered Watandar himself, but even of a nominee appointed by him. Nay, further, under Act III of 1911 Government can forfeit the whole of a Watan for misbehaviour of certain kinds of any nominee or registered Watandar, sharing in the Watan to any extent. It cannot, therefore, be contended that Government cannot successfully reach or remedy any evil likely to arise out of the work or the doings of Watandar Kulkarnis.

VII. That under the circumstances it is not fair that Government should seek to supplant the whole class of Watandar Kulkarnis. Not only does the existing law not allow the proposed abolition of the Kulkarni Watans, but there are no reasonable grounds even for an attempt on the part of Government to disturb the existing state of things by an Act of State, or by new legislation. The Watandar Kulkarnis, like all other Watandars, have enjoyed their Watans for centuries. It would be the grossest injustice and cruelty to lay the axe at the root of this their cherished hereditary possession, and would go directly against the noble spirit of the policy which actuated the gracious proclamation of Her late Majesty the Queen Empress and the reiterated assurances given by Their Majesties Kings Edward VI and VII of their intention to continue that policy of respecting all vested rights of Their subjects.

VIII. That Your Petitioner has great faith in Your Excellency's love of justice and fair-mindedness, and he prays that Your Excellency will forbid any scheme of abolition of Watans being made or will *veto* any such scheme if it be made.

And for this act of kindness Your Excellency's Petitioner will, as in duty bound, for ever pray.

तारीख १७-७-१९१४ रोजीं कळवण तालुक्यांत सरकार कडून आलेले छापील अर्जावर प्रत्येकांनीं कबुली जवाबदेणें बद्दल मे० रा० मामलेदार कळवण यांनीं अग्रहाचा हुकूम केलेवरून व हुकुमाची अमान्यता होऊंनये ह्मणोन आम्ही सह्या करून दिल्या आहेत. हल्लीं अर्जदाराची विनंती कीं, तालुक्यांतुन सदर अर्जाचें प्रकर्ण आ. साहेबाकडे येतील. त्यांत आमचे सदरहू लिहून दिलेले. अर्जाची कबुली आम्हीं करीत नाहीं आणि वतन मोबदला करून देणेंची आमची खुषी नाहीं. सबब दयाळू सरकारनें आमचे अर्ज निकालांत काढावे हे अर्ज, ता. २३-७-१४.

अनंत गणेश कुळकर्णी दस्तुर खुद.
मुलहर गणेश देशपांडे दस्तुर खुद.
बाळाजी बाजी दयाळ दस्तुर खुद.

Translation of the last paragraph of the petition made to Government by certain Watandar Kulkarnis of Kalvan, táluka Kalvan, district Násik.

In consequence of the urgent order of the Mamlatdar, Kalvan, that every one should agree to the printed petition received from Government in the Kalvan Táluka on 17th July 1914, we have given our signatures so that the order may not be disregarded. The petitioner now prays that when the proceedings regarding the said petition come before Your Excellency from the táluka, our acquiescence written thereon may be considered as withdrawn, as we are not willing to accept any commutation in respect of our watans.

श्री

मेहेरबान सेक्रेटरी साहेब लेजिस्लेटिव्ह कौन्सिल निसबत मुंबई सरकार यांचे हुजूर.

तारीख २।१२।१४.

आह्मी खालीं सह्या करणार वतनदार कुळकर्णी तालुका धुळें जिल्हा पश्चिम खानदेश.

विनंती अर्ज करितों कीं, कुळकर्णीपणाचें वतन ०-५-४ पै घेऊन खालीं करून द्यावें असा हुकुम झाला त्याप्रमाणें आह्मास विचारणा झाली होती. आह्मी पूर्वापार चालत असलेलें कुळकर्णी वतन सोडून देण्यास कबूल नव्हतों परंतु सरकारी अमलदारासीं आमचा कामासंबंधी पदोपदी संबंध येत होता अशा अमलदारांच्या सांगण्यावरून व उपदेशावरून आह्मांपैकीं, किल्लेकारीं रावसाहेब मामलेदार, तालुका धुळें यांचे समोर, इतरांनीं मेहेरबान प्रांत साहेब बहादुर यांचे समोर व राहिलेले बाकीच्यांनीं मेहेरबान कलेक्टर साहेब बहादूर यांचे समोर नाखुशीनें वतन सोडण्यासंबंधी सह्या करून दिल्या आहेत. सदरच्या सह्या करण्यास आम्हांस समन्सें होऊन सरकारांतून छापून आलेल्या कबुलायतीवर झालेल्या आहेत. सह्या घेण्याचे पूर्वी आह्मांपैकीं किल्लेकारांस अशेंही सांगण्यांत आलें होतें कीं खुशीनें अथवा नाखुशीनें कुळकर्णी वतन सरकारांत खालसा करून घेण्यांत येणार आहे. परंतु जे लोक सह्या देणार नाहींत त्यांचें वतन खालसा करून त्यांस देऊं केलेले ०-५-४ तेही मिळणार नाहीं. तशांत याच संधींत आमचेपैकीं इतर तालुक्यांतील ज्या एका इसमानें आपली सही करण्याचें नाकारिलें होतें त्यावर कांहीं कारणाकरितां फौजदारी व डिपार्टमेंटल काम चालण्यांत आलें होतें. तसेंच इतर जिल्ह्यांतील सह्या करण्यास नाखुश असलेल्या कुळकर्ण्यांची सरकारदप्तरीं काय स्थिती झाली हेंही आमचे कानावर आलें होतें. अशा स्थितीमुळें केलेल्या सह्या ह्यांत आह्मांस कबूल नाहींत असें आमचें ह्मणणें आहे व कुळकर्णी वतन सोडण्यास आह्मी वतनदार कबूल व तयार नाहीं. आमच्या सह्या सक्तीनें घेतल्या आहेत.

तारीख १ नोव्हेंबर सन १९१४ रोजीं ह्या जिल्ह्यांतील ह्मणजे पश्चिम खानदेशांतील वतनदार कुळकर्ण्यांचा वतनाचा हक्क काढून घेण्याचा हुकुम सोडून कांहीं कुळकर्ण्यांस तलाठी नेमण्यांत आलें. अशा तलाठ्यांकडून जीं कामें अवश्य तीं समजुन दिल्यानंतर ज्या पद्धतीनें घेण्यांत येणार आहेत तशा पद्धतीनें तीं कामें करण्यास आह्मी सर्व लोक आमचे वतनावर राहून करण्यास तयार आहोंत. मे. जाहीर होय. सदरहू अर्जाचें इंग्रेजींत भाषांतर होऊन येत्या कौन्सिलमध्यें ठेवण्याविषयीं मेहरबानगी व्हावी हा अर्ज तारीख मजकूर.

(सह्या.)

१. व्यंकाजी मल्हार कुळकर्णी निमखेडी.
१. भाणुदास गोपाळ हावेलीकर पाळण करणार बाळकृष्ण माधव हावेलीकर मौजे नातोंड तालुके सिरपुर.
१. शिवराम यादव कुळकर्णी सीरूडकर
१. माधव वामन कुळकर्णी सुकवड.
१. कृष्णाजी गोविंद कुळकर्णी चिंचखेडे.
१. विश्वनाथ केशव ताकव वाडी.
१. लक्ष्मण धर्माजी कुळकर्णी वडनाई.
१. शंकर महीपत कुळकर्णी आर्वी.
१. गणेश वेंकाजी कुळकर्णी नावरा.
१. रघुनाथ कुळकर्णी चिंचवा.
१. माधव गणेश कुळकर्णी न्याहाळोद.
१. सखाराम बाळकृष्ण कुळकर्णी चौगांव.
१. सही रंगनाथ रावजी कुळकर्णी मुकटी.
१. शंकर नारायण कुळकर्णी पुरामेवाडा
१. लक्षुमण व्यंकटेश कुळकर्णी दस्तुर खुद.
१. शामराव गोविंद कुळकर्णी दस्तुर खुद.
१. माधव रावजी कुळकर्णी सलवेडेकर.
१. मार्तंड बापुजी लांबणीकर.
१. रामचंद्र शंकर कुळकर्णी.
१. जनार्दन आबाजी कुळकर्णी तर्फे वामन रावजी.
१. महीपत गोपाळ कुळकर्णी.
१. विष्णु गोविंद कुळकर्णी सुलवदर.
१. रामचंद्र विठ्ठल ऐडे दस्तुर खुद.
१. हरी अणाजी वाडमोसाणेकर.
1. Shridher Trimbak Velhankar Kulkarni Velhana.
१. दीनकर वामन कुळकर्णी महानकाळी.
१. हरी नारायण कुळकर्णी आंबटे.
१. रावजी त्रिंबक कुळकर्णी.
१. नारायण महीपत कुळकर्णी.
१. नरहर विठ्ठल कुळकर्णी वाडनावरसा.
१. जनाउ काशीनाथ अज्ञान पालन करणार मातोश्री लक्ष्मीबाई तर्फे कुवल मुखत्यार बाळाजी शिवराम जोशी दस्तुर खुद.
१. बाळकृष्ण नरहरी कुळकर्णी मौजे सडगांव व मसाने तालुके चीठील.

Substance of a petition from Vyankaji Malhar Kulkarni and 31 others, of táluka Dhulia, district West Khándesh, addressed to the Secretary to the Legislative Council, dated the 2nd December 1914.

We had been asked whether we were willing to give up the Kulkarni watans in return for one-third of the income of the watans. We were unwilling to do so. But as we have always to deal with Government officers, some of us, at the instance of such officers, have unwillingly given our signatures before the Mámlatdár, táluka Dhulia, some before the District Deputy Collector, and rest before the Collector. We were summoned for giving these signatures, and we have given them on printed agreements received from Government. Prior to our giving the signatures, some of us were told that, whether willing or unwilling, our watans will be made *khalsa*, but those who would not sign would not get even the one-third commutation. About the same time, one of us who had refused to sign was proceeded against criminally as well as departmentally. We had also come to know how those who had refused to sign were held in the eyes of Government. We now say that we do not admit the signatures given in such circumstances and that we, Watandar Kulkarnis, are not willing or ready to forego our watans. Our signatures were obtained by force. On the 1st November 1914 some Kulkarnis were appointed Talátis in this district (West Khándesh). We are prepared to work as these Talátis will, if proper instructions were issued and if we are allowed to retain our watans.

REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1915-16.

This Statement is presented to the Council under No. 10 of the Rules for the Discussion of the Annual Financial Statement notified on 29th December 1909 under section 5 of the Indian Councils Act, 1909. As required by the Rules, the preliminary budget proposals for 1915-16 were considered in January last by the Finance Committee of this Council. Effect has been given to the changes in the estimates recommended by the Committee. These, together with a few other alterations made up to 4th February 1915, have been embodied in the amended Draft Financial Statement copies of which have been supplied to the Honourable Members. The requisite provision for three small items of expenditure proposed by the Committee will be separately made. The present Statement deals with the actuals for 1913-14, the revised estimates for 1914-15, and the budget estimates for 1915-16 concerning the provincialized services described in Appendix A. As usual, the Statement is divided into two parts, Part I giving a brief but fairly comprehensive idea, and Part II giving fuller particulars, of the Provincial transactions. Details by major and minor heads are given in Appendix B. The figures throughout represent thousands of rupees except where the context shows otherwise. The figures and remarks pertaining to the estimates now framed for 1914-15 and 1915-16 are liable to alteration, but in the absence of altogether unforeseen circumstances no modification seriously affecting the total estimates is likely to be required.

PART I.

Accounts of 1913-14.

2. The accounts of the year 1913-14 opened with a balance of 1,79,75. The closing balance was estimated in the revised at 1,82,01 and in the accounts rose to 1,95,34. The total Provincial revenue amounted to 7,92,29; compared with the budget, the actuals were better by 56,70 against 35,14 calculated in the revised, showing an improvement of 21,56. The increase over the revised occurred chiefly under *Land Revenue*, *Stamps*, *Excise*, *Assessed Taxes*, *Forest*, and *Irrigation—Direct Receipts*, and was partially counterbalanced by decreases chiefly under *Interest* and *Irrigation—Portion of land revenue due to irrigation*. The total Provincial expenditure amounted to 7,76,70, showing a net increase of 8,23 as compared with the figure (7,68,47) estimated in the revised. Increases occurred chiefly under the heads *Land Revenue*, *Forest*, *Ports and Pilotage*, *Stationery and Printing*, *Miscellaneous*, *Irrigation—Minor Works—Public Works Department*, and *Civil Works—Public Works Department*, and were partially counterbalanced by decreases chiefly under the heads *Assignments and Compensations*, *Education*, and *Irrigation—Major Works—Working Expenses*.

Revised Estimates for 1914-15.

3. The opening balance of the year 1914-15 estimated in the budget at 1,82,01 was changed to 1,95,34 on the closing of the accounts of 1913-14.

4. The total Provincial revenue for the current year is now estimated at 7,45,09 against 7,58,92 entered in the budget. The decrease of 13,83 is accounted for mainly by smaller receipts—

(*a*) under *Land Revenue—Provincial share*, due mainly to advance collections in March 1914 of revenue expected in the current financial year, and to larger suspensions granted during the year,

(*b*) under *Land Revenue—Alienations*, due to the resumption of certain lands in consequence of the death and discharge of grantees,

(*c*) under *Stamps*, due mainly to smaller sales of general and court-fee stamps,

(*d*) under *Excise*, due chiefly to the present crisis, and

(*e*) under *Forest*, due chiefly to decline in the receipts from timber and grass and other minor produce.

The decreases mentioned above are partially counterbalanced by increases mainly—

(*a*) under *Assessed Taxes*, due chiefly to more searching assessments and prompt recoveries,

(*b*) under *Interest*, due mainly to larger recoveries of interest from Native States and the Poona City Municipality, partly counterbalanced by smaller recoveries from cultivators,

(*c*) under *Law and Justice—Courts of Law*, chiefly on account of sale-proceeds of unclaimed and escheated property,

(*d*) under *Receipts in aid of superannuation, etc.*, due chiefly to the revision of the pay of teachers in Local Board and Municipal schools,

(*e*) under *Civil Works—Public Works Department*, chiefly on account of rents of buildings, sales of buildings, old materials and produce, and arrears of tolls on roads, and

(*f*) under *Transfers between Imperial and Provincial revenues*, due mainly to Imperial contributions in connection with the provincialization of the salaries of officers of the Indian Civil Veterinary Department, the raising and maintenance of a mounted police force at Jacobabad, and a non-recurring grant to the Bombay Sanitary Association.

5. The total Provincial expenditure is estimated at 7,88,65, or a decrease of 34,65 in the provision of

8,23,30 entered in the budget. The savings are expected chiefly—

(*a*) under *Police*, due mainly to savings anticipated in the provisions for District Police reorganization and for increase in the horse and camel allowances of mounted police in Sind, and to the resumption of certain lands in consequence of the death and discharge of grantees, partially counterbalanced by the expenditure connected with the entertainment of the mounted police at Jacobabad,

(*b*) under *Education*, due mainly to the transfer to other heads of portions of the provisions made for recurring and non-recurring expenditure out of the Imperial assignments for promotion of education, to anticipated savings in those provisions and in the provision for additional accommodation and equipment for the teaching of science in Government secondary schools, and to the non-utilization of the provision for opening new primary schools,

(*c*) under *Medical*, due mainly to the transfer to other major heads of portions of the provisions for expenditure on sanitary projects and the new hospital at Mahabaleshwar, to anticipated savings in those provisions, and to the non-utilization of the provisions for grants to the Bombay Municipality for anti-malarial measures and for an infectious diseases hospital for Europeans and Anglo-Indians,

(*d*) under *Agriculture*, due mainly to savings anticipated in the provisions made for charges of the Agricultural Department and for expenditure from the Imperial assignment for agricultural and allied objects, partially counterbalanced by the provision required in consequence of the provincialization of the salaries of officers of the Indian Civil Veterinary Department employed in the Bombay Presidency, and by a special grant provided for the purchase of a steam plough for Gujarát,

(*e*) under *Stationery and Printing*, due mainly to the non-utilization of the provision for the purchase of mono-type or lino-type machines for the Government Central Press, and

(*f*) under *Miscellaneous*, due mainly to the transfer to other heads of the provisions for the remission of contributions from local boards towards the cost of establishments in certain Government offices, for unforeseen charges, and for the educational portion of the building grant to the St. Joseph's Foundling Home, Bombay, partly counterbalanced by the writing off of irrecoverable advances on account of *pot hissa phálni* operations.

The savings mentioned above are partially conterbalanced by increases chiefly—

(*a*) under *Assignments and Compensations*, due mainly to the revision of the ábkári leases of certain Native States and the payment to the Miraj (Senior) State of compensation on account of previous years' arrears of revenue from country liquor and toddy, and to the payments of *kadim* cash allowances against recoveries credited to *I, Land Revenue,*

(*b*) under *General Administration*, due mainly to additional salary, establishment, postage and telegram charges in certain Secretariat Departments in consequence of work due to the war, and to the remission of contributions from District Local Boards towards charges of local fund establishments in Commissioners' and Collectors' offices,

(*c*) under *Superannuation Allowances and Pensions*, due to the commutations of pensions, to the proposed refund to the Marine Department of certain pension contributions, and to an increase in the number of new pensions sanctioned over lapses, and

(*d*) under *Civil Works—Public Works Department*, due to expenditure for the purchase of land from the Bombay City Improvement Trust for the Parel Laboratory, and to additional grants transferred from other heads, chiefly for educational, medical and police buildings.

6. The closing balance of the year is estimated at 1,51,78, or an increase of 34,15 as compared with the budget. Important variations between the budget and revised estimates are explained in Section II of Part II.

7. The disbursements of takávi and other loans in the Provincial Advance and Loan Account are estimated at 29,55 compared with 38,75 entered in the budget, the decrease being due to smaller provisions made for loans to local bodies, cultivators and Native States. The recoveries are now estimated at 52,17 against 51,28 entered in the budget, the difference being due chiefly to (i) the repayments expected in respect of the loans to Jurisdictional States which were borne on the Imperial Advance and Loan Account but were provincialized at the end of 1913-14, and (ii) a decline in the recoveries expected from cultivators.

Budget Estimates for 1915-16.

8. The budget for 1915-16 opens with a balance of 1,51,78, which, it is anticipated, will be reduced to 1,29,01 by the close of the year, the total revenue being estimated at 7,49,00, and the total expenditure at 7,71,77. The estimates thus involve an expenditure of 22,77 from the Provincial balance. The total revenue shows a falling off of 9,92 from the current year's budget and an advance of 3,91 over the revised. The total expenditure shows a decrease of 51,53 from the current year's budget and of 16,88 from the revised.

9. The revenue estimates for 1915-16 allow for expected decreases, chiefly—

(*a*) under *Land Revenue—Alienations*, due to the death and discharge of grantees,

(*b*) under *Stamps* and *Excise*, due to the present crisis,

(*c*) under *Interest*, due to smaller recoveries expected on account of advances to cultivators, and

(*d*) under *Forest*, due chiefly to smaller receipts from grazing and fodder grass and other minor produce.

The decreases are partially counterbalanced by increases mainly—

(*a*) under *Land Revenue—Provincial share*, due to the budget being framed on the assumption that the season will prove favourable enough for the collection of a portion of outstanding arrears in addition to the normal demand,

(*b*) under *Law and Justice—Courts of Law*, due chiefly to large amounts likely to be credited to Government on account of unclaimed assets in charge of the Administrator General, and to increased receipts from general fees, fines and forfeitures,

(*c*) under *Police*, due to larger recoveries (i) expected from the Bombay Port Trust on account of dock police charges, and (ii) on account of police supplied to public departments, private companies and individuals,

(*d*) under *Ports and Pilotage*, due to the receipts expected from the levy of light dues on vessels arriving on the Sind coast,

(*e*) under *Education*, due chiefly to larger fee receipts from the Arts and Professional Colleges,

(*f*) under *Civil Works—Public Works Department*, due to larger receipts from rents of buildings, and from sales of buildings, old materials and produce, and

(*g*) under *Transfers between Imperial and Provincial revenues*, due to the Imperial assignments chiefly in connection with the mounted police at Jacobabad and the provincialization of the salaries of officers of the Indian Civil Veterinary Department, partially counterbalanced by the assignment from Provincial revenues in connection with the scheme for the commutation of the right of service of hereditary kulkarnis.

10. The estimate of land revenue (including the portion due to irrigation) is taken at 4,50,00 (Provincial share = 2,25,00). Exclusive of miscellaneous revenue (1,90 in the revised estimate for 1914-15 and 1,80 in the budget for 1915-16), the figures of the estimated demand, collections, remissions and suspensions for the years 1914-15 and 1915-16 are given below, one-half of each item being taken as the Provincial share :—

	1914-15, Revised.		1915-16, Budget.	
Outstanding balance ...	56,94		40,51	
Demand	4,32,16		4,44,93	
		4,89,10		4,85,44
Collections ...	4,34,10		4,48,20	
Remissions ...	14,49		9,88	
		4,48,59		4,58,08
Balance { Suspensions.	25,17		9,33	
Balance { Arrears ...	15,34		18,03	
		40,51		27,36

11. In order to check the tendency to overestimate expenditure due chiefly to the anxiety of disbursing officers not to outrun the particular grants with the expenditure of which they are entrusted, and with a view to securing a greater accuracy of estimates, lump deductions for "Probable savings" are usually made in the total major head estimates. In the budget for 1914-15 such deductions were made to the amount of 6,00 under six major heads of account. For 1915-16 the Government of India originally directed that in view of the present financial situation the Government of Bombay should not draw upon the Provincial balance. They have since allowed provisionally a deficit of 22,77. Large curtailments had therefore to be made in the provisions originally proposed for 1915-16, and it is not considered feasible to make lump deductions for probable savings from the major head figures. Out of the unexpended balances of the Imperial grants given for the promotion of education since the year 1911-12, a total sum of 5,40 is provided in the budget for 1915-16. The budget also includes about 1,75 for charges due to the war.

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

(i) revision of excise compensations to certain Native States for the lease of their ábkári rights ;

(ii) cash allowances payable to representative watandár kulkarnis as compensation for the commutation of their right of service ;

(iii) Salvation Army schemes about Industrial Homes for (1) released prisoners, (2) boys of criminal tribes, and (3) European vagrants, and about workshops for weaving and silk-reeling to be attached to the first two Homes ;

(iv) Police re-organization and reforms ;

(v) increase in the Dock Police, Bombay, including police for the new Alexandra Dock ;

(vi) construction of a light-ship for the Sind coast ;

(vii) proposed appointment of a Professor of Economics in the University of Bombay ;

(viii) grants for sanitary projects ;

(ix) provision for wounded soldiers in the David Sassoon Hospital and the United Free Church Mission Hospital, Poona ;

(x) additional expenditure in connection with the Agricultural Department ; and

(xi) grants-in-aid to District Local Boards in connection with the abolition of existing tolls on Local Board roads.

(a). The existing ábkári leases generally expired on 31st July 1914, and have been renewed for a further period of 10 years. Under the renewed leases the Native States are to receive compensation based on the average receipts for the three years preceding the renewal of the lease, the amount so fixed being subject to revision after the third, sixth and tenth year in accordance with actual realizations during the period. The first renewal operations involve an additional cost of Rs. 2,16,214. Item (i) refers to this provision.

(b). Government have sanctioned a scheme for the commutation of the right of service of hereditary kulkarnis and the engagement, in lieu of them, of stipendiary talátis. Under the scheme the representative watandár kulkarnis will receive from Government annually a sum equal to one-third of the total of the akarni (remuneration for collecting land revenue) and the potgi (maintenance allowance) paid for the year 1913-14 to the hereditary village accountants. The watan lands will remain in the possession of the present holders and their heirs. In cases in which the judi on the kulkarni watan land is less than the full assessment, the full assessment will not be imposed, but the judi will be increased by an amount not exceeding one-sixteenth of the full assessment, subject to the condition that this additional levy together with the existing judi shall not exceed the amount of the full assessment on the land for the time being. This increase, which is justifiable on the ground that the present judi is liable to enhancement, will be used in bringing up the judi to a round number of annas per rupee. The judi, so fixed, will be liable to increase in proportion to any increase on a revision settlement, or in other words it will be a fixed proportion of the full assessment from time to time. The scheme has been brought into force in some districts in the current year. Item (ii) refers to the extra cost of the scheme estimated at 2,54 (Provincial share 1,27), provided under the head *2, Assignments and Compensations.* On the other hand, there will be a saving of 1,90 in the present cost on account of pay and contingencies of stipendiary talátis under the head *3, Land Revenue.*

(c). The schemes of the Salvation Army for the establishment of the following Industrial Homes and workshops have been referred to the Government of India :—

(1) Industrial Home to accommodate 250 conditionally released prisoners. The Home is meant primarily for prisoners committed to jail under Chapter VIII of the Criminal Procedure Code on failure to furnish security for good behaviour. The Salvation Army will try to reclaim them while they are in the Home, and to help them to employment after they are released on the expiry of the period of the original order of commitment;

(2) Industrial Home to accommodate about 200 boys of the criminal tribes and other boys of criminal tendencies in the Bombay Presidency. In this institution efforts will be made to reclaim the boys and to teach them a craft which will enable them to earn their living. The Home will include a course of school education;

(3) Industrial Home to accommodate about 30 European vagrants. The Salvation Army have already established a Labour Home for European vagrants in premises rented by them in Bombay, Government contributing Rs. 7,000 per annum towards the cost of the institution. The payment of the annual grant has been sanctioned up to the end of November 1914. The Salvation Army are now erecting a permanent Home;

(4) Workshops for weaving and silk-reeling attached to the Industrial Homes (1) and (2).

The estimated non-recurring and recurring expenditure of the Salvation Army on the Industrial Homes and the workshops is as shown below :—

	Non-recurring expenditure.	Recurring expenditure.
	Rs.	Rs.
(1)	50,000	
(2)	50,000	
(3)	50,000	50,000
(4)	20,000	
Total	1,70,000	50,000

Against this expenditure a total recurring grant of Rs. 13,400 per annum and a non-recurring grant of Rs. 70,000 have been recommended to the Government of India, who have made a reference to the Secretary of State on the subject. Pending the receipt of the sanction of the Secretary of State, a total provision of Rs. 31,400 for non-recurring expenditure and of Rs. 8,600 for recurring expenditure is made in next year's budget. Item (iii) refers to this provision.

(d). As stated in paragraph 13 (*h*) of the Revised Financial Statement for the year 1914-15, the scheme for the re-organization of the rank and file of the District Police in the Bombay Presidency (including Sind) is being introduced gradually and a provision of 2,85 (1,90 for the Presidency proper and 95 for Sind) is made for item (iv) in the budget for 1915-16, including 1,20 for non-recurring charges, such as police lines, arms, accoutrements, furniture, etc.

(e). The existing strength of the Dock Police Force in Bombay has for some time been found to be inadequate. Since the opening of the Alexandra Dock, the need for strengthening the police force has become very pressing and proposals for an increase to its strength have been submitted to the

Government of India. The total extra cost involved is calculated at 1,11 per annum as shown below:—

	Per mensem. Rs.
1 Additional District Superintendent of Police, Fifth Grade (for appointment as Deputy Commissioner of Police).	700
1 Deputy Inspector	150
4 Sergeants (one on Rs. 130, one on Rs. 120 and two on Rs. 110 each).	470
1 Sub-Inspector...	75
27 Head constables (5 on Rs. 30 each, 8 on Rs. 25 each and 14 on Rs. 20 each).	630
342 Constables (17 on Rs. 17 each, 69 on Rs. 16 each, 102 on Rs. 15 each and 154 on Rs. 14 each).	5,079
	7,104 ×12
Cost per annum ...	85,248
Plus House-rent, clothing, conveyance and other allowances.	26,027
Total ...	1,11,275

Owing to the present financial situation, it has not been found possible to provide for the full extra cost mentioned above in next year's budget. A provision of 50 only has been made for item (v), and an additional police force consisting of 13 head constables and 120 constables is to be entertained at once for the new Alexandra Dock. The remaining scheme will be introduced when the financial situation has improved. Besides the work connected with the Dock Police, the additional Deputy Commissioner of Police is to be entrusted with duties connected with the pilgrim traffic, the water-police and the Government Dockyard police. Only one-third of his salary and allowances will therefore be recovered from the Bombay Port Trust, who will also bear a moiety of the other charges mentioned above.

(f). With reference to the measures taken to improve the lighting of the Sind coast, it may be noted that the new light-house at Cape Monze is now in working order. It was expected that the light-vessel which is to be placed off the Khai Mouth of the Indus and which is being constructed at the Government Dockyard would be completed before the close of the current year. Owing, however, to the expeditionary work at the Dockyard the construction of the ship has been delayed and the grant of 1,73 provided for the purpose in the current year's budget will not be utilised in full. It is estimated that 91 will be required next year to complete the ship and fit it up. It cannot be stated when the ship will be ready to show the light. It is anticipated, however, that a provision of 5 will suffice to meet the recurring charge that may be required next year for its maintenance. Item (vi) relates to the provision of 96 made in next year's budget on this account.

The expenditure on the provision of the lights is to be recouped by the levy of light dues on vessels arriving on the Sind coast. A sum of 50 is taken into account in the ensuing year's budget estimates under the head "XVIII-Ports and Pilotage" on account of receipts expected from their levy.

(g). In 1913 the Government of India adumbrated proposals for the establishment of a school of research in the field of Indian economics and sociology in connection with the College of Commerce, Bombay. The Syndicate of the Bombay University considered that it would be more advantageous that the proposed school should be managed and controlled by the University in conjunction with the scheme of University professorships than that it should be established as an adjunct of the College of Commerce. This view has been accepted by the Government of India. The Syndicate is unable at present to frame a complete scheme, but will make a beginning with the appointment of a Professor of Economics and the provision of books necessary for the purpose of research together with accommodation for him and classes, etc., and such general assistance as he may require for the efficient discharge of his duties and for research. The Government of India have agreed to make an annual recurring grant of 12 towards the object on the condition that the Government of Bombay and the University agree to keep in view and promote the ultimate formation of a school of research in economics and in the allied subject of sociology. This condition has been accepted by this Government as well as the University. Item (vii) relates to the provision of 12 made for the grant to the University, which will be covered by a contribution from Imperial revenues.

(h). With reference to item (viii) it may be observed that the following allotments have been sanctioned against the provision of 21,00 entered in the current year's budget for expenditure in connection with sanitation and grants in aid of sanitary projects:—

(1) Allotment to the Sanitary Board to enable them to make grants for sanitary projects	1,00
(2) Matherán water-supply scheme ...	95
(3) Násik water-supply scheme	45
(4) Original works in connection with the development of Sálsette as a residential area	40
(5) Town improvements at Sholápur ...	13
(6) Town planning exhibition by Professor Patrick Geddes of Edinburgh ...	13
(7) Filling in the bed of the Lyari River, Karáchi	10
(8) Poona drainage scheme	10
(9) Aden water-supply scheme	9
(10) Town improvement at Hubli... ...	7
(11) Improvements to water works at Pen ...	2
(12) Improvements to water works at Rájápur .	2
(13) Grant to Miss Florence Nightingale Fund for village sanitation	·5
(14) Construction of storm water drains in Kolivada at Pen	·5
(15) Construction of a drain in Ratnágiri town.	·5
Total ...	3,47·5

As expenditure on sanitary projects is generally shared by Government and the local bodies concerned, the payment of subventions involves in several cases the grant of loans, the funds for which are provided by the Government of India. The present situation renders it necessary for that Government to husband its resources; and consequently promises of help by way of both subventions and loans in respect of sanitary schemes have to be restricted as much as possible. Accordingly a provision of 5,00 only is made in next year's estimates for expenditure in connection with sanitation and sanitary projects. It is estimated that out of this provision 1,65 will be required for grants for water-supply, drainage, etc., 1,00 for allotment to the Sanitary Board to enable them to make grants for sanitary projects, 1,31 for the purchase of boring tools, 60 for working boring plants, 40 for original works in connection with the development of Sálsette, and 4 for charges on account of sub-assistant surgeons appointed to register vital statistics at Ahmedabad.

(i). In November 1914 the Director, Medical Services in India, inquired whether in view of the early return of the wounded from the Persian Gulf, hospital accommodation could be provided in Poona for cases requiring nursing. He at the same time intimated that he wished to avoid filling up the Lady Hardinge War Hospital, Bombay, all at once as he desired to reserve accommodation for serious cases coming from East Africa. Government have accordingly placed at his disposal 50 beds in the David Sassoon Hospital and 50 beds in the United Free Church Mission Hospital at Poona. The charge for the maintenance of the beds is ordinarily a military one and should be defrayed by the Army Department; but in view of the exceptional circumstances and of the fact that the Governments of the Punjáb and the United Provinces are meeting similar charges from their revenues, the Government of Bombay have expressed their willingness to co-operate within certain limits and have proposed to assist Imperial out of Provincial funds in bearing the charges to the extent of 50, the excess over that limit being defrayed by the Imperial Government. Item (ix) refers to the provision of 30 made to cover the estimated expenditure on this account for nine months of 1915-16.

(j). Item (x) includes (α) 12 for hydraulic experiments in connection with boring operations, (β) 11 for the working expenses of a steam plough for Gujarát purchased this year at a cost of 52, and (γ) 7 for a demonstration plot at Kopargaon to show proper methods of sugarcane cultivation on the new irrigation canals in the Ahmednagar district as well as to make a start in the scheme for providing fodder against famine. The steam plough is to be worked at present in the Thásra and Kapadvanj tálukas of the Kaira district, where waste areas have been given out for cultivation on special terms. As a large area of land is to be broken up for the first time by people who have few bullocks and in a tract where labour is not abundant, it is anticipated that there will be a good demand for the plough. A sum of 20 is taken into account in next year's budget estimates under the head "XXI-A, Agriculture" on account of receipts expected from the working of the plough.

(k). As announced in paragraph 11 of the Revised Financial Statement for 1914-15, all toll-bars on Provincial roads in this Presidency have been abolished. Government have now under consideration a scheme for the abolition of tolls on Local Board roads (exclusive of tolls on bridges and ferries). The Local Board concerned is to be granted an annual payment equal to the average of its receipts from tolls, the condition attaching to the payment being that the whole amount is spent by the Board exclusively on the construction and maintenance of roads. The total cost of the scheme is estimated at 2,05. As in the case of abolition of tolls on Provincial roads, the scheme is to be introduced gradually and as speedily as the state of Provincial finances permits. A provision of 21 is made in the new budget for item (xi), and the amount will be distributed nearly equally among the three divisions of the Presidency proper. No tolls on roads are levied in Sind.

13. Remissions of land revenue attributable to famine amounted to 1,04 in 1913-14 and are estimated at 89 for the current year, while suspensions amounted to 10,22 in 1913-14 and are estimated at 6,72 for the year 1914-15. There was a gain of 1 in irrigation revenue and a loss of 66 in excise revenue during the year 1913-14. These figures represent the provincial share.

Direct expenditure on famine relief amounting to 2,99 in 1913-14 and estimated at 1,10 for 1914-15 falls on Imperial revenues in accordance with the scheme for the apportionment of famine expenditure brought into effect from the year 1907-08. Indirect famine expenditure amounting to 1,39 in 1913-14 and estimated at 1,14 for the current year falls on Provincial revenues.

14. In the Provincial Advance and Loan Account the payments of takávi and other loans are estimated at 29,29 and recoveries at 52,42 for 1915-16. Compared with the revised estimate for 1914-15, the former figure shows a decrease of 2,25 under advances to cultivators and co-operative societies and an increase of 1,99 under loans to local bodies. The provision of 8,29 made for these loans is intended for six mofussil municipalities and one district local board in connection with sanitary projects and the construction of school-buildings and a road. A provision of 18 is made for loans under the Co-operative Societies Act. As stated last year, this provision is made up of (α) 10 for industrial and productive co-operative societies which require help in their infancy as explained in paragraph 15 of the Revised Financial Statement for 1913-14, and (β) 8 for loans to co-operative societies in Sind. The estimate of recoveries for next year is larger by 25 than the current year's revised, the excess being due mainly to increases of (i) 1,90 in respect of

advances to cultivators and co-operative societies and (ii) 32 in respect of loans to local bodies, and a decrease of 1,93 on account of loans to Native States.

General Remarks.

15. The great war has affected Provincial finances to only a limited extent. For the three years (1911-12 to 1913-14) for which actuals are available subsequent to the revised Provincial settlement coming into force, Provincial receipts have averaged 7,65,39 and expenditure 7,54,63 per annum. For the current year we are able to take a revised estimate of 7,45,09 for receipts and of 7,88,65 for expenditure, while for next year receipts are estimated at 7,49,00 and expenditure at 7,71,77. The fall in revenue is due partly to the absence of new extraordinary grants from Imperial which were exceptionally large in 1912-13, and partly to a retardation caused by the war in the normal growth of revenues assigned to Provincial, especially Stamps and Excise. The estimated excess in expenditure over the anticipated revenue is justified by the large balance at the credit of Provincial. At the end of 1913-14 this balance amounted to 1,95,34; it is estimated that this figure will be reduced to 1,29,01 at the close of 1915-16. It would have been justifiable to make provision for a still further reduction of the balance had it not been necessary to meet the requirements of the Government of India, whose resources are more affected by the war than are the local finances, and to refrain from drawing on the Provincial balance beyond the limit laid down by the Supreme Government. Of the balance of 1,29,01 which is expected to remain at the credit of Provincial on 31st March 1916, 63,43 represents unexpended balances of special Imperial assignments, and 65,58 the true Provincial balance.

R. A. LAMB.

PART II.

SECTION I.

Accounts of 1913-14.

16. The estimated and actual transactions of the year 1913-14 are given below: —

	Budget Estimate.	Revised Estimate.	Actuals.
Opening balance ...	1,68,05	1,79,75	1,79,75
Revenue ...	7,35,59	7,70,73	7,92,29
Expenditure ...	7,87,14	7,68,47	7,76,70
Closing balance ...	1,16,50	1,82,01	1,95,34

The important differences between the budget and revised estimates for 1913-14 have been explained in Part II, Section II, of the Revised Financial Statement for 1914-15, and those between the budget and actuals are noticed in the Draft Financial Statement for 1915-16 (as amended up to 4th February 1915).

SECTION II.

Revised Estimates for 1914-15.

17. The budget and revised estimates of 1914-15 are shown below :—

Revenue.							Expenditure.			
Budget.	Revised.	Revised.		No.	Heads.	No.	Budget.	Revised.	Revised.	
		Better.	Worse.						Better.	Worse.
...	...	...	...	...	Refunds	1	5,67	5,93	...	26
...	...	...	...	...	Assignments and Compensations. { Cash ... / Alienations.. }	2 {	14,22 / 83,88	18,12 / 83,69	... / 19	3,90 / ...
					Land Revenue—					
2,09,48	2,05,18	...	4,30	I	{ Provincial ½ share ...	...	...	...	...	...
96,81	95,60	...	1,21		{ Alienations	...	...	...	...	...
...	...	...	...	...	{ Cash ... / Alienations ... }	3 {	82,15 / 7,78	82,14 / 7,36	1 / 42	... / ..
43,85	39,75	...	4,10	IV	Stamps	6	1,23	1,20	3	...
2,27,00	2,16,00	...	11,00	V	Excise	7	11,81	11,51	30	...
30,65	33,50	2,85	...	VIII	Assessed Taxes	10	85	84	1	...
45,50	44,50	...	1,00	IX	Forest	11	25,68	25,50	18	...
8,20	7,80	...	40	X	Registration	12	3,92	3,74	18	...
14,58	15,37	79	...	XII	Interest	13	7,83	8,14	...	31
...	...	...	...	...	General Administration ...	18	18,80	21,63	...	2,83
7,60	8,50	90	...	XVI-A	Law and Justice—Courts of Law.	19-A	57,49	57,82	..	33
3,05	2,75	...	30	XVI-B	Law and Justice—Jails ...	19-B	12,36	12,80	...	44
2,36	2,55	19	...	XVII	Police ... { Cash ... / Alienations ... }	20 {	1,01,80 / 5,15	1,00,50 / 4,55	1,30 / 60	... / ...
1,09	1,24	15	...	XVIII	Ports and Pilotage ...	21	2,88	2,43	45	...
5,21	5,49	28	...	XIX	Education	22	1,02,76	79,26	23,50	...
2,60	3,00	40	...	XX	Medical	24	49,05	27,63	21,42	...
...	...	...	...	...	Political	25	5,48	5,68	...	20
1,14	1,23	9	...	XXI-A	Agriculture	26-A	13,11	12,60	51	...
18	40	22	...	XXI-B	Scientific and Miscellaneous Departments	26-B	1,18	1,35	...	17
3,90	4,40	50	...	XXII	Superannuation Allowances and Pensions.	29	37,75	39,42	...	1,67
1,22	1,11	...	11	XXIII	Stationery and Printing ...	30	15,01	14,00	1,01	...
76	87	11	...	XXV	Miscellaneous	32	7,18	5,60	1,58	...
...	...	...	...	...	Reduction or Avoidance of Debt.	36	13,70	13,70	...	...
...	...	...	...	...	Subsidized Companies—Lands...	40	5	...	5	...
13,02	12,82	...	20	XXIX	Irrigation—Portion of land revenue due to irrigation ...	...	...	...	...	...
8,05	8,24	19	...	XXIX	Irrigation—Major Works—Direct Receipts.					
					{ Working Expenses ... / Interest ... }	42 {	7,72 / 11,52	7,82 / 11,54	... / ...	10 / 2
...	...	...	...	} XXX	{ Irrigation—Minor Works—					
1,74	1,89	15	...		{ Civil Department ... / Public Works Department }	43 {	10 / 16,50	6 / 16,40	4 / 10	... / ...
12	10	...	2	} XXXI	{ Civil Works—					
2,27	3,05	78	...		{ Civil Department ... / Public Works Department. }	45 {	8,69 / 90,00	8,69 / 97,00	... / ...	... / 7,00
28,54	29,75	1,21	...	...	Transfers between Imperial and Provincial revenues ...	...	...	...	...	...
7,58,92	7,45,09	8,81	22,64	...	... Total ...	...	8,23,30	7,88,65	51,88	17,23
1,82,01	1,95,34	13,33	...	Opening	... Balance ...	Closing	1,17,63	1,51,78	34,15	...

18. The revised estimates of revenue show a net decrease of 13,83 from the budget. The important decreases anticipated are under the following heads:—

I, Land Revenue.—5,51 made up of—

(i) 4,30 under "Provincial half share," due mainly to advance collections in March 1914 of revenue expected in the financial year 1914-15 and to larger suspensions granted during the year. The decrease is partly counterbalanced by recoveries (1,00) on account of *kadim* cash allowances, which are now credited to this head; and

(ii) 1,21 under "Alienations," due mainly to the resumption of certain lands in consequence of the death and discharge of grantees.

IV, Stamps.—4,10, due to the falling off of revenue chiefly under "Sale of General Stamps" (3,95) and "Sale of Court-fee Stamps" (25) owing to the influence of the war on the trade of India. The decrease is partly counterbalanced by larger receipts from "Composition of stamp duty" (10).

V, Excise.—11,00, due mainly to the present crisis, and to a write-back of 1,51 on account of an erroneous adjustment in previous years under the minor head "Sale-proceeds of excise opium and other drugs".

IX, Forest.—1,00, due mainly to smaller receipts from grass and other minor produce (65) and timber (37).

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

VIII, Assessed Taxes.—2,85, due mainly to larger recoveries of tax on "Other sources of income" (1,43) and "Profits of companies" (96), due to more searching assessments and prompt recoveries, and under "Salaries and pensions" (43), due to larger recoveries by Revenue authorities from companies and private persons.

XII, Interest.—79, due mainly to (i) the larger estimate of interest on loans to Native States in consequence of the recent provincialization of the loans granted from the Imperial Advance and Loan Account to Jurisdictional States (76), (ii) the interest recoverable on the instalments of the loan taken up by the Poona City Municipality for its drainage and water-supply schemes (38), and (iii) the recovery of arrears of interest due on some of the securities belonging to the Gujarát College (17). The increase is partly counterbalanced by a smaller estimate of receipts from interest on advances to cultivators (50).

XVI-A, Law and Justice—Courts of Law.—90, due mainly to larger receipts from (i) "Sale-proceeds of unclaimed and escheated property" (76), owing to the amount credited to Government under section 23 of the Official Trustee's Act, II of 1913, on account of unclaimed deposits, and (ii) "Miscellaneous fees and fines" (10).

XXII, Receipts in aid of superannuation, etc.—50, due chiefly to (i) the revision of the pay of teachers in Local Board and Municipal schools, and (ii) the arrears of contributions of certain professors of the Dayárám Jethmal Sind College admitted to the Indian Educational Service (18).

XXXI, Civil Works—Public Works Department.—78, due mainly to larger receipts from sales of buildings, old material and produce (33), rents of buildings (22), and arrears of tolls on roads (20).

Transfers between Imperial and Provincial revenues.—1,21, due to Imperial contributions in connection with the provincialization of the salaries of officers of the Indian Civil Veterinary Department (60), the raising and maintenance of mounted police force at Jacobabad to take the place of Indian cavalry (34), a non-recurring grant to the Bombay Sanitary Association (20), and a change in the classification of certain items of receipts of the nature of tributes, which were hitherto credited to *Land Revenue* instead of to *Tributes* (16). The increase is partly counterbalanced by a smaller Imperial contribution in connection with the cost of the Textile Ventilation Committee (6 against 15 entered in the budget).

19. On the expenditure side, the revised estimates indicate a net decrease of 34,65 from the budget. The important decreases anticipated are under the following heads:—

20, Police.—1,90, due chiefly to (i) savings anticipated in the lump grant of 3,00 for police re-organization and in the provision (80) for increase in the horse and camel allowances of mounted police in Sind, (ii) smaller expenditure under "Assessment of alienated lands" owing to the resumption of certain lands in consequence of the death and discharge of grantees (60), and on account of travelling and other allowances of the Káthiáwár Agency Police (17), and (iii) the transfer of funds (50) to the Public Works Department for the construction of police buildings. The decrease is partly counterbalanced by (i) the lump deduction (1,30) for probable savings under the major head budget figure, (ii) larger expenditure on account of the establishment of the Criminal Investigation Department in Sind and the entertainment of temporary establishment for the investigation of certain forgery cases (34) and on the carriage of constabulary (37), and (iii) charges connected with the raising and maintenance of mounted police at Jacobabad to replace a cavalry regiment stationed there (34).

22, Education.—23,50, due chiefly to (i) the transfer to other heads of portions of the provisions made for recurring and non-recurring expenditure out of the assignments sanctioned by the Government of India for promotion of education including technical education (2,63), (ii) anticipated savings in those provisions (21,50) as well as in the provisions for additional accommodation and equipment for the teaching of science in Government secondary schools (48), and for Sanskrit series and departmental books (11), and (iii) the non-utilization of the provisions for opening new primary schools (1,00) and for a Professor of Physics for the Royal Institute of Science, Bombay (11). The decrease would have appeared larger but for (*a*) the lump deduction of 2,00 made for probable savings from the major head budget figure, (*β*) larger expenditure on the engineering laboratory at the College of Engineering, Poona (32), and on the College of Commerce, Bombay (17), and (*γ*) an additional grant to the Dayárám Jethmal Sind College Board to enable it to pay the arrears of leave and pension contributions of certain professors admitted to the Indian Educational Service (18).

24, Medical.—21,42, due mainly to the transfer to other heads of a portion of the provision for expenditure on sanitary projects (4,56), and to the savings anticipated in that provision (14,44) as well as in the provisions for (i) the embarkation of pilgrims (21), (ii) salaries of the officers of the Sanitary and Chemical Examiners' Departments (20), (iii) investigation of malaria in Sind and the Kánara district and of diarrhœa in Poona (15), (iv) direct plague charges (13), (v) opening new dispensaries (12), (vi) the Bombay Bacteriological Laboratory (11), (vii) grants to local bodies in connection with the employment of health officers and sanitary inspectors (10), and (viii) grant to the College of Physicians and Surgeons of Bombay (9). Also (ix) a portion of the amount provided for a grant in aid of the construction of a new hospital at Mahábaleshwar has been transferred to the Public Works Department (23), and (x) the balance of that provision (14) as well as the provisions (xi) for the grants to the Bombay Muncipality in connection with the construction of an infectious diseases hospital for Europeans and Anglo-Indians (1,00) and anti-malarial measures (40), (xii) for the creation of a post of "Dean" for the Grant Medical College (11), and (xiii) for the separation of the appointments of Chemical Analyser, Sind, and Port Health Officer, Karáchi (10) are expected to remain unutilized. The decrease would have appeared larger but for (*a*) the additional provision made for a building grant to the Bombay Sanitary Association (10), and (*β*) the lump deduction of 80 made for probable savings in the major head budget figure.

26-A, Agriculture.—51, due mainly to savings anticipated in the provisions for (i) remodelling of the Civil Dairy at Kirkee (60), (ii) expenditure from the unexpended balance of the non-recurring Imperial assignments for agricultural and allied objects (32), (iii) salaries, establishments, allowances and contingent charges of the expert staff in the Agricultural Department (26), and (iv) subordinate veterinary establishment and grants to veterinary dispensaries (19). Also the provisions for (v) a scheme for the development of sugarcane industry on the Nira Canal (15), (vi) a temporary experimental station in the Thána or Kolába district (12), (vii) a dry-farming station in the Deccan (8), and (viii) a vernacular agricultural school in Gujarát (5) are not expected to be utilized. The decrease is partly counterbalanced by (*a*) the provision required in consequence of the provincialization, with effect from 1914-15, of the salaries of officers of the Indian Civil Veterinary Department employed in the Bombay Presidency (59), (*β*) special grant provided to meet the cost of a steam plough for Gujarát (52), and (*γ*) a larger estimate of the charges connected with the office of the Registrar, Co-operative Societies, including handloom weaving demonstrations (25).

30, Stationery and Printing.—1,01, due to (i) the non-utilization of the provisions for the purchase of linotype or monotype machines for the Government Central Press (90) and for the supply of electric power to the Yeravda Press, the charge for which is debitable to *45, Civil Works—Public Works Department* (7), and (ii) smaller expenditure on supplies and services and contingencies of Government Presses (14). The decrease is partly counterbalanced by increased expenditure chiefly on stationery supplied from Central Stores (20).

32, Miscellaneous.—1,58, due mainly to the transfer to other major heads of the provisions made for (i) the remission of contributions from Local Boards towards the cost of establishments in certain Government offices (1,07), (ii) unforeseen charges (80), and (iii) the educational portion of the building grant to the St. Joseph's Foundling Home, Bombay (36). A saving is also anticipated under "Special Commissions of Enquiry" (9) in connection with the expenditure on the Factory Ventilation Committee. The decrease is partly counterbalanced by larger expenditure under (i) "Irrecoverable temporary loans written off" (60) due to the writing off of irrecoverable advances on account of *pot hissa phalni* operations, and (ii) "Maintenance of destitute persons" (12) due to expenditure for the relief of Pathans thrown out of employment in Bombay.

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

2, Assignments and Compensations.—3,71, due mainly to (i) larger expenditure on "Excise compensations" (2,33) owing to the revision of the leases of ábkári rights of certain Native States (1,83), and the payment to the Miraj (Senior) State of compensations amounting to 50 on account of previous years' arrears of revenue from country liquor and toddy, (ii) the payments of *kadim* cash allowances against recoveries credited to *I, Land Revenue* (1,20), and (iii) the payment of compensation to villagers in the Mahi Kántha Agency for

damage done to their land by the Luni river sanctioned in 1913-14 (13). The increase is partly counterbalanced by a smaller adjustment on account of assessment of alienated lands (19).

18, General Administration.—2,83, due mainly to (i) additional expenditure (1,42) due to the war as noted in the margin, (ii) the remission of contributions (estimated at 96 under this head) from District Local Boards towards charges of Local Fund establishments in the offices of Commissioners and Collectors, and (iii) increased expenditure (90) consequent on the revision of the classification and limits of expenditure under the minor heads "Staff and household of the Governor", "Expenditure from Contract Allowance" and "Tour expenses," and purchase of furniture for the Government Houses. The increase is partly counterbalanced by the non-utilization of the provision (50) for a new metre-gauge saloon for His Excellency the Governor.

Postage and telegram charges in the Political Department	1,12
Pay of Deputy Secretary to Government, Political Department	13
Temporary establishment in the Political Department.	6
Officers on special duty in the Revenue Department.	11
Total ...	1,42

29, Superannuation allowances and pensions.—1,67, due mainly to (i) larger expenditure on commutation of pensions (1,00), (ii) the proposed refund to the Marine Department of the pension contributions paid by certain officers in foreign service which were erroneously credited to Provincial in previous years (47), and (iii) an increase in the number of new pensions sanctioned over lapses chiefly under Police, Land Revenue, Post Office and Law and Justice (25).

45, Civil Works—Public Works Department.—7,00, due mainly to expenditure (3,31) for the purchase of land from the Bombay City Improvement Trust for the Parel Laboratory, and to additional grants transferred from other major heads mainly for educational, medical and police buildings.

21. The opening balance of the year 1914-15 estimated in the budget at 1,82,01 is now raised to 1,95,34. The estimates for 1914-15 now framed show a deficit of 43,56 against 64,38 estimated in the budget, the Provincial balance being reduced from 1,95,34 to 1,51,78.

SECTION III.

Budget Estimates for 1915-16.

22. The year 1915-16 is estimated to open with a balance of 1,51,78 and to close with a balance of 1,29,01 to the credit of the Provincial account as shown in the following table :—

	1914-15.		1915-16.	Column 4 better +, or worse —, than	
	Budget.	Revised.	Budget.	Column 2.	Column 3.
1	2	3	4	5	6
Opening balance ..	1,82,01	1,95,34	1,51,78	—30,23	—43,56
Revenue ..	7,58,92	7,45,09	7,49,00	—9,92	+ 3,91
Expenditure ..	8,23,30	7,88,65	7,71,77	+ 51,53	+ 16,88
Closing balance ...	1,17,63	1,51,78	1,29,01	+ 11,38	—22,77

Refunds—1.

23. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Refunds ...	5,25	5,95	7,45	5,67	5,93	5,55

The decrease is due to a smaller provision under "Excise" (2,50 against 3,00 in the current year's budget), partially counterbalanced by increases, chiefly under (i) "Land Revenue" (20), (ii) "Assessed Taxes" (10), and (iii) "Stamps" (5).

Assignments and Compensations—2.

24. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Cash ..	13,30	12,47	14,45	14,22	18,12	18,91
Alienations ...	82,62	83,00	83,04	83,88	83,69	83,67
Total ...	95,92	95,47	97,49	98,10	1,01,81	1,02,58

The increase under *Cash* is due mainly to (i) a larger provision for excise compensations payable to certain Native States for the renewal of the leases of their ábkári rights (2,16), and (ii) the provisions for (α) the payment of *kadim* cash allowances against recoveries credited or to be credited to *I, Land Revenue* (1,20), (β) cash allowances payable to watandár kulkarnis for the commutation of their rights of service (1,27), and (γ) the purchase of cash allowances of watandár kulkarnis in the Central Division who may be willing to sell them (12). The decrease under *Alienations* is due mainly to the resumption of certain lands in consequence of the death and discharge of grantees.

I.—Land Revenue—3.

25. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue.						
Provincial half share.	1,88,92	1,89,02	2,32,43	2,09,48	2,05,18	2,12,16
Alienations ...	95,65	95,87	95,13	96,81	95,60	95,51
Fixed allotment and adjustments.	39,97	1,02,55	*	*	*	*
Total ...	3,24,54	3,87,44	3,27,56	3,06,29	3,00,78	3,07,67
Expenditure.						
Cash ...	74,80	76,54	77,17	82,15	82,14	82,88
Alienations ...	7,93	7,70	7,54	7,78	7,36	7,32
Total ...	82,73	84,24	84,71	89,93†	89,50	90,20

* The transactions under this head are now shown under the head *Transfers between Imperial and Provincial revenues*, which is noticed in paragraph 54 below.

† This is the major head estimate after deduction of 1,40 for probable savings.

(*a*) The budget under "Provincial half share" is based on the assumption that the season will prove favourable enough for the collection of a portion of outstanding arrears in addition to the normal demand. It also includes 1,00 for recoveries on account of *kadim* cash allowances which are now credited to this head. The decrease in the revised for 1914-15 is due mainly to advance collections in March 1914 of revenue expected in the current financial year, and to larger suspensions granted during the year.

Under "Alienations," the estimates furnished by the district officers have been adopted, the decrease from the budget for 1914-15 being due mainly to the resumption of certain lands in consequence of the death and discharge of grantees.

(*b*) The increase of 27 in the expenditure budget as compared with the budget for 1914-15 is due chiefly to (i) smaller deductions for probable savings (2,88 against 5,08 in the current year's budget), (ii) a larger provision for the grant of minimum time-scale of pay to officers of the Indian Civil Service (1,46 against 50 * in the current year's budget), (iii) smaller transfers to the head *19-A, Law and Justice—Courts of Law* on account of salaries and exchange compensation allowance of Joint and Assistant Judges (80 against 1,51 in the current year's budget), (iv) larger provisions for the Consulting Surveyor to Government and his establishment (47 against 20 in the current year's budget) and the Central Division Survey Party (29 against 14 in the current year's budget), and (v) the provisions for the acquisition of land for the extension of the village site at Lonand in the Sátára district (17), and the demonstration of town planning exhibition in Bombay (8). The increase is partially counterbalanced (*a*) by smaller provisions mainly for (i) allowances and contingencies of village accountants due to the commutation of their right of service (12,11 against 13,45 in the current year's budget), (ii) the construction and repair of chávdis (72 against 1,56 in the current year's budget), (iii) allowances to district and village officers (alienated) due to the resumption of certain lands in consequence of the death and discharge of grantees (7,32 against 7,78 in the current year's budget), (iv) "cost of cadastral maps" (79 against 1,12 in the current year's budget), (v) the maintenance of record of rights (20 against 50 in the current year's budget), and (vi) the cost of cadastral survey of the Town and Island of Bombay (1,74 against 1,86 in the current year's budget), and (*β*) by the absence of the provisions for (i) special legal training of officers of the Indian Civil Service (40), (ii) special measurement operations and demarcation of waste lands in Sind (25), and (iii) the improvement of the town of Nawábsháh (13).

* This provision was made for increase in the grade of Assistant Collectors and the grant of minimum time-scale of pay for a part of the year.

IV.—Stamps—6.

26. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	38,32	41,03	44,40	43,85	39,75	40,50
Expenditure ...	1,14	1,19	1,23	1,23	1,20	1,22

(*a*) The decrease in the revenue budget as compared with the current year's budget is estimated chiefly under (i) "Sale of general stamps" and (ii) "Sale of court-fee stamps", and is due to the present crisis.

(*b*) The expenditure budget is normal.

V.—Excise—7.

27. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	2,02,94	2,12,27	2,22,59	2,27,00	2,16,00	2,16,00
Expenditure ...	10,57	10,80	10,86	11,81	11,51	11,72

(*a*) The decrease in the revenue budget as compared with the current year's budget is estimated chiefly under (i) "License and distillery fees and duties for the sale of liquors and drugs," and (ii) "Gain on sale-proceeds of excise opium," and is due to the present crisis.

(*b*) The decrease in the expenditure budget from the current year's budget is due chiefly to smaller provisions for (i) clothing charges (31), (ii) the purchase of excise stores (9), and (iii) temporary establishments (5), and to the absence of the provisions for (i) the revision of the establishment of the Combined Salt and Excise Department in Sind and the construction of quarters for the extra men (11), and (ii) the supply of cross-belts and swords to Excise Inspectors (9). The decrease is partially counterbalanced by the provisions for (i) the purchase of

plant and apparatus of the Dhárwár, Belgaum and Ahwa distilleries (33), and (ii) the entertainment of an Assistant Collector of Excise and his staff for the prevention of illicit distillation in the Kaira district (18), and by a larger provision for stationery and other petty supplies (3).

VIII.—Assessed Taxes—10.

28. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ..	27,07	28,74	33,46	30,65	33,50	30,38
Expenditure ...	58	60	73	85	84	87

(*a*) The decrease in the revenue budget occurs mainly under "Other sources of income" (45) owing to the influence of the war upon the trade of India, and is partially counterbalanced by an increase in the receipts from the tax on "Salaries and pensions" (16).

(*b*) The expenditure budget is normal.

IX.—Forest—11.

29. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	43,31	49,92	51,03	45,50	44,50	45,00
Expenditure ...	26,64	26,93	25,90	25,68*	25,50	25,43

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

(*a*) The decrease in the revenue budget is due mainly to smaller receipts from grazing and fodder grass, other minor produce, and sandalwood.

(*b*) The decrease in the expenditure budget from the budget for 1914-15 is due mainly to (i) smaller provisions for communications and buildings (76), and demarcation and working plans of forests (25), and (ii) larger deductions (1,63 against 1,43 in the budget for 1914-15) for probable savings. The decrease is partially counterbalanced by a larger provision (96) for timber operations.

X.—Registration—12.

30. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	7,43	7,82	8,28	8,20	7,80	8,00
Expenditure ...	3,80	3,72	3,70	3,92	3,74	3,75

(*a*) The decrease in the revenue budget is due mainly to the transfer to the head *XXI-B, Scientific and Miscellaneous Departments* of the fees for registering companies and societies, partly counterbalanced by increase of other fee receipts.

(*b*) The decrease in the expenditure budget is due chiefly to the absence of the provision (13) for the salary, establishment and contingencies of a full-time Registrar of Joint Stock Companies, provision for whom is now made under the head *26-B, Scientific and Miscellaneous Departments.*

XII.—Interest—13.

31. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	11,03	10,12	14,22	14,58	15,37	14,08
Expenditure ...	6,36	7,97	8,72	7,83	8,14	7,35

(*a*) The decrease in the revenue budget as compared with the budget for 1914-15 is due chiefly to smaller recoveries expected on account of loans to cultivators, partially counterbalanced by interest recoverable on the loans to Jurisdictional States which have been provincialized and to certain local bodies.

(*b*) The decrease in the expenditure budget from the budget for 1914-15 is due chiefly to a smaller outstanding balance in the Provincial loan account at the beginning of the year 1915-16, and to a smaller provision for loans to cultivators, local bodies and Native States in that year.

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

(i) Loans to cultivators	19,32
(ii) Loans to local bodies on account of public works.	8,29
(iii) Loans to Tálukdárs in Gujarát ...	1,00
(iv) Loans to Native States and to landholders and notabilities apart from the provisions of any law.	50
(v) Loans for the purposes of the Co-operative Societies Act.	18
Total ...	29,29

The total provision of 29,29 shows a decrease of 9,46 as compared with the current year's provision, being made up of 4,50 under item (i), 3,71 under item (ii) and 1,25 under item (iv).

General Administration—18.

33. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Expenditure.	27,55	17,91	19,37	18,80	21,63	21,29

The increase in the new budget as compared with the budget for 1914-15 is due mainly to additional provisions for (i) salaries, establishments, and postage and telegram charges of certain Secretariat Departments due to the war (1,22), and (ii) the purchase and maintenance of furniture for Government Houses (37). Provision is also made under this head for the cost of the Local Fund establishments in the offices of Collectors and Commissioners, which was formerly met from contributions from District Local Boards estimated at 97 in the budget for 1914-15. The increase is partially counterbalanced by the absence of the provision (50) for a new metre-gauge saloon for His Excellency the Governor.

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

34. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	6,58	7,32	7,81	7,60	8,50	8,20
Expenditure ...	55,31	56,69	56,36	57,49*	57,82	57,29

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

(*a*) The increase in the revenue budget occurs mainly under (i) "Sale-proceeds of unclaimed and escheated property" (25) due to amounts likely to be credited to Government under section 52 of the Administrator General's Act, III of 1913, (ii) "General fees, fines and forfeitures" (15), chiefly on account of fees of District and Sub-Courts and magisterial fines, and (iii) "Miscellaneous fees and fines" (14).

(*b*) The decrease in the expenditure budget is due mainly to (i) smaller transfers from the head *3, Land Revenue—Charges of District Administration* on account of salaries and exchange compensation allowance of Joint and Assistant Judges (80 against 1,51 in the current year's budget), (ii) a smaller provision for diet and road allowances to witnesses under "Criminal Courts—General Establishment" (1,51 against 2,10 in the current year's budget), and (iii) the absence of the provision for an additional High Court Judge and his establishment (51). The decrease is partially counterbalanced by the absence of the lump deductions of (*a*) 49 from the provision for salaries of District and Sessions Judges and (*β*) 30 from the major head figure. Also a lump provision of 23 is made in the budget for a time-scale of pay of Joint and Assistant Judges, and increased provisions are made for (i) the last instalment of the scheme regarding the re-organization of the subordinate judicial establishments sanctioned in 1912 (23), (ii) temporary Assistant Judges and their establishments (19), (iii) fees in civil and criminal cases (19) and diet and road allowances to witnesses under "District and Sessions Judges" (16).

XVI-B.—Law and Justice—Jails—19-B.

35. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	2,20	3,05	2,82	3,05	2,75	2,85
Expenditure ...	11,36	12,01	12,77	12,36	12,80	12,87

(*a*) The decrease in the revenue budget is due to smaller receipts anticipated from the sale-proceeds of jail-made goods in view of the latest actuals.

(*b*) The increase in the expenditure budget is due mainly to a larger provision for dietary charges (61), partially counterbalanced by smaller provisions for (i) a grant to the Salvation Army in connection with their scheme for the establishment of an industrial home for released prisoners (15) and (ii) the jail for juvenile adult prisoners at Dhárwár on the Borstal system (6).

XVII.—Police—20.

36. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	3,88	2,46	2,89	2,36	2,55	2,86
Expenditure—						
Cash ...	96,40	97,16	96,03	1,01,80	1,00,50	1,07,52
Alienations ...	5,10	5,17	4,55	5,15	4,55	4,52
Total ...	1,01,50	1,02,33	1,00,58	1,06,95*	1,05,05	1,12,04

* This is the major head estimate after deduction of 1,30 for probable savings.

(*a*) The increase in the revenue budget over the budget for 1914-15 is due mainly to (i) the expected recovery of a moiety of the cost of additional dock police in Bombay for which a provision of 50 is made in the expenditure budget, and (ii) larger receipts (20) on account of police supplied to public departments, private companies and individuals.

(*b*) The expenditure budget for 1915-16 provides for 2,07 less than in the budget for 1914-15 on account of probable savings under the major and

detailed heads. Increased expenditure is estimated chiefly under (*a*) the minor head "District Executive Force" due to larger provisions made for (i) the entertainment of additional head constables and constables (2,54), (ii) charges connected with the additional mounted police at Jacobabad (99, inclusive of 67 for petty construction), (iii) travelling and other allowances (18) and (iv) police supplied to private companies and persons (13), (β) under the minor head "Presidency Police" due to larger provisions for (i) increase in the dock police, including police for the new Alexandra Docks (50), (ii) appointment of an additional Deputy Commissioner of Police, and grant of personal allowances to the Commissioner of Police and a Deputy Commissioner (20), and (γ) under the minor head "Criminal Investigation Department" due to increased provisions for allowances and rent charges (16). The increase is partially counterbalanced chiefly by (i) the absence of the provision for increase in the horse and camel allowances of mounted police in Sind (80), and (ii) smaller provisions under "Village Police—Assessment of Alienated Lands" (63) due to the resumption of certain lands in consequence of the death and discharge of grantees, and under "District Executive Force—Petty construction" (39, exclusive of 67 for the mounted police at Jacobabad).

XVIII.—Ports and Pilotage—21.

37. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ..	97	1,02	1,08	1,09	1,24	1,59
Expenditure ..	70	65	1,81	2,88	2,43	1,89

(*a*) The revenue budget follows the current year's original estimate with an addition of 50 for the receipts expected from the levy of light dues on vessels to meet charges on account of the provision of lights on the Sind coast.

(*b*) The decrease in the expenditure budget as compared with the current year's budget is due chiefly to a smaller provision (1,09 against 2,13 entered in the budget for 1914-15) for a light-house on Cape Monze and a light-vessel off the Khai Mouth of the Indus.

XIX.—Education—22.

38. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	4,54	5,31	5,53	5,21	5,49	5,99
Expenditure ...	48,73	61,35	72,76	1,02,76*	79,26	76,86

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

(*a*) The increase in the revenue budget is due mainly to larger fee receipts from the Arts and Professional Colleges owing chiefly to an increase in the number of students, and from the candidates for School Final, Cambridge Senior Local and Drawing Examinations, and to larger sale-proceeds of books and work-shop receipts.

(*b*) The decrease in the expenditure budget as compared with the current year's budget is due mainly to smaller provisions for (i) expenditure out of the recurring and non-recurring assignments made by the Government of India for promotion of education—including technical education (23,23), (ii) building grants (2,00), (iii) additional accommodation and equipment for the teaching of science in Government secondary schools (25), and to the absence of the current year's provisions for an advance in connection with the scheme for the removal of the Victoria Jubilee Technical Institute to a new site at Mátunga (3,50), and for opening new primary schools (1,00). The decrease is partially counterbalanced by (*a*) smaller deductions for probable savings (1,21 against 3,49 in the current year's budget), and (β) larger provisions for the Arts Colleges, the College of Commerce, Bombay, and the Government Law School (67), and for travelling allowance and postage and telegram charges of the inspectorial staff (25). Also provisions are made for (i) a subvention to the Salvation Army for boys' industrial home (20), (ii) a grant towards the cost of the proposed appointment of a Professor of Economics in the University of Bombay (12), (iii) grants to such schools as may need assistance owing to the withdrawal from their staffs of teachers who are German or Austrian subjects (10), and visual instruction in Government schools (8). The budget also allows for the discontinuance of the contributions from District Local Boards towards the cost of the clerical establishments in the offices of the Educational and Deputy Educational Inspectors (9).

39. The total expenditure estimate of 76,86 mentioned above is exclusive of the following items which are provided under other heads for purposes connected with education :—

(i) Grant Medical College, Medical Schools at Poona, Ahmedabad and Hyderabad, and College of Physicians and Surgeons of Bombay.	3,63
(ii) Construction and maintenance of Government educational buildings.	1,59
(iii) Agricultural education	1,13
(iv) Veterinary College in Bombay ...	73
(v) Donations to Scientific Societies ...	11
(vi) Allowances to Dakshina Fellows and others (Provincial share).	10
(vii) Preservation and translation of ancient manuscripts.	3
Total ...	7,32

The total Provincial expenditure on educational objects in 1915-16 is thus estimated at 84,18.

XX.—Medical—24.

40. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	2,44	3,25	2,78	2,60	3,00	2,90
Expenditure ...	24,36	23,50	27,21	49,05*	27,63	31,78

* This is the major head estimate after deduction of 80 for probable savings.

(*a*) The increase in the revenue budget is due chiefly to larger receipts expected from paying-patients in hospitals and lunatic asylums and from the sale of quinine-treatments.

(*b*) The decrease in the expenditure budget as compared with the budget for 1914-15 is due chiefly to (α) smaller provisions for (i) grants in aid of sanitary projects (16,00), (ii) malaria survey in Sind and the Kánara district (28), (iii) opening new dispensaries (15), and (iv) investigation of diarrhœa prevailing in Poona (10), and (β) the absence of the current year's provisions for grants to the Bombay Municipality in connection with the construction of an infectious diseases hospital for Europeans and Anglo-Indians (1,00) and anti-malarial measures (40), for a grant in aid of the construction of a new building for the Civil Hospital at Mahábaleshvar (37), for the creation of a post of "Dean" for the Grant Medical College (11), for the separation of the appointments of Chemical Analyser, Sind, and Port Health Officer, Karáchi (10), and for a building grant to the Bombay Sanitary Association (10). The decrease is partially counterbalanced by smaller deductions for probable savings (70 against 1,41 in the budget for 1914-15), by larger provisions for supplies and services and contingencies of hospitals (41), and by a special provision made for expenditure in connection with the treatment of wounded soldiers at the David Sassoon Hospital and the United Free Church Mission Hospital at Poona (30).

Political—25.

41. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Expenditure.	4,32	4,21	4,36	5,48	5,68	5,08

The decrease is due chiefly to (i) a smaller provision for salaries of officers (32), the provision for the re-organization of the Politicial Department made in the current year's budget having proved in excess of the actual requirements, and (ii) larger deductions (77 against 55 in the current year's budget) for probable savings in the provisions for salaries of officers. The decrease is partially counterbalanced mainly by a larger provision (12 against 6 in the current year's budget) for payments to officers of other provinces.

XXI-A.—Agriculture—26-A.

42. The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	1,02	1,03	1,22	1,14	1,23	1,48
Expenditure ...	10,07	9,22	10,70	13,11	12,60	12,71

Note.—The figures of actuals and budget estimates for the years preceding 1915-16 appeared under the heads "XXI and 26—Scientific and other Minor Departments". These heads have now been sub-divided into "XXI-A and 26-A—Agriculture" and "XXI-B and 26-B—Scientific and Miscellaneous Departments".

(*a*) The increase in the revenue budget over the current year's budget is due mainly to receipts expected from the working of the steam plough purchased for Gujarát and of pumping and boring plants, and to a larger estimate of "Government Bull and Stallion receipts".

(*b*) The decrease in the expenditure budget as compared with the current year's budget is due mainly to (α) the absence of the current year's provisions for (i) remodelling of the Civil Dairy at Kirkee (65), (ii) expenditure from the unexpended balance of the Imperial assignments for agricultural and allied objects (38), (iii) a temporary experimental station in the Thána or Kolába district (12), (iv) a dry-farming station in the Deccan (8), and (v) the vernacular agricultural school in Gujarát (5), and (β) smaller provisions for the new seed farms at Jalgaon and Mirpur Khás (43), and for a scheme for the development of the sugarcane industry on the Nirá Canal (12). The decrease is partially counterbalanced by the provisions made for (i) the charge on account of the salaries of officers of the Indian Civil Veterinary Department employed in the Bombay Presidency in consequence of its provincialization (59), (ii) the working expenses of the steam plough purchased in the current year for Gujarát (11), and (iii) a demonstration plot at Kopargaon (7). Also larger provisions are made for (iv) the staff and establishments of the Agricultural Department (33), (v) the establishment, travelling allowance and contingent charges of the Registrar, Co-operative Societies (18), and of the Subordinate Veterinary Department in the Presidency proper (11), and (vi) hydraulic experiments (12).

XXI-B.—Scientific and Miscellaneous Departments—26-B.

43. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14	Budget.	Revised.	Budget.
Revenue ...	16	16	18	18	40	53
Expenditure ...	77	1,04	1,33	1,18	1,35	1,46

Note.—The figures of actuals and budget estimates for the years preceding 1915-16 appeared under the heads "XXI and 26—Scientific and other Minor Departments". These heads have now been sub-divided into "XXI-A and 26-A—Agriculture" and "XXI-B and 26-B—Scientific and Miscellaneous Departments."

(*a*) The increase in the revenue budget is due mainly to the amount of fees for the registration of companies and societies which are now credited to this head.

(*b*) The increase in the expenditure budget is due chiefly to the charges on account of the Registrar of Companies being now debited to this head. The budget also provides 4 for an increase in the Registrar's salary, 2 for the additional establishment required by him, and 3 for fees payable to the members of the Auditors Council.

XXII.—Superannuation Allowances and Pensions—29.

44. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	3,42	3,64	3,88	3,90	4,40	4,20
Expenditure ...	31,39	33,48	36,44	37,75	39,42	38,97

(*a*) The improvement in the revenue budget is due mainly to (i) the revision of the pay of teachers in Local Board and Municipal schools and (ii) the transfers of officers who will pay pension contributions on enhanced rates under the new Foreign Service Rules.

(*b*) The increase in the expenditure budget is due chiefly to a larger provision under "Superannuation and Retired Allowances" (2,25) owing to an increase in the number of new pensions sanctioned over lapses, chiefly under Police, Land Revenue, Post Office and Law and Justice. The increase is partially counterbalanced by the absence of the current year's provision for commuted value of pensions (1,00).

XXIII.—Stationery and Printing—30.

45. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	1,24	1,28	1,13	1,22	1,11	1,06
Expenditure ...	13,62	13,59	14,97	15,01	14,00	14,10

(*a*) The decrease in the revenue budget occurs chiefly under "Other Press Receipts" (12), due to a change of procedure under which the cost of articles, such as type, etc., supplied by the Government Central Press to other Presses in the Presidency and the binding charges for work done by the Press for other offices are not now recovered in cash.

(*b*) The decrease in the expenditure budget is due mainly to (i) the absence of the current year's provisions for (*a*) linotype or monotype machines for the Government Central Press (90) and (*β*) the supply of electric power to the Yeravda Press (7), and (ii) smaller provisions for Europe stores for the Government Central Press and the Press of the Commissioner in Sind (20), and for piece-work compositors at the Government Central Press (10). The decrease is partially counterbalanced mainly by (i) a larger provision for stationery supplied from Central Stores (20), and (ii) the provision for a contract establishment allowance for the Yeravda Prison Press (6).

XXV.—Miscellaneous—32.

46. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	1,14	2,04	83	76	87	77
Expenditure ...	17,80	6,36	7,79	7,18	5,60	5,57

(*a*) The revenue budget is normal.

(*b*) The decrease in the expenditure budget is due chiefly to (i) the transfer to other heads of the current year's provision (1,07) for the remission of contributions from Local Boards towards the cost of establishments in certain Government offices, (ii) the absence of the current year's provision (66) for building grant to St. Joseph's Foundling Home, Bombay, and (iii) a smaller provision for charges on account of the Factory Ventilation Committee (13). The decrease is partially counterbalanced by larger provisions (i) under "Rents, Rates and Taxes" on account of Government buildings in Bombay (16), and (ii) for a grant-in-aid to the Salvation Army in connection with their industrial home for European vagrants (8).

Reduction or Avoidance of Debt—36.

47. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
36, Reduction or Avoidance of Debt.	13,70	13,70	13,70	13,70	13,70	13,70

In accordance with the arrangement for the incidence of direct famine charges described in paragraph 15 of the Financial Statement for 1907-08, an annual assignment of 13,70 has been made since 1907-08 from Imperial to Provincial, through the head *1, Land Revenue*, for the purpose of building up a reserve of credit up to a maximum of 80,00, the assignment being included under "Transfers between Imperial and Provincial revenues" from 1915-16. *Per contra*, the assignment is debited in the Provincial account to the expenditure head No. *36*. A separate administrative account is kept of the accumulations to the credit of the Local Government which will show at the end of the year 1915-16 a balance of 76,05, direct famine expenditure chargeable to Imperial revenues under the head *33, Famine Relief* having amounted to 15 in 1907-08, 33 in 1908-09, 2 in 1909-10, *nil* in 1910-11, 15,17 in 1911-12, 27,49 in 1912-13, and 2,99 in 1913-14, and being estimated at 1,10 for 1914-15 and *nil* for 1915-16.

Subsidised Companies—Lands—40.

48. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Expenditure.	7	...	...	5	...	...

The provision made in the current year's budget for the cost of land required in connection with the extension of the Champáner-Shivrájpur Light Railway to Pani is not likely to be utilized, and no expenditure is expected under this head during 1915-16.

Miscellaneous Railway Expenditure—41.

49. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Expenditure.	1	...	...	...	...	...

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

XXIX and XXX.—Irrigation—42 and 43.

50. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue.						
XXIX, Major Works. Portion of land revenue due to irrigation.	10,28	11,56	12,36	13,02	12,82	12,84
XXIX, Major Works. Direct Receipts.	6,68	6,84	8,70	8,05	8,24	7,99
XXX, Minor Works and Navigation (Public Works Department).	1,83	1,83	1,89	1,74	1,89	1,84
Total ...	18,79	20,23	22,95	22,81	22,95	22,67
Expenditure.						
42, Major Works. Working Expenses.	7,06	8,13	8,34	7,72	7,82	7,72
42, Major Works. Interest on Debt.	9,61	10,37	10,74	11,52	11,54	12,38
43, Minor Works and Navigation. Civil Department.	4	5	10	10	6	10
43, Minor Works and Navigation. Public Works Department.	15,83	15,67	17,54	16,50	16,40	16,72
Total ...	32,54	34,22	36,72	35,84	35,82	36,92

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

(*a*) The decrease under *Land Revenue due to Irrigation* in the budget for 1915-16 as compared with the budget for 1914-15 is due chiefly to the inclusion in the latter of 88 on account of collection charges, which should have been omitted, partially counterbalanced by larger revenue anticipated during 1915-16.

(*b*) The provision of 36,92 for expenditure in 1915-16 is distributed as shown below:—

	Major Works.			Minor Works.		
	Deccan and Gujarát.	Sind.	Total.	Deccan and Gujarát.	Sind.	Total.
Original Works.	16	24	40	78	2,82	3,60
Maintenance and Repairs.	1·34	3·54	4,88	1,48	7,23	8,71
Establishment ...	92	1,33	2,25	76	2,99	3,75
Tools and Plant.	7	7	14	7	59	66
Refunds of Revenue.	5	...	5	...	...	...
Interest Account.	7,89	4,49	12,38	...	...	...
Free grants for the encouragement of irrigation works in specially precarious tracts.	...	...	...	10	...	10
Total ...	10,43	9,67	20,10	3,19	13,63	16,82

Under *42, Major Works—Working Expenses*, the provision for 1915-16 is equivalent to the budget grant for 1914-15, the increases in the provisions for repairs and establishment in the Deccan and Gujarát being counterbalanced by smaller provisions for works and establishment in Sind. The increase in the interest

account follows the grants from the Government of India for capital expenditure on productive and protective works. Under *43, Minor Works and Navigation—Public Works Department*, the increase over the budget for 1914-15 is due mainly to larger provisions for original works, establishment and tools and plant in Sind. The increase is partially counterbalanced by smaller provisions for works, repairs and establishment in the Deccan and Gujarát. In the *Civil Department*, the provision for 1914-15 is repeated for 1915-16.

XXXI.—Civil Works—45.

51. The Provincial figures are—

	Actuals.			1914-15.		1915-16.
Civil Department.	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Revenue ...	9	10	11	12	10	10
Expenditure ...	59,08	14,24	14,66	8,69	8,69	8,52
Public Works Department.						
Revenue ...	6,96	7,58	6,95	2,27	3,05	2,85
Expenditure ...	76,34	83,61	1,04,38	90,00	97,00	72,05

(*a*) For the *Civil Department*, the estimate of receipts for 1915-16 is normal. The decrease in the expenditure budget is due mainly to the absence of the provisions for grants for the improvement of village water-supply in the districts affected by scarcity (25), and for boring and jumper experiments (15), partially counterbalanced by the provision of 21 for grants-in-aid to District Local Boards in connection with the abolition of tolls on Local Board roads.

(*b*) For the *Public Works Department*, the budget for 1915-16 provides for larger receipts expected chiefly from rents of buildings and sales of buildings, old materials and produce.

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

(i) Original Works—		
Works in progress—		
Civil Buildings ...	10,26	
Communications ...	5,03	
Miscellaneous public improvements.	2,71	
New major works ...	4,18	
Discretionary grants for minor works to certain Heads of Departments.	3,00	
Reserve	1,20	
		26,38
(ii) Repairs—		
Civil Buildings	8,21	
Communications	13,57	
Miscellaneous public improvements.	15	
		21,93
(iii) Establishments		15,00
(iv) Tools and plant		2,07
(v) Undistributed		6,67
Total ...		72,05

The provision of 26,38 for "Original Works" is made up of 18,00 for works in progress, 4,18 for new major works, 3,00 for minor works and 1,20 for reserve. The detailed distribution of the amount of 6,67 is under consideration.

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

(i) Central Offices, Poona (1,00), distillery at Khánápur (50), buildings at Nawábsháh (25), Collector's bungalow at Belgaum (20), and Mámlatdárs' kacheris at Mángaon (20), and Honáwar (10);

(ii) Hostel for the Northcote High School at Sholápur (39), New High School at Násik (30), Agricultural College and Hostel, Poona (10), and additions and alterations to the Training School, Dhulia (10);

(iii) New Small Causes Court, Bombay, (2,00), Subordinate Civil Court at Mirpurkhás (25), and District Judge's bungalow at Bijápur (12);

(iv) Police buildings at Mirpurkhás (35), quarters for four European police officers in the compound of the Esplanade Police Court, Bombay (29), police lines at Matiari (18), Bándra (15), Shádipali (13), and Mándvi (10), head-quarter police lines at Thána (15) and Sholápur (10), and additions and alterations to the head-quarter police lines at Bijápur (10);

(v) King Edward Memorial Hospital, Sholápur, (1,00), additions and alterations to the old Government House, Parel, to render it suitable for accommodating the Bacteriological Laboratory (60), school for the training of mid-wives and nurses of the Victoria Jubilee Dispensary, Ahmedabad (16), and Out-patient Department at the Civil Hospital, Ratnágiri (15);

(vi) Buildings for the new Public Works Department district at Alibág (10);

(vii) Bridging the Poona-Sholápur road between Diksal and Indápur (50), and bridges at Mahuli (33), and over Parit Nalla in the Poona district (14), roads from Savalvihir to Bharvas (48), from Lákh Station to Koregaon and thence to Belpimpalgaon (38), from Deogaon to Bharvas (30), from Deoláli to Belápur (30), from Bhátkal to Mysore Frontier (25), from Pimpalner to Shelbari (17), and from Vihigaon to Khodala (12), improvements to the Khándesh-Nizám Frontier road (67), widening the Bombay-Agra road between Thána and Kurla (20), bridging nallas on Mahád-Nágothna road (20), improving and metalling the Malhárpeth-Pandharpur road (10), and causeways at Khánápur (20), and over the Tápti near Bhusával on the Bhusával-Yával road (13); and

(viii) Kennedy Sea Face Improvement, Bombay (1,54), working boring plant for the Sanitary Engineer (60), and Visápur tank (50).

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

(i) Acquisition of bungalows Nos. 16 and 20, Queen's Gardens, Poona (67);

(ii) District Court at Lárkána (25);

(iii) Jail at Belgaum (50);

(iv) Railway police lines at Dádar (50), police lines in Sind — Adalpur (15), Khar (15) and Miro-Khan (10);

(v) Acquisition of land for the extension of the Civil Hospital, Ahmedabad (33);

(vi) Alterations to the Government Central Press, Bombay (1,00); and

(vii) Bridge over the Darna at Chehedi (23).

Transfers between Imperial and Provincial revenues.

54. Contributions or assignments from Imperial to Provincial revenues and *vice versa* were hitherto shown as deductions from, or additions to, the Imperial and Provincial shares of *Land Revenue*. This procedure, besides making the course of Imperial and Provincial revenues as a whole complicated and difficult to follow, conveyed a misleading idea as to the amounts that accrued to Imperial and Provincial Governments out of the Land Revenue collections of the Province. It has accordingly been decided by the Government of India that these contributions shall in future be recorded under a distinct head on the revenue side of the accounts to be named "*Transfers between Imperial and Provincial revenues*". The figures are—

	Actuals.			1914-15.		1915-16.
	1911-12.	1912-13.	1913-14.	Budget.	Revised.	Budget.
Net transfers from Imperial to Provincial revenues.	(a)	(a)	30,59	28,54	29,75	29,32

(a) Prior to 1913-14, the transactions under this head are shown under *I, Land Revenue—Fixed Allotment and Adjustments, vide* paragraph 25, *supra*.

The net provision of 29,32 in the budget for 1915-16 is explained below:—

(i) Contribution from Imperial to Provincial under the Famine Relief Scheme.	+13,70
(ii) Fixed Provincial contribution under the settlement.	−9,38
(iii) Imperial contributions (5,93 made in 1913-14 and 1,00 made in 1914-15) for recurring expenditure on education.	+6,93
(iv) Imperial contribution in connection with the Darbár grant for recurring expenditure on education.	+6,70
(v) Imperial contribution for recurring expenditure on sanitation.	+6,00
(vi) Imperial contribution towards police re-organization and reforms.	+3,25
(vii) Imperial contribution for the remission of contributions by local bodies towards certain establishment charges.	+1,07
(viii) Imperial contribution for expenditure connected with the raising and maintaining at Jacobabad a force of 50 mounted police to take the place of the Indian cavalry (recurring 32, and non-recurring 67).	+99
(ix) Provincial contribution in connection with the scheme for the commutation of the right of service of kulkarnis.	−98
(x) Provincial contribution on account of the amalgamation of the Public Works Accounts section with the Civil Accounts Department.	−70
(xi) Imperial contribution for the improvement of aided Indian High and Anglo-Vernacular Schools.	+60
(xii) Imperial contribution in connection with the provincialization of the salaries of the officers of the Indian Civil Veterinary Department.	+60
(xiii) Provincial contribution on account of the reduction in the percentage charged to Provincial revenues on the value of imported stationery stores.	−50
(xiv) Imperial contribution for a grant to the Bombay University.	+45
(xv) Provincial contribution in connection with the imperialization of the subsidy to Reuter's Telegram Company for their news service in India.	−22
(xvi) Imperial contribution for the improvement of sanitary services.	+20
(xvii) Imperial contribution in connection with the change in the classification of certain receipts of the nature of tributes which were hitherto credited to the head *I, Land Revenue* instead of *XI, Tributes*.	+16
(xviii) Imperial contribution towards the cost of the appointment of a Professor of Economics in the University of Bombay.	+12
(xix) Imperial contribution for the extension of the system of making monthly payments of pensions to Indian military pensioners.	+10
(xx) Imperial contribution for charges on account of the Superintendent, Civil Veterinary Department, Sind, Baluchistán and Rajputána's office establishment, allowances, etc.	+9

(xxi) Imperial contribution for the transfer of the duties in connection with the Native Passenger Ships Act from the charge of the Customs Preventive Department to that of the Port Officer, Bombay.	+5
(xxii) Imperial contribution in connection with the abolition of the contribution for police charges of the Rájkot and Wadhwán Civil Station Funds.	+5
(xxiii) Provincial contribution for operations connected with oyster beds at Karáchi.	−2
(xxiv) Imperial contribution to meet the charge on account of the stipends of two State Technical Scholars during the period of their further training in India for one year.	+2
(xxv) Imperial contribution for expenditure connected with the Factory Ventilation Committee.	+1
(xxvi) Imperial contribution for the payment of Scholarships for the study of oil-pressing industry.	+1
(xxvii) Imperial contribution on account of the transfer to the Local Audit Department of the Accountant General's office of the work of verifying cancelled currency notes in the Bombay Presidency.	+1
(xxviii) Imperial contribution on account of the grant of annual pension of Rs. 100 to holders of the titles of Mahámahopádhyáya and Shams-ul-Ulama.	+1
Net total ...	29,32

Bombay Castle,
6th March 1915.

G. CARMICHAEL.

APPENDIX A.

Schedule of Provincial Revenue and Expenditure.

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

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

APPENDIX B.

Provincial revenue and expenditure by major and minor heads for the years 1913-14, 1914-15 and 1915-16.

(Rupees in thousands.)

REVENUE.

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16.
	Actuals.	Budget.	Revised.	Budget.
I, Land Revenue.				
Ordinary	2,43,84	2,21,62	2,17,05	2,24,10
Miscellaneous	95	88	95	90
Deduct—Portion of land revenue due to irrigation...	*—12,36*	*—13,02*	*—12,82*	*—12,84*
Assessment of alienated lands *less* quit-rents ...	95,13	96,81	95,60	95,51
Fixed allotment and adjustments	(a)	(a)	(a)	(a)
Total ...	3,27,56	3,06,29	3,00,78	3,07,67
IV, Stamps.				
Sale of general stamps	20,14	20,25	16,30	17,58
Sale of court-fee stamps	22,38	21,75	21,50	21,25
Duty on impressing documents	96	90	88	80
Fines and penalties	15	12	15	12
Miscellaneous	77	83	92	75
Total ...	44,40	43,85	39,75	40,50
V, Excise.				
License and distillery fees and duties for the sale of liquors and drugs.	1,98,28	2,00,28	1,93,80	1,91,80
Gain on sale-proceeds of excise opium and other drugs.	14,89	17,00	13,00	15,00
Duty on gánja	9,08	8,73	8,42	8,42
Fines, confiscations and miscellaneous... ...	34	99	78	78
Total ...	2,22,59	2,27,00	2,16,00	2,16,00
VIII, Assessed Taxes.				
Income Tax on—				
Salaries and pensions	6,63	6,50	6,93	6,66
Profits of companies	4,76	3,29	4,25	3,28
Interest on securities	2,31	2,32	2,34	2,34
Other sources of income	19,76	18,54	19,98	18,10
Total ...	33,46	30,65	33,50	30,38
IX, Forest.				
Timber and other produce removed from the forests by Government agency.	17,63	15,50	15,20	15,57
Timber and other produce removed from the forests by consumers or purchasers.	31,67	28,84	27,83	28,12
Confiscated drift and waif wood	5	4	4	4
Revenue from forests not managed by Government .	6	7	7	6
Miscellaneous	1,62	1,05	1,36	1,21
Total ...	51,03	45,50	44,50	45,00
X, Registration.				
Fees for registering documents	7,97	7,90	7,46	7,66
Fees for copies of registered documents ...	21	20	22	22
Miscellaneous	10	10	12	12
Total ...	8,28	8,20	7,80	8,00

(a) The transactions under this head are now shown under the head *Transfers between Imperial and Provincial revenues.*

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16
	Actuals.	Budget.	Revised.	Budget.
XII, Interest.				
Interest on Provincial loans and advances ...	13,31	13,55	14,17	13,05
Interest on Government securities	91	1,03	1,20	1,03
Total ...	14,22	14,58	15,37	14,08
XVI-A, Law and Justice—Courts of Law.				
Sale-proceeds of unclaimed and escheated property .	52	54	1,30	79
Court-fees realized in cash	76	75	76	76
General fees, fines and forfeitures	5,53	5,35	5,35	5,50
Pleadership examination fees	...	2	1	1
Miscellaneous fees and fines	73	70	80	84
Miscellaneous	27	24	28	30
Total ...	7,81	7,60	8,50	8,20
XVI-B, Law and Justice—Jails.				
Jails	81	90	90	93
Jail manufactures	2,01	2,15	1,85	1,92
Total ...	2,82	3,05	2,75	2,85
XVII, Police.				
Presidency police	87	85	83	1,09
Police supplied to Municipal, Cantonment and Town Funds.	27	27	27	27
Police supplied to public departments, private companies and persons.	1,04	66	80	86
Cash receipts under the Arms Act	...	...	...	...
Fees, fines and forfeitures	14	15	15	13
Superannuation receipts	5	5	5	5
Miscellaneous	52	38	45	46
Total ...	2,89	2,36	2,55	2,86
XVIII, Ports and Pilotage.				
Registration and other fees	1,07	1,06	1,20	1,05
Pilotage receipts	...	2	3	53
Miscellaneous	1	1	1	1
Total ...	1,08	1,09	1,24	1,59
XIX, Education.				
Fees, Government Colleges, General	87	62	69	92
Fees, Government Colleges, Professional ...	76	72	80	1,06
Fees, Schools, General	2,67	2,75	2,71	2,76
Fees, Schools, Special	13	12	12	12
Contributions	6	6	6	6
Miscellaneous	1,04	94	1,11	1,07
Total ...	5,53	5,21	5,49	5,99
XX, Medical.				
Medical School and College fees	1,06	1,03	1,08	1,06
Hospital receipts	98	86	1,13	1,05
Lunatic asylum receipts	27	28	30	30
Medicines sold by Civil Surgeons	1	1	1	1
Contributions	27	30	30	30
Miscellaneous	19	12	18	18
Total ...	2,78	2,60	3,00	2,90

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16.
	Actuals.	Budget.	Revised.	Budget.
XXI-A, Agriculture.				
Agricultural receipts	1,06	1,02	1,08	1,30
Veterinary receipts	16	12	15	18
Total ...	1,22	1,14	1,23	1,48
XXI-B, Scientific and Miscellaneous Departments.				
Emigration fees	...	...	...	...
Examination fees	13	17	12	17
Miscellaneous	5	1	28	36
Total ...	18	18	40	53
XXII, Receipts in aid of Superannuation, etc.				
Contributions for pensions and gratuities ...	3,87	3,89	4,39	4,19
Miscellaneons	1	1	1	1
Total ...	3,88	3,90	4,40	4,20
XXIII, Stationery and Printing.				
Stationery receipts	6	9	6	6
Sale of gazettes and other publications ...	37	38	37	37
Other press receipts	70	75	68	63
Total ...	1,13	1,22	1,11	1,06
XXV, Miscellaneous.				
Unclaimed deposits	39	40	40	40
Treasure trove	2	1	1	1
Sale-proceeds of darbár presents	...	...	...	...
Sale of old stores and materials	3	2	4	3
Percentage on capital cost of furniture supplied to high officers.	...	...	...	...
Fees for Government audits	5	7	7	7
Contributions	1	1	1	1
Rents	8	10	10	10
Miscellaneous fees, fines and forfeitures ...	9	9	9	9
Miscellaneous	15	6	15	6
Extraordinary items	1	...	...	...
Recoveries of famine expenditure	...	...	...	...
Total ...	83	76	87	77
XXIX, Irrigation—Portion of land revenue due to irrigation.	12,36	13,02	12,82	12,84
XXIX, Irrigation—Major Works—Direct Receipts.	8,70	8,05	8,24	7,99
XXX, Irrigation—Minor Works and Navigation—Public Works Department.	1,89	1,74	1,89	1,84
XXXI, Civil Works.				
In charge of Civil Officers	11	12	10	10
In charge of Public Works Officers	6,95	2,27	3,05	2,85
Total ...	7,06	2,39	3,15	2,95
Transfers between Imperial and Provincial revenues.	30,59	28,54	29,75	29,32
Total of the major heads ...	7,92,29	7,58,92	7,45,09	7,49,00
Opening balance ...	1,79,75	1,82,01	1,95,34	1,51,78
Grand total ...	9,72,04	9,40,93	9,40,43	9,00,78

EXPENDITURE.

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16.
	Actuals.	Budget.	Revised.	Budget.
1, Refunds and Drawbacks.				
Divided Heads (Provincial Share).				
Land Revenue	1,47	1,55	1,75	1,75
Stamps	71	70	75	75
Assessed Taxes...	36	30	40	40
Provincial Heads.				
Excise	4,48	3,00	2,88	2,50
Forest	40	10	12	12
Registration	3	2	3	3
Total ...	7,45	5,67	5,93	5,55
2, Assignments and Compensations.				
Divided Heads (Provincial Share).				
Land Revenue Compensations—				
Inámdárs and other grantees	4,13	4,20	5,65	6,72
Pensions in lieu of resumed lands	1,59	1,62	1,60	1,62
Miscellaneous land revenue compensations ...	32	32	46	33
Provincial Heads.				
Inámdárs and other grantees	72,68	73,04	72,88	72,86
Pensions in lieu of resumed lands	10,36	10,84	10,81	10,81
Excise compensations	8,19	7,88	10,21	10,04
Miscellaneous compensations	22	20	20	20
Total ...	97,49	98,10	1,01,81	1,02,58
3, Land Revenue.				
Charges of District Administration	41,12	45,32	45,00	47,02
Survey and Settlement	90	1,32	1,32	1,25
Land Records	28,85	30,39	29,68	28,11
Allowances to district and village officers ...	13,84	14,30	13,50	13,82
Lump deduction	...	*—1,40*	...	...
Total ...	84,71	89,93	89,50	90,20
6, Stamps.				
Superintendence	48	46	48	47
Charges for the sale of general stamps ...	49	49	45	48
Charges on sale of court-fee stamps	10	9	9	9
Stamp and plain paper supplied from Central Stores.	16	19	18	18
Total ...	1,23	1,23	1,20	1,22
7, Excise.				
Presidency establishment	1,36	1,51	1,37	1,37
District executive establishments	9,50	10,30	10,14	10,35
Total ...	10,86	11,81	11,51	11,72
10, Assessed Taxes.				
Collection of Income Tax	73	85	84	87

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16.
	Actuals.	Budget.	Revised.	Budget.
11, Forest.				
Conservancy and Works	12,53	11,86	11,80	11,41
Establishments	13,37	14,02	13,70	14,02
Lump deduction	...	—20	...	...
Total ..	25,90	25,68	25,50	25,43
12, Registration.				
Superintendence	21	22	21	22
District charges	3,49	3,70	3,53	3,53
Total ...	3,70	3,92	3,74	3,75
13, Interest on Ordinary Debt.				
Interest on Provincial Advance and Loan Account ...	8,72	7,83	8,14	7,35
18, General Administration.				
Salary of the Governor	1,19	1,20	1,20	1,20
Staff and Household of the Governor	2,90	2,79	3,25	3,01
Expenditure from Contract Allowance	1,44	1,08	63	63
Tour expenses	20	11	50	51
Executive Council	2,04	1,96	1,96	1,96
Legislative Council—Travelling Allowances to Non-Official Members of the Council.	12	11	20	12
Civil Secretariat	6,44	6,64	8,00	8,00
Commissioner in Sind	1,54	1,42	1,42	1,38
Commissioners	2,48	2,47	2,52	2,52
Civil Offices of Account and Audit	1,19	1,18	1,20	1,20
General Establishment of Local Funds	—17	—16	75	76
Total ...	19,37	18,80	21,63	21,29
19-A, Law and Justice—Courts of Law.				
High Court	7,69	8,02	7,70	7,52
Law Officers	4,23	4,04	4,80	4,21
Administrator General	39	42	42	42
Coroner's Court	15	15	14	15
Presidency Magistrates' Courts	1,00	97	1,00	99
Judicial Commissioners	1,60	1,54	1,66	1,61
Civil and Sessions Courts	23,00	23,97	24,00	24,15
Courts of Small Causes	2,97	2,72	2,84	2,76
Criminal Courts	14,85	15,55	14,80	14,97
Pleadership examination charges	...	1	1	1
Refunds	48	40	45	50
Lump deduction	...	—30	...	...
Total ...	56,36	57,49	57,82	57,29
19-B, Law and Justice—Jails.				
Jails	11,25	10,81	11,30	11,32
Jail manufactures	1,51	1,55	1,50	1,55
Refunds	1	...	...	...
Total ...	12,77	12,36	12,80	12,87

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16.
	Actuals.	Budget.	Revised.	Budget.
20, Police.				
Presidency police	11,56	12,08	11,86	12,70
Superintendence	2,19	2,07	2,15	2,16
District executive force	66,54	72,05	69,53	75,20
Village police	9,07	9,94	9,25	9,37
Special police	5,66	6,09	5,95	6,15
Railway police	2,77	2,90	2,90	3,00
Criminal Investigation Department	2,74	3,09	3,39	3,44
Refunds	5	3	2	2
Lump deduction	...	*—1,30*	...	...
Total ...	1,00,58	1,06,95	1,05,05	1,12,04
21, Ports and Pilotage.				
Salaries and allowances of officers and men afloat...	8	8	8	8
Purchase of stores and coal, etc.	9	6	11	6
Ports and Pilotage establishments	56	56	56	61
Miscellaneous	2	2	2	2
Light-houses and light-ships	1,06	2,16	1,66	1,12
Refunds	...	...	...	...
Total ...	1,81	2,88	2,43	1,89
22, Education.				
University	2,55	55	55	67
Direction	84	88	88	86
Inspection	5,14	5,58	6,00	6,77
Government Colleges, General	3,12	2,86	2,88	3,12
Government Colleges, Professional	2,67	2,19	2,62	2,64
Government Schools, General	31,64	34,01	38,00	36,21
Government Schools, Special	3,92	5,54	4,42	4,76
Grants-in-aid	21,61	18,97	19,40	14,54
Scholarships	62	66	70	81
Miscellaneous	64	94	80	97
Refunds	1	1	1	1
Lump provision for recurring expenditure ...	...	10,41	3,00	12
Lump provision for non-recurring expenditure ...	...	22,16		5,38
Lump deduction	...	*—2,00*	...	...
Total ...	72,76	1,02,76	79,26	76,86
24, Medical.				
Medical establishment	4,45	4,43	4,51	4,52
Hospitals and Dispensaries	7,60	9,29	8,66	9,52
Sanitation and Vaccination	4,91	26,12	6,19	9,13
Grants for medical purposes	1,76	2,96	1,71	1,81
Medical Schools and College	5,21	3,80	3,50	3,64
Lunatic Asylums	2,59	2,49	2,49	2,50
Chemical Examiner	64	72	52	61
Refunds	5	4	5	5
Lump deduction	...	*—80*	...	...
Total ...	27,21	49,05	27,63	31,78
25, Political.				
Political Agents	4,17	5,36	5,56	4,96
Entertainment of Envoys and Chiefs	2	2	2	2
Darbár presents and allowances to Vakils, etc. ...	5	6	6	6
Miscellaneous	12	4	4	4
Total ...	4,36	5,48	5,68	5,08

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16.
	Actuals.	Budget.	Revised.	Budget.
26-A, Agriculture.				
Agriculture	7,42	9,11	8,00	7,79
Veterinary charges	2,49	3,05	3,40	3,79
Co-operative Societies	79	95	1,20	1,13
Total ...	10,70	13,11	12,60	12,71
26-B, Scientific and Miscellaneous Departments.				
Provincial Museums	...	...	...	...
Donations to Scientific Societies	21	11	11	11
Emigration	...	...	...	...
Inspector of Factories	69	64	64	67
Gazetteer and Statistical Memoirs	...	2	...	...
Steam Boiler Inspection establishment ...	*—9*	*—12*	*—12*	*—10*
Registration of Railway Traffic	29	30	30	31
Provincial Statistics	5	6	5	6
Preservation and translation of ancient manuscripts.	2	3	2	3
Examinations	12	14	14	14
Registrar, Joint Stock Companies	...	...	16	24
Miscellaneous	4	...	5	...
Refunds	...	...	...	...
Total ...	1,33	1,18	1,35	1,46
29, Superannuation Allowances and Pensions.				
Superannuation and retired allowances ...	34,77	36,00	36,25	38,25
Compassionate allowances	42	43	40	40
Commuted value of pensions	84	1,00	2,00	...
Gratuities	26	15	13	15
Covenanted Civil Service pensions	14	15	15	15
Donations to Service funds...	1	1	1	1
Refunds	...	1	48	1
Total ...	36,44	37,75	39,42	38,97
30, Stationery and Printing.				
Stationery Office at the Presidency	48	45	45	45
Stationery purchased in the country	1,18	1,20	1,20	1,20
Government presses	5,03	6,29	5,07	5,18
Printing at private presses	8	7	8	7
Stationery supplied from Central Stores ...	8,20	7,00	7,20	7,20
Refunds	..	...	...	
Total ...	14,97	15,01	14,00	14,10
32, Miscellaneous.				
Allowance to Civil Servants out of employ ...	...	...	...	...
Rewards for proficiency in oriental languages and allowances to Language Examination Committees.	22	25	25	22
Annual stipends to Holders of Literary Titles ...	1	1	1	1
Cost of books and publications	18	19	19	19
Donations for charitable purposes	44	1,19	95	65
Charges on account of European vagrants ...	11	13	13	15
Rewards for the destruction of wild animals ...	7	10	10	11
Petty establishments	...	...	...	...
Special Commissions of Inquiry	1	19	10	3
Irrecoverable temporary loans written off ...	2,95	50	1,10	50

Major and Minor Heads of Account.	1913-14.	1914-15.		1915-16.
	Actuals.	Budget.	Revised.	Budget.
32, Miscellaneous—contd.				
Charges for search of hidden treasure	...	...	...	...
Rents, Rates and Taxes	2,13	2,14	2,14	2,30
Contributions	1,49	1,54	47	47
Miscellaneous and unforeseen charges ..	6	85	7	85
Miscellaneous refunds	11	8	8	8
Miscellaneous charges for the treatment of patients at the Pasteur Institute.	1	1	1	1
Total ...	7,79	7,18	5,60	5,57
36, Reduction or Avoidance of Debt	13,70	13,70	13,70	13,70
40, Subsidized Companies—Lands	...	5	...	...
42, Irrigation—Major Works.				
Working Expenses	8,34	7,72	7,82	7,72
Interest on Debt	10,74	11,52	11,54	12,38
Total ...	19,08	19,24	19,36	20,10
43, Irrigation—Minor Works and Navigation.				
Civil Department	10	10	6	10
Public Works Department	17,54	16,50	16,40	16,72
Total ...	17,64	16,60	16,46	16,82
45, Civil Works.				
Civil Department	14,66	8,69	8,69	8,52
Public Works Department	1,04,38	90,00	97,00	72,05
Total ...	1,19,04	98,69	1,05,69	80,57
Total of the major heads ...	7,76,70	8,23,30	7,88,65	7,71,77
Closing balance ...	1,95,34	1,17,63	1,51,78	1,29,01
Grand Total ...	9,72,04	9,40,93	9,40,43	9,00,78

APPENDIX C.

Statement showing by major heads the ordinary and special or non-recurring Provincial revenue and the opening balance as estimated in the budget for 1915-16.

[In thousands of rupees.]

No. of Account Head.	Receipts.	Budget, 1915-16.	Ordinary.	Special.	Remarks.
1	2	3	4	5	6
I	Land Revenue. { Provincial share ...	2,12,16	2,10,52	(a) 1,64	(a) Collections of outstandings of previous years.
	{ Alienations ...	95,51	95,51	...	(b) Amount likely to be credited to Government under section 52 of the Administrator General's Act, III of 1913.
IV	Stamps	40,50	40,50	...	
V	Excise	2,16,00	2,16,00	...	(c) Assignments from Imperial revenues for special non-recurring objects.
VIII	Assessed Taxes	30,38	30,38	...	
IX	Forest	45,00	45,00	...	(d) This is made up of—
X	Registration	8,00	8,00	...	(i) 41,94 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on education;
XII	Interest	14,08	14,08	...	(ii) 19,28 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on sanitation.-
XVI-A	Law and Justice—Courts of Law ...	8,20	7,95	(b) 25	(iii) 1,12 Unexpended balances of the Imperial assignments for non-recurring expenditure on medical relief (80), and on agricultural and allied objects (32);
XVI-B	Do. —Jails	2,85	2,85	...	(iv) 2,00 Imperial assignment made in 1911-12 for the Royal Visit Commemoration Building in Bombay.
XVII	Police	2,86	2,86	...	
XVIII	Ports and Pilotage	1,59	1,59	...	Total. 64,34
XIX	Education	5,99	5,99	...	
XX	Medical	2,90	2,90	...	
XXI-A	Agriculture	1,48	1,48	...	
XXI-B	Scientific and Miscellaneous Departments.	53	53	...	
XXII	Receipts in aid of Superannuation, etc....	4,20	4,20	...	
XXIII	Stationery and Printing	1,06	1,06	...	
XXV	Miscellaneous	77	77	...	
XXIX {	Irrigation—Portion of Land Revenue due to Irrigation.	12,84	12,84	...	
XXIX {	Irrigation—Major Works—Direct Receipts.	7,99	7,99	...	
XXX	Irrigation—Minor Works	1,84	1,84	...	
XXXI {	Civil Works—Civil Department ...	10	10	...	
XXXI {	Do. —Public Works Department.	2,85	2,85	...	
	Transfers between Imperial and Provincial revenues.	29,32	14,91	(c) 14,41	
	Total ...	7,49,00	7,32,70	16,30	
	Opening Balance ...	1,51,78	87,44	(d) 64,34	
	Grand Total ...	9,00,78	8,20,14	80,64	

APPENDIX D.

Statement showing by major heads the recurring and non-recurring Provincial expenditure provided in the budget estimates for 1915-16.

[In thousands of rupees.]

No. of Account Head.	Expenditure.	Budget, 1915-16.	Permanent recurring.	Fluctuating recurring.	Total recurring.	Non-recurring.
1	2	3	4	5	6	7
1	Refunds and Drawbacks ...	5,55	...	5,08	5,08	47
2	Assignments and Compensations ...	1,02,58	1,02,20	16	1,02,36	22
3	Land Revenue	90,20	73,98	12,07	86,05	4,15
6	Stamps	1,22	35	83	1,18	4
7	Excise	11,72	9,96	1,09	11,05	67
10	Assessed Taxes	87	64	17	81	6
11	Forest	25,43	13,33	11,17	24,50	93
12	Registration	3,75	3,27	44	3,71	4
13	Interest on Ordinary Debt ...	7,35	7,35	...	7,35	...
18	General Administration ...	21,29	16,60	2,91	19,51	1,78
19-A	Law and Justice—Courts of Law ...	57,29	49,05	6,79	55,84	1,45
19-B	Do. —Jails ..	12,87	3,93	8,00	11,93	94
20	Police	1,12,04	94,52	13,59	1,08,11	3,93
21	Ports and Pilotage	1,89	64	29	93	96
22	Education	76,86	52,82	16,21	69,03	7,83
24	Medical	31,78	20,24	9,13	29,37	2,41
25	Political	5,08	4,23	65	4,88	20
26-A	Agriculture	12,71	7,60	3,92	11,52	1,19
26-B	Scientific and Miscellaneous Departments.	1,46	1,22	21	1,43	3
29	Superannuation Allowances and Pensions.	38,97	38,81	14	38,95	2
30	Stationery and Printing ...	14,10	2,40	11,35	13,75	35
32	Miscellaneous	5,57	56	4,70	5,26	31
36	Reduction or Avoidance of Debt ...	13,70	...	...	...	13,70
42	Irrigation—Major Works. Working Expenses.	7,72	6,97	57	7,54	18
	Interest on Debt ...	12,38	12,38	...	12,38	...
43	Irrigation—Minor Works. Civil Department...	10	...	6	6	4
	Public Works Department.	16,72	12,48	3,06	15,54	1,18
45	Civil Works ... Civil Department...	8,52	7,83	5	7,88	64
	Public Works Department.	72,05	39,00	17,00	56,00	16,05
	Total ...	7,71,77	5,82,36	1,29,64	7,12,00	59,77

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

13,70	for reduction or avoidance of debt	met from the grants made for the purpose from Imperial revenues.
5,43	for expenditure on education	
67	for charges connected with the mounted police at Jacobabad	
1	for expenditure connected with the Factory Ventilation Committee	
19,81	Total.	

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 39,96 (including about 1,75 for charges due to the war) as shown below :—

Total non-recurring expenditure		59,77
Deduct non-recurring expenditure met from special receipts ...		19,81
Balance ...		39,96

NOTE 2.—Column 5 represents the minimum expenditure on account of items (like temporary establishments, plague allowance, contingencies, and supplies and services) for which provision has to be made every year, but of which the amount varies from year to year. The lowest figure in the "Budget Estimates, 1915-16," "Revised Estimates, 1914-15," "Budget Estimates, 1914-15," and "Accounts, 1913-14," has generally been taken as the minimum recurring charge for each item, and the total of all such items is entered under column 5 against the major head concerned. The difference between the total budget provision for such items and the minimum recurring charge entered in column 5 is taken as non-recurring, and this, together with the provision for purely temporary objects, has been classed as non-recurring and entered in column 7. This method is adopted in the case of all major heads, except *29, Superannuation Allowances and Pensions, 36, Reduction or Avoidance of Debt, 42, Irrigation—Major Works, 43, Irrigation—Minor Works* (*Public Works Department*), and *45, Civil Works* (*Public Works Department*). In the case of *29, Superannuation Allowances and Pensions,* the provisions for gratuities and refunds are classed as fluctuating recurring, while all other items are treated as permanent recurring. The whole provision under *36, Reduction or Avoidance of Debt* is treated as non-recurring, while that under *42, Irrigation—Major Works—Interest on Debt* is classed as permanent recurring. Under the heads *42, Irrigation—Major Works—Working Expenses,* and *43, Irrigation—Minor Works* (*Public Works Department*), the provision on account of ordinary repairs, establishments, and tools and plant is classed as permanent recurring, the provision for special repairs and the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring. Under the head *45, Civil Works* (*Public Works Department*), the provision on account of repairs, establishments, and tools and plant is classed as permanent recurring, the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring.

FINANCIAL DEPARTMENT.

Bombay Castle, 12th March 1915.

Memorandum.

The figure of the revised estimate for 1914-15 under the head "I-Land Revenue" given in the Revised Financial Statement of the Government of Bombay for the year 1915-16, copies of which were furnished on 6th March 1915 to the Honourable Members of the Legislative Council, has now been raised from 3,00,78 to 3,03,28, the increase of 2,50 being based on the latest actuals. As the result of this alteration the total Provincial estimates now stand as shown in the following table:—

	1914-15.		1915-16.	Column 4 better +, or worse −, than	
	Budget.	Revised.	Budget.	Column 2.	Column 3.
1	2	3	4	5	6
Opening balance ...	1,82,01	1,95,34	1,54,28	−27,73	−41,06
Revenue	7,58,92	7,47,59	7,49,00	−9,92	+1,41
Expenditure	8,23,30	7,88,65	7,71,77	+51,53	+16,88
Closing balance ...	1,17,63	1,54,28	1,31,51	+13,88	−22,77

2. Out of the undistributed amount of 6,67 under the head "45, Civil Works—Public Works Department" mentioned in the concluding sentence of paragraph 51 of the Revised Financial Statement it is proposed to allot 3,66 for the following objects:—

18, General Administration.

1. Purchase of furniture for Government Houses 30
2. Charges connected with the extension of the period of deputation of an officer on special duty in the Secretariat ... 4

19-B, Law and Justice—Jails.

3. Increase from 5 to 15 of the provision for a non-recurring grant to the Salvation Army in connection with their scheme for an Industrial Home for released prisoners. 10

22, Education.

4. Additional provision for building grants and for expenditure from the unexpended balances of the Imperial grants for hostels, etc. 1,50

24, Medical.

5. Additional provision for grants in aid of sanitary projects 50

26-A, Agriculture.

6. Establishment of a temporary experimental station in the Thána or Kolába District to demonstrate the possibility of using tail-water from the Táta Hydro-Electric Works for irrigational purposes ... 12
7. Measures for the creation of a reserve of fodder as an insurance against famine ... 10

29, Superannuation Allowances and Pensions.

8. Provision for commutation of pensions ... 1,00

Total ... 3,66

The balance of 3,01 will be retained under the head "45, Civil Works—Public Works Department", its detailed distribution being settled hereafter.

G. CARMICHAEL,
Chief Secretary to Government.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. VI OF 1914.

(A Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind.)

We, the Members of the Select Committee to whom the Sind Coast-lights Bill has been referred, have examined the Bill and have the honour to report as follows:—

In respect of clause 3 of the Bill we are of opinion that the minimum tonnage fixed in the Bill should be adhered to; but we recommend that, before the Bill comes on for second reading, the Governor in Council should institute inquiries with a view to ascertaining what is the prevailing tonnage of the vessels which trade at Keti Bandar, what is the total tonnage that will be liable to payment under the Bill at Keti Bandar, and what is the total amount of the fees that will be payable at Keti Bandar if the rate is to be $3\frac{1}{2}$ pies per ton. Should this inquiry result in disclosing as a fact that the fees to be levied at the above rate under the

Bill are likely to produce a revenue higher than what is requisite for the up-keep of the light that may be installed at the mouth of the Indus, we should be prepared to recommend a lowering of the rate of the vessels which trade at Keti Bandar.

We have made two purely verbal amendments in the Bill in clauses 3 (*l*) and 4 (*b*).

(Signed) C. H. A. HILL.
(,,) M. R. JARDINE.
(,,) F. L. SPROTT.
(,,) M. de P. WEBB.
(,,) T. W. BIRKETT.
(,,) JEHANGIR H. KOTHARI.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. X OF 1914.

(*An Act to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay.*)

We, the Members of the Select Committee to whom the Bombay Decentralization Bill (Bill No. X of 1914) was referred, have carefully examined the Bill and have the honour to report as follows:—

We have decided by a majority to retain item 1 in schedule I under the Public Conveyances Act, Bom. VI of 1863, regarding the delegation of power to the Commissioner of Police to make subsidiary rules, for the better regulation of public conveyances, without the previous approval of Government.

In item 3 under the same Act some words, which were redundant, have been struck out.

Item 2 under the Bombay Village Police Act, Bom. VIII of 1867, regarding the grant of powers to police patils under section 15 of the Act, has been retained; but we are of opinion that it should be considered whether an appeal to the District Magistrate should not be allowed against the order of a police patil in cases of this nature. We suggest that the question may be considered at the next Meeting of the Commissioners or in such other manner as the Governor in Council may think best.

In the case of the Bombay District Municipal Act, Bom. III of 1901, we are of opinion that the decentralization proposed in item 1 was excessive. We have accordingly revised this item by restricting the delegation to the Commissioner to clause (*c*), sub-clauses (i), (iii), (iv), (v) and (vi). Accordingly the powers under clauses (*a*), (*b*) and (*c*) (ii), which deal with the determination of the number of councillors of a Municipality, the proportion of elected and nominated councillors respectively, the members to be elected by the rate-payers, and the qualifications of candidates and voters, will still remain with the Governor in Council.

We are also of opinion that the delegation proposed in item 2 under this Act was excessive. The proposal in the Bill was that the power to decide whether the vacancy in the office of a councillor had occurred or not should be delegated in the case of City Municipalities to the Commissioner and in the case of other Municipalities to the Collector. After considerable discussion we have decided that the delegation should stand in the case of the City Municipalities but not in the case of the other Municipalities. There will thus be no delegation in this matter to the Collector. The minority of the Committee were in favour of omitting this item from the Bill altogether.

We approve of the rest of the Bill.

The changes that we have made in the Bill are not designed to effect delegations already made or that may be made in future to the Commissioner in Sind under Act V of 1868.

We recommend that the Bill, as amended, and the Report of the Select Committee should be translated into the vernacular languages.

(Signed) P. D. PATTANI,
(„) G. S. CURTIS,
(„) G. W. HATCH,
(„) D. V. BELVI,
(„) SHAIKH GHULAM HUSSEIN HIDAYATALLAH,
(„) RAMANBHAI M. NILKANTH,
(„) VENKATESH SHRINIWAS NAIK,
(„) S. B. UPASANI (*subject to a minute of dissent*).

(Minute of Dissent by the Honourable Mr. S. B. Upasani.)

Act VI of 1863, The Public Conveyances Act.

Item 1.—The provision, contained in section 14 of this Act requiring that rules framed by the Police Commissioner for promoting the objects of the Act shall be subject to the approval of the Governor in Council, is, I think, a salutary safeguard which should be retained in the interests of the general public of the city who will be affected by the operation of the rules and be liable to the penal consequences provided for their breach.

Item 2.—I think that the power vested in Government under section 34 should also be retained with it as it is in effect a legislative function and also because it carries with it the exercise of the powers to make appointments referred to in paragraph 2 of the section.

Act VIII of 1867, Bombay Village Police Act.

Item 2.—I think that, though the sanction of the Commissioner required in each case under section 9 of this Act may be dispensed with, one appeal at least should be allowed in the case of the dismissal of a Pátil whether he may hold office under the Hereditary Offices Act or may not.

Item 3 refers to section 15 which empowers the Commissioner by an order in writing to authorize any Magistrate of a District to issue commissions to Police Pátils to try cases of certain petty offences. The Bill proposes to do away with the necessity for the authority from the Commissioner and to give the District Magistrates the power to issue the commissions on their own authority. This may be allowed, but some restriction must I think be placed on the issue of these commissions and I would suggest that a proviso be added to the effect that no commissions under this section shall be issued to Pátils at the District and Táluka Head-Quarters as also at other towns where stipendiary or Honorary Magistrates may be available to take cognizance of the cases to be heard by the Pátils under this section.

I think also that the power of the Police Pátil as regards punishment should be limited only to the award of fine and that confinement and detention should be omitted from this section as also from section 16 and that the Pátil should not be allowed to hear cases referred to in paragraph 3 of section 15 where he is to be both the complainant and the judge in his own cause. An appeal to the Táluka Mámlatdár or the First Class Magistrate having jurisdiction over the táluka may also be provided for. It was urged in the Select Committee that these amendments would not come within the scope of the present Bill, but, as the existing restriction on the grant of the commissions is to be relaxed, I think it might be taken to be within the scope of the heading and the preamble of the Bill to place restrictions against issue of the commis-

sions where they are not needed as also to guard against abuse of the powers to be exercised under the commissions.

Item 4.—A proviso may I think be added to allow an appeal against the orders to be passed by the Mámlatdár and Mahálkari under section 64 (*e*) 2. Section 75 did not contemplate the passing of any final orders by these officers under this section and so no provision for appeal against them is made in section 77 which refers to appeals and hence the necessity for the proviso suggested. Act III of 1874, Bombay Hereditary Offices Act.

Item 6.—The power given under section 83 may I think better remain with Government or be delegated to only the Commissioner.

Items 2 and 3.—Questions of personal disqualification often involve points of law and the powers vested in this respect in Government under section 15 (3) and section 16 should I think remain with Government especially as the decision is to be final. Act III of 1901, Bombay District Municipal Act.

(Signed) S. B. UPASANI.

No. 584.

GOVERNMENT OF INDIA:
LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE SIR W. H. H. VINCENT, KT.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Delhi, the 16th February 1915.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 90, dated the 26th January 1915.

The Bombay Town Planning Law.

2. * * * * * *

3. * * * * * *

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,
Secretary to the Government of India.

NO. 1130 OF 1915.

From

F. S. PUNNETT, ESQ.,

Chief, Collector of Customs in Sind, Karáchi;

To

THE COMMISSIONER IN SIND,

Karáchi.

Karáchi Customs House:

4th February 1915.

Sir,

In reply to your memorandum No. M.—26, dated the 1st instant, I have the honour to state that the tonnage of more than half the vessels entering Keti Bunder is below 40 tons. There are a few vessels between 40 and 45 tons, and the average tonnage of vessels of larger size, which would be liable to light dues is 58 tons.

2. The total tonnage of vessels of 45 tons and upwards which visited Keti Bunder during the past three years is given below :—

	No. of vessels.	Tons.
1911-12	80	4,843
1912-13	80	4,692
1913-14	69	3,767

Average per annum 4,434 tons.

3. At 3½ pies per ton the annual receipts would amount to Rs. 80-13-0, while the annual expenditure on the Keti light is estimated to be as under (*vide* your memorandum No. M.—301, dated the 26th August 1913) :—

	Rs.
Interest at 4 per cent. on Rs. 33,000	1,320
Maintenance	4,180
Sinking Fund	587
	6,087

4. I would beg to suggest that, in issuing a notification directing the levy of light dues, it would be made clear that no recovery is to be made from vessels arriving at or leaving Sirganda from or to ports to the south thereof, or from vessels plying only in the creeks, as such vessels will not pass any of the Sind Coast lights.

I have, etc.,

(Sd.) F. S. PUNNETT,

Chief Collector of Customs in Sind.

NO. M.—41 OF 1915.

MARINE DEPARTMENT.

Office of the Commissioner in Sind.

Government House, Karáchi, 13th February 1915.

MEMORANDUM.

In returning Government endorsement No. 62, dated the 21st January 1915, the Commissioner in Sind has the honour to forward copy of letter

No. 1130, dated the 4th February 1915, from the Chief Collector of Customs in Sind containing the information required by the Select Committee appointed to consider Bill No. VI of 1914, a Bill to authorize the levy of dues on vessels for the provision of lights on the Coast of the Province of Sind.

2. The Commissioner concurs in the suggestion contained in paragraph 4 of the Chief Collector's letter.

(Signed) R. P. BARROW,
Commissioner in Sind.

To

The Secretary to Government.

Marine Department,

Bombay.

Endorsement by the Secretary to Government, Marine Department, No. 162, dated the 20th February 1915.

Forwarded to the Legal Department for information, with reference to that Department letter No. 65, dated the 19th January 1915.

No. 288/738.

From

THE CHAIRMAN, INDIAN MERCHANTS' ASSOCIATION,
Karáchi;

To

THE COMMISSIONER IN SIND,
Karáchi.

Karáchi, 11th February 1915.

Sir,

With reference to your letter No. M.-19, Marine Department, dated the 27th January 1915, forwarding a copy of the *Bombay Government Gazette*, Part VII, dated the 16th January 1915, containing the report of the Select Committee appointed to consider Bill No. VI of 1914, and the Bill as amended by them, for an expression of opinion of the Karáchi Indian Merchants' Association, I have the honour to state as follows :—

In view of the fact that the Select Committee have practically made no change in the original Bill, the Association beg leave to take this opportunity of supplementing their original opinion by the following additional facts and reasons in favour of amending the Bill, in the interests of the country craft plying between Karáchi and Cutch-Káthiáwár Gujarát ports, on the lines already suggested by the Association.

1. The tonnage of over 60% of these country craft ranges between 40 to 80 tons.

2. Many of these sailing vessels are owned by the crew class themselves, who ply them for a living which is, in almost all cases, from hand to mouth. The ever growing cost of living, coupled with the fact that keen competition leaves them no option, but to charge very low freight, rarely, if ever, makes it possible for these people to lay by for a rainy day. As a rule, these people, who have no other source of income, eke out a bare subsistence, and, when marriage or death occurs in their families, have to and do incur debts at high rates of interest.

3. These vessels belonging to the Cutch-Káthiáwár and Gujarát ports, unladen come down to Karáchi for carrying from here necessaries of life and fodder for the people and animals living in places round about these ports. These vessels get freight mostly from one side only, and, that too, at very low rate in view of the keen competition from steam vessels touching these ports.

4. The cost of the upkeep of these sailing vessels, as experience shows, in proportion to the freight they get, is heavy when compared with that incurred by the country boats of higher tonnage (from hundred to over two hundred tons) which ply between Karáchi on the one hand and Persian Gulf, Malabar, Mackla, Aden, Zanzibar, and other ports on the other, and obtain better freights, not for one side, but for both sides.

5. The small country vessels plying between Karáchi and Cutch-Káthiáwár Gujarát ports arrive at and clear out of the Port of Karáchi almost every month; while the big coasting boats referred to above arrive at or clear out of the port of Karáchi (or, for the matter of that, any port within the province of Sind) almost every three months and, in some cases, annually or even longer.

As a consequence thereof, the big coasting boats, while earning by far higher freight, have, in practice, to pay coast-light dues less than those to be paid by the small boats.

From the foregoing presentment of facts and reasons, it is plain that the levy of coast-light dues, as contemplated under clause 3 of the Bill, will operate very harshly upon the poor owners of the small country vessels of the carrying capacity of between 45 and 80 tons.

My Association therefore respectfully urge that Government will (should the exemption from payment of coast-light dues be considered impracticable in the case of all country sailing vessels) be so good as to at least raise the minimum tonnage liable, under clause 3 of the Bill, to the charge of coast-light dues from 45 to 80 tons, and, in the case of sailing vessels of higher tonnage, reduce the rate from $\frac{1}{2}$ to $\frac{1}{3}$ of that chargeable to the steam vessels.

The Association earnestly trust that their representation will receive favourable consideration at the hands of Government.

I have the honour to be,
Sir,
Your most obedient servant,
GIDUMAL LEKHRAJ,
Chairman.

No. 125.

THE KARÁCHI CHAMBER OF COMMERCE.

From

THE SECRETARY;

To

THE ASSISTANT COMMISSIONER IN SIND,
Karáchi.

Karáchi, 18th February 1915.

Lighting of the Sind Coast.

Sir,

I am directed to acknowledge receipt of your letter No. M.-19, dated 27th February 1915, forwarding a copy of the report of the Select Committee

appointed to consider Bill No. VI of 1914, and the Bill as amended by them, and requesting the Chamber to express its opinion on the Bill as so amended.

In reply I have the honour to inform you that the Chamber approve of the recommendations made by the Select Committee and have no further comments to offer.

I have the honour to be,
Sir,
Your most obedient servant,
E. L. ROGERS,
Secretary.

No. M.-51 OF 1915.

MARINE DEPARTMENT.

Office of the Commissioner in Sind:
Government House, Karáchi, 24th February 1915.

Memorandum.

Bill to authorise the levy of dues on vessels for the provision of lights on the coast of the Province of Sind.

With reference to Government letter No. 64, dated the 19th January 1915, on the subject noted in the margin, the Commissioner in Sind has the honour to forward letters No. $\frac{288}{738}$, dated the 11th February 1915, from the Chairman, Indian Merchants' Association, Karáchi, and No. 125, dated the 18th February 1915, from the Secretary, Chamber of Commerce, Karáchi.

2. As regards the letter from the Indian Merchants' Association, the Commissioner has the honour to invite a reference to paragraph 2 of his letter No. M.-334, dated the 1st October 1913, to the address of Government in the Marine Department, and to observe that the limit of tonnage has already been revised from 40 to 45 tons. The annual estimated receipts moreover amount to only Rs. 80-13-0 against an expenditure of Rs. 6,087, and either to raise the limit of tonnage or reduce the rate from $\frac{1}{2}$ to $\frac{1}{3}$ would practically amount to throwing on Government the entire cost of maintaining the Keti light.

R. P. BARROW,
Commissioner in Sind.

To

The SECRETARY to GOVERNMENT,
Legal Department,
Bombay.

By order of His Excellency the Right Honourable the Governor of Bombay,
J. NISSIM,
Secretary to the Bombay Legislative Council.

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

The Council met at Bombay on Saturday, the 13th March 1915, at 12 o'clock noon.

PRESENT:

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

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

The Honourable Mr. C. H. A. HILL, C.S.I., C.I.E., I. C. S.

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

The Honourable the ADVOCATE GENERAL.

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

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

The Honourable Mr. T. W. BIRKETT.

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

The Honourable Mr. FAZALBHOY MEHERALLY CHINOY, C.I.E.

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

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

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. W. L. GRAHAM.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

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

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.

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

The Honourable Mr. JEHANGIR H. KOTHARI.

The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).

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

The Honourable Mr. E. MACONOCHIE, I. C. S.

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

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.

The Honourabe Mr. E. FERRERS NICHOLSON.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

AFFIRMATION OF ALLEGIANCE TO THE CROWN.

The following Additional Members made the prescribed affirmation of allegiance to the Crown :—

The Honourable the ADVOCATE GENERAL (Mr. T. J. Strangman).
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

His Excellency the PRESIDENT.—Order, order. The Honourable Mr. RODDA.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.—My Lord, the motion that stands in my name runs thus :—

" That this Council desires to place on record its sense of deep sorrow at the untimely death of the Honourable Mr. GOPAL KRISHNA GOKHALE, C.I.E., and its profund appreciation of his services on the Legistative Councils of the Governor of Bombay and of the Governor General."

It is a sad and melancholy duty that I have to perform. Since we last met, a great man has passed away. Our representative in the Imperial Legislative Council, the Honourable Mr. GOPAL KRISHNA GOKHALE, breathed his last in Poona, on the 19th of February 1915. The whole nation went into mourning and unique and unprecedented honours have been paid to the sacred memory of the Honourable Mr. GOKHALE. The King-Emperor sent a message of condolence and the Viceroy paid a generous tribute to his friend and fellow-worker. In our Presidency, not to mention monster meetings in Poona and Bombay, condolence meetings have been held in every hamlet and city and men of all castes and creeds have united to mourn for the departed patriot. Innumerable meetings have been held also in other Presidencies. South Africa, the scene of his last labours, has not been found wanting in appreciation. What Mr. Visvesvaraya has said in Mysore is perfectly true. The late Mr. GOKHALE was a man of international importance. He rose from comparatively an humble birth to the proud position of an Empire-builder and the secret of his undoubted influence over his country-men and rulers lies in the fact that he had effaced all ideas of self in the service of his country. At the early age of 18, he consecrated his services to his motherland and practically till the last moment of his death, he worked for her welfare and uplift. Every day he worked on the Public Services Commission was practically an invitation to death, but he held on, regardless of his health, nerved by his passionate longing for work in the interests of his motherland. Mr. GOKHALE believed that every moment that was not devoted to the service of his country was wasted and he nobly served her all through his life. His career would for ever be a source of abiding inspiration to his countrymen.

I do not wish to detain you long. Practically everything that can be and could be said of Mr. GOKHALE, his life and career, has been already said. The Honourable Mr. GOKHALE believed firmly in British Rule. Along with Justice Ranade he believed in the Divine dispensation of the British connection. He looked upon the British Government as a National Government, as Sir W. Wedderburn once put it. It was this honest and firm conviction that lent incalculable strength to his strenuous labours in the political field. He was a bold and fearless critic of the administrative measures and he laboured all his life to give to the sons of India all the opportunities to rise to the height of their manhood. Those who

have reviled Mr. GOKHALE as a *katcha reed*, because he as a gentleman withdrew a charge that could not be sustained, have not cared to value correctly his services in the local and Imperial Councils. All his life he had to fight with Government, but he fought chivalrously and courageously. His tussle with Lord Curzon, his fight against the inalienable land tenure sought to be introduced in Bombay, his evidence before the Welby Commission, his work on the Public Services Commission—which alas! he could not complete—his contributions to the Budget debate which led to the Finance Member to remark that a Budget debate without Mr. GOKHALE was a play of Hamlet without Hamlet, his solution of the South African problem, his labours to make every Indian literate and above all his memorable fight with the extremist, all go to show that he was no Political weakling, and no time-server. Mr. GOKHALE entered the Bombay Council in 1901 and two years later he was sent to the Imperial Council, thanks to the self-denial of the Nestor of the Council, Sir PHEROZESHAH MEHTA. This itself is a sufficient testimony to the quality of his work in this Council. I do not think it necessary to recount the services he rendered here and in the Imperial Council. But I should like to refer to his services in the cause of free and compulsory education and the Council Reforms. Many have claimed the fatherhood of Council Reforms. But to me it is not a debatable point at all. Whatever Lord Morley and Lord Minto may have achieved, it was Mr. GOKHALE who was the guiding spirit and presiding genius of the Council Reforms. When I remember all this, when I remember his position and influence which he had won and gathered round himself after years of patient toil and industry, I am oppressed with a sense of poignant grief. If there is any man of whom it can be said that the country is in most need of, it is Mr. GOKHALE. He should have been living at this hour. All his labours and so costly labours on the Public Services Commission were rendered nugatory by the cruel hand of death, almost at the last moment. He would nave been also of invaluable help and assistance when the war would be over, and when the hour of recognising the services of all those who stood by Britain would arise. But that was not to be. The decrees of fate are inexorable. The only satisfaction is that Mr. GOKHALE has left behind him, his school of thought. The Servants of India Society, a unique institution of secular self sacrifice not only in India but also in the whole of the world, may be trusted to carry on his mission. The names of other departed sons of India are fast failing. But that of Mr. GOKHALE will live for ever. Because he has founded an institution of selfless workers who have vowed to consecrate their lives to the service of the country.

Mr. GOKHALE'S life teaches us one valuable lesson and I hope it will not be lost upon either Government or the people. There is no need at all to believe that a political man must be against Government. It is possible to do political work of the highest order and right type in co-operation with Government. Government have also materially contributed to this change of attitude in public opinion. They have frankly welcomed the co-operation and fellowship of prominent politicians.

Another characteristic of Mr. GOKHALE was a thorough study of all public questions. In these days of dilettante politics Mr. GOKHALE exercised a very beneficial influence by his masterly grasp of public questions and his lucid speeches. He understood and sympathised with the difficulties of his opponents, never lost sight of the goal he had in view and was ever ready to compromise without sacrificing his principles.

With these few words and praying to the Almighty to give eternal peace to the soul of Mr. GOKHALE, I recommend the motion to the Council.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—Your Excellency.—I concur with everything that has been said by my Honourable friend Mr. RODDA in support of the motion which he has put before the Council. I have had the privilege of serving this Council when Mr. GOKHALE was a member of this Council and we had opportunity of seeing his work both before the Council and the Select Committees.

He was one of the members of Council who gave the most valuable advice and assistance in connection with the District Municipal Bill and what he did at the time and the sound advice which he gave us showed the elements of that high capacity which characterised him subsequently. It is not at all necessary to refer to his high statesmanship, to his self-denial and to his great patriotism as enough has been said on these points. I should think that the Council ought to pass the Resolution which is now put before it.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA.—Your Excellency.—As one who often came into contact with him at Poona I wish to say a few words regarding the catholicity of Mr. GOKHALE'S views and ideals. He expressed himself not as a Brahmin nor a Hindu, but as one who looked upon all castes, creeds and races in India as forming an Indian nation whose united interests were to be looked to. The accentuation of separate interests was strongly deprecated by him. General education for all was expressly desired by him, and education and capacity for work were to him the standards by which the fitness of individuals for places, positions and occupations could be estimated and not consideration for class interests.

Although not educated as a lawyer, he possessed with his very clear intellect all the readiness, the powerful advocacy and keen incisive criticism, which characterize able lawyers. His work both in the Bombay and in the Imperial Council showed the progressive and widening range of his useful efforts. The history of that part of his services to the country will always prove beneficial to all Indian members of Council and to others. He had an extraordinary power of collating and assimilating facts and figures. The prime factor of his success lay in the important fact that he left self-consideration entirely in the background. He was truly loyal to the British Government and made no secret reservations of any sort. He believed in and adopted only constitutional methods of work. He always sought honest and frank co-operation and was able to attract devoted co-workers and helpers. We cannot but feel the deepest sorrow for his untimely death and with feelings of genuine regret we express our grateful appreciation of his valuable services.

The Honourable Dr. D. A. D'MONTE.—Your Excellency.—As a member of the Indian Catholic community I may be permitted to add a few words to the tributes which have been paid to the career and character of the late Mr. GOPAL KRISHNA GOKHALE. His high intellectual powers were combined into rare self-sacrifice, and these qualities were animated by a spirit of true patriotism. The late Mr. GOPAL KRISHNA GOKHALE represented in his own person the future Indian nation in which caste and creed and sect will be subordinated to a common love of the mother country, when every one of the sons of India will feel and not merely say that he is an Indian first and Hindu, Christian or Mahomedan afterwards. It will be many years before that day comes, but the late Mr. GOKHALE stood before us as the type and exemplar of the future, and his example and memory will continue for long to inspire the coming generations of the end and aim of truly patriotic public service.

The Honourable Sir IBRAHIM RAHIMTOOLA.—Your Excellency.—I wish to associate myself with the views and sentiments to which the previous speakers have given expression. In doing so, I wish to add a few words to mark my deep appreciation of the most valuable services which Mr. GOKHALE has rendered to his country. I think it would be best if we tried to draw lessons from the life work of Mr. GOKHALE as a citizen of this great Empire. One thing which appears to me to be of special note is that in his efforts to serve the country conscientiously he did come at times in conflict with the views entertained in official circles. Time was when his sturdy independence and fearless criticism were misconstrued and he was believed at least in some quarters to be disloyal to Government. Not daunted, he stood firmly in the conscientious discharge of his duties, bearing in mind that his unswerving loyalty to the Crown would ultimately triumph and vindicate his work. How eminently that anticipation has been realized is now seen throughout the length and breadth of this country when officials and non-officials have been perfectly united in appreciating his services and mourning his loss.

Mr. GOKHALE has lived a life which, while being eminently useful during the short space of time which was allowed to him, has left lessons of far-reaching importance to the people of this country. They should always have before them the lofty ideas of patriotism which governed his conduct and, without fear or favour, try to do their best for their country. Sir, if the people of India would imitate the great and the noble example which Mr. GOKHALE has set, his life will have proved of the utmost usefulness. Your Excellency, Mr. GOKHALE'S conscientious and disinterested services, to his country, and his high-souled patriotism will, I earnestly trust, form the guiding principle for all workers in the cause of India. With these words, Sir, I beg to support the Resolution.

The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada :—My Lord, I wish to associate myself with the Honourable Mr. RODDA and other speakers in their expression of grief for the sad and untimely death of our great citizen, Mr. GOKHALE.

The death of such a great citizen is a great loss at any time, but his death at such a juncture is a far greater loss to the country. He was the best and noblest example of the highest type of patriotism, of selfless devotion to his duties as a citizen, which any country can be proud of.

The Honourable Sirdar Sir CHINUBHAI MADHAVLAL :—Your Excellency,—I am not one of those fortunate persons who have had the honour and privilege of coming into direct contact with the late Mr. GOKHALE. I have, however, had occasions to study and read with interest the various actions which this great man did during his life-time, and from that I can say that anybody who wishes to serve India can do nothing better than follow in his footsteps and his noble example. I think the best way to consecrate the sacred memory of the deceased statesman and patriot is to imitate his line of action and his mode of living. With these few remarks I support the Resolution.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—Your Excellency,—After what has fallen from the previous speakers, I do not think I need say more with reference to our departed friend. We, in the Council, have reason to be particularly grateful for the great services which our illustrious countryman has rendered, because it is due to his labours that we have got the enlarged Councils which have given us opportunities to sit here as representatives of our countrymen. The best memorial that we can raise to his sacred memory is to follow his footsteps of selfless work on the lines on which he did it, and keep his example ever before us in our Council work. The memorial which the country can raise in his honour, I humbly submit, will be to inspire help and prepare youngmen of the rising generation to follow his life of devoted public work and the recognition which Government can show to him, I humbly submit, will be to give effect to those reforms which will meet the legitimate national aspirations for realisation of which he laboured all his life on behalf of his countrymen, and secured to them an effective voice in the government of their country and equality of treatment throughout the Empire to which they are justly entitled along with their British fellow-subjects. The loss of such a great man is a loss to the whole country, and that loss can only be replaced by remembering that, though he may have left us, his spirit is with us, and that the best we can do to consecrate his memory is to give effect to all that he laboured for throughout his life. With these few words I support the Resolution.

His Excellency the PRESIDENT :—I do not intend to add more than one word to the remarks which have fallen from Honourable Members during the last few minutes for, as Honourable Members are perfectly well aware, I have had two opportunities of expressing to the full my sense of the very deep loss which this country and the empire have sustained by the death of Mr. GOKHALE. I merely wish to endorse fully every sentiment that has been expressed by the various Honourable Members who have spoken in support of the Resolution.

I merely rise to offer two suggestions to Members of the Council this morning. The first is that when we pass this Reoslution we should do so in silence by rising in our places, and the second is, and I think this will be in accordance with

the feelings of the Council at this moment, that we should adjourn our sitting to-day out of respect to the memory of Mr. GOKHALE, for I think we all feel that he was in every respect a citizen of the Bombay Presidency, and was always very closely associated in every way with all our aspirations and our enterprises, legislative, administrative and otherwise.

The Resolution proposed is "That this Council desires to place on record its sense of deep sorrow at the untimely death of the Honourable Mr. GOPAL KRISHNA GOKHALE, C.I.E., and its profound appreciation of his services on the Legislative Councils of the Governor of Bombay and of the Governor General".

The Resolution was then put to the vote and passed in solemn silence, all the Honourable Members rising in their seats.

His Excellency the PRESIDENT:—It only remains for me to move that the Council be now adjourned till Monday. I think it will suit the convenience of Honourable Members to meet at 11-30 A.M.

The Council then adjourned till 11-30 A. M. on Monday, the 15th March 1915.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Bombay Legislative Council.

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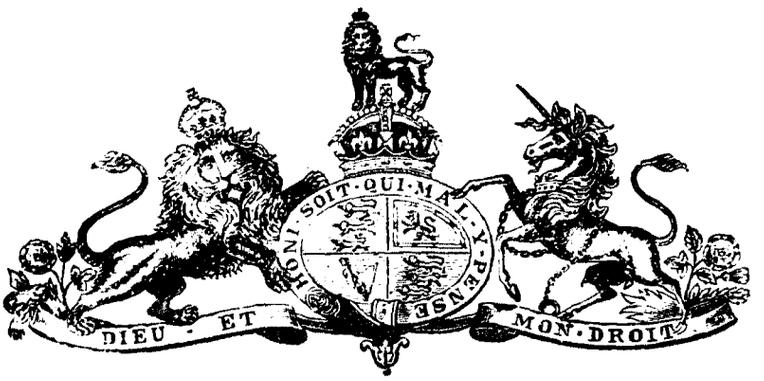

The

Bombay Government Gazette

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

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

The Council re-assembled at Bombay on Monday, the 15th March 1915, at 11-30 a.m.

PRESENT:

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

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

The Honourable Mr. C. H. A. HILL, C.S.I., C.I.E., I. C. S.

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

The Honourable the ADVOCATE GENERAL.

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

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

The Honourable Mr. GHULAM MUHAMMAD valad Khán Bahádur WALI MUHAMMAD BHURGRI, Bar.-at-Law.

The Honourable Mr. T. W. BIRKETT.

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

The Honourable Mr. FAZALBHOY MEHERALLY CHINOY, C.I.E.

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

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

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. W. L. GRAHAM.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. J. E. C. JUKES, I. C. S.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Mr. E. MACONOCHIE, I. C. S.
The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart, C.I.E.
The Honourable Mr. J. A. D. MCBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT :—Presentation of the Revised Financial Statement of the Government of Bombay for the year 1915-16. The Honourable Sir RICHARD LAMB :—

The Honourable Sir RICHARD A. LAMB :—Your Excellency.—Honourable Members will observe that there is a small improvement in form in the Financial Statement as presented this year, that is to say, that transfers between Imperial and Provincial have been removed from under the Land Revenue head and placed under a separate head, so that they will no longer be mixed up with Land Revenue transactions, and, secondly, that Agriculture has now at last been given an independent major head of its own and has been separated from scientific and minor departments. Honourable Members will have received the Memorandum of Corrections which was issued on the 12th instant, and that memorandum of alterations necessitates the correction of figures in various paragraphs of the Financial Statement itself. In the paragraph of General Remarks it will be necessary to substitute for the words printed the words " For the current year we are able to take a revised estimate of Rs. 7,47,59,000 for receipts " and further down it will be necessary to read " It is estimated that the figure of the balance will be reduced to Rs. 1,31,51,000 at the close of 1915-16." Then in the last 3 lines we shall have—"Of the balance of Rs. 1,31,51,000 which is expected to remain at the credit of Provincial on 31st March 1916, approximately Rs. 62,00,000 represents unexpended balances of special imperial assignments

and approximately Rs. 69,51,000 the true Provincial balance." There are other corrections which will be necessitated in other paragraphs of the Statement.

Touching the Budget generally, I may say, that the last monsoon was satisfactory on the whole and that but for the war we might well have realized the revenue for which we budgetted in the current year; but owing to a certain amount of dislocation in the life of the Presidency having been caused by the war, we now expect to be about Rs. 11,33,000 short of the budget income. No less than 11 lákhs of that shortness is due to falling off in the estimated receipts from excise, the balance remaining, Rs. 33,000, is the result of ups and downs in the other major heads of which details are given on page 16 of the Statement. For next year we budget as usual on the assumption of a normal monsoon and we have also to make allowances for continued effects of the war. It is assumed that these effects will be felt during the whole of the year. The revenues assigned to provincial which appear most to feel the effects of the war are Stamps, Assessed Taxes and Excise. There was early in the current year a good deal of apprehension that land revenue would be somewhat seriously affected owing to the fall in the price of Cotton and the disturbance in the Cotton market, which it was anticipated might result in cultivators realizing no price or low prices for Cotton, and that suspensions of land-revenue might become necessary; but that fear has not materialized except to a very small extent in Sind. Land revenue, therefore, is taken practically at a normal figure.

For Stamps we find there were fewer transactions both under General Stamps and under Court Fee, and for the current year we have allowed for the falling off or diminution, which has already manifested itself and for next year we anticipate only a small recovery.

Under Assessed Taxes, that is to say, principally Income-tax, the Revenue for next year will be based on the income-tax returns of this year, and since during this year a good deal of disturbance is felt we have had to make a moderate estimate only for the Revenue from this source.

Excise, of course, is a source of revenue which depends very largely on material prosperity. The expenditure on Excise is expenditure on luxury and when times are a little bit tight the expenditure on luxury falls off and our revenue, therefore, shows a falling off under that head.

That is what we might call the direct effect of the war on Provincial Finances. Indirectly we feel it through the Imperial finances. The Imperial finances are much more seriously wrought upon by the war than our own, and there is of course, this year nothing that we can gain from Imperial by way of supplementary grants or extraordinary assignments such as we have had in some preceding years. In addition to that we have had to place a restriction on drawing on our balances. We are, of course, financially, subordinate to the Government of India, and the balances which are called provincial are merely a part of the general balances of the Indian Empire; and we are therefore obliged to help the Imperial Government by not drawing on those balances to the extent to which we might have drawn if there had been no disturbance in the ordinary conditions. Consequently, our revenue shows a falling off, but the decrease is not so large as might at one time have been feared. Compared with the average of 3 years' actuals, the 3 years' actuals which are mentioned in paragraph 15 of the Statement, compared with the average of those 3 years' actuals, the current year's revenue shows a falling off of Rs. 17,80,000 and for next year we anticipate a falling off of Rs. 16,39,000. Then as regards the restriction on expenditure, we prepared originally a preliminary budget for an expenditure of Rs. 8,16,89,000, and after that had been done we received our instructions that no drawings at all on our balances could be budgetted for, and therefore, it became necessary to make a very heavy reduction on our preliminary budget, I should like to thank all the Departments concerned for the very cordial help that they gave to the Finance Department, to the Finance Secretary and myself in carrying out what is a by no means agreeable task, the refusal of supplies asked for. I should wish also to thank the Members of the Finance Committee for the assistance and advice they gave the Financial Secretary and myself in considering this point

and deciding where the shears should be applied. After we had cut down as far as possible in accordance with those instructions, we, however, received from the Government of India a little "lightening-up" and we were allowed to draw on our balances to the extent of Rs. 22,77,000. The result of that is that we have been able to make provision for some objects of expenditure which were at first cut down or to improve the provisions made for certain other items, and we present you now an estimate for an expenditure of Rs. 7,71,77,000, that is an expenditure which is within Rs. 5,00,000 of the actuals for 1913-14.

It will be observed that we had at the end of 1913-14 so large a balance as Rs. 1,95,34,000 and that we anticipate reducing that balance by the end of next year, *i. e.*, by the 31st March 1916, to Rs. 1,31,51,000, that is to say, that during the two years we shall have reduced the balance by approximately Rs. 64,00,000 or at the rate of Rs. 32,00,000 a year. At the same rate, and in the absence of famine, it will still take us another two years to reduce the balance to what is a sufficient balance for provincial purposes, namely, about 3 times the prescribed minimum. The minimum is Rs. 20,00,000 and we may perhaps in course of time be able to reduce our balance to Rs. 60,00,000. We should have done more this year if it had not been for the disturbance due to the war. On the whole, I do not think, in the matter of spending we have been too slow. We had to dispose of extraordinary grants from the Government of India amounting to—I cannot remember the exact figure—roughly about $2\frac{1}{2}$ crores, which were allotted to us within the space of three years, and it would not have been good business nor sound economy to expend those large sums at too great a rate. The position I think is a strong one. We have, as shown on page 53 of the Statement, an ordinary income of Rs. 7,32,20,000 and we have a permanent recurring expenditure as shown on the next page of Rs. 5,82,36,000, that is to say, that our ordinary income exceeds our permanent recurring expenditure by about $1\frac{1}{2}$ crores. That with the balance shown, *viz.*, $1\frac{1}{3}$ crore leaves an ample margin from which to meet the fluctuating recurring expenditure and the non-recurring expenditure, and with the normal increase of provincial revenue, which will again make its way after the disturbance of the war is removed, we shall be able to make additions to permanent recurring expenditure.

That is all that occurs to me, Sir, on the budget as a whole, and the next business is to take the separate heads of the budget and offer such remarks on the various heads as may appear necessary. Under refunds I have nothing to say. Under assignments and compensations I should like to draw attention to the explanation which is given on page 22 larger provision for excise compensations payable to certain Native States for the renewal of the leases of their ábkári rights. I should like to explain that we are making a provision to hand over to the Native States who lease to us the management of their ábkári rights, the whole of the revenue which is derived from those rights. Hitherto the arrangement has been that they received a sum calculated by a fixed formula and a revision of that sum has not taken place until the expiry of the term of the leases. We propose now to revise the same, from time to time, and to make payment to the states so that they may receive the full revenue accruing in their territories.

I would also wish to draw attention for a moment to the explanation given under this head regarding cash allowances payable to watandar Kulkarnis for the commutation of their rights as to which there is a compensating provision at the bottom of page 23 and regarding which a more full explanation is given on page 7. The process of commutation of the right of service of the watandar Kulkarnis and the appointment of stipendiary talátis is actually being carried out in a good many of the Deccan districts and it is contemplated to carry it out in more. The arrangements which are necessitated are explained in (*b*) on page 7 of the statement.

The next head is land revenue, and under this head I should like to make some remarks on the sutstanding balances, which subject is referred to in paragraph 10. You will see that the outstanding balance according to the revised for 1914-15 was at the opening of that year Rs. 56,94,000 and by the end of 1916 we expect to reduce the balance to Rs. 27,36,000. That reduction is continuous for the last 4 years, for the opening outstanding balance in the revised of 1912-13 was no less

than Rs. 97,00,000. During that year not much reduction was possible and the opening outstanding balance revised for 1913-14 was Rs. 96,01,000. Then however came a better period and the opening outstanding balance revised for 1914-15 had dropped to Rs. 56,94,000. Then the closing revised for 1914-15 is shown at Rs. 40,51,000 and the closing budget for 1915-16 Rs. 27,36,000, so that the reduction of outstanding balances has been continuous and during these years the total reduction has amounted nearly to Rs. 70,00,000. That of course is the result of good seasons and the reduction has consisted partly of the recovery of outstandings and partly of the remission of what was not recoverable. At one place in the statement it is said that a fall in the revised estimate under land revenue is due to larger suspensions granted during the current year; but it is not the case that the suspensions were larger than in previous years. It means only that suspensions were larger than was anticipated at the time of framing the budget. The budget of 1914-15 shows the suspensions and arrears at Rs. 36,30,000 only and the revised Rs. 40,51,000, *i. e.*, the revised is larger than the budget for the current year. The outstanding balance for 1914-15 is less than the preceding year by Rs. 16,43,000. In 1915-16 we hope to have a further reduction of Rs. 13,15,000. That of course will depend on a normal season. I should like also to refer to the growth of demand which is also referred to in paragraph 10 of the statement. The demand which is there dealt with was in the revised of 1912-13 Rs. 4,13,75,000. In the following year it rose to Rs. 4,29,79,000, and in the following year 1914-15, to Rs. 4,32,16,000, and now for the next year 1915-16, we take an estimate of Rs. 4,44,93,000. That of course is again the result of favourable seasons and it may be regarded as satisfactory. The Collectors' returns of net increment in the land revenue due to enhanced assessment is reported for 1914-15 at Rs. 2,89,372 and for 1915-16 at Rs. 2,09,971.

Then under the next head Stamps, as I have already said, we hope for a small recovery over the Revised figures of this year, that is, we take an estimate of income which is somewhat less than the actual revenue for the year 1912-13.

Then under the head of Excise we repeat for next year's income the figures of this year's Revised. It did not seem correct in the circumstances of the year to estimate for the ordinary increase of income under this head. The normal increase is ordinarily from Rs. 5 to 10 lákhs. The estimate for next year is, I think, a very cautious one seeing that we have made no allowance for recovery such as has been made under Stamps or under Assessed Taxes. However, it is possibly wiser to be cautious in this respect and not to take any estimate of increase on account of the enhanced rates which in accordance with our custom have been imposed in various places, *i. e.*, the rates of still-head duty on country liquor. The increase of these rates which is imposed is of course more with the object of checking consumption than of raising revenue, and it is possible that they will have effect this year. They will not only check consumption but possibly cause a fall in revenue. The most important figures are a rise of 12 annas per gallon 25° under proof in the Ahmedabad District, small rises in Kaira in the greater part of the district, 12 annas per gallon 25° under proof in Surat; in the Deccan districts of Sholápur, Sátára, Poona and Ahmednagar the enhancement of taxation has been given a new shape, that is to say, in addition to actually raising the rate we have decreased the alcoholic contents of the spirit supplied under that rate. Hitherto the rates in those districts have been mostly Rs. 4-8-0 per gallon for 25° under proof, and next year we propose to impose a rate of Rs. 5-4-0. We impose a rise of 12 annas in the still-head duty rate, and at the same we lower the strength to 30° under proof. A reduction in strength is accompanied by an increase in duty. There is also a rise of 12 annas in the duty per gallon 25° under proof in the Násik District except 3 tálukas, 3 tálukas of the West Khándesh District, and most of the Thána District. There are some smaller changes in Kánara and Mahi Kántha, and in Bombay and the sale of 20° under proof which has hitherto been issued in Bombay will be stopped, and the rate on the 25° under proof is raised from Rs. 5-4-0 to Rs. 5-10-0. These are the principal changes in the taxation of country spirits for next year, and, as I said, it has not been thought wise to take on account of them any estimate of increase in revenue. It is explained on page 25 that special measures are being taken in the Kaira District for the prevention of illicit distillation. It has long been known that in that

district illicit distillation has been rife and the Collector Mr. Ghosal has gone into the matter very thoroughly indeed, examined it from all points of view and submitted a very good report. He has made recommendations to deal with what I may call a scandalous state of affairs, the extent to which illicit distillation prevails in that district of Gujarát. His report has for the most part been approved, and the measures taken will necessitate certain additional expenditure which has been explained at the top of page 25 of the Statement.

Under Assessed Taxes, I have nothing more to say than I have already said, that the assessment of income-tax next year will be based on the income received by income earners during the current year (except of course in the case of salaries), I mean the income from trade and commerce, and therefore we do not anticipate so good a revenue as we have had recently and take a figure approximate to the actuals of 1913-14.

Then under Forest, it may be noticed that in the Revised of 1914-15, the current year, and the Budget of 1915-16, the coming year, the income compares unfavourably with the actuals of 1912-13 and 1913-14, but favourably with the actuals of 1911-12. It is not anticipated that we shall be able to get so good a revenue as we did during those two years, but we hope that we may not be worse than in the third previous year. Certain grass operations which tended to swell receipts will disappear, there having been no grass operations now, and we are able to estimate on the whole for a surplus revenue, that is an excess of revenue over expenditure, of Rs. 19,00,000 during the current year and there will be about Rs. 19,57,000 next year. The present estimate is fairly conservative and the percentage of expenditure on the receipts works out at 56·5 which is about the same as last year.

The following heads, Registration, Interest, and General Administration, do not seem to call for any remarks in addition to those printed in the Statement on pages 26 and 27. Honourable Members will doubtless notice that under General Administration expenditure is directly affected by war in the provision that we have made on account of salaries, establishments, postage and telegram charges and so on.

The Honourable Mr. PRABHASHANKAR D. PATTANI:—Your Excellency, I need not detain the Council with any long statement of the features of the Law and Justice Budget. New and unusual items of expenditure have almost without exception been excluded. One of the few unusual items is an increased provision of Rs. 23,000 on account of the last instalment of the scheme for the reorganisation of the subordinate judicial establishment. This scheme was introduced in 1912, and could not now well be postponed.

There is a decrease of Rs. 71,000 on account of the salaries of permanent Joint and Assistant Judges which is partly counterbalanced by a new provision of Rs. 23,000 on account of the minimum time-scale of pay for Joint and Assistant Judges of the Indian Civil Service. There is at the same time an increase of Rs. 19,000 in the salaries for temporary Joint and Assistant Judges. The net result is a reduction of Rs. 29,000 on account of Joint and Assistant Judges.

There is also a reduction of Rs. 20,000 in the provision for temporary Subordinate Judges.

There is a reduction of Rs. 60,000 in diet and road money to witnesses in Magisterial Courts, the estimate being based upon the actuals of the current year. This is partly counterbalanced by an increase of Rs. 16,000 under the same head in Sessions Courts.

The Honourable Mr. C. H. A. HILL:—Your Excellency.—The Jail Department, which comes next in order, is one of those to which my Honourable Colleague has expressed his gratitude for surrendering of funds, and we have had to reduce considerably our proposed expenditure, more particularly on the Borstal Jail at Dhárwár. There we have had to reduce expenditure to a minimum consistent with the carrying on of the work slowly. For this Jail we have, however, coupled the provision, which is very essential, of Rs. 1,000, for purchasing tools and clothing and other necessaries for youngsters when they are released from the Borstal Prison.

It will be within the recollection of Your Excellency and the Honourable Members of this Council that last year Your Excellency inaugurated a movement entitled the "Released Prisoners' Aid Society". Well, that movement has, as my Honourable Colleague stated, as one of the indirect results of this war, languished and failed to materialize into a going concern for the present. It is hoped that when we resume our more normal avocations and when public demands necessitated by the war lessen, the movement will be taken up and prosecuted, and with its assistance a very great advance will be made in the matter of endeavouring to induce released prisoners to return to the useful life of ordinary citizens and avoid relapses into crime. Although considerable reductions have been found necessary, Government have been able to make the grants aggregating to Rs. 31,400 non-recurring and recurring, to which my Honourable Colleague referred, to the Salvation Army for the various schemes in connection with industrial homes for released prisoners and for accommodating criminal tribes. That represents all that need be said in supplement of what appears in the Statement in regard to Jails.

The next head is Police, and it is to be regretted, Sir, that the provision for reorganization of the Police which we had hoped this year would have very nearly reached completion has had to be cut down. The Council is aware that the reorganization scheme is now 10 years old and that there is a burning need for bringing the Police up to its reorganized strength as early as possible; and here I may advert to a Resolution which will be moved shortly in respect of the Budget Statement, and say that, having regard to the importance of completing the Police reorganization as early as possible, and to the fact that, owing to the war, the provision therefor has had to be considerably cut down, those responsible for the administration of the Police can hardly be expected to acquiesce in any further curtailment of the provision under this head.

We have had, as will be apparent from the Budget, to provide for an increase in the Police Forces in the City of Bombay in connection with the development of the Docks. That increase is estimated ultimately to cost about one lákh a year of which the Port Trust have agreed to pay one-half; but, owing to financial stringency, we propose to limit the provision this year to half a lákh of rupees, and only, during that period, to work up to a portion of the requisite Police Force.

The provision for the additional 50 mounted Police at Jacobabad has been necessitated by the withdrawal of the cavalry regiment from that station, as Honourable Members have separately been made aware.

As regards the purchase of horses for the mounted Police to be entertained under the reorganization scheme, we have been able to make only a provision of Rs. 10,000, but what is even more to be regretted is that several important matters have had to be deferred altogether in consequence of the difficulty of finding funds. Included in such postponements are the increase in the horse and camel allowances of the mounted Police in Sind and the revision of local and other allowances of policemen in the Sálsette Táluka of the Thána District, together with other minor schemes which require no particular mention.

The next head is Ports and Pilotage, and the only explanation that I wish to make it that, owing to the fact that the Dockyard has been so busily occupied in connection with the war, they have been unable to complete the construction of the light-ship which is to be placed off the Khai Mouth of the Indus. A provision of about Rs. 91,000 has had to be made to complete the ship in the current year's Budget.

I now come, Sir, to the Education Budget on page 29 of the Statement, and, as has been explained by my Honourable Colleague, we have had to make a heavy reduction in the provision as compared with last year. There has in fact been a decrease in the provision for Education of about 26 lákhs, as compared with last year. Some of the schemes we have had to postpone are the following: One, a very important scheme, is for the medical inspection of school children, the postponement of which is very much to be regretted. Another is the proposal to create an appointment of an Inspectress of Girls' Schools in the Kánarese

districts. Another is the creation in the Provincial Educational Service of a new inspectorate for Bombay and the Násik, Thána, Kolába and Ratnágiri Districts.

Then the scheme for the creation of a Degree of Architecture which has been proposed by the University has also to be postponed, as also the scheme for the appointment of Inspectors of Technical Education and that for the distribution of quinine tabloids among school children in malarious places.

Turning now to collegiate education my remarks will be almost entirely confined to the College of Commerce which is gradually coming to occupy a position of importance which must be exceedingly gratifying to those who are interested in the Institution. A special grant of Rs. 17,131 to meet the special requirements of the Institution was sanctioned in last August, and over and above this we have provided in the ensuing year a further sum of Rs. 7,500 for the provision of furniture and library, and Rs. 4,000 for additional staff. Then again the Government of India suggested to us that we might organize and conduct, in conjunction with the College of Commerce, an examination for accountants working up to a Diploma of Accountancy; and that has involved the creation, or probable creation, of what will be known as the Accountancy Diploma Board, which in constitution is indentical with the Advisory Board of the College of Commerce, and Mr. K. Subramania Aiyer, who has done so much for the College of Commerce, has been asked to draw up a scheme for the institution of an examination for this Diploma.

I need hardly refer to the question of the Royal Institute of Science beyond that it has received the sanction of the Secretary of State and that we contemplate as early as possible obtaining one or two Professors before the building is completed in order that we may have the benefit of their Council and advice in the matter of improving the internal arrangements of the Institute.

Another proposal which I referred to last year, as having been made by the Government of India, is that we should establish a school of research in the field of Indian Economics and Sociology in connection with the College of Commerce; (it will be seen that very many things are growing up round the College of Commerce) the Syndicate of the University were consulted, and eventually it was proposed that the School of Economics and Sociology should be organized and administered by the University; and with that view this Government and the Government of India have now expressed concurrence and the Government of India have agreed to grant an annual sum of Rs. 12,000 towards this Scheme on condition that the Bombay Government and the University agree to keep in view and promote the ultimate formation of a School of Research in Economics and Sociology.

As regards Secondary Education, Sir, I hardly think that it is necessary for me to detain the Council, since the Educational Department has during the past year acted on the policy of taking the public entirely into its confidence as it has gone on, and Press Notes have been issued whenever a new scheme has been matured or projected. Press Notes have been issued on the subject of schemes for the institution of school-leaving certificates for science teaching in secondary schools, for training in manual instruction in schools and school hygiene, and for the training of secondary teachers and their assistants.

I need only supplement my remarks on Secondary Education by a reference to Sind where all authorities have come to an agreement in thinking that the best and most economical way to promote Secondary Education there is by a system of scholarships, rather than by increasing the number of secondary schools, and accordingly a provision of Rs. 10,000 for scholarships has been made in the Budget of this year.

In regard to Primary Education, I regret to say that my remarks must mainly refer to omissions. We have had to omit from our Budget the lákh of rupees which is ordinarily given for opening up new Primary Schools, and another lákh of rupees which is given annually in connection with improving the teachers provided for those schools. This, however, is a matter perhaps of less regret than would *prima facie* appear to be the case, inasmuch as it is a fact that at the

present moment the provision of Primary Schools is more than keeping pace with the demand. Several recently started Primary Schools have had to be closed down, because no one has attended them.

The next head, Sir, is Medical, which appears on page 31 of the Statement. And again it is a case of explaining deletions and postponements rather than provision. We have however been enabled, owing to the change at the last moment in the Budget, to which my Honourable Colleague has referred, to provide Rs. 50,000 for assisting sanitary projects of local bodies. But the most interesting item in the Medical Budget is, perhaps, that which indicates the provision of Rs. 30,000 to cover the expenditure connected with the maintenance of a certain number of beds in the Sassoon Hospital and the United Free Church Hospital in Poona for wounded soldiers.

The Honourable Mr. PRABHASHANKER D. PATTANI :—Your Excellency.—A provision of Rs. 21 lákhs has been made in the current year's budget on account of grants-in-aid to local bodies for sanitary projects. This provision is made up of (i) the imperial recurring assignments amounting to Rs. 10½ lákhs for the improvement of sanitation in large towns ; (ii) an allotment of Rs. 9½ lákhs from the imperial special non-recurring grant of Rs. 27 lákhs, out of which a sum of 9 lákhs was utilized last year; and (iii) a provincial grant of Rs. 1 lákh. Out of this provision of Rs. 21 lákhs grants agregating Rs. 4,46,359 have been sanctioned, the principal grants being those of Rs. 95,208, Rs. 65,393 and Rs. 56,000 to the Municipalities of Matheran, Násik and Lonávla, respectively, towards the cost of their water-supply schemes and Rs. 40,000 for expenditure on original works in connection with the development of Salsette as a residential area. A grant of Rs. 13,592 has also been sanctioned towards the expenses of the town-planning exhibition organised by Professor Patrick Geddes of Edinburgh. The Sanitary Board have been authorised to sanction projects costing up to Rs. 20,000 and to make grants up to a limit of Rs. 10,000 for any one work. For the latter purpose a lákh of rupees was allotted to the Board and has been fully distributed by them. A large number of minor Municipalities have thus been assisted in carrying out small projects. Such schemes had not received sufficient attention in the past, the larger Municipalities having received an overwhelming share of the Government subventions. In view of the recent orders of the Government of India regarding the curtailment of expenditure owing to the situation created by the war, we had to refuse several applications for grants for sanitary projects. These will, however, be reconsidered when the financial situation improves.

For next year our original estimates amounted to nearly Rs. 15½ lákhs, but in view of the existing financial situation we had to reduce our estimates considerably and have provided a sum of Rs. 5 lákhs only to meet the absolutely necessary demands for expenditure on account of sanitary projects. Out of this provision a sum of Rs. 1 lákh will be placed at the disposal of the Sanitary Board for the purpose above referred to, and Rs. 40,000 will, as usual, be allotted for expenditure on original works in connection with the development of Salsette.

The provision made in the current year's budget on account of the entertainment of health officers and sanitary inspectors to municipalities amounts to Rs. 30,000. The provision consists of (i) the imperial recurring grant of Rs. 20,000 and (ii) a provincial grant of Rs. 10,000. Out of this provision grants amounting to Rs. 20,000 approximately have already been sanctioned. The Sanitary Commissioner has recently submitted proposals for the regrouping of municipalities for the purpose of appointment of health officers and sanitary inspectors and for the improvement of their pay and prospects. These proposals are under the consideration of Government. The current year's provision of Rs. 30,000 on account of the entertainment of health officers and sanitary inspectors have been repeated in the estimates for 1915-16.

The Honourable Sir RICHARD A. LAMB :—Your Excellency.—The next head is that of "Agriculture". That, as I have already observed, has now become a major head. The provision made as shown on page 32 for expenditure is Rs. 12,71,000. To that must be added the two items shown on page 2 of the

memorandum of corrections, namely Rs. 22,000, so that our total provision for agricultural expenditure is Rs. 12,93,000. I think that in the circumstances of the year that may be looked upon as a very fair provision. The actuals have been Rs. 9,23,000 and Rs. 10,70,000 for the years 1912-13 and 1913-14 respectively, and the Revised for this year is Rs. 12,60,000. So that the total provision for next year, Rs. 12,93,000, exceeds the Revised of this year by Rs. 33,000 and the Agricultural Department certainly cannot be said to be illiberally treated.

As regards items of particular importance, information is given under heading (j) on page 11 of the Statement, and of those two additional items on page 2 of the memorandum of corrections. Beyond that, Sir, I do not think I need say much on this head, and I therefore suggest that the Resolution on this head which stands in the name of the Honourable Mr. KAMAT be now moved.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency.—The Resolution of which I have given notice reads :—

"This Council recommends that a provision of Rs. 25,000 be made in the next year's Budget Estimates under Head 26-A—Agriculture, for the deputation of an officer to examine and report on such measures as may be necessary to improve the milk supply of towns, and that this expenditure be met by a corresponding reduction in the provision made for 'Police re-organization and reforms,' in item No. 60, Statement B of new or extraordinary items of expenditure under Head 20.—Police."

I believe, Sir, that a word of explanation at the outset is necessary from me as to why, at a time when we all know that the Government is passing through a year of financial stress and stringency, I should bring forward this Resolution. My reasons were that after reading the preliminary Financial Statement, I thought that after all, the great war had affected the financial situation only to a limited extent; and secondly, I thought that even though this provision might dislocate the financial arrangements only to a slight extent, still that disturbance may be justifiable on the ground that the question of milk supply affects the well being of all classes of people in the Presidency. I therefore think, Sir, that in spite of the financial stringency, a sympathetic consideration may be accorded to this Resolution.

I shall now proceed to indicate briefly the condition of the milk supply in towns, secondly why and how an improvement is necessary, and thirdly the measures which seem to my humble mind to be necessary to tackle this question satisfactorily. The present condition of the milk supply in most of our towns is admittedly so unsatisfactory that I need not detain this Council with a long description of it. We all know the puny breed of cattle, we are also aware of the insanitary surroundings in which they are stabled, and also the most insanitary condition of the feeding of the milking animals. We have also seen the very crude method of transporting milk and milk-products into towns and cities. These are factors with which we are all familiar. Another fact in connection with the condition of milk supply, on which I need not perhaps dilate, is that the price of milk and of milk-products such as butter or ghee has been going up steadily of late years in all parts of the Presidency, and in some places it has advanced to such an extent that pure milk or ghee is perhaps a forbidden article to the ordinary man. The adulteration of milk and of ghee is shamelessly carried on in open streets, and we need not be surprised therefore at the very painfully high infant mortality in most of the towns. Then again, My Lord, in certain localities there is such a shortage of milk and milk-products that people have to depend on imported tinned milk alone, so much so indeed, I find from the statistics that the imports of tinned milk into this country during the last five years have grown from 5,03,189 lbs. to 7,78,475 lbs. in 1912-13. Now in a country which is essentially agricultural with milk products as the universal article of diet and in a country which should be the home of the dairy industry, I think this state of things is really deplorable. In view of these facts, Sir, the problem of improving our milk supply is of vital importance, and I venture to believe that a stage has arrived when a thorough investigation into the causes as to why an adequate supply of pure and wholesome milk and

milk products cannot be placed on the market at a reasonable price, is necessary. I am aware, Sir, that the Agricultural Department has, perhaps, studied this question, but with all the beneficent activities of the Agricultural Department I must confess that they have not seriously considered the economic side of this important problem. The question is why the conclusions which have been arrived at by the Agricultural Department do not materialise into a business proposition for the milkmen of the towns. It is from this point of view that perhaps an enquiry is necessary. I am also aware that there is ample legislation on the subject, especially for the City of Bombay, and it would not be difficult, perhaps, to lay down certain bye-laws to regulate and control, so far as the sanitary aspect of the question is concerned, the production and handling of milk in towns. But what I want is not, herhaps, the sanitary lines of enquiry, but as I say, an enquiry into the economic question why a cheap and adequate supply of milk cannot be placed on the market.

The other question is to investigate and find out how to minimise the cost of production and the transport from villages into towns of milk and milk products. Now, that is the condition of the milk trade. I need not, perhaps, elaborate this point, but I shall now quote a few passages from a Bulletin of the Agricultural Department of the Government of Bombay to show that the question of its improvement requires consideration. In a Bulletin issued by the Agricultural Department last year the writer says :—

"The industry of Dairying in India, if it may be called so, presents abundant opportunities for improvement from every point of view, from the breeding of dairy animals on the one hand, to the disposal of the produce on the other, and the need for improvement is so far-reaching and so radical that no appreciable progress may be expected immediately along any line, because not only the very nature of the animals must be changed but the owners themselves must be educated to appreciate cleanliness, and the principles which underlie the successful practice of dairying.

"The absence of any specialized Dairy Farming is to blame largely for the lack of development of this industry. The ryot keeps dairy animals only as a side issue, and never as his mainstay, while the city and town gowalla knows nothing about the production of feeds and fodders."

and he further proceeds to indicate some of the salient points on which, perhaps, improvement is necessary. I shall read out to the Council a very few sentences :—

"Some of the salient points where the need for improvement is most obvious are with reference to breeding, housing and feeding of dairy stock, methods of prevention of the slaughter of the best dairy animals, cleanliness, extension of use of modern dairy machines, and utensils, better methods of storage and transportation, and legal control and regulations."

Now, it will be seen from this that even the Agricultural Department thinks that there is ample scope for improvement. It also indicates the lines on which improvement is necessary. I therefore think that some initiative on the part of Government to carry out these suggestions and these ideas of the Agricultural Department into a business proposition is necessary. It might be asked on what lines I want this enquiry to be conducted. Well it is not for me, perhaps, to indicate the lines on which the enquiry should be carried out. It is for the Agricultural advisers or perhaps the Sanitary advisers of Government to point out the lines of enquiry, but I venture briefly to indicate certain points, certain conclusions which have been arrived at on this subject, both by a well known Agricultural officer of this Presidency, I mean the Principal of the Agricultural College at Poona, and also by the All-India Sanitary Conference which was held last year at Lucknow. Dr. Mann thinks that in order to improve the milk supply of towns there are three things which are quite essential, and I believe an inquiry into the details of those three things is perhaps necessary, and those three things are (i) that the animal should be improved so as to give a larger amount of milk, (ii) that the housing and sanitary conditions for stabling the cattle should be improved, and

thirdly, that a better mode of transporting the milk from villages into towns should be organised so that pure and wholesome milk can be made available to the people in the towns at a reasonable price. Similarly, this subject, which is a serious one, was discussed at the All-India Sanitary Conference last year, and I shall proceed to indicate on what lines they proceeded to point out certain lines of action for the improvement of the milk supply.

Firstly, as regards the housing of the cattle in or around cities: here the enquiry should be, in my opinion, whether, considering the total consumption of milk in particular towns, there should be allotted a certain area for the accommodation of the milking cattle very close to the towns in proper surroundings, and also the question of what type of stables should be arranged for housing the cattle. Also a cognate question perhaps would be whether Government are prepared to afford certain facilities by the grant of waste land around towns, or land for erecting cattle sheds for the housing of these cattle. That is so far as the housing of the cattle near towns is concerned; but a still more important question is about fodder, that is to say, whether Government would be prepared to increase the present facilities for grazing purposes, and secondly, which is also an important question, whether it is necessary to encourage the growth of certain succulent fodders which the Department has been advocating but which the milkman does not or cannot understand. The third point of enquiry would be as regards the question of transport of milk from suburbs into the cities. Now, we all know the crude method of gowalas conveying milk in brass pots. This sort of handling milk is hardly economic, and the question for Government to consider would be whether it is possible to arrange for transport facilities, either by means of motor vans or by means of certain arrangements with the Railway administration. For this purpose, statistics as to the total quantity of milk to be collected from particular areas will have to be found out and the next question will be whether the Railway administrations concerned could be induced to bring down their rates of carriage for milk so that milkmen may find it economic to live away from towns and yet bring the milk every morning into cities. I need not perhaps mention in this connection that in western countries there are certain arrangements for pasturising and it is for Government, perhaps, to consider if it is feasible or possible to encourage pasturising in this country.

Then comes, perhaps, the question of the organisation for a co-operative collection and co-operative delivery in towns, of milk. I do not know whether it will be convenient for Government to license a certain number of milkmen to sell milk, or perhaps keep certain licensed milk depôts, and lastly there comes the question as to how much of legal control should be exercised both as regards the licensing of shops in Municipal areas and as regards the fixing of certain standards as to the purity of milk. All these are points of enquiry, My Lord, which I think is well worth conducting. I do not mean, for a moment, to suggest that the Agricultural Department has been lacking in their activities, but the question for us is to overcome the difficulties which the milkmen may have, which I conjecture they evidently have, and induce them and teach them, and disseminate such knowledge of dairying so that they may be able to place on the market an adequate and good supply of milk.

Now with regard to the provision of Rs. 25,000 which I have proposed. I must observe that I have put down this figure as an estimate at the outside. The Government Agricultural Department, either by itself, or in consultation with the Revenue Department, or the Sanitary Department, may be able perhaps to conduct the whole of this enquiry at a cost of far less than Rs. 25,000, in which case I shall certainly be glad, but even supposing that we at the outset should require fully Rs. 25,000, it will of course be for a good purpose. I think this provision in the Budget would be justifiable on one or two grounds which I shall proceed to indicate. This year taking the head of Agriculture, looking to its Revenue side, there is an increase (I am referring to page 32 of the statement) of something like Rs. 25,000 in revenue. The second reason, perhaps, is that on the other hand Government have cut down this year from the head Agriculture a pretty large amount. If we look to the expenditure under the head Agriculture, we shall find that the decrease in the expenditure as compared

with the current year is in some respects such that it might just encourage me to ask for this small provision of Rs. 25,000. The decrease in the expenditure Budget I may point out also is due to the absence of the current year's provision for the remodelling of the Civil Dairy at Kirkee, and this is put down as Rs. 65,000; then there is a cutting down of expenditure again from the unexpended balance of the Imperial Assignment for agricultural and allied objects; then, I find there is a still further cutting down of expenditure on various other items which I need not perhaps read out to the Council, and yet, strange to say, we find that this decrease in the expenditure on the head of Agriculture is counterbalanced by an increase of expenditure which has been provided by the Finance Committee or by Government, especially in this year, which we are told is a year, of financial stringency,—and for what purpose? It is to provide an additional expenditure of something like Rs. 33,000 for the staff and establishment of the Agricultural Department. Then again there has been provided an increase of expenditure on this head of another Rs. 18,000 for the establishment and travelling expenses and contingent charges of the Registrar of Co-operative Credit Societies. Now, I do not for a moment mean to quarrel with the larger provisions which have been made, for such items I should rather welcome them. But my point is this: if in a year of financial strain we can afford to have these larger and extra items of expenditure for one or two purposes, I think the modest amount of Rs. 25,000 which I ask for a purpose which affects the well-being and comfort of the people of the whole of the Presidency would not be an unjustifiable item, and although ample provision has been made under the head of "Agriculture" for certain items, I still think that I shall not embarrass this particular head of Agriculture by the amount I propose to spend over it. In spite of this, however, I have proposed in my Resolution that Rs. 25,000 may be cut down from an entirely different head, namely, Police. I will explain why the Hon'ble Mr. Claude Hill has just explained that the reorganization scheme of the Police is being worked out for the last 10 years. It is being very gradually and slowly worked. I therefore think that that is exactly the head from which the allotment could be made as perhaps the reorganization scheme can afford to wait for one year more, and in view of the fact that the additional Rs. 25,000 I ask for will increase the comfort of the whole of the Presidency, so far as the milk supply in every home is concerned, I think the Hon'ble Member in charge of this head 'Police' will be generous enough to allow a further curtailment and be pleased also to allow the scheme of reorganization to hang fire for another 12 months.

I think I have indicated very briefly the lines on which the enquiry should proceed, and I do hope that Government will realise the urgency and the importance of the problem of milk supply, and that they will be pleased to take the initiative in the matter.

Lastly, I may point out that even the writer in the Agricultural Bulletin comes to the conclusion in his last paragraph that the initiative in all these matters has to be taken by Government. It is an initiative that rests with Government, otherwise the public is not likely to take up this matter. On these grounds I urge, Your Excellency, that this question may be taken up for serious enquiry and consideration and that the amount of Rs. 25,000 which I ask for may be allowed.

The Honourable MOULVIE RAFFIUDDIN AHMAD:—Your Excellency,—In the first place I must congratulate my Honourable friend Mr. KAMAT for bringing up this Resolution as I find that of late Resolutions on the Budget are not moved by honourable members. But I cannot say that I entirely sympathise with him for bringing up this Resolution at this particular time. I am rather surprised that the honourable gentleman has thought fit to propose a reduction in a Department where at such a time as this no reduction should be allowed, and no reduction is possible. I do not know, Sir, why the Police Department has been singled out for this reduction. It is a mere fiction to propose a reduction somewhere to introduce a debate. We all know how interested we were,—and I personally was very much interested,—in all the information that the honourable gentleman gave us regarding the milk supply. But the question is whether at

such a time when people require protecting agencies for the protection of personal property, Rs. 25,000 should be taken away from the Police Department. I certainly would like that the milk supply should be very pure and good, but I could have added half a dozen subjects in the Finance Committee on which money could be easily spent. But when protecting agencies are essential, and the Police Department is a great protecting agency. At this particular time, I think the reduction that my honourable friend asks for cannot be allowed.

I also do not agree with the honourable gentleman in his contention that the reorganization of the Police Department should be postponed. As it is, I think we have considerably reduced the amount that was originally allowed for this reorganization scheme, and when we take into consideration the number of corrupt practices that take place, I think the proposal of my honourable friend should not appeal to many practical persons who will consider the question from an administrative point of view. I have of course very great sympathy with all that my honourable friend Mr. KAMAT has said, but I think, Sir, this reduction from the Police Department ought not to be allowed.

The Honourable Mr. G. CARMICHAEL :—Your Excellency.—I am sure that every member of this Council and my honourable friend Mr. MOULVIE RAFIUDDIN AHMAD have the fullest sympathy with the proposal or, rather, with the object which the Honourable Mr. KAMAT had in view in moving this Resolution, and Government, I know, are ready to welcome any practical suggestions in the matter, but I feel bound to oppose the motion, because I do not think it is the right way of tackling the problem. As the Honourable Mr. KAMAT has pointed out, the question was raised by Dr. MANN in a very interesting paper which he read at the Agricultural Conference at Poona in 1913; it was also discussed at the Sanitary Conference which was held at Lucknow, and another Conference which dealt with the subject was the All-India Agricultural Conference which was held at Coimbatore. The conclusions at which the two Agricultural Conferences arrived on the subject were more or less unanimous.

Dealing with the question of legislation for the prevention of adulteration and the licensing of gowalas and so forth, the Agricultural Conferences recognised that there is no use pressing such measures until arrangements have been made to obtain a good supply of really pure milk. Regarding the question of improving the milking capacity of the cattle, they recognised that this is a very lengthy process requiring years of careful breeding and selection, and that no appreciable results could be attained at once. It is a task—I might call it a duty—to which our great landlords might fitly address themselves. I commend this specially to my friend the representative of the Sardars of the Deccan, the Chief of Kurundwad, and the representative of the Sardars of Gujarat, the Honourable THAKUR of Kerwada. We cannot expect the ordinary farmer to take it up as a business proposition till a demand for good milkers has been created by the establishment of co-operative and other dairies. Thus both the conferences came to the conclusion that the best thing was to make the best of the animals we have at present, and the main recommendations they made were that co-operation amongst the gowalas should be organised, and that every encouragement should be given to private enterprise to establish dairies. They laid the greatest stress on the organization of co-operation among the gowalas, and the Government of Bombay did not delay in taking action in the matter. They appointed an officer on special duty for the purpose. I refer to Mr. Gonehalli, an officer eminently fitted for the task. He began work last year among the gowalas who supply milk to Bombay. He has already made considerable progress; one small Society has been started for the local needs of Thána, and another Society has been started near Badlápur which sends milk to Bombay; and he has also been able to prevail upon a private individual to put up at Bhandup at a cost of half a lakh of rupees sheds for the accommodation of animals belonging to gowalas the work to be run on co-operative lines. Now, Sir, I am sure that the Director of Agriculture will see to it that in his work for the co-operative Societies Mr. Gonehalli is given the necessary assistance and technical advice which was required in the matter, all the advice which the Department in any of its branches can give.

I do not think that there is doubt that the Municipalities will not also come forward to co operate in the matter. The Honourable Mr. MACONOCHIE has told me that the Bandra Municipality are coming up to Government for help in connection with a scheme for cow-sheds and buildings which they hope will be utilised by co-operative gowalas in Bandra, and Government have promised their help in the matter. They have recognised that any scheme that may be put forward for the improvement of the milk supply is as much entitled to a Government grant as a scheme for any other kind of sanitary reform. Then, I am sure we can count on the readiness of the Military Farms Department to give us advice and also practical example. Thus, the co-operative movement on which the two Agricultural Conferences laid so much stress—can command all the technical advice that is available in the Presidency, and it is the advice of experts who know the local conditions. I think it is much better to go ahead with practical work in this direction, removing the difficulties as they arise than to have a further enquiry as to why the milk supply is bad and so on.

Turning to the other question, the question of non-co-operative dairies, the Poona Conference did make a particular recommendation, and that was that Government should appoint an expert to find out suitable sites for dairy farms near large towns. That was a definite recommendation. Now in this matter Government can do what is wanted without any extra expenditure. The machinery would be the Collector, working in consultation with the Agricultural advisers or the Sanitary officers of Government. But so far no definite scheme has been put forward by any particular person. If individuals or a Company come forward asking for help, I am sure Government will be perfectly ready to give it. They will give advice and any facilities and convenience in regard to land which they can reasonably be expected to provide.

With regard to the report of the expert on which the Honourable Mr. KAMAT laid so much stress, I do not think it would be of much use in connection with any particular dairying project. It will be of a too general nature, and certainly not so informing as the practical example which we have on the experimental farm which Your Excellency has established at Ganeshkhind and on the Military Farms at Ahmedabad and Poona. On these farms one can see how fodder can be improved, how the supply of green grass can be maintained throughout the year, and how milk can be preserved and sent to long distances in good condition and at reasonable prices. In fact, one can see how a dairy can be made a paying concern, and I think it is very surprising with the wealth of business ability among us, that private enterprise has been so reluctant to enter this particular field.

I am sure that it would succeed if some of our enterprising business men were to turn part of their energies in this direction.

The Honourable Mr. KAMAT referred to the necessity of doing something to increase the facilities of conveyance. It is necessary that something should be done in this matter, but I do not think that enquiry by an expert is necessary. If the expert which the Honourable Mr. KAMAT wishes us to appoint is able to get the Railway Companies or the Railway Board to do what they do not want to do, I think Government ought to engage him at once. I cannot pretend to be able to fathom the mysteries of railway rates, but speaking of local traffic, I believe that the Railway Companies are quite amenable to a good business proposition, and they will also help to organise the arrangements if the volume of traffic of a particular class makes it worth then while to do so. I do not think, Sir, that any expert other than a Railway expert was required to organise the excellent arrangements in force on the G. I. P. Railway in connection with traffic in fruit from the Poona District to Bombay. I submit to this Council, for these reasons, that the provision which the Honourable Mr. KAMAT has proposed towards the improvement of the milk supply is quite unnecessary.

The Honourable Mr. LALOOBHOY SAMALDAS MEHTA :—Your Excellency.—As reference has been made to the co-operative movement by the Honourable Mover of this Resolution, and by the Honourable Mr. CARMICHAEL, I think I may offer a few remarks. I have been connected with the co-operative movement and that movement is now extending its sphere of influence to dairies also. One

dairy has already been started at Thána, as mentioned by the Honourable Mr. CARMICHAEL. Another is being registered in the vicinity of Ahmebabad and it will shortly begin its work. Mr. Ewbank and the Central Bank want to watch the work of these dairies before starting dairies in other parts of the Presidency, as it is not advisable to force the growth of such a movement. I think it is much better to go slow. As a member of the committee on co-operation I have had an opportunity of seeing what Mr. CHHATARJI calls the Premier Dairy Society of Benares. Even that Society has not been able to pay its way satisfactorily. The second Society in United Provinces is the Lucknow Society, and although it is well managed, it has not proved a profitable concern. As regards non-co-operative dairies, there are some in Gujarát working satisfactorily. We have one at A'nand and another at Nadiád. I do not think that expert advice is necessary because we know all that we want to about these. Even as regards transport in the United Provinces they are taking up this question, and I am prepared to give my Honourable friend Mr. KAMAT all the information that he requires about the matter of transport and the methods employed in carrying the products from distant places to towns. Taking all these things into consideration, I do not think Rs. 25,000 should be set aside for obtaining expert opinion. I am sorry, therefore, I cannot support the Resolution.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.—Your Excellency.—Though I have the fullest sympathy with the Honourable Mr. KAMAT in the Resolution brought forward with the best of motives in the interests of the country, I do not think that any special officer would be of great value. Before we form the Commission of enquiry proposed the publication of some volume which will be in the hands of a few persons of what measures would be practically put to is a different question. Now everything that is necessary for the supply of good milk in a town as now proposed has already been done and measures have already been provided for. But according to the District Municipal Act if the bye-laws and rules under section 48 would receive careful attention from the Municipality we will get purer milk and milk quite good and suitable. The Municipality have to make arrangements . . . (reads the section). If our Municipalities would pay very careful attention with regard to this provision, I think, everything would be all right, but I regret to say that many of the Municipalities have not been able to frame rules, or I may accuse them, even of negligence, with regard to this section. If they would only follow that, of course, the matters will be remedied. Circumstances differ in many towns because there are many Municipalities in smaller towns where there are no milkmen and milk is supplied by private agency. It is only in the case of big towns like Ahmedabad, Poona, etc., that complaints arise and there is the difficulty, but if the bye-laws were properly acted upon as is the case in Bombay, we will see that even the complaints of the Honourable Mr. KAMAT will be avoided and I do not think that any good will come out of the appointment of an expert, because there are so many pamphlets already published by experts and there is so much of literature which I do not think is even read. And, with regard to the re-appropriation which the Honourable Mr. KAMAT thinks will have to be made from Police Re-organization to take one amount from one department and give it to another department, where people themselves can frame rules or people can improve their own condition, well, I am not prepared to support it. On these grounds I do not think that I will be able to support the Resolution of the Honourable Mr. KAMAT.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.—Your Excellency.—I heartily congratulate my Honourable friend Mr. KAMAT on his having brought this Resolution at this meeting. The matter to which the Resolution refers is indeed very important, important not only to one place, but to all the cities and towns all over the Presidency, and as the cost of living has increased, the question has assumed an importance which we cannot neglect. The difficulty of obtaining an adequate, pure and wholesome supply of milk is experienced in most towns. We get our supplies from beyond the Municipal limits. My Honourable friend Mr. RODDA has charged the municipalities with neglect of duty in not having framed the necessary rules. But I say, Sir, that if we frame stringent rules, perhaps milk would be more scarce and dear than even at present. That being the case, here is a matter in which we require the co-operation not only of the Municipalities and of the people, but also of the Government. Then again, the Municipalities

by themselves will not be able to get all the information required for taking the necessary measures, and that information can only be obtained by comparing the special conditions of various places and in the light of expert knowledge. For that reason an expert inquiry, is I think necessary. It is an enquiry that we ought to undertake in the interests of sanitation and the expenditure ought to come, if possible, from the Sanitary Budget. A great deal of expenditure is reduced under various heads, and so I think some provision may be made for this important item from the various grants made by the Government of India for sanitation, and especially in view of the large infant mortality to which attention is drawn in the annual reports on sanitation and Hospitals, this item is, one we ought to consider seriously. Therefore, whatever the difficulties may be, we shall have, by the appointment of a Committee such as is suggested by my Honourable friend Mr. KAMAT, all the information put together, as we do not know what is being done in Gujarát and what is being done in Poona. Every one of the Municipalities cannot afford to send delegates to study all these question, and each Municipality not having an expert at its command, I think that an enquiry like this is absolutely necessary in the interests of sanitation of the whole Presidency, and I think this small allowance which my Honourable friend has prayed for may be allowed in the interests of the health of the more important towns in the Presidency.

The Honourable Mr. J. P. ORR.—Your Excellency.—It seems to me that there can be no doubt about such an enquiry as is suggested being required, but in a year when we have to cut down grants as far as possible, it seems to me that this proposition must be opposed on the ground that the suggested appointment is just one of those that might without any disadvantage be postponed. There has been a good deal of stir both amongst private persons and amongst public bodies as regards what is rightly called the scandalously bad condition of the milk supply of Indian towns, and there are certain experiments directed towards improving matters in progress at present. Some very important amendments of bye-laws have been made in the Bombay Municipality, and the Bandra Municipality are following suit, and are considering a revision of their bye-laws. There are also experiments being made in co-operative dairies, and I cannot agree with my Honourable friend Ráo Bahádur RODDA that a mere revision of bye-laws and rules will be sufficient to put matters right, we shall have to support mere legal measures by agricultural co-operation and organisation. But the bye-laws themselves will have to be tested by results, and that requires time. The success of these co-operative societies will also have to be tested by results, and *that* requires time; and I think if a special officer were appointed now, the appointment would be premature because the officer will have to say that such and such experiments are going on, and that he cannot make definite recommendations until he has had time to see the results. It is, I think, on these grounds desirable to postpone this question for at least a year. The rejection of this proposal will only mean postponement for a year. I think waiting for one year may be very useful, as affording us time to see the results of the experiments which are being made.

The Honourable Sir RICHARD A. LAMB:—Your Excellency.—Before the Honourable Mover of the Resolution replies, perhaps I may just offer a few remarks. I entirely sympathise with my Honourable Colleague in charge of the Police Department in deprecating any further reduction of the grant for Police. I also fully sympathise with those who think that it will be premature to make the provision which the Honourable Mr. Kamat proposes.

As it seems to me, the position is this. We have a very well-considered and a very lengthy and detailed Resolution of the Board of Agriculture passed at Coimbatore, and that Resolution deals with great care, head by head, with all the various measures which should be taken for the improvement of the milk-supply of towns. Now that Resolution is not a very old one, but we are already taking action under various heads. As the Honourable Mr. CARMICHEAL has mentioned, and as the Honourable Mr. LALUBHAI has also stated, co-operation is at work, and we have to wait and see the result of the efforts of the Co-operative Societies which are perhaps at the basis of the whole thing; and as the Honourable Mr. LALUBHAI has said, it will be most unwise to hurry. It is not possible to force the pace. We must take time. Then Municipal legislation, by-laws and licenses are being revised by the Bombay Municipality, and as the Honourable Mr. ORR has said, we must have time to see how these licenses and by-laws work.

The Government have already announced, as the Honourable Mr. CARMICHAEL has stated, that they are willing to come to the aid of Municipalities who are able to put up a scheme for the improvement of the milk-supply. That promise has been made. We will come to the aid of any Municipality which requires assistance for carrying out a scheme for the improvement of the milk-supply. But as yet I have not heard that any Municipality has applied to us for assistance. It would be well if some Municipalities did work out schemes and came for assistance. A scheme of course is a difficult thing to work out, partly because a good deal of organization would be required in respect of getting the milk from outside the town into the town; the question of railway rates also comes in, and as the Honourable the Chief Secretary has indicated, it is extremely difficult to fathom the mysteries of the railway rates; but if a business proposition were put forward, the railway companies would doubtless, as soon as they saw that it was to their interest, be ready to co-operate.

I do not think that we could get any further information, Sir, by appointing a special officer, than what is possessed already by Government. What has been contemplated by Government is in the papers which are in my hands at present and are awaiting disposal. What we have contemplated is to get together a committee to consider the point. This measure was suggested, I think, in the first instance, by the late Acting Director of Agriculture, and officers have been invited to send the names of men who may be useful on that committee. Certain names have been submitted, and at present what I have under consideration is the terms of reference which might be made to such a committee. That is not yet decided, but what I have in mind is that we may ask to come together all those who have already been taking action in this matter, let them compare notes, see how much they have done in the various branches, put together all the information in regard to what has already been done in the various lines, and advise all those who may have been hesitating as yet about making a move in what way to move. That, I need hardly say, would cost nothing at all. The committee would assemble without any need for a provision being made for it in the budget. I think, Sir, that by that means we should draw to a head the action that is already being taken, and which continues to be taken, and the appointment of an expert would be unnecessary.

One extreme difficulty that I feel, I should say almost an impossibility, in regard to this Resolution is, as a business proposition, that of finding one single individual who would be qualified as an expert to deal with the various branches of this subject. I do not believe that we can get such an expert. I have not the faintest idea myself, supposing this Council passes this Resolution, where we can find a suitable expert.

I do not think, Sir, that we ought to accept this Resolution. I should myself have been much more inclined to look favourably at a Resolution, if it had been moved, for restoring the omitted provision for the Civil Dairy at Kirkee out of the unallotted balance of Rs. 3,01,000 which is mentioned at the end of the memorandum of corrections. But since there is no such Resolution before the Council of course the question does not arise.

As I have already said, I think that we might proceed by getting together all those who have been taking action in this matter. Examine what progress has been made, put together all that has been done, indicate the difficulties that have been found, and publish this information with advice on the further steps that, on the experience gained, ought to be taken.

The Honourable Mr. BALKRISANA SITAKAM KAMAT:—Your Excellency.—Regarding what has fallen from the Honourable Ráo Bahádur RODDA that the Municipalities will be able to take care of the legislation and enforce certain by-laws, I think it is now on record both in the Agricultural Department as well as in the proceedings of the Sanitary Conference that such a procedure would simply throw up the price of milk instead of cheapening it and that argument has been answered by my Honourable friend Mr. UPASANI. However, what appears to me is this. In the first place the Honourable Mr. CARMICHAEL has announced that Government are willing to help certain Municipalities if they bring forward certain schemes. Secondly, Mr. ORR has told us that certain experiments in

connection with milk-supply are being conducted in Bombay, and it would be well worth waiting till the results of those experiments are found out. And, thirdly, the Honourable the Finance Member has told us that a committee is in contemplation which, perhaps, will be able to take care of this subject. For these two or three reasons, namely, the announcement made by the Honourable Mr. CARMICHAEL, also by the Honourable Finance Member, as well as the arguments adduced by the Honourable Mr. ORR, I think it will be better if I withdraw this Resolution for one year more. On these grounds, Your Excellency, I beg leave to withdraw the proposition until next year.

His Excellency the PRESIDENT:—I am very much obliged to my Honourable friend for withdrawing this Resolution, and I will only say that he is to be congratulated on having raised a discussion which has been of very great interest, and I think he has extracted from Government a very clear definition of their position. We fully realise, I can assure him, the extreme importance of the discussion he has raised—the importance of improving the breeding of cattle and the importance of giving better milk to our people in the various cities. He has expressed a view that my Honourable friend Mr. CARMICHAEL has made a very significant pronouncement with regard to assistance to Municipalities, but what I would venture to inform him is that that pronouncement was given out in a Press Note on the 8th November 1913 so that Municipalities might have taken advantage of it before now if they were really keen on the matter. I feel—and I hope Honourable Members feel—that public opinion is very much exercised with regard to this question. I sincerely trust that Members of this Council, as the result of this discussion and the general feeling about the importance of the milk-supply throughout the Presidency, will come forward, and I can asssure Honourable Members that Government will come forward and do everything possible in endevouring to improve the milk-supply in our Presidency.

The Resolution was then by leave withdrawn.

The Honourable Sir RICHARD A. LAMB:—Your Excellency,—The heads of the Budget which follow Agriculture are 'Scientific and Miscellaneous,' as to which there is nothing to be said, and the next is 'Superannuation Allowances and Pensions'. It will be observed that in the memorandum of alterations we have made a provision which was originally omitted under the obligation of restricting expenditure, for the commutation of pensions. There is a scheme, as probably all Honourable Members are aware, under which commutation of pensions, at least in part, is permitted. We thought at first that we should omit the provision for such commutation, but since a little more money is available, a provision of one lákh is now made for such commutation.

Under the head 'Stationery and Printing,' there is nothing to be added.

Under the head 'Reduction or Avoidance of Debt' we are anticipating nothing in respect of famine relief next year.

The irrigational figures are sufficiently explained in the Statement.

Under 'Civil Works' we regret that the total allotment is considerably reduced from what has been available in recent years. A little while ago we resolved that we should, if possible, assign Rs. 90,00,000 a year to Civil works in order to be able to catch up the arrears in works of necessity which had remained uncarried out. Especially in regard to Police Buildings, we were desirous of making good provision so that the Police re-organisation might be accompanied by suitable Police buildings; but the circumstances of the year are such that we have been unable to go on with the provision; and the figure under 'Civil Works' will now remain not even at that which is shown in the Budget, because this sum includes an undistributed amount of Rs. 6,67,000, of which, as shown in the memorandum of corrections, Rs. 3,66,000 have already been distributed to other objects. There remain, therefore, Rs. 3,01,000 which may or may not remain in the Civil Works Budget according to the decision that will be ultimately arrived at regarding the distribution of that sum.

The only other item to which, Sir, I think it is necessary to refer is that mentioned in paragraph (*k*) on page 12 of the Statement. The abolition of tolls

on provincial roads was well received throughout the Presidency, and when the subject was mentioned in the Finance Committee we received the unanimous support of that body in deciding to abolish the tolls on Local Board roads. In ordinary circumstances, we could perhaps have wiped out the whole of the tolls on Local Board roads within the year, as the amount is no more than a couple of lákhs of rupees. But, as things stand, we have been obliged to make a modest beginning and thus we provide Rs. 21,000 only for paying to Local Boards as compensation for the abolition of tolls on their roads. This will perhaps suffice to clear off the tolls in four districts next year.

Remissions of land revenue attributable to famine and direct expenditure on famime relief and the transactions in the Provincial Advance and Loan Account are sufficiently described in paragraphs 13 and 14 of the Statement, and that, Sir, is the end of the Financial Statement for next year.

I regret that it should not have been possible to provide for all the objects which were entered in the preliminary Budget. But I think that we may still feel that we have made a very liberal provision for expenditure next year, nearly seven and three-quarter crores, which, as compared with the last five years, is less than the expenditure of only the current year and the year 1913-1914. It exceeds the expenditure ot all the other years since the revised provincial settlement came into operation, and is such as during the years preceding the settlement would have been regarded as impossible for provincial funds to entertain.

His Excellency the PRESIDENT:—I think Honourable Members will agree that the various points with regard to the Budget have been so fully dealt with that it is hardly necessary for me to deal in detail with any of them. But I think on general grounds we may fairly say that notwithstanding the disadvantages we have suffered owing to this country as part of the British Empire being in a state of war, the financial condition of the Presidency is on a very sound and satisfactory basis. Honourable Members will realise that we have budgeted for a full year under these disadvantageous conditions. May I say to members that, as an optimist, I have very great hope that these conditions may come to an end before the year is over, in which case, I trust that our position may be more satisfactory than we anticipate. At the same time we have much to be thankful for, for in this country the dislocation of trade has been extraordinarily small as compared with most other countries who are engaged in this war, and I think this is due to two facts: one that the general financial and industrial condition of India is on an extremely sound basis, and the second that we have,—and I think we are very glad to have,—the full benefit of the knowledge that we are an important part of the British Empire.

Now, before I resume my seat, I feel sure that Honourable Members would like me to say a few words with regard to a fact of which Honourable Members are probably aware, namely, that my Honourable colleague Sir RICHARD LAMB will not be present next year to bring forward his budget. In fact, this is the last budget which he will bring forward before the Council. I should like to say today that I feel sure that with regard to budget matters Honourable Members will miss very much the sound advice, the sound judgment and the sound commonsense that he has always displayed in the various legislative and administrative matters that he has had to deal with since he has been Finance Member of this Council. (Hear, hear.) We could have wished—and I am sure he must have wished—that his last budget could have been introduced and passed, without the inevitable disadvantages due to the war. But at least he can feel that he leaves us with our finances in a perfectly satisfactory condition, and I think that every Honourable Member would wish to give him his thanks for the untiring efforts he has always taken to encourage the welfare and the prosperity of the Bombay Presidency. (Hear, hear, and applause.)

I do not know what Honourable Members would like to do. I do not know how long they will take to prepare themselves for another social duty later on. I am entirely in the hands of the Council. I think we had better adjourn now and meet at 2-15 p. m.

The Council then adjourned for lunch.

(After lunch.)

The Council re-assembled at 2-15 p. m.

BILL No. III OF 1910 (A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE FORMAL RECOGNITION OF HEIRS, EXECUTORS AND ADMINISTRATORS AND THE APPOINTMENT OF ADMINISTRATORS OF PROPERTY BY THE COURTS IN THE BOMBAY PRESIDENCY).

His Excellency the PRESIDENT:—Order, order. A Bill to consolidate and amend the law relating to the formal recognition of Heirs, Executors and Administrators and the appointment of Administrators of property by the Courts in the Bombay Presidency. The Honourable Mr. PATTANI.

The Honourable Mr. PRABHASHANKER D. PATTANI:—Your Excellency,—I ask for leave to withdraw the Bombay Certificate of Heirship Bill.

On the previous occasion when the Bill was before the Council the question was raised whether the Bill was really necessary having regard to the fact that it emerged in a condition which made it very closely assimilated to the Succession Certificate Act, 1889. Accordingly it was considered desirable to make further inquiries as to the extent to which the special legislation in the Bombay Presidency, that is, Regulation VIII of 1827, is used, and as to the best course to adopt in regard to the Bill.

The replies received were somewhat divergent, but the opinion of the Bombay High Court, which is in accord with that of a number of the officers consulted, is that the Bill should be withdrawn and matters left as they are at present.

The Members of the Select Committee are also of this opinion. They suggest, however, that the attention of the Government of India should be drawn to the Bill as amended by the Select Committee, and that the points in which the Succession Certificate Act, VII of 1889, might with advantage be amended should be brought to their notice.

I accordingly beg leave to withdraw the Bill, and, if this is approved by the Council, the Government of India will be addressed by the Bombay Government in the manner suggested by the Select Committee.

The motion was then put to the vote and carried.

BILL No. VI OF 1914 (A BILL TO AUTHORISE THE LEVY OF DUES ON VESSELS FOR THE PROVISION OF LIGHTS ON THE COAST OF THE PROVINCE OF SIND).

His Excellency the PRESIDENT:—A Bill to authorise the levy of dues on vessels for the provision of lights on the coast of the Province of Sind. Second Reading. The Honourable Mr. CLAUDE HILL.

The Honourable Mr. C. H. A. HILL:—Your Excellency,—In moving the Second Reading of Bill No. VI of 1914, I do not think I need address the Council at length, because it will be within the recollection of Honourable Members that quite recently I fully explained the scope of the Bill which is very simple one, providing for the levy of dues on vessels benefitting by the lights provided on the coast of Sind, and modelled on the Burma and Madras Acts. The provisions were exceedingly simple, and appeared at the first reading to command general acceptance, and the only question that seemed debatable at all was the question of the limitation of the tonnage below which exemption should be granted from the dues leviable. The Select Committee which sat to consider the Bill had the benefit of the services of the Honourable Mr. WEBB, who is unfortunately not present here to-day. I also invited the Honourable Mr. HARCHANDRAI VISHINDAS to serve on the Select Committee, but he expressed his inability to do so; but nevertheless, even without his services, we did our best to see that all should be done that was possible to investigate how far it was legitimate to exempt vessels from the operation of the proposed Act.

The Honourable Mr. C. H. A. Hill moves the Second Reading of the Sind Coast Lights Bill (No. VI of 1914).

The Select Committee's Report which has been laid before the Council reads thus :—" In respect of clause 3 of the Bill we are of opinion that the minimum tonnage fixed in the Bill should be adhered to ; but we recommend that, before the Bill comes on for second reading, the Governor in Council should institute enquiries with a view to ascertaining what is the prevailing tonnage of the vessels which trade at Keti Bundar, what is the total tonnage that will be liable to payment under the Bill at Keti Bundar, and what is the total amount of fees that will be payable at Keti Bundar if the rate is to be $3\frac{1}{2}$ pies per ton. Should this inquiry result in disclosing as a fact that the fees to be levied at the above rate under the Bill are likely to produce a revenue higher than what is requisite for the upkeep of the light that may be installed at the mouth of the Indus, we should be prepared to recommend a lowering of the rate of the vessels which trade at Keti Bundar."

Well Sir, in accordance with the request of the Select Committee, a reference was duly made, and in the reply from the Chief Collector of Customs in Sind the following appears :—

" I have the honour to state that the tonnage of more than half the vessels entering Keti Bundar is below 40 tons. There are a few vessels between 40 and 45 tons, and the average tonnage of vessels of larger size, which would be liable to light dues, is 58 tons.

2. The total tonnage of vessels of 45 tons and upwards which visited Keti Bundar during the past three years is given below :—

	No. of vessels.	Tons.
1911-12	80	4,843
1912-13	80	4,692
1913-14	69	3,767

Average per annum 4,434 tons.

3. At $3\frac{1}{2}$ pies per ton the annual receipts would amount to Rs. 80-13-0, while the annual expenditure on the Keti light is estimated to be as under (*vide* your memorandum No. M.—301, dated the 26th August 1913):—

	Rs.
Interest at 4 per cent. on Rs. 33,000	1,320
Maintenance	4,180
Sinking Fund	587
	6,087

4. I would beg to suggest that, in issuing a notification directing the levy of light dues, it should be made clear that no recovery is to be made from vessels arriving at or leaving Sirganda from or to ports to the south thereof, or from vessels plying only in the creeks, as such vessels will not pass any of the Sind Coast lights."

Well, Sir, it will be apparent, I think, that the result of this inquiry is to disclose that there is no necessity whatever, to lower the maximum rate to be demanded per ton which is proposed in the Bill, and on the other hand, that there is no necessity to raise the tonnage below which there shall be exemption. However, that is a matter which will no doubt be discussed in detail when the amendment by the Honourable Mr. HARCHANDRAI comes up for consideration. A representation has been received on this point from the Indian Merchants' Association, Karachi, in which they write as follows :—" .....From the foregoing presentment of facts and reasons, it is plain that the levy of coast light dues, as contemplated under clause 3 of the Bill, will operate very harshly upon the poor owners of the small country vessels of the carrying capacity of between 45 and 80 tons." My association therefore respectfully urge that Government will (should the exemption from payment of coast light dues be considered impracticable in the case of all country sailing vessels) be so good as to at least raise the minimum tonnage liable, under clause 3 of the Bill, to the charge of coast-light dues from 45 to 80 tons, and, in the case of sailing vessels of higher tonnage, reduce the rate from $\frac{1}{2}$ to $\frac{1}{3}$ of that chargeable to the steam vessels."

Well, Sir, there are two points of view from which this proposal can be considered. In the first place, it may be argued that the question whether the sum of Rs. 80 a year should be collected towards defraying the cost of maintenance which aggregates to several thousands of rupees is a matter of no importance from the point of view of Government, and, on the other hand, it may well be urged that an aggregate collection of Rs. 80 distributed among the number of sailing vessels of over 45 tons frequenting Keti Bundar can hardly be described as an onerous levy. It is perfectly true, Sir, that, from the point of view of Government, it is a matter of singularly small financial importance whether the contribution towards the thousands of rupees requisite for the maintenance of this light is levied or not; but the principle is of some importance, and I venture to think that this Council will not wholly endorse the view that the general tax-payer is to free entirely from liability for maintenance charges those who benefit by the expenditure incurred by the general tax-payer in facilitating navigation at Keti Bundar.

As regards the actual limitation of the tonnage, the history of the question is that in the Madras Act the limit is 30 tons, above which light dues are leviable; in the Burma Act it is 50 tons. The Commissioner in Sind first of all proposed, it may be remembered, 40 tons, but, on the Merchants' Association recommending 100 tons, the Commissioner in Sind advised raising it by 5 tons making it 45 tons, and that is the point at which it stands at present. I refer to the matter in some detail now, because it happens to be the only point in regard to which there can be any suggestion of contentiousness about this Bill, but in point of fact the matter will come under discussion when clause 3 comes to be considered in detail and when the Honourable Mr. HARCHANDRAI'S amendment comes up for discussion. The Bill otherwise presents no features which require further elucidation, and I therefore move that the Bill be read a second time as amended by the Select Committee.

The motion for the second reading of the Bill was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL:—With Your Excellency's permission, I propose that the Bill be taken clause by clause.

Clauses 1 and 2 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 3, the Honourable Mr. HARCHANDRAI.

The Honourable Mr. HARCHANDRAI VISHINDAS:—My Lord,—In part of the remarks which I propose to place before Your Excellency in this Council I have been anticipated by the Honourable Member in charge of the Bill. Since I came here I find that in this subject several honourable members have taken interest and made enquiries from me. From that I am sure that honourable members have gone through the literature on the subject that has been placed before the Council and part of that literature has been read out to Your Excellency by the Honourable Mr. HILL, and only very little remains for me to refer to.

As will have been noticed by Your Excellency and the Honourable Members of the Council, my amendment is the outcome of the representation from the Indian Merchants' Association to which the Honourable Mr. HILL has just now referred. With only this difference that whereas the Indian Merchants' Association in their representation asked for the limitation being raised from 45 to 80 tons, I ask that it should be raised only to 70 tons, and whereas that representation asked for the levy of fees on sailing vessels being made one-third, instead of one-half of that chargeable to the steam vessels, I do not propose any change in that regard. Now the Honourable Mr. HILL has read to you the letter from the Chief Collector of Customs relating to the levy of fees on the boats that will be entering into or clearing out of the Port of Keti Bunder. I want to bring to the notice of honourable members that Keti Bunder is not the only port where the proposed fees would be levied, but also Karáchi which is a much larger port. Keti Bunder is an insignificant port as compared to Karáchi, and as such it can be safely left out of account. So the letter

of the Chief Collector of Customs does not help us much in the consideration of the whole question in the aspect in which I am going to put it before the Council. In the first place, it will have struck honourable members, even before the matter was elaborated by the Honourable Mr. HILL, that the argument that has been put forward for the levy of fees at Keti Bunder rather works the other way. You have been told that the total amount of expenditure on the coast light at Keti Bunder will be Rs 6,087. Whereas the fee that will be levied on these vessels only amounts to Rs. 80, and the Honourable Mr. HILL has already anticipated me by saying that it will be argued that if Government can afford to spend Rs. 6,007 why cannot they afford to spend Rs. 6,087, whereas by foregoing Rs. 80 we will be saving the native craft a good deal of unnecessary harassment and unnecessary taxation. Now that is exactly my point. The Indian Merchants' Association in their memorial make out that the vessels of this particular tonnage which should be exempted from taxation are generally those of crew-proprietors who hardly make a living wage out of their occupation, and in support of that assertion the Indian merchants have given their facts. Those facts are that these boats generally ply between Karáchi and Káthiáwár and Gujarát ports. They generally come empty from Káthiáwár and Gujarát ports to Karáchi from where they take food stuffs for human consumption and fodder for cattle in Káthiawár and Gujarát. On account of keen competition between them and the vessels of higher tonnage, their lot is a hard one, and they live from hand to mouth. It will be imposing an unnecessary burden upon the resources and income of these people if this fee was levied upon them.

Another point that has been made out by the Merchants' Association is that, whilst the higher tonnage vessels come to Karáchi less frequently, sometimes only once a year, and therefore will have to pay their tax only once year, these small vessels come almost once every month and so will have to pay the fees as frequently because under one clause it is laid down that this tax will have to be levied once a month except when the vessel does not come every month. Well, that is another circumstance operating against these vessels for whom I am pleading. All these facts appear in the representation of the Indian Merchants' Association which has been forwarded by the Commissioner in Sind to the Council and which forms part of the compilation placed at each Honourable Member's desk. These facts have not been controverted by Government, and therefore I take it that they may be accepted as correct. That being so, we have no further material than Mr. Barrow's remark that the tonnage has been raised from 40 to 45. But this does not furnish any answer to the argument which the Merchants' Association have put forward. So, I confidently urge before Your Excellency and the Members of the Council that my amendment should be accepted.

Now in fixing all kinds of minima in any kind of taxation for the sake of exemption the principle to be observed is to save poor people who may be unable to bear the burden and the amount is not worth while collecting, having regard to the income that you will be realising from that taxation. If you take that principle into consideration, a very strong case has been made out by the Indian Merchants' Association, considering that the facts stated by them have not been challenged.

The Honourable Mr. HILL has said that as Government will be incurring an expenditure of Rs. 6,087 for the maintenance of the coast lights, on principle, these Rs. 80 should be collected. Well, I have conceded the question of principle as to the levy of fees. The only point we are now concerned with is the limit at which the minimum should be fixed.

There is yet another point which has not been referred to in the papers, but which I should like to bring to the notice of the Council, and it is this. It is not only the coast lights of Keti Bunder that are sought to be maintained out of the proceeds of this tax, but also the coast lights of Karáchi, and it is not correct to isolate one from the other and then to consider the cost of maintenance of one and exclude from consideration the cost of maintenance of the coast lights of Karáchi. As a matter of fact the deciding factor, in fact the most important factor in this case, is the Karáchi coast lights. As I have told Your Excellency, the traffic with Keti Bunder is insignificant. What has to be taken into consideration is the

income that will be derived from Karáchi, and that income, of course,—I am subject to correction—will be quite enough to maintain both the coast lights, because there are large ocean-going steamers that come to Karáchi and clear from Karáchi month after month, we might say day after day, and the income from it will be enormous, and even from the other sailing vessels the income will be considerable, and I am quite sure that while calculating the income as against the expenditure of maintenance, we must have due regard to the exact proportion that will exist between these two, and I think by accepting the amendment I have suggested Government will be serving the interests of the poor, as Government as well as legislatures always come to the help of the poor. With these few observations, Your Excellency, I put forward this amendment "That for the word 'forty-five' in clause 3 (1) the word 'seventy' be substituted."

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH :—Your Excellency,—There is strong reason for the exemption of country crafts that are carrying less than 70 tons from payment of dues. A very large number of these country crafts in the port of Karáchi and other ports are of the carrying capacity of less than 70 tons, there being such a large number of these vessels that there is keen competition between them and they charge very low freights, and most of these Indian vessels or boats belong to the crew, as pointed out by the Honourable Mr. HARCHANDRAI. The crew who are the owners of these boats in the first place, owing to competition, earn very low freights which is hardly sufficient for them to maintain themselves, and the result is that on certain occasions they have to borrow money and most of these boats are mortgaged to the money-lenders. Morever, the charge though it may appear insignificant affects these poor people very much, and in these times when there are high prices to be paid for the necessaries of life, I think the levy of these dues will operate very harshly upon poor owners of the boats. With these remarks I support the amendment of my Honourable Friend.

The Honourable Mr. T. W. BIRKETT :—Your Excellency,—the Honourable Mr. HARCHANDRAI has asked that all native crafts between 45 and 70 tons should be exempted. If that is done we shall practically lose all the native crafts, because the tonnage of 60 per cent. of these native crafts ranges between 40 and 50 tons, and the whole question is one of principle. Of course I am quite sure that if Government find that their receipts are getting over their expenditure, the rates will be revised, but judging by the Keti Bunder, our receipts will be comparatively very small and for each individual boat the levy will be very small indeed. With these few remarks I oppose the amendment of the Honourable Mr. HARCHANDRAI.

The Honourable Mr. MOULVIE RAFIUDDIN AHMED :—My Lord,—I think the important point to remember in this connection is the unanimous opinion of the Indian inhabitants of the City. The Indian Merchants' Association represents Indian commerce and their two representatives from Sind are strongly of the opinion that the proposed levy at Keti Bunder will operate very harshly upon the poor people. Now, as against this, what opinion have we? You have the European Chamber of Commerce, and it is an open secret that in this particular matter the Chamber will not be so much affected as the Indian Merchants' Association. Moreover, Sir, as has been pointed out by the Honourable Mr. HILL himself, it would be mostly a question of charging the general tax-payer for the sake of the poor few who are engaged in this business. But, Sir, in so many matters the general tax-payer generally bears the burden of particular classes. If an exception were made, it would prove the generosity of Government, and in matters like these, I think Government might err to a certain degree on the side of generosity with great benefit to the general administration of the country. I therefore think that after what we have heard from the representatives of Sind, this Council will be wise in accepting the amendment moved by my Honourable friend Mr. HARCHANDRAI.

The Honourable Sir FREDERICK L. SPROTT :—Your Excellency,—I rise to oppose the amendment of the Honourable Mr. HARCHANDRAI for these reasons. It appears to me that as was stated by the honourable Mover of the Bill that the

matter is chiefly one of principle. There can be no doubt that the establishment of these coast lights would be of very great importance to a considerable number of craft that trade with the Sind coast. The enforcement of the entry in the Bill of a minimum tonnage was intended to exempt those boats which are purely local boats from payment of dues, such as for example, the Keti Bunder boats, which ply between Keti Bunder and Karáchi, and which do not benefit at all by the lights. On the other hand there are a large number of vessels which ply not only between Gujarát and Káthiáwár ports and Karáchi but even from further south; a good number of boats come up, I think, I am right in saying, even from the Madras Coast to Karáchi. If, as Mr. HARCHANDRAI suggests all boats employed in this trade where competition is keen and earnings low are to be exempt, and many of these run considerably over 70 tons minimum, why should not that minimum be still further raised. As regards the point that it will be a considerable tax on this trade it seems to me, as the Honourable Mr. HARCHANDRAI himself has said, that the tax will be a very small one, and it is intended by Government that it should be a very small one. A maximum rate is provided in the Bill so that the tax shall merely cover expenses. The principal part of this tax will be paid by ocean-going steamers, and the amount which will have to be made up by the sailing craft will be a very small one indeed, and the maximum scale of tax is likely to be very much reduced. Even at the maximum rate the average tax on the boats which go to Keti Bunder, the average of which does not exceed 67 tons, will amount to the small sum of Re. 1-9-0 per boat. That I think is not a very large amount. With these remarks I oppose the motion.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency,—I rise to support the amendment, but before doing so, I wish to say that it is extremely difficult for some of us who are sitting here to follow the arguments advanced by some of the speakers because of the defective acoustic properties of the Hall, and therefore, in the few observations which I propose to make if any mistakes are noticed in the figures I hope I will be excused. If I understand rightly, the position is this: if the figures I quote are wrong, I hope I will be corrected. According to the Honourable Mr. HARCHANDRAI, the amount of income Government expect to recover is Rs. 6,007 exclusive of Keti Bunder, and the expenditure is estimated at Rs. 6,087.

The Honourable Mr. HILL:—I would like, with Your Excellency's permission, to correct any misconception about the amount quoted. The amount which will be recovered under the Bill as it stands will be Rs. 80, whereas the cost of keeping the light in repair amounts to Rs. 6,087 per annum for this particular Keti Bunder light.

The Honourable Sir IBRAHIM RAHIMTOOLA:—I should like to make it perfectly clear that the cost of upkeep of this light is Rs. 6,087 and that Government expect to obtain a sum of only Rs. 80 per annum by imposing the proposed tax upon navigation in the Keti Bunder. It is quite sufficient for my purpose to follow these figures given by the Honourable Member in charge of the Bill, and to urge that when the amount at issue is so small whether it is wise to press for this provision. After all the Select Committee Report says that if the rate of $3\frac{1}{2}$ pies per ton which is proposed to be imposed brings in a larger revenue than what is requisite for the upkeep of the light then the rate will be reduced. I cannot understand why recourse should be had to all these measures when the amount at stake is so negligible. There is one point in connection with this question to which I should like to draw the attention of the Council in supporting the amendment of the Honourable Mr. HARCHANDRAI and that is that by the provision of these coast lights the general public will derive substantial benefit, the benefit of safe navigation, and I do not think there is anything wrong in principle that the general public should contribute towards the cost of providing such lights. Then, Sir, the amount at issue is so small that it appears to me that such a strong public opinion in Karáchi might well weigh with Government in accepting this amendment.

The Honourable Mr. LALLOOBHAI SAMALDAS MEHTA:—Your Excellency,—I did not intend to take part in this discussion, but as unfortunately economics and wrong economics have been introduced in this debate, I must on the ground

of economics oppose this amendment. In the first place, my Honourable friend MOULVIE RAFIUDDIN says that Government should be generous. Well, I do not know what he means by Government. If by Government he means the representative of the general tax-payer, and that is the usual meaning of that term, I think he is not right in his arguments, because, Government can show generosity to the owners of boats at the expense of the general tax-payer and that is unfair to the latter.

Another point is that the owners of the boats can very well pay the small charge, but even supposing that it tells heavily on them, then it can be passed on to the men who travel, so that it won't fall heavily on the boat-owners. My friend Sir IBRAHIM perhaps did not realize this point as also the fact that the travelling public is not the public that is the general tax-payer. On these grounds, Sir, I am sorry I cannot see my way to support the amendment of my friend the Honourable Mr. HARCHANDRAI.

The Honourable Mr. MANMOHANDAS RAMJI :—Your Excellency,—Looking to the figures given by the Commissioner in Sind and to the fact that the position and status of the owners of these native crafts generally who are needy and who are craving for so small an amount and the keen competition that there is, I think it would be better if Government would see their way to accept this proposition and to relieve these poor people of this levy.

The Honourable Mr. JEHANGIR H. KOTHARI :—Your Excellency,—The arguments adduced by the Honourable Mr. HARCHANDRAI are in no way satisfactory. He pleads for the country crafts plying between the ports of Karáchi and Keti Bunder, but he does not say anything about the hundreds of crafts that ply between the ports of Káthiáwár and Cutch and Karáchi. These crafts bring in trade and food-stuffs for cattle. At the same time I am sorry he adduced arguments which are not supported by figures or facts. As was pointed out by the Honourable Mover in charge of the Bill, Madras has a limited tonnage of 30 tons and Burma 50 tons, and as very rightly pointed out by the Commissioner in Sind, I quite agree that the minimum here should be 45 tons. At the same time, it seems to me that the limit fixed by Government of 45 tons in regard to country crafts plying between Keti Bunder and Karáchi is reasonable. I therefore, strongly oppose the amendment on these grounds.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA :—My Lord,—Although this is a subject of which I have no local knowledge, I rise to support the amendment of the Honourable Mr. HARCHANDRAI on the principle that a tax should be lighter on poor people than on the rich people. The real amount is only Rs. 80, but to recover this from poor people who earn much less is, I think, imposing a hardship on them, because these poor people carry on little trade on small crafts and even small crafts are not numerous. So a higher rate may be charged on bigger vessels and smaller vessels may be exempted from paying any dues. Therefore the Honourable Mr. HARCHANDRAI'S amendment seems to be reasonable because of the poor people engaged in the coast trade. From this point of view I support the amendment.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE :—Your Excellency,—I really think that in this discussion the proper line would have been to urge that Keti Bunder should not be at all subject to the operation of this Act, because after all it is only a question of getting Rs. 80 out of the levy, and we are rather wasting our time in talking for an hour about this small Bill. I was tempted to consider the pecuniary value of the time of the members of this Council taken up by this discussion, and find that the value if capitalised would bring us very nearly the Rs. 80 which we might get out of these dues. I think the Select Committee ought to have also brought before us the amount which would be recovered on the tonnage of vessels of between 40 and 80 tons which enter the Karáchi Bunder as well as Keti Bunder, the latter of which is such a very small port altogether and the main income is to be from dues levied at Karáchi; and as those figures are not available, I am induced to consider favourably the representation of the Indian Merchants' Association, and I therefore, support the amendment of my Honourable friend Mr. HARCHANDRAI.

The Honourable Mr. C. H. A. HILL :—Your Excellency,—I venture cordially to endorse what has fallen from the Honourable Mr. PARANJPYE in reference to the relative unimportance of the matter which has been taken up by the Honourable Mr. HARCHANDRAI and to deplore in common with Mr. PARANJPYE what he has described as the waste of this Council's time involved in the consideration of this amendment. But it seems to me on principle, and from the economic point of view, entirely unreasonable to urge that in this case there shall be complete exemption on the part of the smaller boat-owners of sea-going boats who frequent Keti Bunder from liability to contribute towards the maintenance of what has been supplied at the cost of the general tax-payer. Now, Sir, I should like to amplify the Honourable Mr. PARANJPYE'S argument by pointing out, as an echo of what has fallen from the Honourable Sir F. SPROTT, that we are engaged at present in discussing whether an average of Re. 1 and a few annas shall be levied on the average annually per boat on boats frequenting Keti Bunder many times during the year. That is what it comes to. As the Honourable Sir SPROTT has pointed out, we have endeavoured to fix the tonnage at a point which, excluding the purely coastal boats, shall include boats which are large enough to, and which, in point of fact, do, make comparatively long sea voyages. That being admitted, I confess to some surprise at the attitude taken by one who is usually rather a purist in these matters—I refer to the Honourable Mr. MOULVIE RAFIUDDIN AHMAD—in advocating that, because the inhabitants of Karáchi, as represented by the Indian Merchants' Association, have represented that the limit is placed too low and that it will hit a certain number of their boats, therefore, we ought to ignore all other opinion on the subject. I quite accept the inference which the Honourable MOULVIE has drawn, namely, that the Indian Merchants' Chamber does represent those more immediately affected, inasmuch as they are the people who, in a certain sense, will contribute towards this taxation. But, Sir, are we to apply generally the principle that those whom it is proposed to tax shall be the only people to judge whether the tax shall be levied or not? It seems to me, Sir, that if that principle is adopted Government had better wind up the business of governing, because then we shall derive no taxes at all and be unable to carry on the work of administration. That seems to me to be the essential principle upon which my Honourable friend MOULVIE RAFIUDDIN AHMAD—I am quite sure he did not realise the logical conclusion of what he was saying—committed himself to.

Well, Sir, another point which has been entirely overlooked in the course of this discussion, perhaps because in moving the second reading of the Bill I did not make it clear, is that Government in this Bill do not propose to levy a fixed charge, neither do they propose to levy a charge calculated to recoup the general tax-payer for the cost of installing these lights, which has been a very heavy charge. All that is proposed is to fix a *maximum* charge with a view to recovering part of the cost of the maintenance and that maximum charge has been fixed, it is submitted, at a figure which avoids any possibility of representation that the levy will prove a hardship. Moreover, if the result of the levy is a revenue in excess of the costs of maintaining these lights in repair, that maximum will not be worked up to. Now, Sir, in these circumstances I regret that I cannot see that any grounds have been added to those which appeared in the Indian Merchants' letter in favour of modifying the Bill in the direction suggested by the amendment moved by the Honourable Mr. HARCHANDRAI.

We have had from the Honourable Mr. SHEIKH GHULAM HUSSEIN HIDAYATALLAH a very harrowing picture of the deeply mortgaged boats owned by the crews who, in the depths of poverty, are struggling to realise a living; but we do know, Sir, that all these boats, and especially the larger ones, are not the property of the crews, and that, in many cases, they belong to substantial people who are very well-to-do. In any case, whatever be the facts with regard to that I do suggest, Sir, that these rhetorical phantasies are inapplicable to a case in which from an aggregate of 80 boats a sum of Rs. 80 per annum is proposed to be collected. But the principle to which I referred in my opening remarks is a very important principle and a principle which this Council, responsible as it is for advice to Government in respect of taxation, would do, I suggest, very unwisely to depart from, namely, the principle that taxation shall, to a certain extent,

follow services rendered; and, on that principle, however small you may choose to fix the levy on these boats, I suggest that the principle is so sound that some levy ought to be made. What we have fixed it at has been shown by the Chief Collector of Customs to be such a trivial levy that I was almost disposed, when I first saw the Collector's report, to suggest the lowering rather than raising the tonnage limit, because it seemed to me that so much benefit had been conferred by the general tax-payer and it is proposed to continue it at such trivial cost to the beneficiary that we must be departing from the sound economic principles to which the Honourable Mr. LALLUBHAI has given expression.

In these circumstances, Sir, I trust the Council will disapprove of the amendment moved by my Honourable friend Mr. HARCHANDRAI.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—I wish to follow the advice contained in the words of the Honourable Mr. CLAUDE HILL while commenting on the Honourable Mr. PARANJPYE'S speech, that the discussion on this point should not be prolonged; I hope I have been very brief and that I have said all that need be said without repeating in my opening remarks, and I hope to follow the same principle in reply.

There are only a few points that I wish to reply to, but before doing so, I wish to deal with the last remark of the Honourable Mr. HILL, *viz.*, that from an economic point of view it will be entirely unreasonable to exempt Keti Bunder. In this connection I feel bound to point out that there has been some misapprehension on the part of Honourable Members who seem to think that my amendment seeks to exempt only the Keti Bunder people, but that is not so. I am sorry that I did not elaborate the point at sufficient length in my opening remarks to make the Honourable Members to grasp the exact situation of Keti Bunder. As I said, it is not Keti Bunder alone that is in question, but both Karáchi and Keti Bunder, and that at Keti Bunder only Rs. 80 will be recovered, which is an infinitesmally small proportion of the whole amount that will be received. The enormous bulk of it will come from Karáchi, and, therefore, Honourable Members are under a grave misapprehension, if they think that all this discussion relates only to Rs. 80. The amount of Rs. 80 has only reference to the vessels calling at Keti Bunder. But I am almost certain that the fees will really come to a very large figure so far as the Karáchi port is concerned, and I find that the Honourable Mr. HILL also seemed to think that this was a case in which the Keti Bunder people alone were sought to be exempted by me.

Now certain principles have been laid down and I most heartily subscribe to them. I submit, your Excellency, that the principle laid down by the Honourable Mr. HILL, *viz.*, that it would be wrong to be dictated to by the tax-payer when imposing taxes is of course a perfectly sound one, but at the same time the tax-payer has a voice in the matter, and you actually in practice call upon the tax-payer to say what he has got to say and judge for yourself on the merits and decide what is the most reasonable and proper course to adopt. It is only on these grounds that I am urging my proposal before the Council. I say that the tax-payer has said something that is reasonable and that he should be supported on that and that ground alone and on no other ground. I don't urge that you must obediently follow the dictation of the tax-payer which was how the Honourable mover of the Bill interpreted the Honourable MOULVIE RAFIUDDIN'S remarks. The Honourable MOULVIE RAFIUDDIN thought that the English Chamber of Commence had traversed the facts contained in the Merchants Association memorial. But that is not so. The facts put forward by the Indian Merchants' Association have not been contradicted either in the Select Committee or by the Commissioner or by the Chamber of Commerce or by anybody else and I therefore took for granted that they were correct. We also heard just now that the harrowing picture that has been given by the Honourable SHEIKH GHULAM HUSSEIN about the condition of the boat owners in question, does not tally with facts. This was a revelation to me, because I was all along proceeding upon the assumption that the sailing crew in question were really such as the Honourable SHAIKH GHULAM HUSSEIN had described them to be which was the description given them by the Indian Merchants' Association and which had gone unchallenged, *viz.*, that these men are

living from hand to mouth, and that they will be hard hit in case this taxation is imposed on them. If the Honourable Mr. HILL'S facts are correct, *viz.*, that those are substantial people, then certainly I say they do not deserve to be exempted. The only ground on which I sought exemption was that these men are unable to bear the taxation.

The Honourable Mr. BIRKETT said that if my proposition were carried, the result would be that all country crafts would be exempted. That is not so. There are lots of country crafts whose tonnage exceeds 70 tons, and the Indian Merchants' Association themselves have pointed out in their memorial that apart from those, there are a large number of country-craft which ply with Madras, Zanzibar, Malabar and other far away places, which are not sought to be exempted. On the contrary, what the Merchants' Association's memorial tries to make out is that those crafts that ply with these bigger ports are practically ocean-going and they will not be exempted, but rather that as they compete against the smaller crafts, the latter will be handicapped if taxed. That is the point of the Indian Merchants' Association. And I find that no effective reply has been given to that point at all.

I find in the papers this defect, as pointed out by the Honourable Mr. PARANJPYE that the Select Committee has not given us the amount of fees recoverable on vessels between 40 and 80 tons which ply not only with Keti Bunder but also with Karáchi. These statistics ought to have been furnished and then we would have been in a better position to judge how far the exemption was justified.

The Honourable Mr. KOTHARI accused me of simply making a reference to Keti Bunder and not to Karáchi.

The Honourable Mr. KOTHARI:—I never said Karáchi alone. I said the crafts plying between Karáchi and Keti Bunders.

The Honourable Mr. HARCHANDRAI:—On the contrary, if the Honourable Member will remember rightly, I said that Keti Bunder was too insignificant a factor to be taken into consideration at all, but that Karáchi was the real factor. The Honourable Mr. HILL has made reference to Madras tonnage as being 30. To that my reply is that each case must be considered on its own merits. The local conditions of Karáchi must be considered separately from those obtaining in Madras. At all events, although you have 30 tons in Madras, we are having 45 tons under the present Bill, which means that the case of Karáchi is not on all fours with that of Madras.

I quite agree with the principle that has been laid down that taxation should be proportionate to the services rendered, and also the principle that was enunciated by the Honourable Mr. LALUBHAI that Government should support the general tax-payer againt the encroachment by a particular trade, and whatever exemption is granted to any particular class is a withdrawal of so much money from the general tax-payer. After remarks like these, I am sorry to find that my point is missed. Here you yourself do not tax 45 tons boats, and hence are taking away so much from the general tax-payer. Some minimum tonnage being agreed on all hands the only question is what that minimum should be. That becomes a question of details and facts, if you take the facts that are placed before you, I think the Indian Merchants' Association have made out a strong case for the exemption of boats of 70 tons and not merely 45 tons.

His Excellency the PRESIDENT:—I think that Honourable Members will agree that we have heard a most harrowing description of the disgraceful action of a brutal Government in putting on certain country crafts which are going to a particular place a heavy taxation, and I am bound to say that I think that Honourable Members who, as a rule, I have always found, have shown much commonsense in their views with regard to all questions, must have been carried away by the tenderness of their hearts and the depths of their sympathies. For, what is the exact position before the Council at this moment? My Honourable friend has told us that these poor people are going to be terribly hard hit by the fact that they are to pay on an average a taxation of one rupee a year. Does he seriously mean to establish that proposition?

I am inclined to think that these poor people who, we are told, are going to be fearfully hard hit are, after all, not the real owners of the boats. The boats probably belong to other people for whom they are working, and therefore the taxation, so far as it exists, won't fall on their shoulders at all.

It seems to me that if Government were to act on the suggestion of my Honourable friend MOULVIE RAFIUDDIN our position would be very surprising. Here is a certain community. Which works a certain trade. They make use of a certain light, but the argument is that being very poor they are not to be asked to pay anything towards the upkeep of that light, but that this charge should be laid on the general tax-payer. May I ask Honourable Members to develop the situation. Government might be appealed to by many concerns, by many individuals in the same manner for exemption and their position would be an extremely difficult one. As a matter of general principle it must be laid down that the community for whom certain expenditure is undertaken should do something to assist in paying for that expenditure, and that they should not set off scot free to the expense of the general tax-payer. I trust therefore that the Council will support Government in this matter, which has been raised, that, as I said at the beginning of my few remarks, owing to the fact that Honourable Members must have been carried away by the tenderness of their feelings to a particular class of our people.

A division was then taken which resulted in 15 voting for and 28 against the amendment put forward by the Honourable Mr. HARCHANDRAI VISHINDAS :—

Ayes.

The Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.

The Honourable Mr. Fazalbhoy Meherally Chinoy, C.I.E.

The Honourable Sardár Syed Ali El Edroos.

The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.

The Honourable Sardár Dulabawa Raisingji, Thakor of Kerwada.

The Honourable Mr. Navroji Dorabji Khandalavala, LL.B.

The Honourable Sardár Sir Chinubhai Madhavlal, Bart., C.I.E.

The Honourable Mr. Raghunath Purshottam Paranjpye.

The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.

The Honourable Mr. Vithalbhai Jhaverbhai Patel, Bar.-at-Law.

The Honourable Mr. Abdul Hussein Adamjee Peerbhoy.

The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.

The Honourable Mr. Manmohandas Ramji.

The Honourable Mr. Harchandrai Vishindas, LL.B.

Noes.

His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E., Governor of Bombay.

The Honourable Sir Richard Amphlett Lamb, K.C.S.I., C.I.E., I. C. S.

The Honourable Mr. C. H. A. Hill, C.S.I., C.I.E., I. C. S.

The Honourable Mr. Prabhashankar D. Pattani, C.I.E.

The Honourable the Advocate General

The Honourable Mr. T. W. Birkett.

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

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

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

The Honourable Dewán Bahádur Kashinath Ramchandra Godbole.

The Honourable Mr. W. L. Graham.

The Honourable Sir Jamsetjee Jeejeebhoy, Bart.

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

The Honourable Mr. Balkrishna Sitaram Kamat.

The Honourable Mr. Jehangir H. Kothari.

The Honourable Sardár Bhalchandrarao Annasaheb Patwardhan, Chief of Kurundwad (Senior).

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

The Honourable Mr. E. Maconochie, I. C. S.

The Honourable Mr. J. A. D. McBain.

The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.

The Honourable Ráo Sáheb Venkatesh Shriniwas Naik.

The Honourable Mr. E. Ferrers Nicholson.

The Honourable Ráo Bahádur Ramanbhai Mahipatram Nilkanth, LL.B.

The Honourable Mr. J. P. Orr, C.S.I., I. C. S.

The Honourable Ráo Bahádur Shriniwas Konher Rodda.

The Honourable Ráo Bahádur Ganesh Krishna Sathe.

The Honourable Sir Frederick L. Sprott, Kt.

The Honourable Mr. Shridhar Balkrishna Upasani.

Clauses 4, 5, 6, 7, 8, 9, 10, and 11 were then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. HILL moves the third reading of the Sind Coast Lights Bill (No. VI of 1914).

The Honourable Mr. C. H. A. HILL :—Your Excellency,—I beg to propose that Bill No. VI of 1914 be now read a third time and passed; and in doing so, Sir, I would only remark that I think, perhaps, despite the Honourable Mr. PARANJPYE'S caustic reference to the waste of time, that it cannot justly be alleged that this Council has dealt otherwise than in a very businesslike and practical manner with a Bill which, though small, is of no small importance to the Province of Sind and to the shipping community of this Presidency. I venture to think, Sir, that the paucity of amendments and, perhaps, to a certain extent, of discussion, in the process of second and third reading, is due not so much either to lack of interest or lack of importance in the provisions of this Bill as to the sense of this Council that these matters which were carefully considered in the Select Committee, and which were modelled on legislative enactments of the working of which two other Local Governments had considerable experience, might safely be left, except in regard to the details referred to in the amendment proposed by the Honourable Mr. HARCHANDRAI, to their operation. I venture to say, Sir, with reference especially to the question of tonnage limit for the purpose of taxation, that the Government of Bombay are fully determined that, should experience show that the levy, at the rate of $3\frac{1}{2}$ pies per ton, which at present is the maximum rate under the Bill, which I now hope will be read for the third time, proves to produce an amount in excess of what is required for maintaining and keeping in repair the light which has been established at the cost of the general tax-payer, then that maximum will not be worked up to. With these few remarks, I beg to move that the Bill be read a third time and passed.

Bill read a third time.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT :—I understand that it is the desire of some Honourable Members to adjourn now. Will it be convenient to Honourable Members to meet at 11-30 to-morrow?

The Council then adjourned till 11-30 A.M. on Tuesday.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Bombay Legislative Council.

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

The Council re-assembled at Bombay on Tuesday, the 16th March 1915, at 11-30 a. m.

PRESENT:

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

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

The Honourable Mr. C. H. A. HILL, C.S.I., C.I.E., I. C. S.

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

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

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

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

The Honourable Mr. T. W. BIRKETT.

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

The Honourable Mr. FAZALBHOY MEHERALLY CHINOY, C.I.E.

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

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

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

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

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Sardár DULABAWA RAISINGJI, Thákore of Kerwada.

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

The Honourable Mr. Jehangir H. KOTHARI.

The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).

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

The Honourable Mr. E. MACONOCHIE, I. C. S.

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

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.

The Honourable Mr. E. FERRERS NICHOLSON.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.

The Honourable Mr. J. P. ORR, C.S.I., I. C. S.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at Law.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.

The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

BILL No. X OF 1914. (A BILL TO DECENTRALIZE AND OTHERWISE TO FACILITATE THE ADMINISTRATION OF CERTAIN ENACTMENTS IN FORCE IN THE PRESIDENCY OF BOMBAY.)

His Excellency the PRESIDENT :—Order, order. Bill No. X of 1914. (A Bill to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay.) Second Reading: The Honourable Mr. PATTANI.

The Honourable Mr. PRABHASHANKAR D. PATTANI :—Your Excellency.—

The Honourable Mr. Pattani moves the Second Reading of the Bombay Decentralization Bill X of 1914).

The Decentralization Bill was read for the first time without any opposition at the last Council Meeting and was referred to a Select Committee. The Select Committee have carefully considered the Bill and have accepted it as it originally stood except for two items under the District Municipal Act, in which they have made changes in the direction of diminishing the decentralization proposed by the Bill. These items deal with the determination of the number of Councillors of a Municipality, etc., and with the declaration of vacancies, respectively. The Select Committee have also suggested that the question of an appeal to the District Magistrate against the order of Police Patel under section 15 of the Bombay Village Police Act should be considered at the next meeting of the Commissioners, a suggestion which Government are glad to accept. No amendments have been received from any Member of Council except from the Honourable Mr. UPASANI, who, also, it appears, is not opposed to the Second Reading of the Bill; nor have any criticisms or suggestions regarding the Bill been received either from a Member of Council or from the general public. I think therefore that the Council will have no hesitation in reading the Bill at once a second time.

With reference to the minute of dissent and the amendments proposed by the Honourable Mr. UPASANI, as they deal with items under various Acts, it will be more convenient to discuss them as each item regarding which he has proposed an amendment comes up for consideration. I would however make one observation on the Honourable Member's amendments, namely, that if any change is to be made in the Bill at all, I think that it will be better simply to omit one or two of the items in the Bill, so as to leave the Acts in question as they stand at present, rather than to make amendments in those Acts, which may lead to unforseen difficulties and which moreover are rather outside the scope of a mere Decentralization Bill.

With these remarks I beg to move that the Bill be read a second time.

Motion for the Second Reading was then put to the vote and carried.

The Bill was then read clause by clause.

Clauses 1, 2 and 3 were then put to the vote and carried.

His Excellency the PRESIDENT :—Schecule I.—The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My Lord, my first amendment refers to item 2 under the Bombay Village Police Act. The amendment proposed reads thus :—(Reads). My Lord, dismissal means a serious injury to the Village Officer. The power of dismissal is given under the Act to the First Class Magistrate not as a Magistrate but as an administrative officer and that officer may be of the grade of only a Mámlatdár under whom the village officer has immediately to serve. Therefore, my suggestion is that at least one appeal may be allowed in the ordinary course in the case of dismissal. Even if an ordinary Government servant is dismissed, he has a right of appeal. He should have an opportunity of explaining any apparent neglect or violation of duty with which he may be charged. Section 9 is very general. Now the present control

of the Commissioner over dismissal is proposed to be taken away, and I propose that if it is taken away at least one appeal to the Collector may be allowed. That is my simple suggestion, and I propose such appeal only in the case of dismissal and not of suspension or fine. It is a very small amendment, my Lord, and I think that, considering the merits of the suggestion and the necessity for it, it will be possible for Government to accept it. With these few remarks I propose the amendment.

The Honourable Mr. PRABHASHANKAR D. PATTANI :—Your Excellency.—The Act as it stands for the present provides for dismissal of Police Patels by an order of a First Class Magistrate under the previous sanction of the Commissioner. The previous sanction of the Commissioner was simply a formal matter because although the Act has existed for so many years no instance has been brought to the knowledge of Government where a First Class Magistrate recommended the case of an undeserved dismissal. Besides, the Police Patel's salary, I understand, is only Rs. 10 or Rs. 15, and surely a First Class Magistrate who has personal knowledge of these Police Patels, a knowledge which the Commissioner is not supposed to possess, can be trusted with regard to his duties. This question was considered by the Select Committee and they found that the First Class Magistrate can be trusted. Besides, this applies to Police Patels who do not hold Hereditary Offices. I hope the Honourable Member will be able to withdraw his amendment after these remarks, otherwise Government will be obliged to oppose it.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My Lord.—The First Class Magistrate may be a Mámlatdár, and he has immediate control over the Patels. So it would be advisable to allow the appeal and to give the power of hearing the appeals either to the Assistant Collector or to the Collector. It will check injustice and hardship to the poor village officers and will not entail any great addition of work to the higher officers. With these remarks I again propose the amendment to the Council.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—Item 3, Bombay Village Police Act, 1867, amendment of Section 15. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My Lord.—My next amendment refers to section 15 of the Village Police Act. The section as it stands at present reads : (Reads). Under that section the Police Patel has power to confine for 24 hours. Under section 15 the power of punishment extends to confining a person for 48 hours. Under that section he also has power to take cognisance of several additional offences mentioned in that section and in section 16. I think that these Patels are for the greater part illiterate men who cannot properly be invested with judicial powers, and especially if the power of confinement is given to them, they are likely to misuse it either through ignorance or through wilful neglect or abuse. I think, therefore, that this power should not be extended to them. With that view I have proposed this amendment. The necessity for providing an effective check against abuse of the powers by these illiterate village officers was also acknowledged in the Select Committee. However, I do not wish to press this amendment as the honourable mover of the Bill assures me that needful action in this matter will be taken after consulting the Divisional Commissioners, and I beg leave to withdraw it.

The Honourable Mr. PRABHASHANKER D. PATTANI :—Your Excellency.—As the Honourable Member has withdrawn his amendment I have nothing more to say except by way of explanation. I have explained to the Honourable Member that in district and taluka head-quarters there is hardly any necessity for issuing commissions to the Police Patel, but I have not stated definitiely that no commissions shall ever be issued to Police Patels if there is any need for them. That is the explanation I wish to make seeing the Honourable Member has withdrawn his amendment.

Amendment by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 4, Bombay Hereditary Offices Act, 1874. Amendment of new sub-section (2) of section 64. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My Lord.—As regards this amendment, my attention has been drawn to section 203 of the Land Revenue Code which provides : (Reads). Therefore I do not wish to press for this amendment at all, and I beg to withdraw it.

The amendment was by leave withdrawn.

His Excellency the PRESIDENT :—Item No. 6, Bombay Hereditary Offices Act, 1874. Amendment of section 83.

The Honourable PRABHASHANKER D. PATTANI :—Your Excellency.—The Honourable Mr. UPASANI, has proposed that Item No. 6 relating to the amendment of section 83 of the Bombay Hereditary Offices Act, 1874, be omitted and Government are prepared to do so.

The proposal to omit Item No. 6 was then put to the vote and carried.

The Honourable Mr. PRABHASHANKER D. PATTANI :—Your Excellency.—Government are prepared to accept the Honourable Mr. UPASANI'S motion to omit the proposed amendment of section 15 (3) of the Bombay District Municipal Act, 1901, by item 2 of Shedule I, relating to that Act.

The proposal to omit section 15 (3) was then put to the vote and carried.

[His Excellency the PRESIDENT subsequently restated this motion in a modified form. See below].

Motion to omit item 3 relating to the amendment of section 16 of the Bombay District Municipal Act, 1901.

The Honourable Mr. UPASANI :—My Lord.—I was more keen about the omission of the amendment to sub-section (3) of section 15. About section 16 it refers to disqualification in cases where it is recommended by the Municipality. When the Municipalities themselves recommend, well, I think there will be some control over the matter and I would therefore not press this amendment and I beg to withdraw it.

Amendment by leave withdrawn.

His Excellency the PRESIDENT :—Order, order. I am afraid I put the motion for the ommission of item 2 relating to section 15 (3), which stood in the name of the Honourable Mr. UPASANI, wrongly. The question is that item 2 relating to the proposed amendment of sub-section (3) of section 15 of the Bombay District Municipal Act, 1901, be omitted.

This motion was then put to the vote and carried.

Schedule I, as a whole, and as amended, was put to the vote and carried.

Schedule II was then put to the vote and carried.

The preamble was then put to the vote and cairred.

The Honourable Mr. PATTANI moves the Third Reading of the Bombay Decentralization Bill (No. X of 1914)

The Honourable Mr. PATTANI :—Your Excellency.—I now move that the Bill be read a third time.

The motion for the third reading of the Bombay Decentralization Bill was then put to the vote and carried.

BILL No. I OF 1915. (A BILL TO AMEND THE BOMBAY PROTECTION OF PILGRIMS ACT, 1887.)

His Excellency the PRESIDENT :—A Bill to amend the Bombay Protection of Pilgrims Act, 1887. First Reading. The Honourable Mr. HILL.

The Honourable Mr. C. H. HILL :—Your Excellency.—In proposing the first reading of Bill No. I of 1915, which is a very short measure, I had perhaps better give a brief account of the circumstances which have necessitated the provisions embodied in the draft Bill. It has been apparent for two or three years past that

the procedure laid down under Sections 11 and 12 of the Protection of Pilgrims Act of 1887 permit of abuses, for which there is no remedy. The abuse, roughly speaking, is as follows:—

The Shipping Companies each year advertise early in the pilgrim season that a pilgrim ship will sail on such and such a date, and notify that the rates of passage money will be exceedingly low. The result is that pilgrims flock to Bombay. As soon as a few passages have been taken up at the advertised rates, the companies then raise the passage rate, and many of the pilgrims who are exceedingly poor find themselves unable to pay the rates then demanded and are stranded in Bombay.

It will be obvious to the Council that this produces an exceedingly difficult, not to say dangerous, state of affairs, inasmuch as one gets from all parts of India and even from beyond the borders of India a crowd of pilgrims almost in a state of destitution collected in Bombay unable to proceed to the Hedjaz, because of the action of the Shipping Companies; and it falls upon the Police agency in Bombay to organise arrangements for them and to do their best eventually to get them despatched to the Hedjaz somehow or other. Well, such a state of affairs is of course obviously one that calls for an urgent remedy; and, on a consideration of the circumstances, when presenting this matter to the Government of India a year ago Your Excellency's Government submitted the draft Bill, which is now before the Council, containing amendments to Sections 11 and 12. These, it is hoped, will give the Executive power to control the action of the Shipping Companies in this matter. The actual changes in the provisions are very simple, and I think can best be demonstrated by reading first of all the wording of Section 11 of the Act, and then of Section 11 (1) and (2), as in the draft Bill. Now Section 11 of Act II of 1887 reads:—

"The master, owner or agent of every vessel advertised or offering to convey pilgrims shall be bound to supply the Protector of Pilgrims, on demand, with full particulars as to the class, tonnage and age of the vessel, the number of tickets of each class to be issued, the price of each ticket, the accommodation to be provided, the latest date of sailing, the ports (if any) to be touched at, and the probable date of arriving at Jeddah."

It will be observed that under the exiting law it is only on demand and in every case obviously after the first advertisement of the Shipping Company has been issued, that the Protector of Pilgrims is enabled to take any action. That is really the essential defect in the law as it at present stands. The revised Section 11 has been drafted to read as follows:—

"11. (*1*) The master, owner or agent of every vessel shall, before advertising such vessel for the conveyance of pilgrims or offering to convey any pilgrim by such vessel or selling or permitting any person to sell a passage ticket to any pilgrim for conveyance by such vessel, be bound to supply the Protector of Pilgrims with full particulars as to the class, tonnage and age of the vessel, the maximum number of tickets of each class to be issued, the maximum price of each class of ticket, the latest date of sailing, the ports (if any) to be touched at, and the probable date of arriving at Jeddah.

(*2*) Such master, owner or agent shall be bound to supply the Protector of Pilgrims, within three days from the date of demand, with such further particulars connected with the aforesaid matters as the Protector of Pilgrims may in writing demand from him."

Section 12 has also been improved so as to impose a penalty on the agent, master or owner for failure or refusal to supply such particulars.

Well, Sir, that being postulated, namely that it shall be required of the Shipping Companies that they shall do certain things, it is also necessary as a corollary that some protection should be afforded to those companies, owners and agents against acts or circumstances over which they have no control, and to secure their protection we propose in Section 12A to give a certain discretion

to the Commissioner of Police to give concessions in certain circumstances. Section 12A as drafted reads as follows:—

"12A. Any such master, owner or agent who is unable to despatch such vessel on the latest date of sailing as supplied by him to the Protector of Pilgrims shall be bound to apply to the Commissioner for permission to despatch the vessel on a subsequent date, whereupon it shall be in the discretion of the Commissioner to reject such application, or to grant it, wholly or in part, provided that the Commissioner shall not grant the application unless the master, owner or agent satisfies him that his inability to despatch the vessel was owing to some unavoidable circumstance and not owing to any negligence or culpable omission on his part.

The new Section 12B provides the necessary penalties.

Well, Sir, this is a very simple measure designed to meet certain well-ascertained difficulties. It does not deal with any vexed questions connected with the pilgrim traffic, such as rates of passage money, or return tickets, or any of those matters in respect of which there is room for discussion. This is really a Police measure designed solely and entirely for the immediate betterment of the conditions under which pilgrims have to proceed on pilgrimage to the Hedjaz, and so far as can be judged by those who are fully acquainted with the circumstances of the pilgrim traffic it provides an adequate and complete protection for those pilgrims, and I am quite confident that it will command the general assent of this Council.

With these words, Your Excellency, I propose that the Bill be read for a first time.

The Honourable Sardar SYED ALI EL EDROOS:—Your Excellency.—I support the first reading of the Bill and thank Government on behalf of Mahommedans for the sympathy and keen interest towards Mahomedans' religious works. All the measures adopted and arrangements made by the Government in this direction are really gratifying and salubrious. A Haj Committee was formed for the supervision of, and looking after, pilgrims to Mecca, which, though succeeded to a great extent in removing inconveniences suffered by pilgrims, would still require some further enquiries and arrangements made, to arrive at real difficulties, which they have been undergoing and which will be stamped out finally to the benefit of poor pilgrims. In the present state pilgrims are always liable to mis-estimate their expenditure which they are required to incur in long journeys from their distant homes to the remote seat of pilgrimages and back. During the pilgrimage season, navigation companies to convey passengers from Bombay and Karáchi to Arabia advertise rates of passage and times of sailing. On these advertisements pilgrims from far countries calculate their estimates for to-and-fro journey; but when they go to Bombay and other parts for the purpose of proceeding to Mecca, they find to their great surprise and despair, changes in passage rates and times of sailing. These changes are made subsequently, which cause great hardship to pilgrims who are thus deprived of means to make both ends meet. They are obliged to pay increased rates and spend more time in ports, in waiting for sailing of steamers than the time actually advertised for the departure of steamers. In this way they are compelled to spend more than what they bring with them, and become short of money and penniless at the end, and throw themselves on the mercy of others. I have noticed that in some cases owing to irregularities in times of departure of steamers, pilgrims sail late and do not reach Mecca in time, and are obliged to remain at Jeddah without having performed pilgrimage. They not only lose money and time but fail to perform their most religious duties and return in despair in spite of all pains and troubles.

The Honourable Mr. HILL:—Your Excellency.—I rise to a point of order. I venture to think that the circumstances with which the Honourable Member is dealing have no relevance to the question of this Bill.

His Excellency the PRESIDENT:—I am not very clear what the Honourable Member was referring to, but he must confine himself strictly to matters connected with the clauses of the Bill.

The Honourable Sardar SYED ALI EL EDROOS:—I am only supporting the Bill, my Lord.

The Honourable Mr. MOULVIE RAFIUDDIN AHMAD:—Your Excellency.—I must congratulate the Honourable Member in charge of the Bill upon the ability with which he has introduced the Bill. I congratulate him also upon the very great interest he takes in the Pilgrim movement and now express my gratitude and that of the Mahomedan community for the manner in which he has galvanized the Government of India to take more interest in the Pilgrims and for his success in getting Haj Committees established in the different Provinces of India. I think, Sir, that Bombay Government deserves the gratitude of the Mahomedans of India for the interest which they frequently displayed in this matter and especially since the portfolio of the Department has been taken up by the Honourable Mr. Hill. Although we could not always see eye to eye with him I could testify to the solicitude and earnestness with which the Honourable Member made proposals for at once solving the whole Pilgrim problem. As far as this Bill is concerned the hardships that have been described by the Honourable Mover are real ones and my only regret is that this Bill was not passed a year or two ago, but there may, however, have been difficulties in the way of Government for bringing in this Bill earlier, as we all know, it takes a good deal of time before a Bill is allowed by the Viceroy or the Secretary of State. I may say this, that the Bill certainly errs on the side of omission. Of course the Honourable Mover said that all matters about Pilgrim passage rates have been taken into account but there is one matter to which I would like to draw attention. Pilgrim shipowners here sometimes advertise, in order to get as early as possible, and as full a complement as possible for their vessels. They advertise certain rates and all of a sudden, they change the rates. I think Government should compel the shipowners to adhere to their prices. This matter should be included in this Bill with clearness.

The Honourable Mr. HILL:—I venture to point out the Honourable Member that this is one of the points which is proposed to deal with in the Bill.

The Honourable Mr. MOULVIE RAFIUDDIN:—I thought the whole question was being shelved but I am very glad to hear that action is proposed to be taken and I have nothing more to say on that particular point. But there is another complaint. I hear the Bill has not been translated into Urdu, and if so, I think that this should be done before the Bill comes up for the second reading, so that the Mahomedan public may have full opportunities to go through same and offer suggestions in time for the consideration of the Committee. I may remark in passing that the Police Commissioner has had much more to do with the whole arrangement of the Pilgrim traffic than the Protector of Pilgrims and I think I shall be wanting in my duty did I omit to mention here of the solicitude which the President of the Haj Committee, Mr. Edwardes, shows in the matter and the interest he takes in the well-being of the Pilgrims, and I have also to mention his pecuniary charities to the pilgrims from time to time and the suggestions which he made to Government regarding the redress of their grievances. If those suggestions had been carried out in time, I think many of the difficulties of the pilgrims would have disappeared long ago. With these words I support the first reading of the Bill moved by my Honourable Friend.

The Honourable Mr. FAZALBHOY M. CHINOY:—Your Excellency.—I have great pleasure in seconding the first reading of the Bill to amend the Protection of Pilgrims Act. This measure is essential in order to prevent great incovenience, hardship, and expense to pilgrims which necessarily results from the postponement of the advertised date of sailing of pilgrim vessels. These pilgrims come from a great distance in various parts of the country and they have to be detained in Bombay much against their will owing to delays in the departure of pilgrim ships.

These delays can be easily avoided, for the Shipping Companies deliberately postpone the departure of their ships when they have not secured the fullest complement of passengers. As a representative of the Muhammadan community I welcome this piece of legislation which has for its object the welfare of pilgrims. This is one more proof of the desire of the British Government to

extend every facility to the followers of the faith of the Prophet of Islam who undertake the pilgrimage out of deep religious convictions, and I have no doubt that the measure will be greatly appreciated by them.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD:—Your Excellency.—If I understood my Honourable friend Mr. HILL correctly, he said that the Bill was designed to meet certain abuses that at present exist, and he stated two abuses which were on the surface. One is that the steamship companies did not sail their steamers in some instances on the advertised date and this caused great hardship to the pilgrims who are consequently detained in Bombay. Secondly he said, and he emphasised it in answer to my Honourable friend RAFIUDDIN'S arguments, that the steamship companies advertise the rates of tickets, on the faith of which pilgrims flock to Bombay, and then suddenly they increase the price of tickets, and at the increased price some pilgrims cannot afford to purchase them, and therefore they are thrown here in Bombay helpless. If those are the two abuses it is intended to remedy, and if one looks at the provisions of the Bill, it is quite true that the first abuse, that is, the postponement of the date of sailing, would certainly be met, but I am not sure whether the provisions of the Bill as drafted will meet the second abuse, namely raising the rates of tickets. If you look at the Bill as drafted, you will find that section 11 as amended puts the duty on the master, owner or agent of every vessel before advertising such vessel for the conveyance of pilgrims, to supply the protector of pilgrims with full particulars as to the class, the tonnage, age of the vessel, the maximum number of tickets of each class to be issued, the maximum price of each class of ticket, the latest date of sailing, and so on. Among them is no doubt included the maximum price of each class of ticket as well as the latest date of sailing. But having given these particulars, as he is bound to do under the amended section, to the Protector of Pilgrims, supposing the master, owner or agent does not adhere to the intention so expressed in the information given by him with regard to the date of sailing under clause 5, of the Bill enacting new section 12 (*b*) provides a penalty for the same. So far you do ensure compliance with the date of sailing. But as regards the price of tickets, there is no provision by which you can enforce compliance, as the Bill is at present drafted. Under the new section 11 (1), the master, owner or agent gives information to the Protector of Pilgrims that certain rates will be charged for certain tickets. Having given that information, supposing the master, owner or agent changes his intention thereafter and says he will charge a higher rate, there is no penalty for his changing his original intention. Moreover all that the section requires is the notification of the maximum rate but there is nothing to prevent the owner from altering the rates so long as he keeps within that maximum. (Hear, hear.) So far as the Bill is drafted, it is really impotent to meet the second abuse which my Honourable friend Mr. HILL has mentioned, because if you turn again to the original Act, there is there also no general provision for penalties to deal with an abuse of this kind. Under sections 12 (*a*) and (*b*) the master or owner if he is unable to keep to the advertised date of sailing, he has to obtain the permission of the Commissioner, and if he does not keep to the advertised date of sailing without such permission, then he is laible to the penalty mentioned in section 12 (*b*). So you can effectively deal with the abuse of the first kind. But if the master, owner or agent does not adhere to the rate of ticket that he has notified already to the Protector of Pilgrims, then you will not be able to deal effectively with that abuse at all. Therefore, whilst sympathising entirely with the object of the Bill, I am afraid the second abuse is not effectively met under the clauses in the Bill as it stands at present. Therefore it is very desirable to amend the Bill further and have a penalty provided in case where there is a departure from the provisions of 12 (*a*) and (*b*) and even modify those by introducing therein the question of the minimum rates of tickets, and any departure from the rate fixed in the information given to the Protector of Pilgrims or notified to the pilgrims.

The Honourable Mr. C. H. A. HILL:—Your Excellency.—I am very glad that the discussion on the Bill has demonstrated so clearly the unanimous approval with which its provisions and the objects aimed at by its provisions are regarded by this Council. I should like in passing to convey my acknowledgment to the Honourable Mr. RAFIUDDIN for his complaint on the slowness with which this

legislation has matured. In my experience, Sir, in Your Excellency's Council, this is the first occasion on which we have not been accused of violent hurry, and it is therefore entirely refreshing to me to find that my Honourable friend was in a greater hurry to pass this measure than even Government themselves. However, I do think, that the tribute, if I may say so, demonstrates and I venture to think that the Council will have noted and appreciate the fact that in the circumstances in which legislative measures are brought before the Council these do undergo very careful consideration before they are offered for consideration. This preliminary case may perhaps to a certain extent beheld to mitigate the supposed haste with which Government are occasionally accused of endeavouring to rush Bills through the Council. As regards the other observations of the Honourable Mr. RAFIUDDIN, I should like to observe that, if he had carefully scrutinized the public prints during the last month with a particular eye on the interests of pilgrims, he would have seen that the Urdu translation of this Bill was published on 25th February last. I appreciate what he said regarding the mention of the Protector of Pilgrims rather than the Commissioner of Police; but I think my Honourable friend has perhaps not realized that under section 8 of the existing Act of 1887, the Commissioner of Police is placed in superior command of the Protector of Pilgrims, and therefore what is dealt with in this Bill connotes the Commissioner of Police as the authority. I think I may satisfy him that that point has not been overlooked. I could not quite catch what the Honourable Mr. EDROOS was saying and I understood him to be referring to rates of passage money and difficulties of returning from Arabia with which, of course, at the present moment, this Bill is not at all concerned. I now turn to the really vital point which has been adverted to by both my Honourable friends MAULVIE RAFIUDDIN and Mr. SETALVAD, and recognizing the legal eminence of my Honourable friend Mr. SETALVAD, I feel a little anxious as to whether this Bill does as a matter of fact sufficiently provide for a case of omission on the part of the owner, etc., to adhere to rates of passage money advertized. But I venture to think that it is arguable that it has been provided in section 12 under clause 4 of the Bill which reads:—(Reads). At the same time, Sir, I do not wish for a moment to put my scanty legal knowledge in opposition to that of my Honourable friend, and all I need say is that that point will be specially noted for consideration in the Select Committee to which I propose, on the principle of not unduly hastening legislation, to refer this Bill, although it appears to command such general support. The point is of such importance that I think that the proposal to refer this Bill to a Select Committee merely on that one count would be justified. I now venture, Sir, to propose that the Bill be read a first time.

The first reading was then put to the vote and carried.

The Honourable Mr. C. H. A. HILL:—Your Excellency,—I now propose that Bill No. I of 1915 be referred to a Select Committee consisting of—

The Honourable Sir IBRAHIM RAHIMTOOLA,
The Honourable MOULVIE RAFIUDDIN AHMAD,
The Honourable Mr. FAZULBHOY MEHERALLY CHINOY,
The Honourable Mr. SHAIKH GULAM HUSSAIN HIDAYATALLAH,
The Honourable Mr. ABDUL HUSSAIN ADAMJI PIRBHOY,
The Honourable The ADVOCATE GENERAL,
The Honourable Mr. MONTAGU POMEROY DE P. WEBB,
The Honourable Mr. T. W. BIRKETT, *and myself,*

with instructions to report by June 1st.

DISCUSSION ON MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the PRESIDENT:—Resolution by the Honourable Mr. GRAHAM.

"That all private carriages in Bombay be numbered, and their drivers licensed."

The Honourable Mr. C. H. A. HILL :—Your Excellency,—I have had word from the Honourable Mr. GRAHAM expressing his inability to be present to move his resolution. In these circumstances I venture to suggest that the matter be regarded as withdrawn with the undertaking that the Government will inquire of the Commissioner of Police as to the merits of what the Honourable Mr. GRAHAM was to have proposed, if he had been present.

His Excellency the PRESIDENT :—Resolution by the Honourable Mr. V. J. PATEL.

"That this Council recommends to His Excellency the Governor in Council to consider the desirability of—

(*a*) putting the Official Assignee, Bombay, on a suitable fixed salary and crediting to Government the fees at present charged by him ; and

(*b*) creating the office of Official Receiver on a suitable fixed salary, such officer to be thenceforth the official receiver-in-suits and the official liquidator of joint stock companies instead of the Official Assignee as at present."

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL :—With your Excellency's permission I beg to move the following Resolution :—

This Council recommends to His Excellency the Governor in Council to consider the desirability of—

(*a*) putting the Official Assignee, Bombay, on a suitable fixed salary and crediting to Government the fees at present charged by him ; and

(*b*) creating the office of Official Receiver on a suitable fixed salary, such officer to be thenceforth the official receiver-in-suits and the official liquidator of joint stock companies instead of the Official Assignee at present.

My Lord, I need not detain this Council long over this Resolution. The question raised by it is not new. It has a long history. In the eighties, not only the Official Assignee as well as the Official Receiver but also the Clerk of the Insolvency Court and the Administrator General were enjoying the rich harvest of commissions quite out of proportion to the duties of their offices.

In 1886 this attracted the attention of the Finance Committee and they proposed that one officer may be appointed on a fixed salary to hold the offices of the Official Assignee, Clerk in the Insolvency Court, the Administrator General and the Official Receiver.

This recommendation remained a dead letter till 1894. In that year my Honourable friend Mr. C. H. SETALVAD took up the question in right earnest and pressed the Government to take action on that recommendation.

The question was taken up also in the Presidency of Madras and Bengal. The agitation resulted in putting the Clerks of the Insolvency Courts in all the three Presidencies on fixed salaries. In the other Presidencies the Official Assignee and the Official Receiver also have been put on fixed salaries but Bombay continues as before. There is no reason why this should be so. We cannot account for it on the ground of local conditions because they are such as to make the reform suggested even more peremptory here than in the other Presidencies.

Your Excellency will find almost all the arguments that could be urged in favour of the present system forcibly stated in 1896 by the late Mr. BASIL LANG one of our ablest Advocates General in his reply to the Honourable Mr. SETALVAD. The speech will be found reported in the Legislative Council Reports for the year 1895-1896 pages 137-8. I shall deal with them shortly one by one in the light of the facts since gathered. Mr. SETALVAD'S argument was that the Official Assignee had received about Rs. 3,000 a month for some time past and that it was too extravagant for the work he did.

Mr. LANG'S answer was that Mr. SETALVAD had referred to some exceptional years and that if an average of 12 years be taken the commissio nwould work

out at Rs. 1,500 a month which he urged was not excessive. Mr. BIRDWOOD who followed him put the average at Rs. 1,600 a month and declared that that was proper.

Now the first point to which I draw the attention of this Council in this argument is the assumption of both Mr. LANG and Mr. BIRDWOOD that a salary of Rs. 1,500 or 1,600 a month was proper for the Official Assignee.

Then as to Mr. SETALVAD'S figure of Rs. 3,000 a month having been exceptional, let us take the latest figures available. I asked for them and they have not been furnished to me as yet. But fortunately they were furnished last year to one of my colleagues here who asked for them. According to those figures the present Official Assignee received as Official Assignee nearly during the quinquennium ending 1913 not less than Rs. 36,222 a month which is very near the salary of a Puisne Judge of the High Court who has to work on the Bench from 11 to 5 every day. The Official Assignee's good fortune does not stop there. On the Original Side of the High Court, it is a well established practice to appoint the Official Assignee as receiver and liquidator and in the High Court a rule of practice is as good as rule of law. Here again, thanks to the vigilence of my Honourable friend Mr. MANMOHANDAS RAMJEE who have the figures of commission so realised available for the same quinquennium. I do not wish to weary the Council with details. I give the totals under all the three headings—

In 1909 it was Rs. 1,08,224-9-6.
In 1910 ,, ,, 1,04,175-8-6.
In 1911 ,, ,, 1,47,775-4-3.
In 1912 ,, ,, 1,56,388-15-0.
In 1913 ,, ,, 90,493-12-2.

Thus in all the Official Assignee got Rs. 6,07,058-1-5. This works out an average per month of Rs. 10,117. Thus, My Lord, the Official Assignee during those five years had the good fortune to enjoy a salary more than twice that of the Chief Justice and a little over that of the Governor of Bombay.

Is this a state of affairs which Mr. LANG and Mr. BIRDWOOD would have supported if they had been here with us today and will this Government or this Council allowed to continue. Whatever may be the decision we arrived at within this Council Hall I shall be failing in my duty if I did not state frankly that outside this Hall, at least among the Indian public, it is regarded as a great public scandal.

The strongest argument urged in its favour was that an officer who is paid by results is certain to use far more zeal in collecting outstandings than one who is paid by salary. Can anything be more damaging to the sense of duty of our high salaried officers than the assumption involved in this argument that the measure of their zeal in discharging their official duty is the resulting addition to the length of their purse. I refuse to accept it My Lord.

Then it was said that officers holding such positions all the world over are paid in the same manner. That may have been so in 1896. But under the pressure of time even the world improves and we now know positively that in this very part of the world in our neighbouring presidency of the south and in Bengal the principle of fixed salaries has been accepted.

Then again another argument urged was that payment by commission is in the interests of the creditors. Mr. Lang when speaking on the assumption that the monthly average of the emoluments of Official Assignee was Rs. 1,500 urged this argument subject to the proviso that the commission should not be excessive. Figures above quoted have shown that it is now more than excessive and therefore this argument does not hold good.

Next argument that the officer runs the risk of not getting even Rs. 1,500: This is now impossible. Because under the High Court Rules it has been provided that if such a contingency happens, as it is most unlikely, the difference must be made up from the interest on the accumulated unclaimed dividends.

In considering this question the Council has also to bear in mind that a large establishment is maintained at the cost of the general tax-payer to assist the Official Assignee. Therefore it is but proper that any excess over the cost needed for efficient discharge of the function must go to the public exchequer.

I do not for a moment deny that the present practice was not justified when it was started. At that time the volume of the work of the High Court was nothing when compared to what it is now. Times have changed and therefore it is proper that the system must also be changed.

Now My Lord, the Official Assignee is indeed very important. On the efficiency of his work depends the fate of so many creditors who stand to lose their hard earnings by the insolvency. Therefore any attention and care he bestows on his work can never be too much. But yet what do we find. The Official Assignee goes on accepting receivership and liquidatorships *ad infinitum* just as they come. The more he gets the more he is willing to accept, provided of course the amount of commission likely to be earned is worth the trouble. His capacity for work seems infinite. Can this system ensure efficiency. Is it possible for any one man to devote such close attention to so many estates at the same time. Therefore I wholly endorse the argument urged by Mr. Lang in 1896 against Mr. Setalvad that to combine the offices of Official Receiver, Official Assignee, etc., would be too burdensome and involve too great a responsibility for one officer. My Resolution therefore suggests that there should be a separate Official Receiver to do the duties of a Receiver and a Liquidator and a separate Official Assignee. The figures available of the commissions earned by the Official Assignee as Receiver and Liquidator fully justify the suggestion—

				Rs.	a.	p.
In 1909	commissions earned as	Receiver and	Liquidator amounted to	73,603	1	10
In 1910	do.	do.	...	69,440	8	2
In 1911	do.	do.	...	92,317	3	10
In 1912	do.	do.	...	1,14,530	8	1
In 1913	do.	do.		39,821	7	11
			Total ...	3,89,712	13	10
			Monthly average for five years ...	6,495	3	5

These figures and the figures quoted above show that the earnings of this officer are so great as to permit the payment of suitable fixed salaries for two separate officers as I suggest and yet to leave a large surplus to be added to the public exchequer. The volume of work that has to be done also needs the creation of such separate appointments.

I hope therefore this Council will agree with me in thinking that the time for carrying out this reform which has been long deferred has come. The term of the present incumbent expires shortly and this affords an excellent opportunity to effect the change. I therfore commend, My Lord, this Resolution to the acceptance of this Council.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD:—Your Excellency, I may be permitted to say a few words on this Resolution, because I may lay claim to this that soon after I came to the Bombay Legislative Council for the first time in the year 1893, I took up the question of the emoluments of three offices in the High Court, namely the Clerk of the Insolvency Court, the Administrator General's post and the post of the Official Assignee. In those days the salary of the Clerk of the Insolvency Court came to about Rs. 5,000 a month, which is equal to the salary of the Chief Justice. The Administrator General's emoluments were also high, and the emoluments of the Official Assignee, though not so high in those days as now, were sufficiently high. That question was debated in those days incessantly. I brought it up year after year in this Council, and I am very happy to observe that so far as those two offices are concerned, namely the Clerk of the Insolvency Court and the Administrator General's office, the necessary reforms have been carried out. With regard to the emoluments of the Clerk of the Insolvency Court, they usually came to nearly Rs. 5,000, but he has been now put on a salary of Rs. 800 a month and

that is a good salary. Similarly, with regard to the Administrator General's post, the Administrator General also has been put on a fixed salary and is quite happy with the salary that he gets for the work that he has to do. With regard to the Official Assignee somehow the necessary reform has not been carried out, and we have found the fortunate incumbent of that office, year after year, drawing very high emoluments. My honourable friend Mr. Patel has pointed out that for the last five years ending 1913, the present incumbent has been fortunate enough to draw a salary of Rs. 10,000 and more. And I may tell Your Excellency, without any breach of confidence, that some of us who have to work hard in the High Court, day after day, to earn our livelihood have very often said that it would be very good indeed if the learned Chief Justice could be induced to give the post of Official Assignee by rotation to half a dozen senior members of the bar, as it would be very good indeed for them to have a year's holiday getting Rs. 10,000 a month. Relieved from the very heavy work at the bar, it will certainly be a very good change to have comparatively very light work as Official Assignee for a year getting Rs. 10,000 a month.

I will tell the Council how the heavy emoluments of the Official Assignee have come about. No body ever intended that his emoluments should be as high as they have turned out to be in practice, but a system has grown up under which receiverships in suits are mostly given to the Official Assignee, and he is also appointed as Liquidator in the liquidation of Joint Stock Companies. The reason of that is this: it is perfectly open to the Court, in dealing with any case, to appoint any proper person as the Receiver, but the difficulty always arises in the way of appointing any outsider, as the outsider has to give security for the moneys that come into his hands as such Receiver. I am not sure about the amount of security, but it is Rs. 50,000 or Rs. 70,000. That being so, here you have an officer who has already given substantial security, and therefore it becomes very easy to appoint him as Receiver instead of appointing an outsider. Now outsiders are sometimes unwilling to give such security or they find it difficult to give it. But the Official Assignee as Official Assignee has to give security. That is how this system has grown up under which the Receiverships have been given to the Official Assignee. Similarly also the system of appointing him Liquidator in the liquidation of Joint Stock Companies has come about in that way. However, the fact remains, whatever the reasons that have led to this result, that the Official Assignee is being remunerated on a scale which is absolutely out of all proportion to the burden of the duties that he has to perform. And, after all, if you keep all these duties on one man, it must follow that he cannot satisfactorily perform them. He is after all one man; he can only do his best during the time that is available, and you cannot expect one man to attend to so many receiverships and liquidatorships and also to his duties as Official Assignee in a satisfactory manner. Therefore, whatever the reasons that have led up to the present system, the fact remains, Your Excellency, that the time has now arrived when that system could no longer be allowed to continue in the manner it has continued for so many years; and public interests imperatively demand that that system should as early as possible be put an end to, and that a proper and satisfactory system that would conduce to public interest in the right way should, as soon as possible, be devised, and that may well be done by following the example that has been followed in the other Presidencies. You may have an Official Assignee, only doing that work as a salaried officer paid suitably to the work that he has to do and commensurate with the duties that he has to perform. Another officer can then be appointed who can be Receiver in Suits and Liquidator of Companies. If you create such an office, the system would work very well indeed. When I say this I am cognisant of the fact that under the Insolvency Act the appointment of the Official Assignee entirely rests in the hands of the Chief Justice. It also rests with him under the Act to fix the remuneration of that officer, but such remuneration has to be fixed under rules to be framed by the High Court with the sanction of Government. So that Government having the power of sanctioning the rules have indirectly a voice in settling the remuneration of the Official Assignee. But however that may be, the question is of such public importance that I have no doubt that if a proper representation is made by Government on the facts now brought out to the proper authority, whoever it may be, the Chief Justice or the

Judges of the High Court, that body would be, and I think should be, quite willing to do all that is necessary and desirable in the public interest. With these few words I have great pleasure in supporting the resolution.

The Honourable Mr. PRABHASHANKAR D. PATTANI :—Your Excellency,—It will perhaps curtail discussion if I say at once that Government is disposed to accept the resolution proposed by the Honourable Mr. PATEL. (Hear, hear.) It only conveys a recommendation to Government to consider the desirability of the measures he has proposed. It does not commit Government to any definite line of action, and really, it is not possible for Government to make any promises, because any action that might eventually be taken will depend upon what advice Government might get from the High Court, and that step could only be considered in consultation with the High Court, who is responsible for appointments of this kind. The long discourse that we have heard here has been very interesting and the remarks that have fallen from the two Honourable Members who have spoken on the question will certainly be of much use when consulting the High Court. This question has been engaging the attention of Government for some time. Government have an open mind on it and desire to carry on further consultation with the High Court. While I am not prepared to speak lightly of the High Court, who know their minds on the question, and who, it must be admitted, are the best Judges in matters of this nature, we promise that a full consideration will be given to the question raised by the resolution.

With these remarks I am to say that Government have great pleasure in accepting the resolution.

His Excellency the PRESIDENT :—I should only like to add to what has been said by my Honourable colleague, that we fully appreciate that the Honourable Mr. PATEL and the Honourable Mr. SETALVAD have originated and produced a debate of extreme importance and great interest. I therefore think that I may fairly say that Government are of opinion that some change is necessary with regard to the present system. (Hear, hear.) What that change should be, as my Honourable colleague has said, will depend upon the advice of the High Court, as negotiations are going on now between ourselves and the High Court, and I feel perfectly confident that those negotiations will produce a satisfactory result. I frankly own that I, as President of this Council, am seriously influenced in my opinion by the terrible suggestion that my Honourable friend Mr. PATEL made, that this individual who has been up before us this afternoon, gets a higher salary than His Excellency the Governor.

The Council then adjourned *sine die.*

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Bombay Legislative Council.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS

The
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PUBLISHED BY AUTHORITY.

MONDAY, 26TH APRIL 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Gujarati and the translation to be published in the BOMBAY GOVERNMENT GAZETTE. The date of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 28 (6) of the Rules for the conduct of business at Meetings of the Legislative Council of the Governor of Bombay.

Bill No. II of 1915.

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

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:

Bom. III of 1888.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 191 .

Short title.

2. To section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act the following definitions shall be added:—

Amendment of section 3.

"(*ee*) 'bakehouse' means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is derived.

(*ff*) 'eating-house' means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises.

(*gg*) 'premises' includes messuages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private."

3. For sub-section (*1*) of section 301 of the said Act, the following sub-section shall be substituted:—

Amendment of section 301.

"(*1*) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for any loss which such owner may sustain in consequence of his building or land being so acquired, and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property, of which the building or land so acquired formed part, likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

Compensation to be paid in cases under the three last sections.

4. For sub-section (*2*) of section 337 of the said Act, the following sub-section shall be substituted:—

Amendment of section 337.

"(*2*) In this chapter 'to erect a building' means

(*a*) newly to erect a building, or

(*b*) to re-erect

(i) any building of which more than three-quarters of the cubical contents of the building above the level of the plinth have been pulled down, or

(ii) any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame-building of which more than three-quarters of the number of posts have been pulled down, or

(*c*) to convert into a dwelling-house any building not originally constructed for human habitation, or

(*d*) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only;

and a dwelling so erected, re-erected or converted is called in this chapter 'a new building'."

5. (*1*) In clause (*a*) of sub-section (*1*) of section 338 of the said Act, after the word "appurtenances", the following words shall be inserted:—

Amendment of section 338.

"and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation".

(*2*) In clause (*c*) of sub-section (*1*) of section 338, for the words "a scale of not less than one inch to every forty feet" the following words shall be substituted:—

"the scale of the largest Revenue Survey Map at the time being in existence for the locality in which the building is, or is to be, situated".

6. (*1*) In clause (*b*) of section 342 of the said Act, for the words "ground level" the words "plinth level" shall be substituted.

Amendment of section 342.

(*2*) In clause (*c*) of section 342 after the word "aforesaid" the following words shall be inserted:—

"or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level".

(*3*) In the body of section 342 after the word "work", where it occurs on the second occasion, the following words shall be inserted:—

"the particular part or parts, if any, of such work which is or are intended to be used for human habitation".

7. After section 347 of the said Act the following section shall be inserted:—

New section 347A.

"347A. No person shall, without the written permission of the Commissioner

(*a*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

Building not to be converted to other purposes without the permission of the Commissioner.

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used."

8. After section 375 of the said Act, the following section shall be inserted :—

New section 375A.

"375A. If it shall appear to the Commissioner that any building materials or other articles or things, not being articles of food or firewood for domestic consumption, are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk, or in such a way, as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may, by written notice, require the owner of such premises, or the owner of the materials, articles or things so stored or collected therein, to move or dispose of the said materials, articles or things, or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate or prevent a recurrence of the nuisance."

Removal of building materials, etc., from any premises may be required.

Amendment of section 377.

9. In section 377 of the said Act,

(*a*) below sub-section (*1*) the following sub-section shall be added, namely :—

"(1)A. If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition or is in any other way a nuisance to the neighbouring inhabitants, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary."

Neglected private streets.

(*b*) in sub-section (*2*) after the word "premises" wherever it occurs the words "or such street" shall be inserted.

Amendment of section 384 and of its heading.

10. (*1*) For the heading of section 384 of the said Act, the following heading shall be substituted :—

"*Regulations as to keeping of animals, wholesale storage of grain, etc., destruction of certain animals and disposal of carcasses.*"

(*2*) To sub-section (*1*) of section 384 of the said Act, the following clauses shall be added :—

"(*d*) keep any horse, cow, buffalo, bullock, goat or donkey in any building, any portion of which is used or intended to be used for human habitation ;

(*e*) open, establish or use, in any building, any portion of which is used or intended to be used for human habitation, any godown or place for the storage of grain or groceries for wholesale trade purposes."

Amendment of section 390.

11. In section 390 of the said Act,

(*a*) in sub-section (*1*) after the word "Commissioner" the words "nor shall any person work, or allow to be worked, any such factory, workshop or workplace without such permission" shall be inserted ;

(*b*) below sub-section (*2*) the following sub-section shall be added, namely :—

"(*3*) If any written permission for the establishment of a factory, workshop or workplace granted under sub-section (*1*) be revoked by the Commissioner in the exercise of his powers under sub-section (*3*) of section 479, no person shall continue or resume the working or use of such factory, workshop or workplace until such written permission is renewed or a fresh written permission is granted by the Commissioner."

Amendment of section 461.

12. To clause (*f*) of section 461 of the said Act, the following words shall be added, namely :—

"and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of any such premises"

Amendment of section 471.

13. In the table appended to section 471 of the said Act,

(*a*) below the entry relating to section 347, sub-section (*1*), the following shall be inserted :—

In column (1), "Section 347-A."

In column (2), "Building not to be converted to other purposes without the permission of the Commissioner."

In column (3), "Five hundred rupees."

(*b*) below the entry relating to section 375 the following shall be inserted :—

In column (1), "Section 375-A."

In column (2), "Requisition to remove building materials, etc., from any premises."

In column (3), "Fifty rupees."

(*c*) (*1*) In column 2 of the entry relating to section 390, sub-section (*1*), after the word "established", the words "or worked" shall be inserted;

(*2*) below the entry relating to section 390, sub-section (*1*), the following entry shall be inserted, namely :—

In column (1), "Section 390, sub-section (*3*)."

In column (2), "Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment."

In column (3), "One thousand rupees."

Amendment of section 472.

14. In the table appended to section 472 of the said Act,

(*a*) below the entry relating to section 347, sub-section (*1*), the following shall be inserted :—

In column (1), "Section 347-A."

In column (2), "Building not to be converted to other purposes without the permission of the Commissioner."

In column (3), "One hundred rupees."

(*b*) below the entry relating to section 375 the following shall be inserted :—

In column (1), "Section 375-A."

In column (2), "Requisition to remove building materials, etc., from any premises."

In column (3), "Five rupees."

(*c*) below the entry relating to section 384, sub-section (*1*), the following entries shall be made, namely :—

In column (1), "Section 390, sub-section (*1*)."

In column (2), "Prohibition of working of factory, etc., established without written permission."

In column (3), "Five hundred rupees."

In column (1), "Section 390, sub-section (*3*)."

In column (2), "Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment."

In column (3), "Five hundred rupees."

Amendment of Schedule B.

15. In Schedule B, appended to the said Act,

(*a*) for the northern and eastern boundaries of the Byculla Ward (consecutive No. 5) the following boundaries shall be substituted, namely :—

"*On the North.*—A line starting from the junction of Sewri Road at its meeting with the overbridge constructed by the Port Trust across the Harbour Branch Railway and extending along the south side of Sewri Road and the south side of Kálá-chowki Road as far as the Chinchpokli Station.

On the East.—The Harbour from the north wharf of the Clerk Basin to the south-west corner of the West Timber Pond along the west side of the West Timber Pond and thence running northwards to the point of the junction of Sewri Road and the overbridge constructed by the Port Trust across the Harbour Branch Railway."

(*b*) for the southern and eastern boundaries of the Parel Ward (consecutive No. 6), the following shall be substituted :—

"*On the South.*—A line starting from the junction of Sewri Road at its meeting with the overbridge constructed by the Port Trust across the Harbour Branch Railway and extending along the north side of Sewri Road and north side of Káláchowki Road as far as the Chinchpokli Station level-crossing on Arthur Road.

On the East.—A line starting from a point at the junction of Sewri Road at its meeting with the overbridge constructed by the Port Trust across the Harbour Branch Railway and

running southwards along the west side of the West Timber Pond, to the south-west corner of the West Timber Pond, along the south of the West and East Timber Ponds and then along the east of the East Timber Pond and the harbour as far as the northern boundary of the City."

16. In Part IV of Schedule M of the said Act, after the entry "Dyeing cloth or yarn, in indigo or other colour" the following entry shall be inserted :—

Amendment of Schedule M.

"Keeping of eating-houses."

STATEMENT OF OBJECTS AND REASONS.

Various defects in the working of the City of Bombay Municipal Act, 1888 (Bom. III of 1888), have, from time to time, been brought to the notice of Government. The object of the Bill is to remedy these defects. The purport of the main clauses is explained below :—

Notes on Clauses.

Clause 2.—The new definitions in section 3 are found to be necessary; those of "bakehouse" and "premises" follow the definitions in the English Acts, namely, the Factory and Workshops Act, 1901, and the Public Health (London) Act, 1891, respectively.

Clause 3.—The manner in which section 301 (*1*) has been interpreted by the Courts has led to the payment of exorbitant claims as compensation. The proposed amendment will result in owners being fully compensated for the loss sustained by them, but at the same time it will protect the Corporation from inordinate demands. The proviso allows for betterment as well as for damage to the property.

Clauses 4 to 7.—(1) The group of amendments to sections 337, 338 and 342, the new section 347A, and the consequential amendments to sections 471 and 472, appertain to the construction and use of buildings.

(2) The main object in view is to prevent builders from evading the rules regarding open spaces outside living rooms, as some of them do at present on the pleas—

(*a*) that the buildings containing these rooms are not new buildings to which alone section 348 applies;

(*b*) that the rooms are not rooms intended for human habitation to which special by-laws apply;

(*c*) that the rooms are not in chawls for which the Municipal by-laws require a minimum open space of 5 feet, but that they are in other buildings for which a minimum open space of only two feet is required.

(3) (*a*) to meet the first plea the definitions of "erecting a building" and consequently, of "a new building" in section 337 are expanded;

(*b*) to meet the second plea it is proposed to compel owners to show on their building plans what rooms are not intended for human habitation, and to prohibit them from thereafter using those rooms for human habitation;

(*c*) to meet the third plea, it is proposed to penalise the unauthorised use of a building as a chawl, if it was not originally designed as a chawl.

(4) Proposals 3 (*b*) and 3 (*c*) will be carried into effect by the new section 347A and by the amendments to sections 338 and 342. The amendments to sections 471 and 472 are consequential.

All these amendments have been proposed and approved unanimously by the Corporation.

Clauses 8 and 16.—The amendments to Schedule M and the insertion of section 375A, with consequential amendments to sections 471 and 472, are proposed so as to enable the Corporation to deal efficiently with premises used for storing building materials and other articles and with bakehouses and public eating-houses. Section 375A is necessary as it has been held that section 377 (*1*) does not meet the case of building materials which harbour rats and other vermin.

Similarly the amendment of Schedule M is required because section 391 read with Schedule M does not at present clearly cover the case of eating-houses.

Clause 9.—Under section 305 of the Act the Commissioner has ample power to deal with private streets which the Corporation are prepared to take over as public streets. But there are many private streets which the Corporation are not prepared to take over, and as section 377 as it stands does not apply to private streets, the section has been amended so as to make it do so, with the result that it will be possible to ensure that these streets are kept decently clean.

Clause 10.—The amendment of section 384 will enable the Municipality to prevent the stabling of horses and other animals, and the keeping of grain godowns and groceries for wholesale trade purposes, in buildings used as dwellings; this practice is clearly objectionable, as the flies and rats, which are bred in proximity to dwelling houses, often cause the spread of infectious diseases. The alteration of the heading is consequential.

Clause 11.—Section 390 has been found by the executive to be inadequate. By section 514 a prosecution for breach of the provisions of section 390 must be instituted within three months of the establishment of the factory. Consequently if a newly established factory evades the notice of the Health Department for three months, not only does the promoter escape liability but also the factory cannot be discontinued. Again, if a factory has been discontinued as the result of a successful prosecution, there is nothing in the present law to prevent the resumption of work at the factory, because resumption of work does not come within the meaning of new establishment. Also a purchaser from an establisher is beyond the reach of the law, and, finally, no provision exists for continuous punishment of an offence which is likely to be continuous. These defects have been remedied.

Clause 12.—The Corporation have at present no power to make by-laws regulating the construction of horse and bullock stables. The addition to clause (*f*) gives them power to make by-laws for this and for other cognate purposes.

Clauses 13 and 14.—The amendments are consequential.

Clause 15.—Since the boundaries of the several wards into which the City is divided were defined, the City has been extended towards the sea in some places by reclamation made by the Port Trust and the City Improvement Trust. The only changes that are necessary in the descriptions given in Schedule B are in respect of the northern and eastern boundaries of the Byculla Wards and the southern and eastern boundaries of the Parel Ward.

(Signed) P. D. PATTANI.

24th December 1914.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 24th April 1915.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The
Bombay Government Gazette

PUBLISHED BY AUTHORITY.

WEDNESDAY, 12TH MAY 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Urdu and the translation to be published in the BOMBAY GOVERNMENT GAZETTE and the SIND OFFICIAL GAZETTE. The dates of publication to be reported.)

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to amend the Protection of Pilgrims Act, 1887, and the Bill as amended by the Select Committee, are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Legislative Council, published for general information :—

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL NO. I OF 1915.

(An Act to amend the Protection of Pilgrims Act, 1887.)

We, the members of the Select Committee appointed to consider the Bombay Protection of Pilgrims (Amendment) Bill, (No. I of 1915), have the honour to report as follows :—

We have suggested in clauses 3 and 4 of the Bill certain amendments which are intended to protect pilgrims from being prejudiced by capricious alterations in the prices of passage-tickets. There is, of course, no objection in the case of a master, owner or agent charging for a passage-ticket a price lower than the price supplied to the Protector of Pilgrims. But pilgrims are liable to be seriously prejudiced if the prices of passage-tickets are at first advertised at a low rate and then, when pilgrims have flocked to Bombay in the belief that they are to be charged at a low rate, the prices are suddenly increased above those advertised but within the maximum prices originally supplied to the Protector of Pilgrims. We have deleted the word "maximum" in the sixteenth line of clause 3 of the Bill, and we have inserted a new sub-section (*2*)

of new section 11 with a view to meeting this objectionable practice. At the same time new section 12 has been modified so as to render punishable the charging of a price for any class of ticket higher than the price supplied to the Protector of Pilgrims.

2. New section 12B has been modified so as to exclude the day on which a pilgrim-vessel leaves the port of embarkation from consideration when a master, owner or agent has rendered himself liable to fine for failure to despatch a vessel on the stipulated date of sailing. As the word "day" is not likely to be misunderstood, the explanation to new section 12B is unnecessary and has been deleted.

3. The slight amendments made in clauses 2, 6 and 7 are purely verbal and follow the wording contained in the authentic copy of the Protection of Pilgrims Act, 1887.

(Signed) C. H. A. HILL.
(„) SHAIKH GHULAM HUSSEIN HIDAYATALLAH.
(„) M. RAFIUDDIN AHMAD.
(„) T. J. STRANGMAN.
(„) M. DE P. WEBB.
(„) F. M. CHINOY.
(„) ABDUL HUSEIN ADAMJI PEERBHOY.

BILL No. I OF 1915.

An Act to amend the Protection of Pilgrims Act, 1887.

(As amended by the Select Committee.)

WHEREAS it is expedient to amend the Protection of Pilgrims Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows:

Bom. II of 1887.

1. This Act may be called the Bombay Protection of Pilgrims (Amendment) Act, 191 .

Short title.

2. In section 6, clause (*b*), of the Protection of Pilgrims Act, 1887, hereinafter called "the said Act," for the words "Native Passenger Ships Act, 1876," the words "Pilgrim Ships Act, 1895" shall be substituted and for the *word* "*seven*" ~~figure "7"~~ the figure "8" shall be substituted.

Bom. II of 1887. Amendment of section 6.

XIV of 1895.

3. For section 11 of the said Act the following shall be substituted, namely:—

"11. (*1*) The master, owner or agent of every vessel shall, before advertising such vessel for the conveyance of pilgrims or offering to convey any pilgrim by such vessel or selling or permitting any person to sell a passage ticket to any pilgrim for conveyance by such vessel, be bound to supply the Protector of Pilgrims with full particulars as to the class, tonnage and age of the vessel, the maximum number of tickets of each class to be issued, the ~~maximum~~ price of each class of ticket, the latest date of sailing, the ports, if any, to be touched at, and the probable date of arriving at Jeddah.

Amendment of section 11.

(*2*) *The price advertised for each class of ticket by such master, owner or agent shall be in conformity with the price supplied to the Protector of Pilgrims.*

(2) (*3*) Such master, owner or agent shall be bound to supply the Protector of Pilgrims, within three days from the date of demand, with such further particulars connected with the aforesaid matters as the Protector of Pilgrims may in writing demand from him."

4. For section 12 of the said Act the following shall be substituted, namely:—

"12. Any such master, owner or agent who, without reasonable excuse, the burden of proving which shall lie upon him, fails or refuses to supply such particulars or such further particulars or supplies false particulars, *or charges a price for any class of ticket higher than the price supplied to the Protector of Pilgrims*, shall be liable to a fine which may extend to five hundred rupees."

Amendment of section 12.

5. After section 12 of the said Act the following sections shall be inserted, namely:—

New sections 12A and 12B.

"12*A*. Any such master, owner or agent who is unable to despatch such vessel on the latest date of sailing as supplied by him to the Protector of Pilgrims shall be bound to apply to the Commissioner for permission to despatch the vessel on a subsequent date, whereupon it shall be in the discretion of the Commissioner to reject such application, or to grant it, wholly or in part, provided that the Commissioner shall not grant the application unless the master, owner or agent satisfies him that his inability to despatch the vessel was owing to some unavoidable circumstance and not owing to any negligence or culpable omission on his part.

"12*B*. If any such master, owner or agent, without reasonable excuse, the burden of proving which shall lie upon him, fails to despatch such vessel on the latest date of sailing as supplied by him to the Protector of Pilgrims or on such subsequent date as the Commissioner may have permitted, such master, owner or agent shall be liable to a fine which may extend to one thousand rupees for the first day of detention and to a further fine, which may extend to five hundred rupees, for each succeeding day of detention *excluding* ~~including~~ the day on which the vessel leaves the port of embarkation.

~~Explanation.—Day means any portion of time between midnight and midnight.~~"

Amendment of section 13.

6. In section 13 of the said Act, for the words "~~10~~ *ten* of the Native Passenger Ships Act, 1876," the words "11 of the Pilgrim Ships Act, 1895," shall be substituted.

XIV of 1895.

Amendment of section 15.

7. In section 15 of the said Act, for the ~~figures and~~ words "*thirty-nine, forty and forty-two* ~~39, 40 and 42~~ of the Native Passenger Ships Act, 1876," the figures and words "51, 52 and 54 of the Pilgrim Ships Act, 1895," shall be substituted.

XIV of 1

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 10th May 1915.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The
Bombay Government Gazette

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TUESDAY, 18TH MAY 1915.

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PART VII.

Proceedings of the Council of the Governor of Bombay.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 28 (6) of the Rules for the conduct of business at Meetings of the Legislative Council of the Governor of Bombay:—

Bill No. III of 1915.

An Act further to amend the Bombay Medical Act, 1912.

WHEREAS it is expedient further to amend the Bombay Medical Act, 1912, hereinafter called "the said Act" in manner hereinafter appearing; It is hereby enacted as follows:— VI of

1. This Act may be called the Bombay Medical (Amendment) Act, 191 . Short title.

2. (*1*) To clause (*c*) of sub-section (*2*) of section 2 of the said Act, the following words shall be added, namely:— Amendment of section 2. VI of

"who are registered under this Act".

(*2*) In clause (*d*) of the said sub-section, the words "or under the Medical Acts" shall be repealed.

3. For section 7 of the said Act, the following shall be substituted, namely:— Amendment of section 7.

"7. (*1*) Every person for the time being registered under the Medical Acts shall be entitled to be registered under this Act free of charge on informing the Registrar of the date of his registration under the Medical Acts and giving a correct description of his qualifications with the dates on which they were granted. Persons entitled to be registered.

(*2*) Every person who is possessed of any of the qualifications described in the Schedule to this Act (subject to the provisions of section 20) shall be entitled to be registered under this Act on payment of a fee of fifteen rupees, and on giving evidence to the satisfaction of the Registrar of his possession of a qualification fitting him for registration.

Questions.	*Answers.*
to amend the Bombay Local Boards Act, 1884, will be introduced into the Legislative Council?	Government are unable to say when it will be introduced in the Legislative Council.
7. (*a*) Is there at present a liquor shop in the proximity of the Sardars' High School, Belgaum? (*b*) If so, will Government be pleased to state whether they propose to remove it? Liquor shop at Belgaum.	7. Inquiry will be made.
8. (*a*) Will Government be pleased to state if their attention has been called to the allegations made in the issue of the "Kesari" of the 25th May, 1915, regarding the Municipality at Junnar? Municipality of Junnar.	8. (*a*) Yes.
(*b*) If so, will Government be graciously pleased to say whether they propose to inquire into the truth of those allegations?	(*b*) The attention of the Honourable Member is invited to the reply given to questions 2 (*b*) and (*c*) put by the Honourable Mr. Paranjpye.
THE HONOURABLE MR. G. M. BHURGRI.	
1. Will Government be pleased to state what has been the annual amount of fines imposed on the Jamrao tract by the Executive Engineer, Jamrao Canals, during the last ten years for— (1) Waste water. (2) Unauthorised use of water. Fines—Jamrao Canals.	1. *A statement giving the information required by the Honourable Member is placed on the Council Table. *See Appendix B.
2. Will Government be pleased to state in how many and in which tálukas in Sind there has been, since 1882, a decrease in the assessment, whether during the currency of the guaranteed period, or at the time of the revision settlement? Survey Assessments in Sind.	2. The information is available in the Settlement reports which have all been published.
THE HONOURABLE DR. D. A. D'MONTE.	
* * * * * * *	
1. (*b*) Is it a fact that the plans of the new buildings have not been passed by the Executive Engineer for some time and is there any reason for the delay? Primary Schools in Thana District.	1. (*b*) The plans and estimates for the new buildings have already been approved, but the construction of the buildings has been postponed pending a final decision on certain points affecting the sanitary and hygienic aspects of school construction which are still under the consideration of Government.

The
Bombay Government Gazette

PUBLISHED BY AUTHORITY.

THURSDAY, 29TH JULY 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 12th July 1915 are published for general information :—

LIST OF BUSINESS, AS CORRECTED UP TO DATE, TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, POONA, ON MONDAY, THE 12TH JULY 1915, AT 12 NOON.

I. NEW MEMBERS—

Before taking their seats, newly elected or nominated Additional Members will take the oath of office.

II. QUESTIONS ASKED BY HONOURABLE MEMBERS AND ANSWERS THERETO.

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

III. PRESENTATION OF THE BUDGET OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1915-16, AND DISCUSSION THEREON.

IV. BILLS—

1. A Bill to amend the Bombay Protection of Pilgrims Act, 1837—*Second Reading*.
   (i) *For Notice of Amendments from the Honourable Mr. W. D Sheppard, C.I.E., I. C. S.*, vide *items under Head V.*
   (ii) *For Notice of Amendments from the Honourable Dewan Bahadur K. R. Godbole*, vide *items under Head V.*

2. A Bill further to amend the City of Bombay Municipal Act, 1888—*First Reading.*

3. A Bill further to amend the Bombay Medical Act, 1912—*First Reading.*

4. A Bill to provide for a survey of the Town and Island of Bombay—*Second Reading.*

(i) For Notice of Amendments from the Honourable Dewan Bahadur K. R. Godbole, vide *items under Head V.*

(ii) For Notice of Amendments from the Honourable Sir Ibrahim Rahimtoola, vide *items under Head V.*

V. AMENDMENTS OF WHICH NOTICES HAVE BEEN RECEIVED—

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Legislative Business, notices have been received of the following amendments:—

(A)—Bill No. I of 1915 [the Bombay Protection of Pilgrims (Amendment) Bill], as amended by the Select Committee:—

Clause 3.

(1) From the Honourable Dewan Bahadur K. R. Godbole—

In sub-section (*2*) of new section 11, *delete* the words "be in conformity with", and *substitute* therefor the words "not exceed but may be less than."

(2) From the Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.—

In new section 11 (*2*) for the word "supplied" the word "intimated" shall be substituted.

Clause 4.

(3) From the Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.—

In new section 12, for the words "or charges a price for any class of ticket higher than the price supplied to the Protector of Pilgrims," the words "or charges a price for a ticket of any class higher than the price of such class intimated to the Protector of Pilgrims, or advertises a price which is not in conformity with the price so intimated," shall be substituted.

Clause 5.

(4) From the Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.—

In new sections 12A and 12B, respectively, for the word "supplied" the word "intimated" shall be substituted.

(B)—Bill No. VIII of 1914 (the Bombay City Survey Bill), as amended by the Select Committee:—

Clause 9.

(1) From the Honourable Dewan Bahadur K. R. Godbole—

Delete clause 9 and renumber the succeeding clauses accordingly.

Clause 10.

(2) From the Honourable Sir Ibrahim Rahimtoola, C.I.E.—

Delete clause 10.

Clause 12.

(3) From the Honourable Sir Ibrahim Rahimtoola, C.I.E.—

Delete sub-clause (*2*) of clause 12.

VI. MOTION—

Motion by the Honourable Moulvie Rafiuddin Ahmad, Bar.-at-Law—

"That this Council expresses its deep gratitude to His Imperial Majesty the King-Emperor for extending the term of office of His Excellency Lord Hardinge till March next. This Council also offers its grateful thanks to His Excellency the Viceroy for his cheerful response to the call of duty and hopes that the extension granted to His Excellency will bring additional blessings to the country."

VII. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

1. *Resolution by the Honourable Sir Ibrahim Rahimtoola, C.I.E.—*

"That this Council recommends the Governor in Council to be pleased to utilize the munificient donation of eight lakhs of rupees, given by Sir Mahomed Yusuf Sodagar, towards the foundation of a Moslem Residential College, to be named after the donor and established either in Salsette or in the suburbs of Poona City, with adequate provision for the teaching of Arabic and Persian; that the College should be open to students of all communities, provided that every Musalman student applying for admission shall have priority over students belonging to other religious denominations, and that a reasonable number of free studentships and scholarships should be provided for poor Musalman students attending the College."

2. *Resolution by the Honourable Rao Saheb V. S. Naik—*

"That this Council respectfully recommends to His Excellency the Governor in Council to consider the desirability of working out a scheme for the Dharwar District—

(*a*) for the redistribution of the villages among the several Subordinate Judges and permanent Joint Subordinate Judges so that each Subordinate Judge may have separate jurisdiction over a compact group of villages, and

(*b*) for the more convenient location of the Subordinate Courts in the district."

3. *Resolution by the Honourable Dewan Bahadur K. R. Godbole—*

"This Council recommends that His Excellency the Governor in Council will be pleased to reconsider, in the near future, the question of interest charged on loans given under the Land Improvement Loans Act, 1883, and reduce the same to the lowest possible figure."

4. *Resolution by the Honourable Dewan Bahadur K. R. Godbole—*

"This Council recommends that His Excellency the Governor in Council may be pleased to consider the advisability of obtaining the sanction of the Government of India to supplement from Provincial Revenues the assistance ordinarily given, under the existing feeder line terms, from Imperial Revenues, for the construction, by private enterprise, of Railways in the Konkan, Kanara and the Western Ghaut Districts of the Bombay Presidency."

Resolutions by the Honourable Mr. V. J. Patel, Bar.-at-Law—

5. This Council recommends that the Governor in Council may be pleased to direct that the number of elective members on those Taluka and District Local Boards in the Presidency which have been in existence for twenty-five years or upwards shall be not less than two-thirds of the whole Board.

6. This Council recommends that the Governor in Council may be pleased to direct that the Presidents of those Taluka and District Local Boards in the Presidency which have been in existence for twenty-five years or upwards shall be elected by such Boards.

7. This Council recommends that the Governor in Council may be pleased to appoint a committee of officials and non-officials to enquire into and report on the ways and means of increasing the resources of Local Boards.

8. This Council recommends to the Governor in Council to constitute Municipal Districts out of such adjacent notified areas in the Salsette Taluka as the Governor in Council thinks fit or, in the alternative, to appoint a substantial proportion of a notified area committee in the Salsette Taluka on the recommendation of electorates to be constituted in such notified area.

9. This Council recommends that the Governor in Council may, under sub-section (*2*) (*c*) of section 23 of the Bombay District Municipal Act, 1901, be pleased to direct that every President of a City Municipality in the Presidency shall be elected by such Municipality.

10. *Resolution by the Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.*—

"That His Excellency the Governor in Council may be pleased to convey to the Honourable Sir Richard Lamb, on behalf of this Council, an assurance of its full appreciation of his distinguished services as Revenue and Finance Member of the Bombay Government for the last five years."

VIII. ELECTIONS—

Election of six members of the Finance Committee by the non-official members of the Legislative Council.

IX. PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. VIII of 1914 (A Bill to provide for a survey of the Town and Island of Bombay).

2. Report of the Select Committee appointed to consider Bill No. I of 1915 (A Bill to amend the Bombay Protection of Pilgrims Act, 1887).

3. Minute of the Honourable Sir Ibrahim Rahimtoola, C.I.E., on Bill No. I of 1915 (A Bill to amend the Protection of Pilgrims Act, 1887), as amended by the Select Committee.

4. Joint report of the Commissioners of Divisions on the question of allowing an appeal to the District Magistrate against the order of a Police Patil under section 15 of the Bombay Village Police Act, 1867.

5. Letter from the Government of India, Legislative Department, No. 1756, dated the 6th May 1915, returning with the assent of His Excellency the Governor General the authentic copy of the Sind Coast-lights Act, 1915.

6. Letter from the Chairman, Bombay Improvement Trust, No. 3662, dated the 22nd May 1915, in connection with Bill No. II of 1915 (A Bill further to amend the City of Bombay Municipal Act, 1888).

7. Letter from the Government of India, Legislative Department, No. 1960, dated the 1st June 1915, returning with the assent of His Excellency the Governor General the authentic copy of the Bombay Decentralization Act, 1915.

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 8th July 1915.

LEGISLATIVE COUNCIL, 12th JULY 1915.

LIST OF QUESTIONS AND ANSWERS.

Questions.	*Answers.*
THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.	
1. Has the attention of Government been drawn to the judgment delivered on the 22nd December 1914 by His Majesty's High Court of Judicature at Bombay in Criminal Application for Revision No. 318 of 1914 presented by one Anandrao Balkrishna Rangnekar? (High Court Judgment in the case of Anandrao Balkrishna Rangnekar;)	
If so, will Government be graciously pleased to furnish information on the following points? (and further information about the case.)	
(*a*) The total expenditure of money out of the public exchequer on the prosecution of the case against the accused in all its stages.	1. (*a*) The total expenditure incurred by Government in connection with the case amounted to Rs. 711.
(*b*) Whether the Government has taken or intends to take any notice of the conduct of the complainant Ráo Sáheb Anant Bhaskar Nimkar towards the accused in the case.	(*b*) & (*c*). On careful consideration of the facts of the case Government have come to the conclusion that there are no grounds for impugning the conduct of the Mámlatdár or for granting compensation to the accused person.
(*c*) Whether Government has given or intends to give any compensation to the accused for the mental worry and the expense to which he was put in defending himself.	
	* The reply to this part of the question was given at the meeting held on the 13th March 1915.
2. Will Government be pleased to state—	
(*a*) the present number of pupils in the Mission Anglo-Vernacular School and the George V Anglo-Vernacular School at Vengurla? (School at Vengurla.)	2. (*a*) The number of pupils in the Mission Anglo-Vernacular School and the George V Anglo-Vernacular School at Vengurla on the 28th February 1915 was 38 and 206 respectively.
(*b*) the amount of the grant-in-aid to the Mission Anglo-Vernacular School in the year 1914?	(*b*) The amount of the grant-in-aid to the Mission Anglo-Vernacular School in the year 1914 was Rs. 1,027.
(*c*) whether it is a fact that the Educational Department has recognized the Mission Anglo-Vernacular School?	(*c*) The question is answered in the affirmative.

Questions.

(*d*) the grounds on which the Educational Department has hitherto declined to recognise the George V Anglo-Vernacular School?

3. Will Government be pleased to state the total number of pupils who were refused admission for want of room into each of the Government High Schools in the Southern Division from December 1912 to the end of January 1915?

Government High School in Southern Division: Number of pupils refused admission.

4. Will Government be pleased to state—

* * * * *

(*d*) Whether it is a fact that the Commissioner, Southern Division, has recently intimated to the Vengurla Municipality that in view of the opening of a Mission Hospital at Vengurla, no Assistant Surgeon will in future be in charge of the Municipal Dispensary.

Candy Municipal Medical Dispensary at Vengurla.

(*e*) Whether the Vengurla Municipality has unanimously recorded a resolution protesting against the Commissioner's orders.

[*These questions were asked at the meeting held on 13th March 1915 when* ad interim *replies were given.*]

5. Will Government be pleased to state—

(*a*) the total number of Taluka Local Boards in the Bombay Presidency, and

Taluka Local Boards and their Vice-Presidents.

(*b*) the number of Taluka Local Boards of which the Vice-Presidents are non-officials at present?

6. Will Government be graciously pleased to state when they expect that a Bill

Bill to Amend the Bombay Local Boards Act, 1884.

Answers.

(*d*) The George V School is being recognised. Recognition has hitherto not been granted to the latter school chiefly because the Mission School was already recognized and it was considered inadvisable that there should be two recognized schools in the place competing against each other. It has since become evident that there is room for the two schools.

3. The information, so far as it is available, is given in the statement appended.* It may be observed that the number of pupils shown is merely a rough estimate since applications and refusals are merely oral and no records are kept. Moreover, the same students must frequently appear against different schools.

* See Appendix A.

4. (*d*) No such intimation has been communicated by the Commissioner, Southern Division, but the question whether a sub-assistant surgeon should in future be placed in charge of the municipal dispensary at Vengurla is under consideration.

(*e*) The Municipality has unanimously passed a resolution to the effect that an assistant surgeon is required for the dispensary.

5. (*a*) There are 216 Taluka Local Boards in the Bombay Presidency, including Sind.

(*b*) The information is being called for.

6. A Bill further to amend the Bombay Local Boards Act, 1884, is at present under reference to the district officers and the local boards.

Questions.	*Answers.*
to amend the Bombay Local Boards Act, 1884, will be introduced into the Legislative Council?	Government are unable to say when it will be introduced in the Legislative Council.
7. (*a*) Is there at present a liquor shop in the proximity of the Sardars' High School, Belgaum? (*b*) If so, will Government be pleased to state whether they propose to remove it? Liquor shop at Belgaum.	7. Inquiry will be made.
8. (*a*) Will Government be pleased to state if their attention has been called to the allegations made in the issue of the "Kesari" of the 25th May, 1915, regarding the Municipality at Junnar? Municipality of Junnar.	8. (*a*) Yes.
(*b*) If so, will Government be graciously pleased to say whether they propose to inquire into the truth of those allegations?	(*b*) The attention of the Honourable Member is invited to the reply given to questions 2 (*b*) and (*c*) put by the Honourable Mr. Paranjpye.
THE HONOURABLE MR. G. M. BHURGRI.	
1. Will Government be pleased to state what has been the annual amount of fines imposed on the Jamrao tract by the Executive Engineer, Jamrao Canals, during the last ten years for— (1) Waste water. (2) Unauthorised use of water. Fines—Jamrao Canals.	1. *A statement giving the information required by the Honourable Member is placed on the Council Table. *See Appendix B.
2. Will Government be pleased to state in how many and in which tálukas in Sind there has been, since 1882, a decrease in the assessment, whether during the currency of the guaranteed period, or at the time of the revision settlement? Survey Assessments in Sind.	2. The information is available in the Settlement reports which have all been published.
THE HONOURABLE DR. D. A. D'MONTE.	
* * * * * * *	
1. (*b*) Is it a fact that the plans of the new buildings have not been passed by the Executive Engineer for some time and is there any reason for the delay? Primary Schools in Thana District.	1. (*b*) The plans and estimates for the new buildings have already been approved, but the construction of the buildings has been postponed pending a final decision on certain points affecting the sanitary and hygienic aspects of school construction which are still under the consideration of Government.

Questions.	*Answers.*
(*c*) Are Government aware that Rs. 37,000 available for educational purposes have had to be refunded by the District Local Board, when there is urgent need, and money is wanted, for the improvement and better housing accommodation of schools in the District ?	(*c*) The sum of Rs. 37,000 referred to by the Honourable Member is presumably the free building grant of that amount sanctioned by Government for Local Board school buildings in the Thana District from the recent imperial grants for education. The payment of the grant in question is subject to compliance with the conditions laid down in the Grant-in-aid Code. As the District Local Board drew the money irregularly under a misapprehension, they were required to refund it; but the grant itself has not been withdrawn.
2. Do Government propose to take any action in regard to the discontinuance of the Toll Bar on the Bandra-Ghodbunder Road ? Toll on the Bandra-Ghodbunder road.	2. The Bandra-Ghodbunder Road is under the District Local Board, and an enquiry made shows that that body is not willing to abolish the toll on it

[*These questions were asked at the meeting held on the 13th March 1915, when* ad interim *replies were given.*]

THE HONOURABLE SHEIKH GHULAM HUSSEIN HIDAYATALLAH.

1. Is it a fact that there are no waiting rooms for the use of the travelling public at the stations of Shahdadpur and Oderolal, on the North-Western Railway, in Sind ? North-Western Railway Waiting Rooms.	1. Enquiry is being made.
2. Will Government be pleased to give the figures for Sind for the last five years, of— Statistics relating to punishments in criminal cases.	
(1) convictions under the substantive penal law;	
(2) convictions under section 110 of the Criminal Procedure Code;	
(3) persons who were discharged under the above section;	2. The information will be obtained.
(4) persons from whom security was demanded;	
(5) persons who offered security;	
(6) persons whose security was accepted;	
(7) persons sent to jail for failure to furnish security, or proper security;	
(8) persons sent to gaol, for the first time, for the above reason.	

Questions.

Answers.

THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.

1. (*i*) Will Government be pleased to furnish the figures of the total penal assessments for the years 1912-1913, 1913-1914 and 1914-1915 (to date) recovered by the Executive Engineer for Irrigation, Poona, from agriculturists along the Mutha Canal for unauthorised or irregular use of Canal water?

Water-rate on Mutha Canal—Penal assessment.

1. (*i*) The total fines for unauthorised use of canal water are as under:—

1912-1913 ... Rs. 7,195
1913-1914 ... Rs. 5,284
1914-1915 ... Rs. 9,700 (exclusive of fines for unauthorised rabi irrigation not yet known).

(*ii*) Is it a fact that penal assessment for water is levied on the strength of *ex parte panchnámas* held by the Irrigation authorities?

(*ii*) No. *Panchnámas* are not held by the Irrigation authorities but by the village officers.

The village officer gives intimation in advance to the irrigators concerned regarding *panchnámas* and takes the irrigator's statement on the *panchnáma*. If the irrigator attends and protests against the fine, the matter is investigated by the Irrigation Department and considered on its merits.

When the irrigator does not attend, the *panchnáma* is necessarily completed in his absence, the village officer making a note on the *panchnáma* that the irrigator was not present.

(*iii*) If so, is it a fact that the system has caused dissatisfaction amongst agriculturists along the Mutha Canal?

(*iii*) Dissatisfaction has been expressed by irrigators complaining that they were not given intimation of *panchnámas* being held and steps are being taken to remove the cause of complaint.

[*This question was asked at the meeting held on the 13th March 1915 when an* ad interim *reply was given.*]

THE HONOURABLE SARDAR DULABAWA RAISINGHJI, THAKORE OF KERWADA.

1. Will Government be pleased to state what standard is fixed for calculating Jama on the Tálukdári estates?

Standard of calculation of Jama.

1. The assessment of Jama is regulated by section 22 (*1*) of Bombay Act VI of 1888. In practice a reduction may be allowed up to two-fifths of the aggregate of the survey assessment of the lands comprised in the estate.

2. In reply to my question No. 2 put at the meeting of the Legislative Council on the 13th March 1915, relating to the Jama levied at different periods in respect of the Tálukdári

Increase of Jama of certain Tálukdári estates of the Viramgám and the Dhandhuka Tálukas.

Questions.

estates in certain tálukas in the Ahmedabad District, will Government be pleased to state, with special reference to the following estates:—

In the táluka of Viramgám—

1. Chhaniar.
2. Ukardi.
3. Rudatal.
4. Sadatara.
5. Vithlapur.
6. Gunjala.
7. Tammania.

In the táluka of Dhandhuka—

1. Gamph.
2. Rojka.
3. Salasar.
4. Adval.
5. Aniali Kasbati.
6. Khokharnesh.
7. Fedra.
8. Unchdi.
9. Khasta.
10. Kotda.
11. Nana Matra.

(*a*) the reasons on account of which the Jama of these estates was increased at each settlement, and

(*b*) whether this increase of Jama was due to appreciable improvements in the agricultural conditions and produce of these estates.

3. Will Government be pleased to place on the Council Table statements showing the names of the Tálukdári estates which pay more than 60 per cent. of the survey assessment as Jama at present?

Tálukdári estates paying more than 60 per cent. of survey assessment as Jama.

4. Will Government be pleased to lay on the Table a statement showing the average of survey rates leviable in the Khálsa villages of Dhandhuka Táluka in the neighbourhood of Tálukdári villages, and to state whether the rates leviable in the Khálsa villages are lighter than those of the Tálukdári villages in the same táluka?

Survey rates leviable in Khálsa and neighbouring Tálukdári villages in Dhandhuka Táluka.

Answers.

2. (*a*) The increases in Jama were assessed in consideration of the income of the several estates as disclosed by the inquiries made by the Settlement Officer.

(*b*) In many cases the agricultural conditions were found to have improved and the produce increased.

3. The information which has been prepared on the assumption that the honourable member refers to the assessment ascertained by the detailed survey recently carried out, is given in the statement *placed on the Table.

* See Appendix C.

4. The maximum dry-crop rates approved in 1889 for the current settlement of the thirteen Government villages in Dhandhuka Táluka are:—

	Rs.	a.	p.
1 Village	4	8	0
1 „	3	0	0
2 Villages	2	4	0
7 „	2	0	0
1 Village	1	12	0
1 „	1	4	0

Questions.

Answers.

The maximum dry crop rates approved in 1895 for the calculation of the assessment in Tálukdári villages in the same táluka are :—

	Rs.	a.	p.
Group I	2	8	0
„ II	2	4	0
„ III	2	0	0
„ IV	1	4	0

The average incidence of the assessment per acre of cultivable land was calculated at Rs. 1-12-5 for the Government villages and Rs. 1-3-5 for the Tálukdári villages.

5. Is it a fact that the Honourable Mr. Reeves

(*a*) assured the Tálukdárs that it was intended to restore them to their former position, and

Tálukdárs' position.

(*b*) compared that position with the position occupied by the Tálukdárs of Káthiáwár ?

5. (*a*) The Honourable Mr. Reeves stated that Government should endeavour to restore the Tálukdárs to their former position so far as it is possible to do so.

(*b*) Yes.

6. Is it a fact that, at the time of the introduction of British rule in Gujarát, the Tálukdárs were paying nothing beyond tribute or peshkush ?

Tálukdárs' payments when British rule was introduced.

6. At the time of the introduction of British rule in Gujarát the Tálukdárs were found to be paying to Government a portion of the income derived from their estates. The amount was liable to variation. The payment has been sometimes described as tribute.

7. Will Government be pleased to place on the Table an extract from the report of the Kárbhári of Gamph in which he has given figures to show the enhancement of the Jama of the Gamph Estate at each settlement ?

Jama of Gamph Estate.

7. No report of the nature referred to appears to have been communicated to Government.

8. Will Government be pleased to state—

Recovery of expenses of survey of Tálukdári lands.

(1) Whether the expenses incurred in connection with the detailed survey of Tálukdári lands are to be borne by the Tálukdárs ?

8. (1) The expenses of the survey referred to are being borne by Government except to the extent of the recoveries that may be made from the land holders concerned under the provisions of sections 97 and 122 of the Land Revenue Code.

(2) Did the Tálukdárs agree to bear the expenses of the survey and were they consulted ?

(2) The Tálukdárs were not consulted.

(3) Was there any demand for the detailed survey of their Tálukdári lands from the Tálukdárs ?

(3) Government have no special information on the point.

Questions.	*Answers.*
(4) Will Government be pleased to state the amount actually collected in this connection from them ?	(4) Information will be called for of the amounts recovered under the provisions of sections 97 and 122 of the Land Revenue Code.
9. Will Government be pleased to state (1) whether Tálukdárs whose estates are under management are consulted before Takávi loans are advanced to their tenants ? (2) whether the Tálukdárs are responsible for default made by their tenants even if such defaulters may have been given Takávi against the Tálukdárs' wishes ? (3) what is the total amount recovered directly from Tálukdárs in cases of default made by their tenants ? (4) will Government be pleased to state what amount has been written off as bad debts in regard to such Takávi loans ? Takávi loans to tenants of Tálukdárs.	9. Inquiry will be made.
10. Will Government be pleased to lay on the Table – (1) A statement showing the area of waste lands in the talukas of Dhandhuka and Dholka, which were excluded from the calculation of the Jama in the year 1902-1903 ? Waste lands in the Dhandhuka and Dholka Tálukas in relation to Jama.	10. (1) The Honourable Member presumably refers to the year 1903-04. In that year Government sanctioned for the majority of the villages a reduction of the Jama which had been settled in the case of the Dholka Táluka from 1893-94 and in the case of Dhandhuka Táluka from 1899-1900. In considering the amount of reduction to be allowed Government did not take into account the area of waste as it stood at that time. In the few remaining villages no alteration was made in the Jama.
(2) Is it a fact that since then a portion of these waste lands, though not actually brought under cultivation, have been included in calculating the Jama ?	(2) No.
(3) Will Government be pleased to lay on the Table a statement of the area shown as waste, in the Páhani Patraks, for the years 1902-03 and 1904-05, and 1914-15, in respect of the Tálukdári villages in Dhandhuka and Dholka Tálukas ?	(3) In the circumstances stated in reply to the first section of this question, Government do not consider that any useful purpose will be served by compiling the information asked for.

Questions.

Answers.

11. Will Government be pleased to state—

(*a*) whether any scheme has been prepared to provincialise the main roads of Broach, and

Roads in Broach.

(*b*) whether Government propose to give grants to improve the roads in Broach.

11. (*a*) Yes.

(*b*) The question of giving grants will be considered when the scheme for provincializing the roads is approved. In view of the present financial stringency, it seems likely that the matter will have to be held over for some time.

12. Is it a fact that no waiting room is provided at the railway station at Jambusar?

Waiting room at the Jambusar Railway Station.

12. Enquiry will be made.

13. (*a*) Is it a fact that, at the annual Local Darbars held in the districts of Broach and Kaira, no seats have been assigned to hereditary officers, such as Desais and others, in receipt of cash allowances from the Táluka Treasuries?

Darbars held in Broach and Kaira.

(*b*) If so, what action do Government propose to take in this matter?

13. Government have no information, and do not propose to take any action in the matter.

THE HONOURABLE MR. N. D. KHANDALAVALA.

1. (*a*) Has the attention of Government been drawn to the leader in the *Times of India* of 17th December 1914 on the case of Lt.-Col. Burnett against D. J. Dhondy in regard to Police Court delays?

Burnett *v.* Dhondy case.

1. (*a*) No.

(*b*) If so, do Government mean to take any steps to put a stop to such delays?

(*b*) Government have already initiated measures with the view of restricting undue protraction of proceedings in cases before Magisterial Courts.

2. (*a*) Will Government be pleased to state why the proposal that was made some time ago by Messrs. Crompton and Company to supply electric lighting in Poona has not been carried out?

Electric lighting in Poona.

2. (*a*) The proposal and others made by other firms are under the consideration of Government.

(*b*) Whether Government have under consideration any scheme to supply Poona in the near future with electric lighting?

(*b*) The question is under the consideration of Government, but no statement as to when a decision may be expected can be made at present.

Questions.

THE HONOURABLE RAO SAHEB VENKATESH SHRINIWAS NAIK.

1. Will Government be pleased to supply the following information about the Judicial Subordinate Courts in Belgaum, Bijápur and Kánara districts separately for the last five years ?

Judicial Subordinate Courts in Belgaum, Bijápur and Kánara Districts.

* * * * *

(*b*) The number of suits filed in the First Class Subordinate Judges' Courts.

(*c*) The number of original suits, both small cause and long cause, darkhasts and miscellaneous applications filed in different Second Class Subordinate Judges' Courts.

(*d*) The number of these suits filed in different Subordinate Courts from each táluka.

* * * * *

(*f*) The number of villages within the jurisdiction of different courts which are more than 20 miles in distance from the seats of courts and which have no railway communication direct from these villages.

(*g*) The longest distance from the seats of these Subordinate Courts to the villages over which they have jurisdiction.

[*This question was asked at the meeting held on the 8th December 1914, when an* ad interim *reply was given.*]

2. Will Government be pleased to furnish the following information for the last three years in regard to the charges credited to the Government (Public Works Department) on account of professional advice given to, and works done for, the Local Boards and Municipalities, separately, by the Public Works Officers in Dhárwár, Belgaum and Bijápur districts ?

Payments by Local Boards and Municipalities to Government for the services of the Public Works Department.

(*a*) Charges for reviewing the plans and estimates framed by the subordinates of Local Boards and Municipalities.

Answers.

1. Statements* containing the information asked for in clauses (*b*), (*c*), (*d*), (*f*) and (*g*) of the Honourable Member's question No. 1 have been placed on the Council Table.

* See Appendices D to M inclusive.

2. A statement† showing the information required is attached.

† See Appendix N.

Questions.

(*b*) Charges for framing the plans and estimates for works belonging to Local Boards and Municipalities.

(*c*) Establishment charges on account of execution of Local Board and Municipal works through Government Public Works Agency, showing separately the charges for educational works.

(*d*) Any other charges paid by the Local Boards and Municipalities on account of professional advice received from Government Public Works Officers.

3. Will Government be pleased to say how many nurses are trained and sent out every year from different hospitals and nursing associations, fit for appointment in the mofussil hospitals and dispensaries ?

Nurses trained.

[*These questions were asked at the meeting held on the 13th March 1915, when* ad interim *replies were given.*]

4. Will Government be pleased to say—

(*a*) What municipalities in this Presidency have not furnished their towns with hospitals or dispensaries giving medical relief to the population within the areas under their control ?

Hospitals or dispensaries in municipal districts.

(*b*) In what municipal towns where medical aid is not provided by the municipalities private or Mission hospitals or dispensaries exist ?

5. With reference to the reply given to my question No. 1 in the last meeting of the Council in March, relating to Kánarese schools in the Sholápur District, will Government be pleased to say in how many out of the seventy villages there is a population of more than 3,000, 2,000, 1,000 and 500 in each ?

Schools teaching Kánarese in the Sholápur District.

Answers.

3. The accompanying statement‡ shows the average numbers of trained nurses annually sent outfit for appointment in the mofussil hospitals and dispensaries. Nurses trained by institutions other than those mentioned in the statement have been omitted from it as they would not be accepted as suitable for appointment in the institutions referred to.

‡ See Appendix O.

4. (*a*) The information required by the Honourable Member is contained in the appended statement.*

*Appendix P.

(*b*) The information is being obtained.

5. The number of villages containing a population of more than 3,000, 2,000, 1,000 and 500 is 3, 4, 18 and 23, respectively.

Questions.	*Answers.*
6. Out of 323 private non-aided and 16 aided dispensaries shown in column 5 of the statement A attached to the Appendix I to the annual report on the Civil hospitals and dispensaries under the Government of Bombay for the year 1913, will Government be pleased to say how many are in British Districts and how many in Native States ? Private dispensaries in this Presidency and adjoining Native States.	6. The information is being obtained.
7. Will Government be pleased to furnish the following information for the Dhárwár District, relating to the services rendered and the remuneration received by Mahars :— Mahars in the Dhárwár District. (*a*) The number and the names of the villages in which remuneration (*aya*) for the services of Mahars is collected either in kind or cash from the rayats and paid to the Mahars through the village officers ? (*b*) The extent of their lands, if any, in such villages and the income from the same ? (*c*) Whether the scale for the collection of this remuneration is based upon the area or the number of the holdings ? (*d*) The services which these Mahars render to the community and to the Government ? (*e*) Whether these Mahars take, independently of the revenue officers, remuneration from individual rayats for different services rendered by them.	7. Information will be called for.
8. For what other Baluti services in the Dhárwár District is remuneration supplemented by collections in cash or kind from the rayats ? Contributions from landholders for other village servants in Dhárwár District.	8. Enquiry will be made.
9. Is it a fact that at Haveri in the Dhárwár District during the recent revenue collections some amount was collected from the rayats for the first time as remuneration (*aya*) for Mahars and paid to them through the village officers ? Contributions collected for Mahars at Haveri.	9. Enquiry will be made.

Questions.

10. Will Government be pleased to supply the following information about the contributions collected at Haveri, referred to in question No. 9 :—

Contributions collected for Mahars at Haveri.

(*a*) Whether any owners of lands or holdings were exempted from making such contributions ?

(*b*) Whether these contributions were calculated with reference to the area of the lands or the number of the holdings ?

(*c*) What was the amount settled to be paid to the Mahárs and the amount collected during the last revenue collections at Haveri ?

(*d*) If the amount collected during the year is more than what was settled to be paid to the Mahárs how is the excess amount proposed to be disposed of ?

THE HONOURABLE MR. R. P. PARANJPYE.

1. (*a*) Will Government be pleased to give a list of persons who have held the office of the Oriental Translator to Government during the last twenty years ?

(*b*) What are the qualifications required of the persons appointed to the post and on what principles is the appointment made ?

2. (*a*) Has the attention of Government been called to an article headed " Undue Government interference " in the " Mahratta " of 30th May ?

Answers.

10. Information will be called for.

1. (*a*) The gentlemen mentioned below held *substantively* the office of the Oriental Translator to Government during the last twenty years :—

(1) Mirza Abbas Ali Baig, C.S.I., LL.D.

(2) Khán Bahádur Saiyid Shamsuddin Saiyid Mian Kadri, B.A., I.S.O.

(3) Mr. Sorab Manekshah Bharucha, B.A.

(4) Mr. Muhammad Kadir Shaikh, B.A., LL.B. (present incumbent).

The following persons held the appointment *temporarily* during the same period, in the absence on leave or deputation of the permanent incumbents :—

(1) Mr. Sunderrav Gajanan Jayakar, M.A., B.Sc.

(2) Mr. Jehangir Edalji Sanjana, B.A.

(3) Saiyid Fakkruddin Abubakr El Edrus, B.A.

(*b*) The appointment is given to the servant of Government deemed to be best qualified for the duties of the post for the time being.

2. (*a*) Yes.

Questions.	*Answers.*
(*b*) Has Government made enquiries about the alleged threat of an official to a municipal councillor about the withdrawal of the municipal grant to his school and about the circumstances under which the grant was actually withdrawn? (*c*) If so, what is the result of the inquiry? Grant-in-aid to a private school.	(*b*) & (*c*) Government have made enquiries and are satisfied that there is no truth in the suggestion that the withdrawal of the municipal grant to the Private English High School, Junnar, was the result of a threat to the municipal councillor in question that this grant would be withdrawn in the event of his declining to resign his appointment as municipal councillor. The grant was withdrawn by the Municipality partly on account of the far more pressing needs of the municipal primary schools, and partly because the Government grant to the school had been very largely increased.

THE HONOURABLE MR. GOCULDAS KAHANDAS PAREKH.

1. Will Government be pleased to say— (1) For what periods the Gangad estate and the estate of Vika Dosa of Bela in the Ahmedabad District and the estates of Partapsing Nanabava, Takhatsing Nanabava and Nanabava Motaji of Napad in the Kaira District have remained under the management of the Tálukdári Settlement Officer? (2) What was the amount of the debt when the management of each of these estates was taken up, what was the total income of each estate received by the Tálukdári Settlement Officer, what amounts out of the same have been paid as Government Jama, what amounts as maintenance of the Tálukdár and his dependants, what amounts as costs of management, what as interest and what amounts have been paid towards the liquidation of the debts and how much of the original debt yet remains unpaid? [*This question was asked at the meeting held on the 8th December 1914, when an* ad interim *reply was given.*] Detailed account of debts, etc., of certain Tálukdári estates in Ahmedabad and Kaira Districts.	1. The accompanying statement* contains the information required by the Honourable Member. * See Appendix Q.
2. Will Government be pleased to say—	

Questions.

(1) Whether Mr. Jamsetji Rustomji Vakharia of Palej has been vested with the powers of a Third Class Magistrate to be exercised within the limits of the Palej Notified Area?

Notified Area of Palej—Exercise of magisterial powers in.

(2) Whether the said Mr. Vakharia is a member of the Palej Notified Area Committee?

(3) Whether as such Magistrate cases in which prosecutions are ordered by the Notified Area Committee come before him for trial and disposal?

(4) Do Government propose to have a Bench of Honorary Magistrates for the trial of cases from Notified Areas?

3. With reference to Government Resolution in the Revenue Department No. 6479 of the 15th June 1915 will Government be pleased to give the names of the twenty-five villages of the Kaira District in which they have approved the opening of new liquor shops?

Liquor shops in Kaira District.

4. Will Government be pleased to say—

(1) Whether in all the districts of the Northern Division except Broach the possession of 4 gallons of toddy by members of the public without permit is allowed?

Toddy possessed without permit in Northern Division.

Answers.

2. (1) Mr. Jamsetji Rustomji Vakharia has been invested with the powers of a Third Class Magistrate in the Broach District.

(2) Yes.

(3) The information will be obtained.

(4) Government contemplate appointing a Bench of Honorary Magistrates at Palej when gentlemen of suitable qualifications are available, and they have asked the Commissioner, Northern Division, to make his recommendations when such gentlemen are available.

3. The new shops have been opened at the following places:—

Gana ...	A'nand Táluka.
Pansora ...	
Sundalpur ...	
Vehera ...	
Khambholaj ...	
Moholel ...	Nadiád Táluka.
Chaklahi ...	
Vina ...	
Bamnoli ...	
Vanthwali ...	Mehmadabad Táluka.
Kanij ...	
Radhu ...	Mátar Táluka.
Limbashi ...	
Dethli ...	
Masra ...	Thásra Táluka.
Sandheli ...	
Vadad ...	
Kanwadi ...	Borsad Táluka.
Dehemi ...	
Vatra ...	
Salod ...	
Kothiakhad ...	
Betawada ...	Kapadvanj Táluka.
Anara ...	
Badarpur ...	

4. (1), (2) and (3) The maximum limits of possession without a permit for the Northern Division are—

Thána and Surat districts ...	4 imperial gallons.
Broach City	2 „
The rest of Broach district and the districts of Ahmedabad and Panch Mahals.	1 imperial gallon.

Questions.

(2) Whether in the city of Broach and within 10 miles thereof the possession of only 2 gallons without permit is allowed?

(3) Whether in the rest of the Broach district the keeping of only one gallon of toddy without permit is allowed?

(4) What is the reason for making a differentiation of Broach from the other districts of the Northern Division and of the city of Broach and the area within 10 miles thereof from the rest of the district?

5. Will Government be pleased to say whether the Abkári Manual is allowed to be sold to the public? (Abkári Manual.)

6. Will Government be pleased to say—

(1) Whether the village havaldar or revenue peon in Gujarat receives a salary of Rs. 4-4-0 per month? (Village havaldar in Gujarat.)

(2) Do Government propose to make any increase in his pay?

7. Will Government be pleased to say—

(1) Whether Pransukhram Himat, deceased, stamp vendor of Jambusar in the Broach District had, at the time of his death, some stamp papers unsold out of what had been issued to him for sale on prepayment? (Allowance for stamps of a deceased stamp vendor.)

(2) Whether the authorities of Government decline to return to his heirs the full value of the stamp papers unsold but insist on the deduction of one anna for each rupee in accordance with the provisions of section 54 of the Stamp Act?

Answers.

Kaira district ... ... 1 quart.

(4) A general limit of one imperial gallon was prescribed in 1878. For the Konkan districts and Surat the limit was in 1879 raised to four imperial gallons. On a representation from the inhabitants the limit for Broach City was raised in 1903 to two imperial gallons.

5. No. The Manual has been prepared for the guidance of Government officers.

(1) The rate of remuneration of village havaldars in Gujarat is not uniform. The minimum amount paid is Rs. 3 and the maximum Rs. 7 per mensem.

(2) No such proposal is at present under consideration.

7. Enquiry will be made.

Questions.	*Answers.*
8. Will Government be pleased to say— (1) Whether there was a licensed stamp vendor at Hánsot in the Broach District for selling stamp paper, who used to sit to sell stamp paper in a part of the Mahálkari's Kacheri ? Stamp Vendor at Hánsot. (2) Whether this stamp vendor has been dispensed with and the work of selling stamps has been transferred to the Deputy Post Master at Hánsot ?	8. Inquiry will be made.
9. Will Government be pleased to say at what stage of progress are the schemes for the construction of Railway lines from Diva on the G. I. P. Railway to Belápur and Panvel in the Kolába District ? Railways proposed in the Kolába District.	9. A detailed survey by the G. I. P. Railway Company for a line of railway on the 2'-6" gauge from Mumbra Station or some other suitable point to Panvel, with a branch from Taloja to Shahabaj has been completed and the project plans and estimate are now in hand.
10. (1) With reference to the Rules promulgated by Government about the granting of Auditors' Certificates, Rule VIII (ii), sub-clause *(a)*, *(b)*, *(c)*, do Government propose to lay down specific rules for guiding the Council about the conditions under which it should make or decline to make recommendations for certificates ? Bombay Auditors' Certificates Rules.	10. (1) Government have no such proposal under consideration.
(2) With reference to sub-clause *(c)* will they be pleased to specify the minimum term for which a candidate should have done independent auditing or the minimum number of independent audits which he should have made to justify the Council in recommending him ?	(2) No minimum has been prescribed.
THE HONOURABLE MR. V. J. PATEL	
1. (*a*) Will Government be pleased to say (*a*) what were the average monthly emoluments for the last six years ending December 1914 of the Official Assignee, Bombay, as (i) official assignee, (ii) receiver in Official Assignee, Bombay.	1. (*a*) The average monthly emoluments for the last six years ending December 1914 of the Official Assignee, Bombay, are (i) as Official Assignee Rs. 4,904-9-2, (ii) as receiver in various suits Rs. 4,982, and (iii) as liquidator of companies in winding up Rs. 813.

Questions. *Answers.*

various suits, and (iii) liquidator of companies in winding up?

[*This question was asked at the meeting held on the 13th March 1915, when an* ad interim *reply was given.*]

2. (*a*) Will Government be pleased to say whether it is permissible to officers of Government to influence votes for a candidate for election to the Legislative Council?

Elections—Government officers taking part in.

(*b*) Will Government be pleased to lay on the Council Table any standing rules or orders that may now be in force on the subject of interference by Government officers in elections?

2. (*a*) and (*b*). The orders on the subject are laid on the table.

See Appendix R.

Supplementary Question.

The Honourable Mr. PATEL—With regard to my question No. 2, will Government be pleased to say whether the orders laid on the table permit an ex-officio Member of the Senate to write letters to other Members of the Senate recommending a particular candidate for their acceptance in the Council election.

His Excellency the PRESIDENT:—That, I should gather, is a matter for the University to decide.

3. (*a*) Will Government be pleased to say whether it is true that the prosecution by D. J. Samson of Passoo Mulji, a Dalwalla, in the Court of the Chief Presidency Magistrate, Bombay, was instituted by him under the orders of the Board of Trustees of the City of Bombay Improvement Trust requiring him to clear his character in regard to the imputation of a demand for bribery alleged to have been made by him from the accused?

(*b*) Whether it is true that Mr. Aston, the Chief Presidency Magistrate, delivered judgment on the 7th of April, 1915, holding that certain charges of corruption levelled against Mr. Samson had been proved?

Conduct of D. J. Samson of the Bombay Improvement Trust.

3. (*a*) and (*b*). Yes.

(*c*) Whether it is true that the Board of Trustees, at the instance of the Chairman, passed a resolution referring the matter to a committee to inquire further into the case and report their opinion thereon?

(*c*) The Board passed a resolution to that effect.

Questions. *Answers.*

Supplementary Question.

The Honourable Mr. PATEL—With regard to my question No. 3, are there any proposals at present before Government to prosecute Mr. Sampson on charges held proved by the learned Magistrate?

His Excellency the PRESIDENT:—Government has no proposals before them at the present moment.

4. (*a*) Is it true that district authorities in this Presidency frequently recommend special fees to Public Prosecutors for cases conducted by them?

Fees to Public Prosecutors.

4. (*a*) The reply is in the affirmative.

(*b*) Is it true that under the existing rules their remuneration is Rs. 10 per day irrespective of the number of cases they conduct on any one day and also irrespective of the number of accused persons involved in those cases?

(*b*) Yes, in ordinary cases in the mofussil.

(*c*) Are there any proposals at present before Government to revise the existing scale of their remuneration so as to put it on a more satisfactory basis?

(*c*) Government have already accorded administrative approval to a proposal to increase the daily fees to Rs. 15. A copy of the order* has been placed on the Table.

*Appendix S.

5. (*a*) Will Government be pleased to say whether they have received any communication from the Government of India with reference to the amendment of section 3 (*j*) of the Bombay Town Planning Act, 1915, and, if so, when?

Bombay Town Planning Act, 1915, section 3 (*j*).

5. (*a*) A communication from the Government of India was received in February 1915.

(*b*) Will Government be pleased to say whether they have any objection to lay on the Council Table a copy of the said communication?

(*b*) Government do not propose to lay the letter upon the Table, but the Government of India drew attention to the fact that the sub-section was too wide, and suggested the advisability of amending it. Government propose to introduce a short amending Bill at an early date.

6. (*a*) Is it true that there is only one Chairman, one Secretary and one Inspector for all Notified Area Committees in the Salsette Táluka?

6. (*a*) The Special Officer, Salsette Building Sites, has been appointed Chairman of all the Notified Area Committees in the Salsette Taluka. The information regarding the Secretary and the Inspector is being called for.

(*b*) Is it true that the said Chairman also presides over the deliberations of two Municipalities in the Salsette Táluka, viz., Bandra and Kurla?

Notified Area Committees in Salsette Taluka.

(*b*) The answer is in the affirmative.

Questions.	*Answers.*
(*c*) Will Government be pleased to publish a statement showing— (*i*) the number of meetings held by each of the Notified Area Committes in the Salsette Táluka during the two years ending April, 1915; (*ii*) the place where each such meeting was held; and (*iii*) the number of members present at each such meeting? (*d*) Will Government be pleased to say what is the place of the head office of each of the Notified Area Committees for the purposes of sub-section (4) of section 9 of the Bombay Town Planning Act, 1915?	(*c*) and (*d*) The information is being called for.
7. (*a*) Is it true that the Honourable Dr. D. A. D'Monte and several other Councillors of the Bandra Municipality wrote a letter, dated the 7th April, 1915, asking the President to call a special general meeting of the Bandra Municipality to consider the following propositions :— "That a committee consisting of the Honourable Dr. D. A. D'Monte, Mr. Balkrishna Wasudev Pandurang, Khan Bahadur Dr. Dadina, Mr. W. D. Hall, and Mr. Makba be formed, to be called the Water Works Committee, with full powers to deal with the water supply of Bandra and having full power to deal with the water establishment which is to be solely under the control of the Water Committee in future." Water Supply in Bandra. "That the sum of Rs. 500 be placed at the disposal of the Water Works Committee with a request to utilise the same for improving the quality of the water supplied to the town which is at present very bad and is likely to seriously affect the public health". (*b*) Is it true that, in pursuance of this requisition, a special general meeting was held at the Town Hall of Bandra on Tuesday the 13th of April at 6-30 p. m? (*c*) Is it true that the Honourable Dr. D. A. D'Monte asked permission to withdraw, and did as a matter of fact withdraw, his propositions at that meeting?	7. Enquiries are being made.

Questions.	*Answers.*
(*d*) Will Government be pleased to state the reasons which the Honourable Dr. D. A. D'Monte gave the meeting for withdrawing his propositions?	
(*e*) Is it true that the letter of requisition mentioned in question (*a*) was signed by five medical men who are also members of the Bandra Municipality?	
(*f*) Will Government be pleased to say whether the Bandra Municipality sent to the Chemical Analyser for examination any sample of water after the said requisition and, if so, will Government be pleased to state the result of such examination?	
(*g*) Is it true that for the last three years the water supplied in Bandra is frequently getting dirty and unpleasant?	
(*h*) Will Government be pleased to say whether during recent years in Bandra, the Municipality has expended any money in obtaining expert advice on this question and, if so, what amount?	
(*i*) Will Government be pleased to say whether there are any proposals at present before them or the Bandra Municipality to put the question of the water supply on a permanently satisfactory basis?	(*i*) An independent scheme for the supply of water to Salsette is at present under the consideration of Government.
8. (*a*) Will Government be pleased to say whether they have received a petition, dated 25th June 1915, from Sardár Juwansingji Jaswatsingji, Thakor of Gangad, containing allegations of mismanagement of his estate by the Tálukdári Settlement Officers from time to time?	8. (*a*) The petition mentioned has been received.
Management by Tálukdári Settlement Officer.	
(*b*) Will Government be pleased to state how far each of those allegations is true?	(*b*) The petition is under consideration.
(*c*) Will Government be pleased to say whether they contemplate the entrusting of the inquiry into those allegations to the Tálukdári Settlement Officer or propose to institute an independent inquiry?	(*c*) Government will obtain from the local officers such information as may be required for the disposal of the petition.

Questions.

(*d*) Is it true that it is the practice of Government to refer petitions submitted by Tálukdárs containing allegations against the Tálukdári Settlement Officer or his subordinates to the Tálukdári Settlement Officer for inquiry and report?

Answers.

(*d*) In such cases reports are called for from the Tálukdári Settlement Officer if Government consider that course desirable.

9. (*a*) Will Government be pleased to state whether it is true that in the Batai Estate in the Viramgám Táluka the total revenue of the estate for the years 1902 and 1903 was Rs. 654 whereas the Jama and Local Fund Cess charged to the estate was Rs. 633 and the administrative and village charges were Rs. 136 for that year?

Batai Estate in Viramgám Táluka.

(*b*) Is it true that the average annual revenue of the said estate for the following five years was Rs. 694 as shown below:—

Revenue in Rs.		Year.
470	...	1901-02
654	...	1902-03
945	...	1903-04
700	...	1909-10
700	...	1910-11

Total Rs. 3,469, annual average 694?

(9) (*a*) and (*b*) Enquiry will be made.

(*c*) Is it true that the said estate has now to pay Rs. 623 as Jama and Local Fund Cess?

(*c*) The amount of the jama is Rs. 590 and of the Local Fund Cess Rs. 33.

(*d*) Is it true that the decree in Suit No. 430 of 1887 of the Court of the First Class Sub-Judge, Ahmedabad, against one-half of the Batai Estate was sent to the Tálukdári Settlement Officer for execution in the year 1889 and that the decree-holder has not received anything towards the satisfaction of the decree until now?

(*d*) The decree referred to was transferred to the Tálukdári Settlement Officer in 1889 for execution.

(*e*) Is it true that the said decree-holder twice applied for the satisfaction of the decree by sale of the estate, and that on the Tálukdári Settlement Officer offering on both these occasions to satisfy the decree out of the receipts of the estate, Government upheld the proposal of the Tálukdári Settlement Officer, and that the decree still remains unsatisfied?

(*e*) The decree holder applied for execution of the decree by a sale of the village of Bantai. He was required by the Tálukdári Settlement Officer to obtain the sanction of Government to the proposed sale. Government declined to sanction the sale but approved the proposal made by the Tálukdári Settlement Officer that the village should be attached and managed in execution of the decree. Government have no information of the extent to which the decree has been satisfied.

Questions.	*Answers.*
10. (*a*) Will Government be pleased to say whether they have received a petition, dated the 27th July 1914, from one Jamnadas Khusaldas of Oovasad, táluka Daskroi in the Ahmedabad District, and whether they have passed any orders on that petition, and if so, what?	
Petition from Jamnadas Khusaldas of Oovasad.	
(*b*) Will Government be pleased to lay on the Council Table the papers of inquiry regarding the same petition?	
(*c*) Will Government be pleased to say whether there is any truth in the allegations made in the petition that the Tálukdári Settlement Officer took objection no less than six times to the execution of the petitioner's decree in Darkhast No. 357 of 1903 of the First Class Sub-Judge, Ahmedabad, and that each time the objection was overruled by the Court?	
(*d*) Is it true that the Court had passed eight orders to the Tálukdári Settlement Officer to send the accounts of the attached estate but that those orders were not complied with by the Tálukdári Settlement Officer?	
(*e*) Is it true that the surpluses were not sent by the Tálukdári Settlement Officer to the Court for payment to the decree-holder?	
(*f*) Is it true that at one time the surpluses were utilised by the Tálukdári Settlement Officer in making a loan of Rs. 400 in spite of the Court's order to the contrary?	10. (*a*) to (*j*). The petition referred to was received by Government. Inasmuch as it did not appear that the petitioner had already applied to the chief local authority and to the controlling authority, the petition was returned to the writer as not being in conformity with No. 11 of the Petition Rules published by Government.
(*g*) Is it true that in spite of the attachment by the Court dated the 30th November 1889 the judgment-debtor mortgaged his share to one Mayachand Jethidas without obtaining the sanction of the Tálukdári Settlement Officer?	
(*h*) Is it true that the Tálukdári Settlement Officer subsequently made a settlement with the said Mayachand for the mortgaged debt and for some other debt which, too, was without sanction?	
(*i*) Is it true that in spite of the attachment for the execution of the petitioner's decree. the Tálukdári Settlement Officer paid to the said Mayachand some cash amount out	

Questions.	*Answers.*
of the proceeds of the attached estate and also wrote over nearly one-half of the estate for six years to him ?	
(*j*) Is it true that the petitioner appointed Ráo Bahádur Ramanbhai Mahipatram Nilkanth and Mr. Dadiba Mehta as arbitrators and the Tálukdári Settlement Officer as umpire for settling the matter relating to his decree but that the arbitrators and the umpire have been unable to do anything in the matter ?	
11 (*a*) Will Government be pleased to say why and since when the practice of publishing in the Annual Administration Report of the Tálukdári Settlement Officer, a list of Civil suits pending against that Officer has been abandoned ?	11. (*a*) The practice of publishing the list in question has been discontinued with effect from 1900-1901 as no useful purpose was served by it.
(*b*) Will Government be pleased to publish a list of Civil Suits and other proceedings pending at present in the various British Courts against the Tálukdári Settlement Officer, Gujarát ? Suits pending against the Tálukdári Settlement Officer.	(*b*) Summaries of more important suits are given in the body of the Annual Report of the Tálukdári Settlement Officer. Government do not consider that any useful purpose would be served by publishing a list of the nature referred to
12. (*a*) Is it true that the accounts of the Tálukdári estates under the management of the Tálukdári Settlement Officer, Gujarát, were audited by Mr. Ramgovind under the orders of Government ? Audit of the accounts of estates under the Tálukdari Settlement Officer.	12. (*a*) Yes.
(*b*) Is it true that when the Tálukdár of Bhankoda applied to the Tálukdári Settlement Officer for a copy of the auditor's remarks as regards his own estate, he was referred by the Tálukdári Settlement Officer to the Commissioner, Northern Division, and when on receipt of such order the said Tálukdár approached the Commissioner, Northern Division, that officer referred him to the Tálukdári Settlement Officer ?	(*b*) The facts are as indicated in the question except that the Tálukdár applied to the Commissioner before he received a reply from the Tálukdári Settlement Officer.
(*c*) Is it true that, when the Thákore Sáheb of Gangad applied to the Tálukdári Settlement Officer for being supplied with a copy of the auditor's remarks concerning his own estate, the Tálukdári Settlement Officer refused to grant the request ?	(*c*) The Thákor of Gangad has stated in a petition to Government that the Tálukdári Settlement Officer refused to supply him with a copy of the auditor's remarks. Government do not propose to make enquiry on the point as the document is not one of which the Tálukdár is entitled to a copy.

Questions.	*Answers.*
13. (*a*) Will Government be pleased to say whether one Fatesingji Raisingji, Thákore of Kunvar, submitted ten petitions for a copy of the order of the Tálukdári Settlement Officer, dated 3rd August 1912, granting the the Ejara of the Kunvar Estate to one Devichand? Petitions to the Tálukdári Settlement Officer for the copy of an order.	13. (*a*) and (*b*) Government have no information on this subject.
(*b*) Is it true that the said Thákore submitted a petition, dated 18th November 1912, to the Commissioner, Northern Division, requesting him to direct the Tálukdári Settlement Officer to supply him with a copy asked for by those petitions?	
14. (*a*) Is it true that at the time of the Revision Survey of the Dholka villages of the Utelia Táluka, Wánta lands were held liable to pay jama? Wánta lands.	14. (*a*) Yes.
(*b*) Is it true that the Utelia Thákore filed a suit against the Secretary of State (Suit No. 12 of 1896 of the Court of the District Judge, Ahmedabad) for a declaration that the Wánta lands were not liable to pay jama?	(*b*) Yes.
(*c*) Is it true that Government by their Resolution No. 8296, dated 20th November 1899, ordered those Wánta lands to be exempt from payment of jama?	(*c*) Government in 1899 directed that the assessment of Wánta lands which were not in the possession of the Thákore of Utelia should be excluded from the calculation of jama.
(*d*) Is it true that, by an amicable settlement of the same suit, Wánta lands of the assessment of Rs. 4,596-7-0 were decreed to be exempted from the payment of jama?	(*d*) On the basis of the exclusion of Wánta lands not in possession of the Tálukdár, the assessment of which was Rs. 4,596-7-0, an amicable settlement was arrived at and the suit was withdrawn.
(*e*) Will Government be pleased to say whether, after the said consent decree, Wánta lands in other estates and tálukas are exempted from payment of jama or whether jama is still being charged on Wántas?	(*e*) While passing orders in the Utelia case Government directed that similar Wánta lands in other tálukdári estates should be similarly excluded.
15. (*a*) Will Government be pleased to state what were the amounts of jama recovered from the various tálukdári villages in Sánand, Ghoga, Dholka, Dhanduka and Viramgám tálukas in the Ahmedabad District in the years 1825 and 1914? Jama in 1825 and 1914.	15. (*a*) Government do not consider that the labour involved in compiling the statistics asked for would be justified by any public purpose which the information is likely to serve.

Questions.

(*b*) Is it true that the assessment on lands in some of the villages in these estates is heavier than that on lands in the neighbouring Khálsa villages?

Answers.

(*b*) In some of the tálukdári villages of the Dholka táluka the rates which govern the assessment are higher than in corresponding Khálsa villages. Elsewhere these rates for tálukdári villages are the same as in Khálsa villages or lower

16. (*a*) Will Government be pleased to state whether they have received a petition, dated the 26th July 1909, from Vághela Devisingji Raisingji, Thákore of Mukhiav, praying, among other things, that his estate has to bear an unusually heavy burden of jama?

Petition with reference to jama.

16. (*a*) Yes.

(*b*) Will Government be pleased to lay on the Council Table the papers of inquiry on the said petition?

(*b*) No action was taken on this petition because it merely repeated the requests made in a previous petition on which the orders of Government had just been passed.

17. (*a*) Will Government be pleased to lay on the Council Table vernacular yádi No. 114, dated the 4th October 1909, from the Tálukdári Settlement Officer to the First Class Judge at Ahmedabad containing a statement of the account of the receipts and expenditure for seven years of the four-anna share of the Makhiav Estate for which the Tálukdári Settlement Officer was appointed Receiver by the said Court in execution of the decree in Suit No. 159 of 1903 of the said Court?

The Tálukdári Settlement Officer as Receiver of the Makhiav Estate.

17. (*a*) Government are not disposed to place on the Table documents of the nature described.

(*b*) Will Government be pleased to state the total amount—

(*a*) paid to the decree holder towards the satisfaction of the decree,

(*b*) of jama due to Government,

(*c*) of jama paid to Government, and

(*d*) paid to the Thákor for maintenance for those seven years?

(*b*) Enquiry will be made.

18. (*a*) Whether it is true that Government have been pleased to order remission of Rs. 11,000, being the amount of interest due on Government loan

Interest on Government loans to Tálukdárs.

18. (*a*) Yes.

Questions.

advanced to the Thákore of Gamph, and also to reduce the rate of interest on the said loan from 6¼ per cent. to 5 per cent. ?

(*b*) Are there any proposals at present before Government to extend similar concessions to the Thákores of Gangad, Kunvar, Bhankoda, Makhiav, Chhabasar, Vichhia and other estates who have taken loans from Government?

19. (*a*) Will Government be pleased to say whether they have received a petition, dated the 11th June 1915, from one Umedsang Partapsang, Thákore of Bhankoda, praying for the removal of the attachment on his estate?

Petition from Thákore of Bhankoda.

(*b*) Will Government be pleased to say whether there are still any objections to the removal of the said attachment, and, if so, what?

(*c*) Will Government be pleased to say when the attachment is likely to be removed?

20. Is it a fact that, at the revision survey of the Tálukdári villages in the Ahmedabad district, some waste and uncultivated land has been included as occupied or cultivated?

Waste land in Tálukdári villages.

21. Will Government be pleased to say at how many places in the Presidency Criminal Justice is administered through Resident Magistrates and since when?

Resident Magistrates.

Answers.

(*b*) No.

19. (*a*), (*b*) and (*c*) The petition referred to has been received and is under consideration.

20. The information which the Honourable Member requires is given in paragraph 29 of Mr. Robertson's report on the condition of the Tálukdárs of the Ahmedabad district, copies of which were placed on the table at the meeting of the Council held in July 1913.

21. In 5 places in the Presidency proper, and 13 places in the Province of Sind. They are as follows:—

Nadiád, Bándra, Borsad, Dhárwár and Hubli.	in Presidency proper.
Rohri, Dero Mohbat, Tatta, Jacobabad, Dádu, Hála, Mirpurkhás, Mehar, Lárkána, Tándo Adam, Nausháhro, Kandkot and Nawábsháh	in the Province of Sind.

Information as to the dates on which

Questions.	*Answers.*
	these appointments were first made is being obtained.
22. Will Government be pleased to say whether the question regarding the construction of the proposed branch line from Vasad to Kathana has been finally settled? Railway line from Vasad to Kathana.	22. The Government of India have accepted in principle the proposal for the construction of the railway from Vasad to Kathana with Borsad as an obligatory point and have directed the B. B. & C. I. Railway Administration to carry out a detailed survey and to report as to the route which will best serve the interests of the District as a whole.
23. Will Government be pleased to say when the work of the construction of the proposed Nadiad-Kaira line is likely to be taken up? Railway line from Nadiád to Kaira.	23. The Honourable Member is referred to the answer given to the question No. 22 put by him at the meeting of the Legislative Council held on 16th December 1913. The question of the construction of the proposed Nadiad-Kaira Railway is under the consideration of the Railway Board who are awaiting the project report and estimates for the line from the Agent, Bombay Baroda and Central India Railway Company.
24. (*a*) Has the attention of Government been drawn to a letter headed "Bad Water at Bandra" in the issue of the *Bombay Chronicle*, dated the 28th June 1915? Water-supply in Bandra.	24. (*a*) Government have seen the letter.
(*b*) Is the statement in that letter that "for several weeks passed the tap water in Bandra has been full of large quantities of suspended impurities besides having a filthy colour and smell", true?	(*b*) and (*c*) Enquiries are being made.
(*c*) Is the statement in that letter that "some months back there was this kind of dirty supply as a result of which a few boarders from the St. Stanislaus School succumbed to enteric fever", true?	
(*d*) Are Government aware that there are five qualified medical gentlemen on the Bandra Municipal Board who are all of opinion that the water supplied to the town is "*very bad and likely to seriously affect the public health*"?	(*a*) No.
(*e*) Will Government be pleased to say whether they propose to take any, and, if so, what steps to improve the water-supply at Bandra?	(*e*) The attention of the Honourable Member is invited to the answer given to his question No. 7(*i*).

Questions.

Answers.

THE HONOURABLE MR. MANMOHANDAS RAMJI.

1. Have Government been pleased to consider the advisability of reducing the rate of commission received by the Official Assignee in his capacities of Official Assignee, Official Liquidator and Official Receiver?

Official Assignee—rate of his commission.

1. The question is still under consideration.

2. (*a*) Will Government be pleased to state the lines on which "provisional" and "permanent" certificates have been recommended to be granted by the Auditors' Council? and

Auditors' Certificates.

2. (*a*) The Auditors' Council reviews the past experience in auditing which each candidate has had and makes its recommendations accordingly.

(*b*) to place on the Table a list showing the names of auditors granted such provisional and permanent certificates, and stating the number of audits of each?

(*b*) A list of auditors with a note of the certificates granted to each is available to the Honourable Member in the Quarterly Civil List. The list is also published quarterly in the *Bombay Government Gazette.*

As the experience in auditing which an auditor has had cannot be gauged by mere numerical enumeration of the audits he has performed, Government consider that no useful purpose would be served by compiling a statement of the number of audits as asked for by the Honourable Member.

3. Is it true that permanent certificates have been in some cases granted to people who had conducted at the time of their applications either no audits or not more than three audits and withheld from those who had conducted a larger number of audits?

Auditors' Certificates.

3. No.

4. Will Government be pleased to state whether the institution of the Auditors' Council has proved a success here, and whether it is intended to be continued in future?

Auditors' Council.

4. Both branches of the question are answered in the affirmative.

5. (*a*) Whether the attention of Government has been drawn to the criticisms which have appeared in the Bombay Chronicle on the Report

Report on Oil-pressing Industry.

5. (*a*) Yes.

Questions.

issued by Government regarding the Oil-pressing Industry of the Bombay Presidency?

(*b*) Whether Government propose to have the Report revised?

6. Will Government be pleased—

(*a*) to state how many municipalities have been suspended during the last ten years; and

Municipalities suspended during the last 10 years.

(*b*) to obtain similar information from the Governments of the other Presidencies and Provinces.

7. Will Government be pleased to state how many watandar kulkarnis have petitioned the Government withdrawing their consent to the commutation of their right of service for the payment of cash allowances?

Commutation of right of service of hereditary village accountants.

8. Will Government be pleased to lay a statement on the table showing the number of appointments over Rs. 300 in the Forest Department and giving the nationality and educational qualifications and other special qualifications, if any, of the incumbents?

Superior appointments in the Forest Department.

Answers.

(*b*) No.

6. (*a*) Seven.

(*b*) Government cannot undertake to collect this information.

7. Government have received 150 petitions on the subject. On these petitions 390 signatures appear.

8. The superior service of the Forest Department is divided into two branches: (1) the Imperial, and (2) the Provincial. The former consists of the following posts:—

	Number of posts.	Pay per mensem.
		Rs.
Conservators ..	3	1st Grade... ... 1,900 2nd Grade ... 1,700 3rd Grade ... 1,500
Deputy Conservators and Assistant Conservators.	26	Rs. 380 per mensem rising by annual increment of Rs. 40 to 700 per mensem in the ninth year of service; thereafter by annual increment of Rs. 50 to Rs. 1,250 per mensem in the twentieth year of service. While drawing pay up to and including Rs. 540 per mensem an officer is styled 'Assistant Conservator', and when drawing pay at Rs. 580 per mensem and upwards he is styled 'Deputy Conservator'. At present there are 19 Deputy Conservators and seven Assistant Conservators.

Out of the 29 officers in this branch, two were trained in forestry in France, 17 at the Cooper's Hill College, one in Germany and nine

Questions.

Answers.

at Oxford University. All of them are Europeans except one who is a Parsi.

2. The cadre of the Provincial Forest Service is as follows :—

	Number of posts.	Pay per mensem.
		Rs.
Extra Deputy Conservators.	5	575—25—650. 700 800 850
Extra Assistant Conservators.	23	250—20—550.

Extra Assistant Conservators draw pay at Rs. 250 per mensem rising by annual increment of Rs. 20 to Rs. 550 after 15 years' service. On promotion to the rank of Extra Deputy Conservator the officer draws pay at Rs. 575 per mensem rising by annual increment of Rs. 25 to Rs. 650 per mensem. On completion of one year's service on Rs. 650 he may be promoted to Rs. 700 per mensem at the discretion of Government and to Rs. 800 and Rs. 850 per mensem, respectively, after a lapse of three years in each case.

The appointments to the Provincial Forest Service are made (*a*) by promotion to Extra Assistant Conservators of Forests of Rangers of approved efficiency and satisfactory conduct who have passed through the course of training at the College of Science, Poona, and have obtained a Ranger's certificate or its equivalent or who have obtained the Higher Standard certificate at the Forest Research Institute and College, Dehra Dun, and thereafter rendered not less than five years' satisfactory service as Rangers or (*b*), by direct appointment of candidates who have completed the two years' Provincial Service course at the Forest Research Institute. Out of the 22 officers in this service, who at present draw pay of more than Rs. 300 per mensem, 17 are Hindus, two Parsis, two Portuguese and one European.

Questions.

THE HONOURABLE RAO BAHADUR GANESH KRISHNA SATHE.

1. Will Government be pleased to state—

(*a*) How many fatal accidents from motor vehicles took place in the City and Island of Bombay during the years 1913 and 1914?

Fatal accidents from motor vehicles in the City of Bombay.

(*b*) Were any prosecutions instituted in such cases and, if so, how many, and with what result?

THE HONOURABLE MR. SHRIDHAR BALKRISHNA UPASANI.

* * * * *

1. (ii) How many of the kulkarnis who have given their consent are retained as talá is and how many thrown out in the several districts, and how many new hands engaged as talatis who are not watandar kulkarnis and with what qualifications?

(iii) (*b*) Is it true that in several cases they had intimated to the Mámlatdárs of their tálukas orally and in writing their unwillingness to consent to the commutation proposed?

(iv) Will Government be pleased to give the number of kulkarnis in the tálukas of Chálisgaon and Páchora (East Khándesh District) whose consent was asked for and of those who, if any, may have in the first instance, intimated to the Mámlatdár in writing their unwillingness to give it?

(v) Did any of the Mámlatdárs from the East and West Khándesh Districts report to the Prant or the Collector the unwillingness of the kulkarnis to give their consent to the commutation proposed and were any special instructions issued to them to obtain it?

[*This question was asked at the meeting held on the 8th December 1914, when an* ad interim *reply was given.*]

Answers.

1. (*a*) The Honourable Member will find the information required in Table E of the Annual Reports on the Police of the City of Bombay for the years 1913 and 1914. The report for 1914 will shortly be published.

(*b*) The above Table gives the number of prosecutions instituted and the results of prosecutions in *all* classes of cases. If the Honourable Member desires to press for similar statistics for fatal cases only, they will be supplied at the next meeting of Council.

1. (ii) The statements* appended give the information required.

*Appendices T and U.

(iii) (*b*) Those who did not consent intimated their unwillingness.

(iv) The number of representative watandár kulkarnis in Páchora and Chálisgaon tálukas is as under:—

Páchora ...	...	74
Chálisgaon	...	92

Out of these about 51 from Páchora and 48 from Chálisgaon are said to have informed the Mámlatdár of their unwillingness to commute but not in writing.

(v) Only the Mámlatdár of Sindkheda represented to the Prant Officer and the Collector the wishes of non-consenting watandárs. No special instructions were issued to him in the matter by either of these officers.

Questions.	*Answers.*
2. (*a*) With reference to question No. 25 asked by me at the Council Meeting of the 13th March 1914 to which an *ad interim* answer was given, will Government be pleased to state if the information called for has been received?	2. (*a*) Yes.
Mission Institution at Kukurmunda.	
(*b*) Is it true that the Mission authorities proceeded to dig foundations for a Mission house on the site in question?	1. (*b*)—(*i*). The facts of the case are that in February 1913 a site for a school-house was granted rent-free to the Scandinavian Alliance Mission, who proceeded to erect the building. The villagers appealed to the Collector on the ground that the building was close to a temple. The Collector endeavoured to arrange an amicable settlement. Another site was selected for the school-house, but the Mission had to to be reimbursed a sum of about Rs. 2,000 which they had spent on the building. The villagers refused to pay more than Rs. 700. It has finally been decided to resume the site and buildings for use as a boarding house for Bhil scholars. The villagers do not object to the use of the site for this purpose.
(*c*) Did the villagers appeal to the Collector in the matter?	
(*d*) Did the Collector, after inspecting the site personally, advise the Missionary gentlemen to select another site and offer to give him the site he selected?	
(*e*) Did the villagers offer, if required to do so, to pay the cost of the work already done?	
(*f*) Was the work proceeded with?	
(*g*) Is it a fact that there are no Christian residents in the said village, and the bulk of the population is Hindu?	
(*h*) Is it a fact that the site in question is close to the Hindu temples and required for the use of the temples?	
(*i*) Will Government be pleased to state whether they propose to take any action in the matter?	
3. (*a*) Will Government be pleased to state the area of the Ahmednagar Cantonment and the length of the portion of its boundary-line which touches the Nagar Town and of that which touches the town of Bhingár?	3. (*a*) The area of the cantonment exclusive of the Faria Bagh the British Infantry Rifle Range and the Trenching Grounds is 3,789 acres. This includes some 650 acres taken up by the Fort Zone. The length of the boundary line which touches the town of Ahmednagar is 2,058 yards and the length of that which touches the town of Bhingár 877 yards.
(*b*) What is the area of the Bhingár Town and of the Sadar Bazar and the population living in each of them?	(*b*) The areas of Bhingár Town and the Sadar Bazar are 49 acres 24 gunthas and 67 acres and 17 gunthas, respectively, their population being 5,306 and 5,589, respectively.
Ahmednagar Cantonment and the Bhingár Municipality.	

Questions.	*Answers.*
(*c*) What is the constitution of the Cantonment Committee and its annual municipal income and expenditure?	(*c*) The Cantonment Committee consists of 13 members as follows:— The Commanding Officers of one British and two Indian Regiments. The Assistant Collector. The Cantonment Magistrate. The Superintendent, Remount Depôt. The Senior Medical Officer. The Medical Officer in charge Cantonment Hospital. The Garrison Engineer. The District Superintendent of Police. Three Indian members. The average annual income and expenditure based on the figures of the past four years are Rs. 48,050 and Rs. 47,496, respectively, the former figure including a grant-in-aid from the Military Budget of Rs. 11,718 on the average.
(*d*) How many, if any, of the members of the Cantonment Committee are residents of Bhingár or holders of property in that town?	(*d*) At present no one residing in Bhingár is a member of the Cantonment Committee as no valuable property is owned in the Cantonment by any resident of Bhingár; nor does any member of the Committee own property in Bhingár.
4. Will Government be pleased to state—	
(*a*) Whether it is true that the District Deputy Collector in charge of the Junnar Táluka in the Poona District required Mr. Krishnaji Parashram Joshi, an elected member of the Junnar Municipality, to resign his seat on that body?	4. (*a*) The person referred to is a nominated, not an elected, councillor. He was advised by the District Deputy Collector to tender his resignation.
Municipality of Junnar.	
(*b*) Whether Mr. Joshi was unwilling to resign?	(*b*) He expressed his willingness to resign and send his resignation to the President.
(*c*) Whether Mr. Joshi withdrew his resignation at the request of the Junnar Municipality?	(*c*) He was asked by the Municipality whether in the event of his resignation not being accepted he was prepared to continue to act as Councillor. On his replying in the affirmative the Municipality resolved that his resignation be not accepted.
(*d*) Whether the District Deputy Collector objected to the withdrawal of the resignation?	(*d*) There was no actual withdrawal of the resignation. The District Deputy Collector objected to Mr. Joshi's

Questions.	*Answers.*
	being allowed to continue to act as Councillor after he had tendered his resignation.
5. (*a*) Will Government be pleased to give the current scale of house-tax rates levied by the Dharangaon Municipality in East Khándesh and that which it proposes to introduce from 1915-16. Municipality of Dharangaon house-tax rates.	5. (*a*), (*b*) Statements A and B (appended) furnish the information required by the Honourable Member. See Appendices V and W.
(*b*) How many houses are included in each class under the current scale and in those under the new scale?	
(*c*) Is it true that in many cases the tax under the new scale is increased by 100, 200, 300 and even 400 per cent. and more?	(*c*) The answer is in the affirmative.
(*d*) If so, will Government be pleased to state the maximum increase in individual cases under each class of the current scale and the total increase under all the classes?	(*d*) The information desired by the Honourable Member is given in the accompanying Statement C. See Appendix X.
(*e*) Is the new scale fixed with reference to the rents on the values of respective houses?	(*e*) The new scale is on a rental basis arrived at on ascertained or estimated rentals as the case may be.
*6 How many of the Watandár Kulkarnis whose consent has been obtained to the proposed commutation were personally serving as Kulkarnis in the several districts in the Central Division?	*6. The information required by the honourable member is contained in the accompanying statement.† † *See* Appendix Y.
(These questions were asked at the meeting held on the 13th March 1915 when ad interim *replies were given.)*	
* *Vide* clause (*d*) of question No. 15 put at the meeting held on the 13th March 1915, and the *ad interim* reply thereto.	
THE HONOURABLE MR. HARCHANDRAI VISHINDAS.	
1. (*a*) Will Government be pleased to state whether the memorial submitted by the Upper Subordinates of the Public Works Department in 1910 for an increase in the scale of their pay has been granted? Public Works Department—Pay of the Upper Subordinates.	1. (*a*) The question of an increase of pay to the Upper Subordinates of the Public Works Department is under consideration.

Questions.

(*b*) Is it a fact that in the United Provinces, the Punjab, Bengal and Madras, increased scales of pay have been introduced since July 1913?

Answers.

(*b*) Increased scales of pay for the Upper Subordinate Establishment were not introduced in Bengal and the Punjab and in the United Provinces in 1913, but proposals regarding the revision of the existing scales of pay were still under the consideration of those Governments in the early part of 1914. Increased rates of pay were introduced in Madras from the 4th May 1913.

2. Will Government be pleased to state—

Public Works Department—Pay of the Upper Subordinates.

(*a*) Whether it is a fact that in this Presidency the starting salary of Indians in this Department is Rs. 60 per mensem as against Rs. 100 for Europeans?

2. (*a*) The reply is in the affirmative.

(*b*) Whether this practice is contrary to that prevailing in other provinces in India, excepting in the case of European students who have passed out of Roorkee and hold guaranteed appointments?

(*b*) This Government has no information as to the practice obtaining in other provinces.

3. Will Government be pleased to state—

Appointments to the grade of Sub-Engineers.

(*a*) Whether in the Upper Subordinate Establishment there are in all 216 Indians and 33 Europeans?

3. (*a*) There are at present 31 Europeans and 213 Indians in the permanent Upper Subordinate Establishment.

(*b*) Whether there are 42 appointments of the grade of Sub-Engineers?

(*b*) There are in all 52 appointments of Sub-Engineer grades, of which 5 are not to be filled up until the return of normal conditions after the cessation of the war.

(*c*) Whether 21 appointments of Sub-Engineers are reserved for Europeans and the remaining 21 for Indians?

(*c*) Omitting the 5 appointments to be kept unfilled, the remaining 47 appointments are to be distributed among Europeans and Indians in the proportion of 1 : 1, *i. e.*, $23\frac{1}{2}$ Europeans and $23\frac{1}{2}$ Indians.

4. Will Government be pleased to state—

Promotion of Europeans and Indians in the Upper Subordinate Establishment.

(*a*) Whether it is a fact that some time ago Government decid-

4. (*a*) With a view to avoid alternate rushes and blocks in the promotions of European Subordinates, Government decided in 1910 that their

Questions.	*Answers.*
ed that the promotion of Europeans in the Upper Subordinate Establishment should be postponed for four years in order that the chances of promotion of Europeans and Indians may be more equal?	promotion should be so regulated that they will serve 4 years in each of the following grades :— Overseer, 1st grade. Supervisor, 2nd grade. Do. 1st grade. Sub-Engineer, 3rd grade. The promotion to the 2nd and 1st grades of Sub-Engineers is regulated by selection with due regard to the proportion between Europeans and Indians, *viz.*, 1 European : 1 Indian.
(*b*) Whether it is the practice to appoint Indians sub. *pro tempore* for the first four years of their service?	(*b*) No.
(*c*) Whether the effect of the practice in regard to Indians is that they are not given permanent promotion during that period of four years?	(*c*) No. The Indians receive promotions up to the limit of the numerical proportion. They also frequently receive in addition sub. *pro tem.* promotion in European vacancies, for which no Europeans are for the time available.
(*d*) How the practice has affected the relative chances of promotion of Europeans and Indians?	(*d*) The chances of promotions for Indians have increased by the addition of opportunities of sub. *pro tem.* promotions above referred to.
(*e*) Whether the practice differs from that which prevails in other provinces?	(*e*) This Government has no information on the subject.
5. (*a*) Will Government be pleased to state if it is true that the strength of the police for watch and ward in the City and Cantonment of Karáchi was 384 in 1912, and whether it is contemplated to reduce the strength under the New Organization Scheme to 360? Police strength in Karáchi.	5. (*a*) It is true that what may be called the "active" strength of head constables and constables sanctioned for the City and Cantonment of Karáchi under the reorganisation scheme is 361. In addition to these, however, the scheme has provided for the whole of the district police in Sind a reserve equal to 15 per cent. of their number, to provide for sick and leave vacancies. The total strength of the Karáchi Police is therefore 361+54 (15 per cent. of 361) or 415.
(*b*) If so, will Government be pleased to state the reason for such reduction?	(*b*) There has been an increase and not a reduction.
(*c*) Will Government be pleased to state whether the growing population and trade of Karáchi have been taken into account in determining the strength of the police force for watch and ward and for regulating traffic?	(*c*) Yes.

APPENDIX A.

Serial No.	Name of the High School.	Number of pupils that were refused admission for want of room from December 1912 to the end of January 1915.
1	High School, Kárwár	*Nil.*
2	Sardars' High School, Belgaum ...	150.
3	High School, Bijápur	A pretty large number.
4	High School, Dhárwár	260.
5	High School, Ratnágiri	*Nil.*

APPENDIX B.

Statement showing annual amount of fines imposed on the Jamrao tract during the last 10 years, viz., from 1905-1906 to 1914-1915.

Year.	Waste water.	Unauthorised use of water.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1905-06	3,366 0 5	19,043 2 4	22,409 2 9
1906-07 ...	3,394 14 6	5,931 5 6	9,326 4 0
1907-08	1,933 10 3	6,580 3 5	8,513 13 8
1908-09	1,030 9 6	7,938 6 4	8,968 15 10
1909-10	2,468 9 7	10,820 13 5	13,289 7 0
1910-11	1,541 0 2	11,606 9 3	13,147 9 5
1911-12	1,857 10 0	17,091 7 0	18,949 1 0
1912-13	2,000 8 0	24,942 9 0	26,943 1 0
1913-14	1,769 15 0	12,752 3 0	14,522 2 0
1914-15	2,962 3 0	16,581 11 4	19,543 14 4

APPENDIX C.

Statement showing the incidence of the Jama on the assessment.

Serial No.	Táluka.	Estate.	Assessment according to detailed survey.		Jama.	Percentage of column 6 on	
			Total assessment.	Total assessment *minus* alienations.		Column 4.	Column 5.
1	2	3	4	5	6	7	8
			Rs.	Rs.	Rs.	Rs.	Rs.
1	Dholka	Latifkhanji Estate ...	17,271	10,140	6,800	39	67
2	Gogha ...	Kamlej ...	5,308	4,199	2,737	51	65
3	Do. ...	Valukad ...	6,247	5,751	3,987	63	69
4	Dhanduka ...	Chharodia ...	3,138	2,766	1,936	61	69
5	Do. ...	Jaska ...	5,706	5,163	3,269	57	63
6	Do. ...	Noli ...	3,987	3,925	2,760	69	70
7	Do. ...	Panvi ...	1,463	1,344	1,165	79	86
8	Do. ...	Sangoi ...	1,037	.....	693	67	67
9	Do. ...	Shahpur ...	1,997	1,809	1,290	64	71
10	Do. ...	Nadala ...	2,711	2,640	1,800	66	68
11	Do. ...	Vasna ...	2,624	1,964	1,308	49	66
12	Do. ...	Kotda ...	3,918	3,532	2,280	58	64
13	Do. ...	Nana Matra ...	684	683	423	62	62

APPENDIX D.

Statement showing the number of suits filed in the First Class Court and in the Second Class Subordinate Judges' Courts in the Belgaum District.

Clauses (*b*), (*c*) and (*a*).

Names of Courts.	Names of Tálukas.	The number of suits filed in the year of										Remarks.
		1910.		1911.		1912.		1913.		1914.		
		Small C.	Long C.	Small C.	Long C.	Small C.	Long C.	Small C.	Long C.	Small C.	Long C.	
Special Jurisdiction, First Class Court, Belgaum.	Belgaum ...	...	7	...	3	...	4	...	9	...	7	
	Chikodi ...	...	5	...	9	...	10	...	21	...	3	
	Gokák ..	...	6	...	4	...	8	...	15	...	5	
	Athni ...	...	2	...	5	...	...	...	5	...	2	
	Bail-Hongal ..	...	4	...	5	...	5	...	6	...	5	
Second Class Jurisdiction, Belgaum.	Belgaum, including Chandgad Mahál ...	180	513	221	312	384	277	365	335	389	201	
	Khánápur ...	79	128	90	118	123	151	114	184	131	99	
Chikodi ...	Chikodi Táluka ...	111	650	142	506	118	451	139	518	71	552	
Gokák ...	Gokák Táluka ...	59	271	60	213	85	197	104	217	40	249	
	Hukeri Táluka ...	69	389	115	339	105	317	115	339	37	283	
Athni ...	Athni Táluka ...	133	558	87	458	136	399	162	564	71	441	
	4 villages in Chikodi Táluka ...	8	60	7	35	8	27	...	18	...	16	
Bail-Hongal ...	Bail Hongal Táluka...	84	239	40	164	66	226	...	354	2	355	
	Parasgad Táluka, including Murgod Mahál ...	66	271	49	180	87	246	...	286	6	281	

APPENDIX E.

Statement showing the number of Darkhasts and Miscellaneous Applications filed in each of the five Courts in the Belgaum District during the years 1910 to 1914.

DARKHASTS.

Names of Courts.	1910.	1911.	1912.	1913.	1914.
Belgaum	620	550	692	715	839
Chikodi	723	628	691	731	565
Gokák	604	585	606	619	558
Athni	591	673	536	645	782
Bail-Hongal	443	326	407	380	428

Miscellaneous Applications.

Names of Courts.	1910.	1911.	1912	1913.	1914.
Belgaum	186	220	176	289	385
Chikodi	94	81	77	99	42
Gokák	103	59	69	99	58
Athni	38	71	54	42	41
Bail-Hongal	32	60	42	84	75

APPENDIX F.

Statement giving the information asked for in Clauses (f) *and* (g) *of the question.*

Names of Courts.	No. of villages within the jurisdiction of different Courts which are more than 20 miles in distance from the seats of Courts and which have no railway communication direct from these villages.	The longest distance from the seats of these subordinate Courts to the villages over which they have jurisdiction.
Belgaum	154	48 miles.
Chikodi	7	29 „
Gokák	116	47 „
Athni	17	33 „
Bail-Hongal	70	33 „

APPENDIX G.

The number of Special Jurisdiction Suits filed in the First Class Subordinate Judge's Court, Bijápur, during the five years from 1910—1914 from different Tálukas of the Bijápur District.

Year.	Number of Suits.								Total.	Remarks.
	Bijápur.	Bágalkot.	Bádámi.	Indi.	Sindgi.	Bágevádi.	Hungund.	Muddebihál.		
1910	5	6	...	2	...	...	...	...	13	
1911	7	...	...	2	2	...	1	...	12	
1912	7	3	...	...	1	3	...	3	17	
1913	6	8	1	...	1	3	3	2	24	
1914	7	10	1	1	...	5	3	...	27	
Total ...	32	27	2	5	4	11	7	5	93	

APPENDIX H.

The number of original suits both Small Cause and Long Cause, Darkhásts and Miscellaneous Applications filed from different Tálukas in different Second Class Subordinate Judges' Courts of the Bijápur District during five years from 1910—1914.

Years.	Original Suits.																	Total.	Darkhásts.		Total.	Miscellaneous applications.	Remarks
	Small Cause.									Long Cause.													
	Bijápur.	Indi.	Sindgi.	Bágalkot.	Bádámi.	Hungund.	Bágewádi.	Muddebihál.		Bijápur.	Indi.	Sindgi.	Bágalkot.	Bádámi.	Hungund.	Bágewádi.	Muddebihál.		Small Cause.	Long Cause.			
First Class Subordinate Judge's Court, Bijápur.																							
1910	192	50	64	...	...	...	...	...		231	112	42	...	...	...	...	...	701	229	408	637	63	
1911	157	40	36	...	...	...	...	...		149	36	47	...	...	...	...	...	465	160	310	470	56	
1912	181	46	67	...	...	...	...	...		173	58	33	...	...	...	...	...	558	231	487	718	59	
1913	221	41	51	...	...	...	...	...		166	57	28	...	...	...	...	...	564	175	350	525	54	
1914	334	58	61	...	...	...	...	...		127	43	27	...	...	...	...	...	650*	311	397	708	85	* There were besides these 27 special jurisdiction suits during the year.
																	Total ...	2,938	1,106	1,952	3,058	317	
Second Class Subordinate Judge's Court, Bágalkot.																							
1910	...	...	...	176	75	49	...	...		...	...	...	383	144	173	...	...	1,000	304	653	957	87	
1911	...	...	...	120	99	32	...	...		...	...	...	302	151	101	...	...	805	208	517	725	73	
1912	...	...	...	175	96	20	...	...		...	...	...	430	165	112	...	...	998	221	533	754	91	
1913	...	...	...	360	122	50	...	...		...	...	...	386	168	131	...	...	1,217	155	535	690	67	
1914	...	...	...	389	214	114	...	...		...	...	...	313	146	141	...	...	1,317	284	622	906	91	
																	Total ...	5,337	1,172	2,860	4,032	409	
Second Class Subordinate Judge's Court, Muddebihál.																							
1910	...	...	...	...	...	...	41	142		...	...	...	...	...	...	232	175	590	124	391	515	38	
1911	...	...	...	...	...	...	23	78		...	...	...	...	...	...	168	304	573	76	491	567	41	
1912	...	...	...	...	...	...	...	...		...	...	...	...	...	...	116	256	362	...	367	367	22	
1913	...	...	...	...	...	...	...	...		...	...	...	...	...	...	226	495	721	...	455	455	33	
1914	...	...	...	...	...	...	(a)	(a		...	...	...	...	...	...	278	777	1,055	...	612	612	45	(a) The Presiding Judge at Muddebihál in 1914 had no small cause powers.
																	Total ...	3,301	200	2,316	2,516	179	
																Grand	Total ...	11,576	2,478	7,128	9,606	905	

APPENDIX I.

The number of villages within the jurisdiction of different Courts of the Bijápur District which are more than 20 miles in distance from the seats of Courts and which have no Railway communication direct from these villages and the longest distance from the seats of these Subordinate Courts to the villages over which they have jurisdiction.

Serial Number.	Name of Court.	Number of Villages.	Longest distance in miles.	Remarks.
1	First Class Subordinate Judge's Court, Bijápur...	289	60	
2	Second Class Subordinate Judge's Court, Bágalkot.	317	48	
3	Second Class Subordinate Judge's Court, Muddebihál.	105	42	

APPENDIX J.

Statement showing the information required in clauses (b) and (c).

Year.	Number of suits filed in the First Class Subordinate Judge's Court at Kárwár.	Number of original suits, both small and long cause, Darkhasts and Miscellaneous applications filed in the Second Class Subordinate Court of															Remarks.
		Kumta.					Honávar.					Sirsi.					
		Original suits.		Darkhasts.		Miscellaneous applications.	Original suits.		Darkhasts.		Miscellaneous applications.	Original suits.		Darkhasts.		Miscellaneous applications.	
		Long cause.	Small cause.	Long cause.	Small cause.		Long cause.	Small cause.	Long cause.	Small cause.		Long cause.	Small cause.	Long cause.	Small cause.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1910 ...	683	342	181	300	191	29	526	122	527	126	51	474	140	749	74	104	
1911 ...	703	324	218	315	174	22	434	174	484	143	62	484	39	689	36	71	
1912 ...	766	214	307	337	168	41	401	255	476	232	65	481	...	673	...	73	
1913 ...	697	286	265	364	156	48	365	241	408	153	85	643	...	813	...	85	
1914 ...	727	460	...	535	...	30	440	181	484	143	56	571	...	736	...	62	
Total ...	3,576	1,626	971	1,851	689	170	2,166	973	2,379	797	319	2,653	179	3,660	110	403	

APPENDIX K.

Statement showing the number of suits filed from each Táluka in the different Subordinate Courts in the District of Kánara as required in clause (d).

Year.	First Class Subordinate Judge's Court., Kárwár.				Subordinate Judge's Court, Kumta.								Subordinate Judge's Court, Honávar.						Subordinate Judge's Court, Sirsi.							
	Kárwár Táluka.	Ankola Táluka.	Yellápur Táluka.	Supa Petha in Haliyál Táluka.	Kumta Táluka.		Honávar Táluka.		Ankola Táluka.		Yellápur Táluka.		Honávar Táluka.		Bhatkal Petha in Honávar Táluka.		Siddápur Táluka.		Sirsi. Táluka.		Siddápur Táluka.		Yellápur Táluka.		Haliyál Táluka.	
					Long Cause.	Small Cause.	Long Cause.	Small Cause.	Long Cause.	Small Cause.	Long Cause.	Small Cause.	Long Cause.	Small Cause.	Long Cause.	Small Cause.	Long Cause.	Small Cause.	Long Cause.	Small Cause	Long Cause.	Small Cause.	Long Cause.	Small Cause.	Long Cause.	Small Cause.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
1910 ...	436	229	11	7	319	177	...	...	21	4	2	...	372	102	128	18	26	2	319	104	107	25	46	11	2	...
1911 ...	532	155	8	8	314	217	1	...	7	1	2	...	276	140	133	27	25	7	324	25	119	9	41	5	...	...
1912 ...	546	209	6	5	201	301	1	...	12	6	...	...	294	189	77	59	30	7	332	...	94	...	55	...	...	...
1913 ...	484	201	7	5	276	255	...	2	9	8	1	...	269	186	77	48	19	7	485	...	104	...	54	...	...	..
1914 ...	541	180	4	2	430	...	...	...	29	...	1	...	319	133	86	42	35	6	410	...	97	...	64	...	...	...
Total ...	2,539	974	36	27	1,540	950	2	2	78	19	6	...	1,530	750	501	194	135	29	1,870	129	521	34	260	16	2	...

APPENDIX L.

The number of villages within the jurisdiction of different Courts which are more than 20 miles in distance from the seats of Courts and which have no railway communication direct from these villages.

First Class Subordinate Judge's Court, Kárwár.	Subordinate Judge's Court, Kumta.	Subordinate Judge's Court, Honávar.	Subordinate Judge's Court, Sirsi.
1	2	3	4
209	8	123	193

APPENDIX M.

The longest distance from the seats of the different Subordinate Courts of Kánara to the villages over which they have jurisdiction.

First Class Subordinate Judge's Court, Kárwár.	Subordinate Judge's Court, Kumta.	Subordinate Judge's Court, Honávar.	Subordinate Judge's Court, Sirsi.
1	2	3	4
84 miles.	60 miles.	60 miles.	46 miles.

APPENDIX N.

Statement giving information for the last three years in regard to the charges credited to Government on account of professional advice given to, and works done for, the Local Boards and municipalities separately by the Public Works Officers in the Belgaum, Dharwar and Bijapur Districts.

Name of District.	Name of the body by which payment made.	Charges for reviewing projects framed by subordinates of the body concerned.			Charges for framing projects for works belonging to the body concerned.			Establishment charges on account of execution of the works belonging to the body concerned through Public Works Agency, showing separately charges for educational works.			Any other charges paid by the body concerned on account of professional advice received from Public Works Department.			Remarks
1	2	3			4			5			6			7
		1911-12.	1912-13.	1913-14.	1911-12.	1912-13.	1913-14.	1911-12.	1912-13.	1913-14.	1911-12.	1912-13.	1913-14.	
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
	Local Boards.													
	Educational Works ...	.....	.....	.....	...	...	...	512 7 8	264 3 2	396 10 1	...	...	...	
	Other Works ...	409 4 2	399 1 8	662 0 10	...	...	...	6,817 8 6	7,461 3 10	6,089 3 1	...	...	...	
Belgaum ...	*Municipalities.*													
	Educational Works ...	.....	15 13 1	14 0 0	...	...	...	.....	.....	... ..	...	...	...	
	Other Works ...	.....	.....	19 15 2	...	...	...	.....	301 5 2	855 0 0	...	...	...	
	Total ...	409 4 2	414 14 9	696 0 0	...	...	...	7,330 0 2	8,026 12 2	7,340 13 2	...	...	...	
	Local Boards.													
	Educational Works ...	27 11 10	8 8 6	28 8 0	...	...	...	220 11 4	25 4 7	543 5 7	*	...	...	*Actual establishment charges on account of survey of Local Fund roads.
	Other Works ...	482 5 3	482 5 4	740 14 8	...	...	29 0 0	10,244 15 10	8,762 11 3	10,124 8 7	*30 5 6	...	*89 7 11	
Dhárwár ..	*Municipalities.*													
	Educational Works ...	.....	.....	.....	...	...	...	636 10 2	1,668 15 9	1,876 8 7	...	...	...	
	Other Works ...	22 12 6	.....	17 8 5	...	...	46 14 0	.....	.....	73 4 6	...	...	...	
	Total ...	532 13 7	490 13 10	786 15 1	...	...	75 14 0	11,102 5 4	10,456 15 7	12,618 5 3	30 5 6	...	89 7 11	
	Local Boards.													
	Educational Works ...	7 15 8	.....	.....	...	...	...	.....	.....	556 7 2	...	...	...	
	Other Works ...	62 15 6	137 5 9	130 3 5	...	...	...	3,608 15 2	3,799 1 2	3,703 7 6	...	...	...	
Bijápur ...	*Municipalities.*													
	Educational Works ...	.....	.....	.....	...	...	...	.....	185 15 10	731 11 1	...	...	...	
	Other Works ...	.....	16 4 0	.....	...	...	...	41 13 8	1,085 11 11	970 10 5	...	...	...	
	Total ...	70 15 2	153 9 9	130 3 5	...	...	...	3,650 12 10	5,070 12 11	5,962 4 2	...	...	...	
	Grand Total ...	1,013 0 11	1,059 6 4	1,613 2 6	...	...	75 14 0	22,083 2 4	23,554 8 8	25,921 6 7	30 5 6	...	89 7 11	

APPENDIX O.

Name of institution.	Average number of trained nurses annually sent out fit for appointment in the mofussil hospitals and dispensaries.
J. J. Hospital Nursing Association	27
Sassoon Hospital Nursing Association	15
St. George's Hospital Nursing Association	9
Karáchi Civil Hospital Nursing Association	4
Ahmedabad and Lely Memorial Nursing Association ...	1
Cama and Albless Hospital Nursing Association	5
	61

APPENDIX P.

List of municipalities which have not provided hospitals or dispensaries for their towns.

Name of Municipality.	Remarks
Northern Division.	
Kaira	There is a civil hospital.
Godhra	There is a civil hospital.
Broach	There is a civil hospital.
Central Division.	
Ahmednagar	There is a civil hospital.
Bhingar.	
Kharda.	
Vambori.	
Lonávla	There is a railway dispensary.
Násik	There is a civil hospital.
Igatpuri	There is a railway dispensary.
Sátára	There is a civil hospital.
Sátára-Suburban.	
Vita.	
Ashta.	
Malcolmpeth	There is a civil hospital.
Dhulia	There is a civil hospital.
Betavad.	
Bhusával	There is a railway dispensary, but a municipal dispensary will shortly be opened.
Faizpur.	
Southern Division.	
Niphád.	
Yemkanmardi.	
Bijápur	There is a civil hospital.
Dhárwár	There is a civil hospital.
Yemanur.	
Gudguddapur.	
Byadgi.	
Kárwár	There is a civil hospital.
Alibag	There is a civil hospital.
Ratnágiri	There is a civil hospital.
Sind.	
Manjhand.	
Násarpur.	
Lárkána	There is a civil hospital.
Bubak.	
Jacobabad	There is a Government dispensary.
Tando-Adam.	

APPENDIX Q.

Statement referred to in the reply to Question No. 1 put by the Honourable Mr. G. K. Parekh.

Serial No.	Name of Estate.	Period for which the estate remained in the management of the Tálukdári Settlement Officer.	Amount of debt when management was assumed by the Tálukdári Settlement Officer.	Fresh debt incurred during management.	Total income of the estate received by the Tálukdári Settlement Officer.	Amount paid as Government *Jama*.	Amount paid for maintenance.	Management charges.	Amount paid as interest.	Amount paid in repayment of principal.	Amount of debt remaining unpaid at the end of 1913-14.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13
		Years.	Rs. a. p.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1	The Gangad Estate ...	28	2,16,793 3 2	(*a*)56,186	12,56,373	4,82,341	1,13,226	1,44,769	4,11,062 Details not available.		1,05,777	(*a*) The figures for 1887 to 1898 are not available.
2	Bela Vika Dosa* ...	27	7,986 0 0	93	6,215	1,250	(*b*)328	811	3,146	5,242	708	(*b*) The estate owner has got sixty Vighas of Gharkhed land, which he cultivates on crop share system, paying the estate's share to the estate. *In the case of this estate the payments in excess of the income were made from the proceeds of the sale of a portion of the estate.
3	Napad Parbatsing Nanabava.	37	13,699 0 0	1,420	55,838	8,529	10,587	3,946	11,877	13,849	972	
4	Napad Takátsing Dadabava.	36	4,065 0 0	320	14,664	1,226	4,808	1,140	2,503	3,909	246	
5	Napad Nanabava Motaji.	35	11,809 0 0	859	46,524	9,105	11,076	3,542	5,051	11,207	482	

APPENDIX R.

Legislative Council.

Orders forbidding the interference by Government officers with the free choice of candidates by elective bodies.

General Department. Bombay Castle,
No. 778. 14th February 1910.

CIRCULAR.

All Collectors and District Judges are requested to draw the attention of all subordinate officials, including Sub-Judges and Mamlatdars, to the orders contained in Government Resolution, Legislative Department, No. 171,* dated the 16th July 1902, which direct that no officer of Government of any Department or grade in the service shall interfere directly or indirectly with the free choice of candidates by elective bodies or attempt to influence or direct the action of those bodies in any way, and that no indication is to be given by any official of the manner in which he himself personally intends to vote.

L. ROBERTSON,
Secretary to Government.

To
The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All Collectors and District Magistrates, including the Collectors and Deputy Commissioners in Sind,
All District Judges,
The Agent for Sardars in the Deccan,
The Private Secretary to His Excellency the Governor,
All Departments of the Secretariat, except the Separate Department.

* Printed below.

Legislative Council.

Orders forbidding the interference by Government officers with the free choice of candidates by elective bodies for nomination as Additional Members of the —.

No. 171.

LEGISLATIVE DEPARTMENT.

Bombay Castle, 16th July 1902.

RESOLUTION.—His Excellency the Governor in Council is pleased to direct that no officer of Government of any Department or grade in the service shall interfere directly or indirectly with the free choice of candidates by elective bodies or attempt to influence or direct the action of those bodies in any way and that no indication be given by any official of the manner in which he himself personally intends to vote.

(Signed) A. WESTROPP,
Under Secretary to Government.

To
All Departments of the Secretariat (except the Separate Department),
The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Agent for Sardars in the Deccan,
All Collectors,
The Private Secretary to His Excellency the Governor.

APPENDIX S.

Establishments.

Revision of daily fees payable to District Government Pleaders and Public Prosecutors and their Assistants in the Bombay Presidency, excluding the District of Karachi.

No. 649.

LEGAL DEPARTMENT.

Bombay Castle, 22nd June 1915.

RESOLUTION.—It has been proposed that the rate of fees payable to District Public Prosecutors and their Assistants in criminal cases under rule 42 of the Rules for the conduct of the legal affairs of Government should be raised from Rs. 10 per diem to Rs. 15 per diem. His Excellency the Governor in Council is satisfied that there are sufficient reasons for such increase and is pleased to accord administrative approval to the proposal. The revised rate will not apply to the district of Karachi for which orders have been passed previously.

2. The necessary provision to meet the increased expenditure will be made in the budget estimates for 1916-17. It will be classed as optional and will be subject to reconsideration by Government at the time of passing the budget. Further orders sanctioning the introduction of the scale will be issued if the provision is finally sanctioned.

G. D. FRENCH,
Acting Secretary to Government.

To

The Commissioner in Sind,
The Judicial Commissioner of Sind,
The Remembrancer of Legal Affairs,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All Collectors and District Magistrates, including the Deputy Commissioner, Upper Sind Frontier (except the Collector and District Magistrate, Karachi),
All District and Sessions Judges,
The Accountant General,
The Revenue Department,
The Judicial Department,
The Financial Department.

APPENDIX T.

Statement.

Name of the district.	No. of representative watandárs whose turn it was to officiate and who were serving in person at the time of consent.	No of representative watandárs whose turn it was to officiate but who were serving through deputies at the time of consent.	No. of representative watandárs who gave their consent at a time when it was not their turn to serve.	No. of talátis appointed in lieu of the consenting kulkarnis mentioned in columns 2 and 3.	Remarks.
1	2	3	4	5	6
Ahmednagar ...	333	942	2,038	392	
East Khándesh ...	392	1,264	772	367	
West Khándesh ...	86	247	205	152	
Násik ...	262	863	883	247	
Poona ...	288	731	1,407	297	
Sátára ...	306	818	2,123	303	
Sholápur ..	72	134	320	44	
Total ...	1,739	4,999	7,748	1,802	

APPENDIX U.

Statement.

Name of district.	Number of new hands who were not watandárs and who were appointed talátis.	Qualifications of new hands appointed as talátis.
1. Ahmednagar ...	5	Out of these, one passed the Kulkarni test and knows English; two the Kulkarni test and two passed the Vernacular Final Examination.
2. East Khándesh ...	32	1 A selected Mussulman: 4 Working in the Pôt Hissa Parties. 27 Passed in the Vernacular Final Examination.
3. West Khándesh ...	32	All have passed the Vernacular Final Examination.
4. Násik ...	59	Most of these have passed the Kulkarni and Survey test as well as the Vernacular Final. They acted for a number of years as deputies on behalf of watandárs.
5. Poona ...	1	Already serving as a taláti.
6. Sátára ...	33	8 Passed in the Vernacular Final Examination. 14 Served as Kulkarnis before; of which 8 have passed the Vernacular Final Examination. 9 Worked as candidates in Mámlatdárs' offices.
7. Sholápur ...	.....	2 Already Government servants.
Total ...	162	

APPENDIX V.

STATEMENT A.

Statement showing the old and the new scale of house-tax as per (a) of the Council Question.

Current scale (*i. e.* old).				New scale proposed by the Municipality to be introduced from 1915-16 and sanctioned by the Commissioner.								Remarks.
Class.	Rate.			Class.	Annual letting value		Assessment.	Class.	Annual letting value		Assessment.	
					From	To			From	To		
	Rs.				Rs.	Rs.	Rs. a. p.		Rs.	Rs.	Rs.	
I ...	9	...	...	I	Rs. 3 and above	6	0 8 0	VII	Above 40	50	6	
II ...	7	...	...	II	Above 6	12	1 0 0	VIII	„ 50	65	8	
III ...	4	12	...	III	„ 12	18	2 0 0	IX	„ 65	80	10	
IV ...	2	12	...	IV	„ 18	24	3 0 0	X	„ 80	100	12	
V ...	1	8	...	V	„ 24	30	4 0 0	Rupees	three for Rs.	25 or	...	
VI ...	...	12	...	VI	„ 30	40	5 0 0	part	thereof above	Rs. 100	...	

APPENDIX W.

STATEMENT B.

Statement showing the number of houses under each class of the old scale and in those under new scale as per (b) of the Council Question.

Number of houses and assessment under each class of the old scale.

Class.	Rate.	No. of houses.	Assessment.	Remarks.
	Rs. a.		Rs. a.	
I ...	9 0	82	738 0	
II ...	7 0	63	441 0	
III ...	4 12	107	508 4	
IV ...	2 12	283	778 4	
V ...	1 8	1,095	1,642 8	
VI ...	0 12	2,232	1,674 0	
*	...	121	...	
		3,983	5,782 0	
	* Vacant places unassessed and houses exempted from tax. *Deduct* tax on gins ...		187 4	
	Total ...		5,694 12	

Number of houses and assessment under each class of the new scale (excluding gins and factories).

Class.	Rate.	No. of houses.	Assessment.	Class.	Rate.	No. of houses.	Assessment.	Remarks.
	Rs. a.		Rs. a.		Rs.		Rs. a.	
I ...	0 8	69	34 8	VI ...	5	157	785 0	At the time of house to house inspection in revision some houses appeared fit to be sub-divided and different parts assessed separately, but no serial Nos. were given to them. So new sub (pot) numbers have been given to different parts of houses and separately assessed. Hence the increase of 207 houses in the new scale over that in the old.
II ...	1 0	1,495	1,495 0	VII ...	6	56	336 0	
III ...	2 0	1,313	2,626 0	VIII ...	8	63	504 0	
IV ...	3 0	426	1,278 0	IX ...	10	64	640 0	
V ...	4 0	175	700 0	X ...	12	16	192 0	
		3,478	6,133 8	Houses having annual rental above 100. ...		62	978 0	
				Vacant places unassessed houses exempted from tax...		294	...	
						712	3,435 0	
				Total of X Classes...		4,190	9,568 8	

APPENDIX X.

STATEMENT C.

Statement showing the maximum increase under each class of old scale as per (d) of the Council Question.

Old class and rate.	Class IV.	Class V.	Class VI.	Class VII.	Class VIII.	Class IX.	Class X.	Class XI.				
	Rs. 3.	Rs. 4.	Rs. 5.	Rs. 6.	Rs. 8.	Rs. 10.	Rs. 12.	Rs. 15.	Rs. 18.	Rs. 21.	Rs. 24.	Rs. 30.
	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.	No. of houses.
Rs. a.												
VI 0 12 ...	60	10	5	...	...	...	...	...	...	...	...	...
V 1 8 ...	...	...	10	5	2	...	...	...	...	...	...	...
IV 2 12 ...	...	...	88	19	9	8	...	2	...	...	...	...
III 4 12 ...	...	...	...	21	35	23	...	9	1	...	...	...
II 7 0 ...	...	...	...	...	...	...	6	8	...	6	2	2
I 9 0 ...	...	...	...	...	...	...	...	5	1	9	...	6

The total increase under all the classes is Rs. 4,000 (in round figures).

APPENDIX Y.

Statement.

Name of the district.	Total number of Representative Watandár Kulkarnis who gave their consent.	Number of Representative Watandárs who consented to the commutation and who were serving personally as Kulkarnis at the time.
1	2	3
1. Ahmednagar	3,313	333
2. East Khándesh	2,428	392
3. West Khándesh	538	86
4. Násik	2,008	262
5. Poona	2,426	288
6. Sátára	3,247	306
7. Sholápur	526	72
	14,486	1,739

BUDGET OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1915-16.

(Figures in thousands of rupees.)

The current year's budget estimates of Provincial revenue and expenditure embodied in the Revised Financial Statement for 1915-16, as modified by the memorandum issued from the Financial Department on 12th March 1915, have been finally accepted by the Government of India without any modification. The figures stand as shown in the following table:—

	1914-15.		1915-16
	Budget.	Revised.	Budget.
Opening balance ...	1,82,01	1,95,34	1,54,28
Revenue ...	7,58,92	7,47,59	7,49,00
Expenditure ...	8,23,30	7,88,65	7,71,77
Closing balance ...	1,17,63	1,54,28	1,31,51

Details by major heads are given in the appended Statement A. The detailed distribution of the major head figures will be found in the Civil Estimates for 1915-16, a copy of which is furnished to the Honourable Members. The figures given in Appendices C and D of the Revised Financial Statement have been brought up to date and statements (marked B and C) containing the revised figures are appended to this memorandum.

2. The details of the land-revenue demand, collections, remissions, suspensions and arrears for the years 1914-15 and 1915-16 given in paragraph 10 of the Revised Financial Statement for 1915-16 have undergone some changes in view of later information supplied by district officers. The revised figures are given below:—

	1914-15.		1915-16.	
	Revised.		Budget.	
Outstanding balance ...	56,94		38,37	
Demand ...	4,36,78		4,44,55	
		4,93,72		4,82,92
Collections ...	4,39,10		4,48,20	
Remissions ...	16,25		8,86	
		4,55,35		4,57,06
Balance { Suspensions	21,33		8,25	
Balance { Arrears	17,04		17,61	
		38,37		25,86

3. Against the provision of 5,00 made in the Budget under the head "24, Medical" for expenditure in connection with sanitation and grants in aid of sanitary projects the following allotments are sanctioned:—

(i) Alandi water-supply scheme	1,35
(ii) Allotment to the Sanitary Board to enable them to make grants for sanitary projects.	1,00
(iii) Original works in connection with the development of Sálsette as a residential area.	40
(iv) Grant for furnishing and equipping the Bombay Bacteriological Laboratory.	17
	2,92

4. The expenditure budget in the *Public Works Department* is now distributed as follows:—

(i) Original Works—		
Works in progress—		
Civil Buildings ...	11,40	
Communications ...	5,50	
Miscellaneous public improvements.	2,11	
New major works ...	4 74	
Discretionary grants for minor works to certain Heads of Departments.	3,00	
Reserve	1,20	
		27,95
(ii) Repairs—		
Civil Buildings ...	8,65	
Communications ...	13,57	
Miscellaneous public improvements.	15	
		22,37
(iii) Establishments		16,00
(iv) Tools and plant		2,07
(v) Placed at the disposal of the Financial Department (and allotted for the objects mentioned in paragraph 2 of the Memorandum dated 12th March 1915).		3,66
Total ...		72,05

The provision of 27,95 for "Original Works" is made up of 19,01 for works in progress, 4,74 for new major works, 3,00 for minor works and 1,20 for reserve.

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

(i) Central Offices, Poona (1,00), distillery at Khánápur (50), buildings at Nawábsháh (45), Collector's bungalow at Belgaum (20), Mámlatdárs' kacheris at Mángaon (20) and Honávar (15), and Electric Installation at Government House, Mahábaleshvar (17);

(ii) Hostel for the Northcote High School at Sholápur (39), New High School at Násik (30), and Agricultural College, Poona (10);

(iii) New Small Causes Court, Bombay (2,00), Subordinate Civil Court at Mirpurkhás (23), and District Judge's bungalow at Bijápur (12);

(iv) Jail at Hindalgi (50) ;

(v) Police buildings at Mirpurkhás (17), quarters for four European police officers in the compound of the Esplanade Police Court, Bombay (29), additions and alterations to the office of the District Superintendent of Police, Poona (17), police lines at Matiari (18), Bándra (15), Jherruck (11), and Mándvi (10), head-quarter police lines at Thána (15) and Sholápur (10), and additions and alterations to the head-quarter police lines at Bijápur (10) ;

(vi) King Edward Memorial Hospital, Sholápur, (1,00), additions and alterations to the old Government House, Parel, to render it suitable for accommodating the Bacteriological Laboratory (60), school for the training of midwives and nurses of the Victoria Jubilee Dispensary, Ahmedabad (16), and Out-patient Department at the Civil Hospital, Ratnágiri (15) ;

(vii) Buildings for the new Public Works Department district at Alibág (10) ;

(viii) Bridging the Poona-Sholápur road between Diksal and Indápur (50), and bridges at Mahuli (30), and over Parit Nalla in the Poona district (14), roads from Savalvihir to Bharvas (48), from Lákh Station to Karegaon and thence to Belpimpalgaon (38), from Deogaon to Bharvas (30), from Deoláli to Belápur (30), from Bhátkal to Mysore Frontier (25), from Pimpalner to Shelbari (17), and from Vihigaon to Khodala (12), improvements to Sholápur-Akalkot road (35), improvements to the Khándesh-Nizám Frontier road (67), widening the Bombay-Agra road between Thána and Kurla (20), bridging nallas on Mahád-Nágothna road (20), improving and metalling the Malhárpeth-Pandharpur road (10), causeways at Khánápur (20), and over the Tápti near Bhusával on the Bhusával-Yával road (25), and surfacing the road from Indápur to Sarate (10) ; and

(ix) Kennedy Sea Face Improvement, Bombay (1,54), and Visápur tank (50).

Among the new major works the most important are—

(i) Resumption of properties on Malabár Hill (1,00) acquisition of bungalows Nos. 16 and 20, Queen's Gardens, Poona (67) ; re-roofing His Excellency the Governor's bungalow at Malabár Point (17), purchase of a house at Kárwár for the accommodation of certain Government officers (10) ;

(ii) District Court at Lárkána (25) ;

(iii) Railway police lines at Dádar (50), and police lines in Sind — Mehar (15), Khar (15) and Miro-Khán (10) ;

(iv) Acquisition of land for the extension of the Civil Hospital, Ahmedabad (33) ;

(v) Bridge over the Darna at Chehedi (23) ; and

(vi) Working the boring plant for the Sanitary Engineer (60).

R. A. LAMB.

12th July 1915.

Statement showing Provincial Revenue and Expenditure by Major Heads for the years 1913-14, 1914-15 and 1915-16.

[In thousands of rupees.]

Number of Account Head.	Major Heads of Revenue.	Accounts, 1913-14.	Budget, 1914-15.	Revised, 1914-15.	Budget, 1915-16.
I	Land Revenue ... Provincial share ...	2,32,43	2,09,48	2,07,68	2,12,16
	Land Revenue ... Alienated ...	95,13	96,81	95,60	95,51
IV	Stamps	44,40	43,85	39,75	40,50
V	Excise	2,22,59	2,27,00	2,16,00	2,16,00
VIII	Assessed Taxes	33,46	30,65	33,50	30,38
IX	Forest	51,03	45,50	44,50	45,00
X	Registration	8,28	8,20	7,80	8,00
XII	Interest	14,22	14,58	15,37	14,08
XVI-A	Law and Justice—Courts of Law	7,81	7,60	8,50	8,20
XVI-B	Do. —Jails	2,82	3,05	2,75	2,85
XVII	Police	2,89	2,36	2,55	2,86
XVIII	Ports and Pilotage	1,08	1,09	1,24	1,59
XIX	Education	5,53	5,21	5,49	5,99
XX	Medical	2,78	2,60	3,00	2,90
XXI-A	Agriculture	1,22	1,14	1,23	1,48
XXI-B	Scientific and Miscellaneous Departments ...	18	18	40	53
XXII	Receipts in aid of superannuation	3,88	3,90	4,40	4,20
XXIII	Stationery and Printing	1,13	1,22	1,11	1,06
XXV	Miscellaneous	83	'76	87	77
XXIX	Irrigation—Portion of Land Revenue due to Irrigation.	12,36	13,02	12,82	12,84
XXIX	Irrigation—Major Works—Direct Receipts ...	8,70	8,05	8,24	7,99
XXX	Irrigation—Minor Works and Navigation—Public Works Department.	1,89	1,74	1,89	1,84
XXXI	Civil Works ... Civil Department ...	11	12	10	10
	Civil Works ... Public Works Department...	6,95	2,27	3,05	2,85
	Transfers between Imperial and Provincial revenues.	30,59	28,54	29,75	29,32
	Total ...	7,92,29	7,58,92	7,47,59	7,49,00
	Opening Balance ...	1,79,75	1,82,01	1,95,34	1,54,28
	Grand total ...	9,72,04	9,40,93	9,42,93	9,03,28

Number of Account Head.	Major Heads of Expenditure.	Accounts, 1913-14.	Budget, 1914-15.	Revised, 1914-15.	Budget, 1915-16.
1	Refunds and Drawbacks	7,45	5,67	5·93	5·55
2	Assignments and Compensations. Cash	14,45	14,22	18,12	18,91
	Assignments and Compensations. Alienations	83,04	83,88	83,69	83,67
3	Land Revenue ... Cash	77,17	82,15	82,14	82,88
	Land Revenue ... Alienations	7,54	7,78	7,36	7,32
6	Stamps	1,23	1,23	1,20	1,22
7	Excise	10,86	11,81	11,51	11,72
10	Assessed Taxes	73	85	84	87
11	Forest	25,90	25,68	25,50	25,43
12	Registration	3,70	3,92	3,74	3,75
13	Interest on Ordinary Debt	8,72	7,83	8,14	7,35
18	General Administration	19,37	18,80	21,63	21,29
19-A	Law and Justice—Courts of Law	56,36	57,49	57,82	57,29
19-B	Do. —Jails	12,77	12,36	12,80	12,87
20	Police ... Cash	96,03	1,01,80	1,00,50	1,07,52
	Police ... Alienations	4,55	5,15	4,55	4,52
21	Ports and Pilotage	1,81	2,88	2,43	1,89
22	Education	72,76	1,02,76	79,26	76,86
24	Medical	27,21	49,05	27,63	31,78
25	Political	4,36	5,48	5,68	5,08
26-A	Agriculture	10,70	13,11	12,60	12,71
26-B	Scientific and Miscellaneous Departments	1,33	1,18	1,35	1,46
29	Superannuation Allowances and Pensions	36,44	37,75	39,42	38,97
30	Stationery and Printing	14,97	15,01	14,00	14,10
32	Miscellaneous	7,79	7,18	5,60	5,57
36	Reduction or Avoidance of Debt...	13,70	13,70	13,70	13,70
40	Subsidized Companies—Land	...	5	...	...
42	Irrigation—Major Works Working Expenses ...	8,34	7,72	7,82	7,72
	Irrigation—Major Works Interest on Debt ...	10,74	11,52	11,54	12,38
43	Irrigation—Minor Works and Navigation. Civil Department ...	10	10	6	10
	Irrigation—Minor Works and Navigation. Public Works Department ...	17,54	16,50	16,40	16,72
45	Civil Works ... Civil Department ...	14,66	8,69	8,69	8,52
	Civil Works ... Public Works Department ...	1,04,38	90,00	97,00	72,05
	Total ...	7,76,70	8,23,30	7,88,65	7,71,77
	Closing Balance ...	1,95,34	1,17,63	1,54,28	1,31,51
	Grand total ...	9,72,04	9,40,93	9,42,93	9,03,28

STATEMENT B.

Statement showing by major heads the ordinary and special or non-recurring Provincial revenue and the opening balance as estimated in the budget for 1915-16.

[In thousands of rupees.]

No. of Account Head.	Receipts.	Budget, 1915-16.	Ordinary.	Special.	Remarks.
1	2	3	4	5	6
I	Land Revenue.—Provincial share ...	2,12,16	2,10,33	(a) 1,83	(a) Collections of outstandings of previous years.
	Land Revenue.—Alienations ...	95,51	95,51	...	(b) Amount likely to be credited to Government under section 52 of the Administrator General's Act, III of 1913.
IV	Stamps	40,50	40,50	...	
V	Excise	2,16,00	2,16,00	...	(c) Assignments from Imperial revenues for special non-recurring objects.
VIII	Assessed Taxes	30,38	30,38	...	
IX	Forest	45,00	45,00	...	(d) This is made up of—
X	Registration	8,00	8,00	...	(i) 41,94 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on education;
XII	Interest	14,08	14,08	...	(ii) 19,28 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on sanitation;
XVI-A	Law and Justice—Courts of Law ...	8,20	7,95	(b) 25	(iii) 1,12 Unexpended balances of the Imperial assignments for non-recurring expenditure on medical relief (80), and on agricultural and allied objects (32);
XVI-B	Do. —Jails	2,85	2,85	...	(iv) 2,00 Imperial assignment made in 1911-12 for the Royal Visit Commemoration Building in Bombay.
XVII	Police	2,86	2,86	...	Total. 64,34
XVIII	Ports and Pilotage	1,59	1,59	...	
XIX	Education	5,99	5,99	...	
XX	Medical	2,90	2,90	...	
XXI-A	Agriculture	1,48	1,48	...	
XXI-B	Scientific and Miscellaneous Departments.	53	53	...	
XXII	Receipts in aid of Superannuation, etc....	4,20	4,20	..	
XXIII	Stationery and Printing	1,06	1,06	...	
XXV	Miscellaneous	77	77	...	
XXIX	Irrigation—Portion of Land Revenue due to Irrigation.	12,84	12,84	...	
XXIX	Irrigation—Major Works—Direct Receipts.	7,99	7,99	...	
XXX	Irrigation—Minor Works	1,84	1,84	...	
XXXI	Civil Works—Civil Department ...	10	10	...	
XXXI	Do. —Public Works Department.	2,85	2,85	...	
	Transfers between Imperial and Provincial revenues.	29,32	14,91	(c) 14,41	
	Total ...	7,49,00	7,32,51	16,49	
	Opening Balance ...	1,54,28	89,94	(d) 64,34	
	Grand Total ..	9,03,28	8,22,45	80,83	

STATEMENT C.

Statement showing by major heads the recurring and non-recurring Provincial expenditure provided in the budget estimates for 1915-16.

[In thousands of rupees.]

No. of Account Head.	Expenditure.	Budget, 1915-16.	Permanent recurring.	Fluctuating recurring.	Total recurring.	Non-recurring.
1	2	3	4	5	6	7
1	Refunds and Drawbacks ..	5,55	...	5,08	5,08	47
2	Assignments and Compensations ...	1,02,58	1,02,20	16	1,02,36	22
3	Land Revenue	90,20	73,98	12,07	86,05	4,15
6	Stamps	1,22	35	77	1,12	10
7	Excise	11,72	9,96	1,09	11,05	67
10	Assessed Taxes	87	64	17	81	6
11	Forest	25,43	13,33	11,17	24,50	93
12	Registration	3,75	3,27	44	3,71	4
13	Interest on Ordinary Debt ...	7,35	7,35	...	7,35	...
18	General Administration ...	21,29	16,60	2,91	19,51	1 78
19-A	Law and Justice—Courts of Law ...	57,29	49,05	6,69	55,74	1,55
19-B	Do. —Jails ..	12,87	3,93	8,00	11,93	94
20	Police	1,12,04	94,52	13,59	1,08,11	3,93
21	Ports and Pilotage	1,89	64	29	93	96
22	Education	76,86	52,83	16,23	69,06	7,80
24	Medical	31,78	20,24	9,12	29,36	2,42
25	Political	5,08	4,23	65	4,88	20
26-A	Agriculture	12,71	7,60	3,91	11,51	1,20
26-B	Scientific and Miscellaneous Departments.	1,46	1,22	21	1,43	3
29	Superannuation Allowances and Pensions.	38,97	38,81	15	38,96	1
30	Stationery and Printing ...	14,10	2,40	11,35	13,75	35
32	Miscellaneous	5,57	56	4,68	5,24	33
36	Reduction or Avoidance of Debt ...	13,70	...	...	...	13,70
42	Irrigation—Major Works. { Working Expenses.	7,72	6,97	57	7,54	18
	{ Interest on Debt ...	12,38	12,38	...	12,38	...
43	Irrigation—Minor Works. { Civil Department...	10	...	6	6	4
	{ Public Works Department.	16,72	12,48	3,06	15,54	1,18
45	Civil Works ... { Civil Department...	8,52	7,83	5	7,88	64
	{ Public Works Department.	72,05	40,44	17,00	57,44	14,61
	Total ...	7,71,77	5,83,81	1,29,47	7,13,28	58,49

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

13,70	for reduction or avoidance of debt	met from the grants made for the purpose from Imperial revenues.
5,43	for expenditure on education	
67	for charges connected with the mounted police at Jacobabad	
1	for expenditure connected with the Factory Ventilation Committee	
19,81	Total.	

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 38,68 (including about 1,75 for charges due to the war) as shown below :—

Total non-recurring expenditure		58,49
Deduct non-recurring expenditure met from special receipts ...		19,81
Balance ...		38,68

NOTE 2.—Column 5 represents the minimum expenditure on account of items (like temporary establishments, plague allowance, contingencies, and supplies and services) for which provision has to be made every year, but of which the amount varies from year to year. The lowest figure in the "Budget Estimates, 1915-16," "Revised Estimates, 1914-15," "Budget Estimates, 1914-15," and "Accounts, 1913-14," has generally been taken as the minimum recurring charge for each item, and the total of all such items is entered under column 5 against the major head concerned. The difference between the total budget provision for such items and the minimum recurring charge entered in column 5 is taken as non-recurring, and this, together with the provision for purely temporary objects, has been classed as non-recurring and entered in column 7. This method is adopted in the case of all major heads, except *29, Superannuation Allowances and Pensions, 36, Reduction or Avoidance of Debt, 42, Irrigation—Major Works, 43, Irrigation—Minor Works (Public Works Department)*, and *45, Civil Works (Public Works Department)*. In the case of *29, Superannuation Allowances and Pensions*, the provisions for gratuities and refunds are classed as fluctuating recurring, while all other items are treated as permanent recurring. The whole provision under *36, Reduction or Avoidance of Debt* is treated as non-recurring, while that under *42, Irrigation—Major Works—Interest on Debt* is classed as permanent recurring. Under the heads *42, Irrigation—Major Works—Working Expenses*, and *43, Irrigation—Minor Works (Public Works Department)*, the provision on account of ordinary repairs, establishments, and tools and plant is classed as permanent recurring, the provision for special repairs and the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring. Under the head *45, Civil Works (Public Works Department)*, the provision on account of repairs, establishments, and tools and plant is classed as permanent recurring, the minimum provision considered absolutely necessary for works in progress, new works, discretionary grants and reserve is classed as fluctuating recurring, and the balance is classed as non-recurring.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILLS NOS. VIII AND IX OF 1914.

(An Act to provide for a survey of the Town and Island of Bombay, and an Act further to amend the Bombay City Land-revenue Act, 1876.)

We, the Members of the Select Committee to whom the above-mentioned Bills (to provide for the survey of the City of Bombay and to make certain consequential amendments in the Bombay City Land-revenue Act, 1876) were referred, have carefully examined the Bills and have the honour to report as follows :—

1. The more important of the somewhat extensive modifications which we have made in the Survey Bill have two principal objects in view. Firstly, we are of opinion that it is necessary to define more clearly the purpose and method of the enquiries to be made by the survey officers in the course of the survey. The object of the survey is, as we understand, to produce a reliable map, supported by a register containing the names of the present holders of the properties whose boundaries are indicated on the map. In the Bill as published there were certain provisions which suggested that the preparation of the "register of possession" might directly or indirectly involve something approaching an enquiry into titles. Such an enquiry was not one of the objects of the Bill and the procedure prescribed was wholly inadequate for it. At the same time we think that the provisions dealing with the investigation of the facts of possession were unnecessarily elaborate for the purposes of a survey, and that certain expressions in the Bill were likely to give rise to misapprehension. For these reasons we have inserted clause 7, which prescribes the survey map and register, and we have removed the somewhat formal provisions regarding enquiry into disputes, appeals, and subsequent enquiry by the "Enquiry Officer", together with all expressions which are capable of being so construed as to suggest that the operations of the survey involve any judicial enquiry into titles or are in any way determinative of rights.

2. Secondly, we observe that the Survey Bill, read with the City Land-revenue Bill as published, extended to the holders of all lands the obligation to report transfers of land, which at present applies only to holders of land paying revenue to Government. We do not, however, consider that the nature of the enquiries that will be made for the purposes of the survey will be such as to form the foundation of a record which would be kept up to date by a system of compulsory notification of transfer. Such a record could be prepared only after an adequate enquiry into title. We therefore think that it will not be desirable or necessary to impose upon landowners any legal obligation to report transfers, and we believe that even without such assistance the Collector will have sufficient information at his command to enable him to enter the necessary changes from time to time in the survey register. If these views are accepted by the Council, the greater part of the provisions of the City Land-revenue Bill can be eliminated, and the remaining two clauses can be incorporated in the Survey Bill.

Notes on Clauses.

Clause 2.—A definition of property is unnecessary in view of the modification in the provisions for the assessment of survey-fees.

For the definition of "owner" we have substituted a definition of "holder". The latter expression appears to be more convenient, as the provisions of the Bill are independent of proprietary rights. The person who will be liable for the survey-fee, for the maintenance of temporary boundary marks and the cost of revision of maps, and whose name will be entered in the register, is primarily the person in occupation of the land But if the occupier pays rent for the land, the "holder" is the recipient of rent, unless he himself pays rent, in which case the highest in the scale is the "holder". It is, however, proposed specifically to exempt Government, the Corporation and the Improvement and Port Trusts from the payment of survey-fee [see clause 10 (2), proviso (*a*)]. The "explanation" deals with the case where money, either rent in the proper sense or assessment or otherwise, is paid to Government or one of the corporate bodies mentioned or to a fazendar, and where consequently Government or one of those bodies or the fazendar would, under the definition, be the "holder". We think that in such case the person making such payment should be the "holder", except where such person merely holds on a tenancy for less than a year.

Clause 4, proviso.—This has been modified so as to require notice to be given in all cases and to cover cases where the occupier is absent.

Clause 5.—The words making it legally incumbent upon the person served to attend and give information have been omitted, because they would make section 174 of the Indian Penal Code applicable as an alternative to clause 21

(of this Bill as published). We are of opinion that neither of these penalties need be prescribed. Holders will generally desire to be present and afford information regarding their land, and we think that the risk of an inaccurate entry being made in their absence will be sufficient inducement.

Clause 6.—The expression "shall be bound by the results of the survey" implies that the survey affects rights and has been omitted.

Clauses 7 to 11 (in the Bill as published).—As intimated in the opening paragraphs, we have omitted these clauses. We consider that their retention might lead to the impression that the result of the survey officer's summary investigation had something of the value of a judicial decision on the question of possession. In the great majority of cases the facts will be easily ascertainable. Should difficulty arise in particular instances, the survey officer will take the course indicated by the circumstances of each case, with regard to the requirements of the survey.

Clause 7 (of the Bill as amended).—In the Bill as published powers are conferred for making maps (clause 15) and a register of possession is referred to in the rules (clause No. 19). As a survey map and register will be the principal products of the survey, they should, we think, be explicitly provided for, and we have drafted the clause accordingly.

Clause 8 (original clause 12).—The proviso mentions cases where permanent boundary marks are superfluous.

Clause 9 (original clause 13).—The Bill as published indicated no means of securing compliance with the notice and sub-clause (2) has been added to remedy the defect.

Clause 10 (original clause 14).—The provisions regarding the levy of survey-fees have been expanded with the objects of defining exactly the person liable and the manner of assessment, and of making such exemptions as appear to be just. In the Bill as published, although the holder was made responsible for payment of the survey-fee, "holder" was not defined. The proviso limiting the amount leviable by way of survey-fees to one-half the cost of the survey has been inserted in view of the arrangements made between Government, the Corporation and the Port Trust for contributing to the cost of the survey.

Clause 15 (in the Bill as published).—See under clause 12.

Clause 11 (original clause 16).—The formal provisions for the enquiry into objections after the completion of the survey have been omitted and replaced by sub-clause (3), under which it will be open to any person to present objections to the Collector, who will, where necessary, cause the map or register to be corrected.

Clause 12 (original clause 15).—The amended clause empowers the Collector to keep the map and register up to date but excludes compulsory notification of transfers. The information available to the Collector from the registration office and other sources will, we believe, be sufficient for the purpose.

Clause 13.—This corresponds to original clause 15 (*b*).

Clause 17 (in the Bill as published).—The notification by Government of their approval of the survey appears unnecessary.

Clause 18 (in the Bill as published).—It appears unnecessary to fix a period of limitation for suits, and the clause might be open to objection as affecting the jurisdiction of the High Court.

Clause 19 (in the Bill as published).—The power to make rules is contained in clause 18 of the amended Bill.

Clause 15 (of the amended Bill).—This provision will make it clear that the survey will not involve any inquisition into titles.

Clause 21 (of the Bill as published).—See under clause 5.

Clause 23 (of the Bill as published).—We think that as any extension of the municipal limits of the city would have to be effected by legislation, the extension of the Survey Act could appropriately be considered in connection with such legislation, should the occasion arise.

Clauses 16 and 17 (of the amended Bill).—These correspond to clauses 2 and 4 (2) of Bill No. IX of 1914. The rest of that Bill is rendered unnecessary by the alterations in the Survey Bill which have been referred to in the preceding paragraphs and notes.

R. A. LAMB.
F. L. SPROTT.
EUSTACE FERRERS NICHOLSON.
MANMOHANDAS RAMJI.
FAZALBHOY M. CHINOY
T. W. BIRKETT.
G. CARMICHAEL.
G. S. CURTIS.
C. H. SETALVAD.
PHEROZESHAH M. MEHTA.
JAMSETJEE JEEJEEBHOY.
G. W. HATCH.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL NO. I OF 1915.

(An Act to amend the Protection of Pilgrims Act, 1887.)

We, the members of the Select Committee appointed to consider the Bombay Protection of Pilgrims Amendment) Bill, (No. I of 1915), have the honour to report as follows :—

We have suggested in clauses 3 and 4 of the Bill certain amendments which are intended to protect pilgrims from being prejudiced by capricious alterations in the prices of passage-tickets. There is, of course, no objection in the case of a master, owner or agent charging for a passage-ticket a price lower than the price supplied to the Protector of Pilgrims. But pilgrims are liable to be seriously prejudiced if the prices of passage-tickets are at first advertised at a low rate and then, when pilgrims have flocked to Bombay in the belief that they are to be charged at a low rate, the prices are suddenly increased above those advertised but within the maximum prices originally supplied to the Protector of Pilgrims. We have deleted the word "maximum" in the sixteenth line of clause 3 of the Bill, and we have inserted a new sub-section (*2*) of new section 11 with a view to meeting this objectionable practice. At the same time new section 12 has been modified so as to render punishable the charging of a price for any class of ticket higher than the price supplied to the Protector of Pilgrims.

2. New section 12B has been modified so as to exclude the day on which a pilgrim-vessel leaves the port of embarkation from consideration when a master, owner or agent has rendered himself liable to fine for failure to despatch a vessel on the stipulated date of sailing. As the word "day" is not likely to be misunderstood, the explanation to new section 12B is unnecessary and has been deleted.

3. The slight amendments made in clauses 2, 6 and 7 are purely verbal and follow the wording contained in the authentic copy of the Protection of Pilgrims Act, 1887.

(Signed) C. H. A. HILL.
(„) SHAIKH GHULAM HUSSEIN HIDAYATALLAH.
(„) M. RAFIUDDIN AHMAD.
(„) T. J. STRANGMAN.
(„) M. DE P. WEBB.
(„) F. M. CHINOY.
(„) ABDUL HUSEIN ADAMJI PEERBHOY.

NOTIFICATION

BY THE SECRETARY TO THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY.

Bombay Castle, 1st July 1915.

No. 1490 L.—The following minute of dissent by the Honourable Sir Ibrahim Rahimtoola, Kt., C. I. E., on the Report of the Select Committee on the Bill to amend the Protection of Pilgrims Act, 1887, is published:—

In the Statement of Objects and Reasons it is stated that "The object of the Bill is to improve the conditions under which pilgrims to Mecca sail from Bombay and Karáchi. It has been found by experience that sections 11 and 12, as at present worded, do not prevent shipping companies from advertising earlier dates of sailing than those which they really intend to adopt, and from deliberately postponing the departure of ships, *with the object of securing as full a complement of passengers as possible.* The postponement of the date of sailing results in great inconvenience and expense to pilgrims who have travelled down to Bombay or Karáchi in time for the advertised date of departure. The conditions under which they have to live in Bombay are such that any large aggregation of pilgrims is a serious menace to the health of the City. Cases have occurred of repeated and avoidable delays in the departure of pilgrim ships which have caused grave trouble both to the pilgrims themselves and to the authorities in Bombay."

It will be observed that the object of the proposed legislation is to prevent shipowners from postponing the date of the departure of pilgrim ships and to relieve the pilgrims from the grave hardships entailed upon them in consequence of such postponement. Every one must agree that any undue delay in the departure of pilgrim ships does cause serious inconvenience and hardship to those pilgrims who may have booked their passages in such steamers and any efforts made by Government in this behalf, both executive and legislative, must receive the warm support of the Musulmán public. The real question at issue is whether the measure now under consideration will have the desired effect of affording relief to the pilgrims or whether it will have the effect of aggravating some of the hardships of the pilgrim class. If it is shown that the effect of this measure will not prove wholesome and beneficial to the pilgrims as Government undoubtedly contemplate, the question will arise whether there is any other method by which the object with which the present legislation has been undertaken may be more suitably achieved and real relief afforded to the pilgrims in more directions than one.

The principal reason advanced for postponing the departure of pilgrim ships is stated to be "to secure as full a complement of passengers as possible". This can only mean that the owners of pilgrim ships wish to obtain a full complement of passengers authorized by law and sanctioned by the authorities and desire to avoid the loss entailed by sailing with vacant available space for conveying passengers. The effect therefore of passing the present legislation will be that owners will have to sail their steamers on the fixed date irrespective of the number of pilgrims they may have actually booked. Taking an extreme case, a ship authorized to carry one thousand pilgrims may be obliged to sail with only a hundred passengers, or the owner may have to fill the space at ridiculously low rates of passage money to be able to sail on the date fixed. In either case he will be a heavy loser. I am not urging this point in the interests of the shipowners as I do not advocate that they should be allowed to regulate the dates of departure at their supreme pleasure involving serious hardships to those pilgrims who may have booked their passages by such steamers. It can well be urged that the necessity to reduce rates in order to fill up the space is an advantage to pilgrims and that they stand to gain both in the matter of fixity of departure and very low rates. That is perfectly true but these lower rates will be merely a temporary advantage which must ultimately prove most expensive to them as a class. I desire to invite the attention of the

Council to the effect such a procedure will have upon the shipping trade. No one can expect shipowners to run their boats at a certain loss. When it is found that through the system of brokers now prevailing or other causes the fixity of the date of departure entails heavy financial sacrifices upon owners they will withdraw from the trade. This will be particularly the case with small owners and the result will be that the entire field will be left open to the big liners who may have a large fleet. This will lead in my opinion to a complete monopoly and excessive rates of passage money. Once a monopoly is thus secured, the pilgrims will be heavy sufferers. They will no doubt secure fixed dates of departures but on payment of excessively high rates for deck passages. It is unnecessary to dilate upon the actual effects of want of competition but a couple of quotations may serve to emphasize the point. Two years ago in reply to one of my interpelations in the Legislative Council, Government stated as follows, *viz.*:— "The cost of deck ticket varied from Rs. 50 to Rs. 7. The higher prices were paid by the pilgrims from the Provincial Camps. *The average did not amount to more than Rs. 25. This was owing to competition.*" Since that time competition has gradually diminished and in consequence passage rates have already largely risen. The rate of Rs. 50, which was regarded as high, is practically the minimum price now charged and a maximum of Rs. 125 and Rs. 150 has been reported to be paid.

In a recent Press Note issued by Government giving a summary of the report of Dr. Shaikh Abdul Rehman, Vice-Consul at Jeddah, it is stated that "In 1913-1914 there was a decrease in the number of Indian pilgrims which Dr. Abdul Rehman attributes partly to the fact that the Haj whose English date falls earlier every year owing to the Mahomedan year being lunar and not solar, took place during the monsoon and *partly to the high rates of passage money prevailing*. The arrangements for the return of the Indian pilgrims were facilitated by the smaller numbers to be accommodated. *The rates were high at first but at the end of the season an element of competition operated so as to lower them.*"

In view of these facts it is a matter for serious consideration whether some means should not be adopted by which full competition may be maintained, the dates of departure of pilgrim ships may become automatically fixed, and the rates of passage money may be reasonably controlled. It appears to me that such means are easily available from the experience which Government officers have themselves gained in this traffic.

A reference to the answers which Government gave to my interpellations already referred to will show what the system is which I advocate and which will in my opinion secure the advantages I have indicated.

The interpelations and answers may be quoted here for ready reference :—

(1) Will Government be pleased to state—	
(*a*) Whether it is a fact that during the period that quarantine detention of Mahomedan pilgrims at the Pir Pao Segregation Camp was enforced steamer passages for such pilgrims were engaged by the Port Health Officer of Bombay?	Yes.
(*b*) Whether it is a fact that the Port Health Officer after ascertaining the number of each batch of pilgrims who had undergone the required quarantine detention called for tenders from steamship owners and engaged passages for the pilgrims by such competition?	Tenders were called for but this was done before the arrival of the pilgrims at the Segregation Camp.
(2) If the answer to the above questions is in the affirmative will Government be pleased to furnish the following information in con-	(2) (*a*) The system was in force during a portion of the pilgrim season of

nection therewith, *viz.*:—(*a*) The period during which the said system prevailed?	1902-03, and during the entire seasons of 1903-04, 1904-05 and 1905-06.

I do not desire to quote the further particulars supplied in regard to steamers, pilgrims and passage rates. Suffice it to say that under this system the pilgrims were carried at an average rate of Rs. 25 to 30 per deck passage. This experience was gained over nearly four years, the whole period during which the system was worked and the result was that there was no inconvenience or hardship in the matter of the departure of vessels the dates of which became automatically fixed and the rates paid were low. This practice had to be abandoned when quarantine detention was abolished as there is no law under which it can afterwards be continued.

It appears to me that if Government undertook legislation on some such lines, it will confer a lasting boon upon the whole class of pilgrims.

I do not propose to go into the details of such legislation in this minute. It is sufficient to indicate that a Haj Committee consisting partly of elected and partly of nominated Musulmans with the Commissioner of Police as President and the Protector of Pilgrims as Secretary should be given the sole right of engaging passages for pilgrims desiring to proceed to Jeddah and this committee should through their executive officers carry out the scheme which Col. Crimmin worked so admirably and so successfully in the interests of the pilgrims. I feel confident that there will be no further financial liability involved in giving effect to my suggestion.

I will be glad to furnish Government with any further details they may require in regard to this scheme.

(Signed) IBRAHIM RAHIMTOOLA.

Bombay, 30th June 1915.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

NO. 1298 OF 1915.

From

R. E. ENTHOVEN, ESQUIRE, C.I.E., I.C.S.,
Acting Commissioner, C. D.;

THE HONOURABLE Mr. E. MACONOCHIE, I.C.S.,
Acting Commissioner, N. D.;

H. S. LAWRENCE, ESQUIRE, I.C.S.,
Acting Commissioner, S. D.;

To

THE SECRETARY TO GOVERNMENT,
Judicial Department.

Poona, 31st March 1915.

Sir,

With reference to Government Memorandum No. 1783, dated 11th ultimo, we have the honour to state that we have discussed the question as to whether an appeal should be allowed to the District Magistrate against the order of a Police

Patil under Section 15 of the Bombay Village Police Act VIII of 1867, and are of opinion that inasmuch the conferment of powers on Police Patils has been designed to provide for the summary disposal of petty village matters no such appeal appears desirable. Any cases of abuse of power that come to notice can be dealt with by the District Magistrate in his executive capacity.

We have the honour to be,

Sir,

Your most obedient servants,

(Signed) R. E. ENTHOVEN,
Acting Commissioner, C. D.

(Signed) E. MACONOCHIE,
Acting Commissioner, N. D.

(Signed) H. S. LAWRENCE,
Acting Commissioner, S. D.

No. 1756.

From

THE HON'BLE SIR W. H. H. VINCENT, Kt.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 6th May 1915.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 447, dated the 26th April 1915.

The Sind Coast Lights Law, 1915.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. H. VINCENT,
Secretary to the Government of India.

BOMBAY IMPROVEMENT TRUST.

No. 3662 OF 1915.

ESPLANADE ROAD,
Bombay, 22nd May 1915.

From

THE HONOURABLE MR. J. P. ORR, C.S.I., I. C. S.,
Chairman, Bombay Improvement Trust;

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF BOMBAY,
Bombay.

Sir,

The Bombay City Improvement Trust have had under consideration clause 10 (2)(*e*) of Bill No. II of 1915, an Act further to amend the City of Bombay

Municipal Act, 1888, published in Part VII of the *Bombay Government Gazette* of 26th April 1915 and have directed me to submit this representation on their behalf against the provisions of that clause.

2. The Trust derive considerable revenue from the godowns which form the ground floor of their Mandvi chawls and are constructing large godowns on the ground floors of the large chawls they are now erecting on Chinchbandar Road. They submit that provided a building has been properly designed and constructed for the purpose of having godowns and shops on the ground floor with living rooms on the upper floors, there is no reason to fear any ill effects from the storage of grain and groceries beneath the living rooms therein.

3. They think the proposed absolute prohibition of such storage far too drastic and submit that a sufficient advance towards the attainment of the object in view, *viz.*, the reduction of the rat nuisance, would be secured if the proposed prohibition were restricted to buildings not suitably designed and constructed for a combination of godowns and living rooms.

4. I am accordingly to suggest for the consideration of Government that clause 10 (2)(*e*) should either begin with the words "without the written permission of the Commissioner" or end with the words "unless such godown or place was shown in plans submitted to the Commissioner under section 338 or section 343 and not disapproved by him as a place for storage of grain or groceries."

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) J. P. ORR,

Chairman.

No. 1960.

From

THE HON'BLE SIR W. H. H. VINCENT, KT.,

Secretary to the Government of India,

Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

Legal Department.

Dated the 1st June 1915.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the law noted on the margin, which was received with your letter No. 466, dated the 30th April 1915.

The Bombay Decentralization Law, 1915.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) W. H. VINCENT,

Secretary to the Government of India.

NOTICES OF MOTIONS OF AMENDMENTS TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL TO BE HELD ON MONDAY, THE 12TH JULY 1915.

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Legislative Business, notice has been received of the following amendments to Bill No. I of 1915 (the Bombay Protection of Pilgrims (Amendment) Bill), as amended by the Select Committee :—

From the Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.—

Clauses 3 and 5.

In new sections 11 (*2*), 12A and 12B, respectively, for the word " supplied " the word " intimated " shall be substituted.

Clause 4.

In new section 12, for the words " or charges a price for any class of ticket higher than the price supplied to the Protector of Pilgrims," the words " or charges for a ticket of any class a price higher than the price of such class as intimated to the Protector of Pilgrims " shall be substituted.

J. NISSIM,
Secretary to the Legislative Council of the
Governor of Bombay.

Bombay, 30th June 1915.

NOTICES OF MOTIONS OF AMENDMENTS TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL TO BE HELD ON MONDAY, THE 12TH JULY 1915.

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Legislative Business, notice has been received of the following amendment to Bill No. I of 1915 (the Bombay Protection of Pilgrims (Amendment) Bill), as amended by the Select Committee :—

From the Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.—

Clause 4.

In new section 12, after the words "false particulars", *read* " or charges a price for a ticket of any class higher than the price intimated to the Protector of Pilgrims, or advertises a price which is not in conformity with the price so intimated".

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 8th July 1915.

NOTICE OF MOTIONS TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD ON MONDAY, THE 12TH JULY 1915.

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Legislative Business, notice has been received of the following amendment to Bill No. I of

1915 (the Bombay Protection of Pilgrims (Amendment) Bill), as amended by the Select Committee :—

From the Honourable Dewan Bahadur K. R. Godbole—

Clause 3.

In sub-section (*2*) of section 11 *delete* the words "be in conformity with", and *substitute* therefor the words "not exceed but may be less than."

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 29th June 1915.

NOTICE OF MOTIONS TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD ON MONDAY, THE 12TH JULY 1915.

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Legislative Business, notice has been received of the following amendment to Bill No. VIII of 1914 (the Bombay City Survey Bill), as amended by the Select Committee :—

From the Honourable Dewan Bahadur K. R. Godbole—

Delete clause 9 and renumber the succeeding clauses accordingly.

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 29th June 1915.

NOTICE OF MOTIONS TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD ON MONDAY THE 12TH JULY 1915.

Under sub-rule (*4*) of rule 35 of the Rules for the Conduct of Legislative Business, notice has been received of the following amendments to Bill No. VIII of 1914 (the Bombay City Survey Bill), as amended by the Select Committee :—

From the Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.—

Clause 10.

Delete clause 10; and

Clause 12.

Delete sub-clause (*2*) of clause 12.

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 30th June 1915.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY.

THURSDAY, 12TH AUGUST 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

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

The Council met at the Council Hall, Poona, on Monday, the 12th July 1915, at 12 o'clock noon.

PRESENT.

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *presiding*.
The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.
The Honourable Sir PRABHASHANKAR D. PATTANI, K.C.I.E.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable the ADVOCATE GENERAL.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (LOND.), L.M. & S.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. W. L. GRAHAM.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Mr. M. N. HOGG.
The Honourable Lieut.-Col. J. JACKSON, I. M. S.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
The Honourable Mr. J. A. D. MCBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Mr. NARAYAN MADHAV SAMARTH, LL.B.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Mr. W. H. SHARP.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
The Honourable Mr. M. DEP. WEBB, C.I.E.

New Members.

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

The Honourable the ADVOCATE GENERAL (Mr. DORABJEE NASARVANJEE BAHADURJEE).
The Honourable Mr. MALCOLM N. HOGG.
The Honourable Lieut.-Col. J. JACKSON, I. M. S.
The Honourable Mr. HENRY STAVELEY LAWRENCE, I. C. S.
The Honourable Mr. NARAYAN MADHAV SAMARTH, LL.B.

His Excellency the PRESIDENT :—Presentation of the Budget of the Government of Bombay for the year 1915-16 and discussion thereon. The Honourable Sir RICHARD LAMB.

Budget of the Government of Bombay for the year 1915-16.

The Honourable Sir RICHARD A. LAMB :—Your Excellency,—The Budget for the year 1915-16 is in the hands of all Honourable Members. They

will have observed that it provides for an expenditure of 7,71,77 (in thousands of rupees). The expenditure is less than would have been provided for but for circumstances beyond our control, but it compares not unfavourably with the provision that we have been able to make in previous years for meeting the requirements of the Presidency. In 1909-10 the expenditure was 6,27,00; in 1910-11, 6,40,00; in 1911-12, 7,62,00; in 1912-13, 7,25,00; and in 1913-14, 7,76,00. For the year just passed, the revised budget shows 7,88,65. Thus there is not any serious set-back in the provision that we are able to make for the needs of the Presidency. There is only a marking time. Whether in the course of the year we shall be called upon to make any further economies and to spend within our budget provision, is a matter on which it is not possible to say anything at present.

I should like to take this opportunity, Sir, of thanking all the Members of the outgoing Finance Committee for the very great assistance that they gave to the Financial Secretary and to myself in preparing this Budget.

Honourable Members will observe that in paragraph 3, some details are given of the allotments made against the lump sum provision of 5,00 under the budget head "24—Medical." There are also a number of lump sum provisions under the head "22—Education." As regards these, I cannot at present give any detailed account of the allotments that have been made. It will probably suffice to say that these lump provisions will be utilised for paying claims against the imperial grants as they mature, and for meeting other items as they arise. So far, approximately 1½ lákhs have been allotted to a very large number of different objects, grants-in-aid, Hostels, Training Colleges, Engineering College, Schools of Art and Industry, Girls' Schools, Drawing Classes, Science teaching classes, etc., also for the education of the criminal tribes and for the Sydenham College of Commerce; for scholarships in Sind there are Rs. 11,500, and the grant for secondary, primary and normal school classes amounts to Rs. 52,000 and odd.

As to whether our revenue will be realised, a good deal depends on the monsoon. That is a very trite remark, but it is true everywhere. So far, the reports from the districts are encouraging. Throughout the Dekkhan and the Konkan there has been for the most part sufficient rain. I hear complaints from Sind that the inundation is not so good as it might be, but it is said to be improving. In Northern Gujarát and in parts of Káthiáwár there are complaints of insufficient rain, but there is yet time for the situation to retrieve itself. In the Konkan there has been in some places a little more rain, I hear, than was desirable, and field-embankments have been broken and seedlings washed away by floods, but that again is a matter which will right itself. Taking it all round, the prospects may at present be said to be quite favourable.

As for the realizations of revenue so far, my friend the Accountant General has, at some little inconvenience to himself I am afraid, been good enough to supply an advance copy of the three-monthly estimates showing how far we have progressed during April, May and June. From that it appears that we are not doing quite up to what we hoped to be doing. He shows that the realizations under certain major heads of receipts are not up to the average for the first three months of the year, and he is inclined to take a reduction of Rs. 6,10,000 on the receipt side of the Budget. Or rather that will be the net result of variations which were so far declaring themselves on the receipt and the expenditure side. It is chiefly a matter of decrease in receipts, the decrease of expenditure being very small. On the other hand, the closing balance of last year, that is to say, the opening balance of this year is now taken at a figure considerably in advance of that which is shown in the Budget. The net result of these variations is that the closing balance on 31st March 1916 is expected to rise from 1,31,51 shown in the Budget to 1,33,63, or an increase of 2,12. So far, therefore, we may hope that we shall be able to provide the revenue which is required to meet the expenditure for which we have budgetted.

Some few members have been good enough to send me an advance copy of the remarks which they are going to make to-day or to ask me for information, and I am much obliged to them for giving me beforehand their points which will have to be dealt with when replying to the discussion on the Budget.

I think, with these remarks, Sir, I will leave the Budget in the hands of the Council.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency,—I wish to make a few remarks with reference to the Budget. During the discussion that took place at the last budget meeting, I stated to the Council that the item of expenditure which directly benefited the cultivators and the labouring classes in the Presidency was the expenditure on public works. I see that in the Budget that is before us, this item has been greatly curtailed when compared with the expenditure that was allotted to it in the previous year. I find that it is nearly 25 per cent. less than the provision in the revised budget of 1914-15, and nearly 33 per cent. less than the actual expenditure in 1913-14. I think, Sir, that in the next budget the normal provision for public works should be restored. It has been greatly curtailed in the budget as it has been presented to us, and that is a matter of regret to me.

With the object of preserving the expenditure on public works at its proper scale, I would lay down a principle for the guidance of the Financial Department, and that is that a certain proportion of the receipts of the Presidency should be set aside for expenditure on public works. On going over the figures, I find that this proportion in 1914-15 was 13 per cent. in 1913-14 it was 13 per cent. also, and in the budget which is presented to us, it is only 9 per cent. I would lay down the principle that at least 12½ per cent. of the gross receipts of the Presidency should be set apart for expenditure on public works, including roads and other means of communication, which tend directly to benefit the bulk of the taxpayers.

Then, another item to which I wish to draw the attention of this Council is the provision in the budget that is put down under the head miscellaneous public improvements for the improvement of the Visapur Tank. This tank is estimated to cost Rs. 8,64,000. It is really an irrigation work and not a work of miscellaneous public improvement. I think it may be transferred to its proper head under irrigation which being a divided head half the sum will be available to us from imperial funds and the remaining half only will have to be met from provincial funds. It will be an advantage therefore if this work is transferred to its legitimate head of irrigation.

The Honourable Sir RICHARD LAMB :—Will the Honourable Member mind saying which work that he is referring to ?

The Honourable Dewan Bahadur GODBOLE :—I refer to the Visapur Tank.

The Honourale Dewan Bahadur GODBOLE (continuing) :—Then, Sir, there is another item in the budget to which I wish to draw the attention of the Council, and that is the provision for what are called "Sind Local Allowances". These allowances were probably started when the conditions of Sind were very different from what they are to-day. They were started when there were no railways in Sind, and when Sind was an isolated province not connected with the Presidency. The conditions of Sind are altered now, and I do not see any reason why the officers of Government should get any special allowances at present for serving in Sind, especially when we take into consideration that there are no similar allowances in the adjoining province of the Punjab, the climatic conditions of which are much more rigorous than those of the province of Sind. I believe, Sir, I am right in saying that in the districts of Dera-Ismail-Khan, Dera-Ghazi-Khan and Multan which adjoin Sind, and which form part of the Punjab, there are no special allowances of this description, and I do not see any reason why we should go out of our way to give these special Sind allowances. I find that in the budget that is presented to us, Rs. 11,520 have been provided as Sind local allowances to Assistant Collectors, and Rs. 23,340 as Sind allowances to public works officers and probably the budget also contains other similar Sind allowance provisions. I think, Sir, that in the future budgets Government should consider whether it is really necessary to continue these allowances under the present improved conditions of the province of Sind.

Then, Sir, another item to which I want to draw the attention of the Council is the comparatively small outlay that is proposed to be made on one of the most important branches of education, namely, technical and industrial education. This is the most important branch of education in my opinion at present, and it ought to receive adequate recognition when allotments are made by the Financial Department. I find, Sir, that the only technical and industrial institutions to which allotments are made in the budget are the College of Engineering, a few Industrial Schools, the School of Arts and some technical institutions. The total of these allotments I find comes to Rs. 3,42,942 out of the total budgetted expenditure of Rs. 76,80,000 on education. I think, Sir, that this provision is very inadequate considering the importance of this branch of education, and in future the Council will do well if it will specify that, say about one-tenth of the total grant, that is to be made for education should be set apart for the development of technical and industrial education in this Presidency. At present the proportion is very small. It amounts to 4·46 per cent. only of the total expenditure on education. I find that I have exhausted my notes. I consider that the points that I have brought forward should be noted in the preparation of future budgets.

There is one item in the budget, however, which has given me great satisfaction, and that is the provision of Rs. 21,000 for wiping out Local Board tolls in this Presidency. The tolls on provincial roads have all been abolished, and the Finance Member, I think, is to be congratulated on being able to make the small provision for wiping away the tolls on Local Board roads also. If this policy goes on and is pursued in two or three years all the tolls in the Presidency will be wiped out, and that will be a good day for this Presidency.

The Honourable Sardar BHALCHANDRARAO ANNA SAHEB PATWARDHAN, Chief of Kurundwad :—My Lord,—I have only a few observations to make on the budget now before the Council in its final form. But before making them I should like to take this opportunity to humbly express my sense of admiration and respect for the honourable member who has been responsible for the financial well-being of the Presidency during the last five years, and who will soon be missed from this Council on account of his retirement. The name of the good Honourable Sir RICHARD LAMB has been a bye-word for thoroughness and efficiency; but there is something more that ought to be said. His name has also stood for well-meaningness and sympathy—undemonstrative, but real and sincere all the same, qualities which without detracting in any way from thoroughness and efficiency make them on the contrary appreciated of the people all the more.

While bidding good-bye to the Honourable Sir RICHARD LAMB and the Honourable Mr. HILL at this critical juncture, this Presidency must count itself fortunate in having secured equally well meaning, experienced and sympathetic Councillors in the persons of the Honourable Mr. SHEPPARD and the Honourable Mr. G. CARMICHAEL. With Your Excellency's permission I beg to offer my hearty congratulations and warm greetings to them.

One cannot but admire the steadiness and stability which Provincial finance has shown during these troubled times.

The greatest war of the modern times has been raging for 12 months; England, nay the whole of the British Empire has been directly concerned in its operations; India, rightly called the pivot of the Empire, has gone forward loyally to take her part and lot in the struggle. And yet the Imperial as well as the Provincial finance ministers are going on budgetting with supreme confidence and undisturbed serenity. Thanks to the principles underlying the British administration. I recall to my mind the cheerful words addressed to a gathering sometime past year by the Honourable Sir RICHARD LAMB when he said that the outbreak of the war had not affected the work of the administration in the least; and the words are as true after eleven months of the war as they were in the first few weeks of it. Provincial Governments fully realise that they cannot depend upon the Imperial Government for some time to come for the bountiful grants which enabled them to undertake large schemes of sanitary and other reforms. But they will, I am sure, cheerfully accept the position in the hope that a new impetus is bound to be received in this as in many other matters, when the war

will be over, and in the fullness of the joy of the triumph of Great Britain and her allies in this fiery ordeal, trade, finance and general prosperity will take a big jump forward. The epoch is long past when Provincial Governments had to budget for deficits which could be averted only by large special grants from the Imperial Government. The epoch is coming on, perhaps even has been already ushered in—the epoch, I mean, of large special grants being received not to avert the bankruptcy of the Provincial Governments but to enable them to materialise the progressive ideas which entered the ken of their imagination but were thwarted by the internal want of funds.

As regards the different heads in the Budget I will offer but a few remarks. The public will highly appreciate the generous policy of Government in abolishing the levy of tolls. The tolls on the Provincial roads led the way and those on the Local Board Roads are following. But I am afraid the policy of piecemeal abolition followed in this connection will be regarded as without justification, as no good reason can be assigned why the tolls in particular districts should be retained while those in other districts are done away with. I would plead for a uniform treatment of all the districts in this matter, though I can quite see that the abolition of all the tolls at one step is likely to involve an amount of loss by no means negligible at the present time. Government is rightly keen about removing the restrictions upon internal trade and the reason for removing them in one district must I believe be as imperative as in any other.

I fully appreciate the fairness with which Government has been actuated in revising the A'bkári leases with the Native States. But even the latest step taken in the matter does, I am afraid, leave something to be desired from the point of view of the States concerned. Under the renewed leases the lessors are to receive compensation based on the average receipt for the three years preceding the renewal of the lease, the amount so fixed being subject to revision after the third, sixth, and tenth year in accordance with actual realisations during the period. This arrangement is certainly an improvement upon the old one. But even under the new arrangement, the lessors do not get the full benefit of the increase of the A'bkári revenue, if any, accruing during the period of two out of every three years. The curve of the A'bkári Revenue of the Government will be found to be always in the ascendent, and there is no reason why the Native States should not be allowed their due share of such increase every year. What I should therefore propose is the fixation of the share of each Native State concerned in the total A'bkári Revenue and a new assessment of the amount to be paid to it every year.

I would like to say one word about the growth of revenue and expenditure of this Presidency during the last 10 years. Both the revenue and expenditure have shown remarkable progressiveness; but none so much as Excise on the side of revenue and the Police and Education on the side of expenditure. The Excise revenue which was Rs. 1,42,68,000 in the year 1905 has during the last decade gone up to Rs. 2,22,59,000 in 1913 which means an increase of about 50 per cent. No doubt part of this increase in the Excise revenue is due to the increase in the rates of still-head duty made by Government from time to time. But a part is also due to the increase in the consumption of liquor.

Government, I am proud to say, have never set their heart upon this revenue, and the A'bkári Policy of Government is always directed irrespective of any considerations of loss of revenue under this head. But my Lord, I do think that there are other matters connected with the A'bkári Administration which do not receive the consideration they deserve at the hands of Government. With your Lordship's permission I would venture to remark that a little too much is made of the rights of the legitimate consumer of liquor. It is somewhat unfortunate that the liquor drinker should be under an impression that Government is the champion of his so-called right to drink and that he can, under their wing, defy the public opinion of his own society though based upon the highest dictates of religion and morals. The non-drinking population, brought up in the immemorial traditions of abstinence, naturally look upon even temperate drinking as a vice and the shops serving out liquor as a scandilizing nuisance, howsoever well-regulated they may be. And

when a large majority of people in a locality feel that a liquor shop among them is not wanted, and yet when they find that they are impotent to remove it by any expression, however strong, of their opinion against its existence, well it is easy to imagine what their sentiments must naturally be at such a state of things. I am myself not a fanatical prohibitionist, but at the same time I do feel that, unless the minority of drinkers is to be allowed to tyrannise over the majority of non-drinkers, some recognised method of taking a popular vote for or against a liquor shop at any time of its existence, and of giving effect to that vote, should be established by Government. When the people can be trusted to elect members of their Municipalities, Local Boards and to Legislative Councils, surely it is not too much to trust them to elect members for Local A'bkári Committees, and work them without crushing under their feet the interests, nay the inevitable prejudices or inclination towards the vice of drinking, of the people entrusted to their care. In short I would plead for some recognised and reasonable method of ascertaining and enforcing local public opinion with respect to liquor shops.

The method of putting a check on drunkenness through taxation has been tried ever since the establishment of the A'bkári Department. For while the revenue from A'bkári taxation has grown from 35 lákhs to 145 láks during the last 34 years, the consumption also has gone up from about 28 lákhs to more than 32 lákhs of gallons of 25° U. P. during the last 25 years. In this matter I give the figures for only 25 years because the figures for the previous years have not been available to me. It is evident, therefore, that some other means of putting a check on drinking must be sought and enforced. And I venture to think that Government might find these means in (1) reduction of facilities, (2) recognising local opinion in some suitable form and (3) making the local Excise Committees popular and effective. In this connection I do not like to make much of the campaign as some others have done against drink which has recently been started in England, and to which so August a personage as His Imperial Majesty has rightly and graciously lent the prestige of His name, and what is more His own example. For I know that the prohibitionary measures taken in England are temporary with a definite end in view and under exceptional circumstances. But still I have no hesitation in claiming that inasmuch as the evil effects of drinking must be the same in India as well as in England and the same in the case of a single individual, who is the main stay of his family as in that of a class serving the nation through a particular trade or industry Government in India would do well to give the nation a recognised voice in settling the limit within which, and the manner in which, liquor may be sold, as a necessary or inevitable evil.

The increase in the expenditure on police has gone up from 6,480 in 1905 to 11,204 in 1915 which means a little less than 100 per cent. What long strides has the expenditure taken will be seen from the following figures :—

Year.	Amount of Police expenditure in thousands.
1904	63,25,000
1905	64,80,000
1906	71,03,000
1907	76,41,000
1908	89,37,000
1909	93,10,000
1910	94,80,000
1911	1,01,50,000
1912	1,02,53,000
1913	1,00,58,000
1914	1,05,05,000
Revised Budget, 1915	1,12,04,000

The increase in Police expenditure during the last 12 years has gone on at the rate of 4 lákhs a year on an average. The expenditure has been out of proportion to the increase of the Provincial revenue, as a whole.

I say nothing about the proportion of increase in the revenue under the particular head, because I know that it is in its very nature a spending and not an earning Department. In fairness to Government, I must, however, point out that there is

no one other Department which shows a rate of increase in its expenditure which is much greater than the rate shown by the Police Department. The expenditure on Education which was 22,93,000 in the year 1904 has, thanks to the impetus, encouragement and pecuniary help given by the Imperial Government, gone up to 79,26,000 in 1914, an increase of more than 250 per cent. I cannot but congratulate Government upon the many-sided interest which they have been showing in the matter of Education. But I am not one of those who think that the limits of Government expenditure upon Education may now be regarded as having been reached. For, I know, that whereas in some educational matters Government have not touched yet the fringe, in others the cry of halt which they have authorised has not been appreciated by the public. I do not think that Government are bound to provide higher or secondary education to every boy, good, bad, or indifferent. But I do think that though rejected at the doors of a school or college of literary education he is entitled to have education provided for him in some other school or college of special education which will make him a useful, self-supporting, and self-respecting citizen and a useful member of society.

Then I beg leave to refer to some grievances of the Inámdár class whom I have the honour specially to represent.

The first grievance is about the payment of the co-sharers in the Inám villages. Hitherto the practice was to register the names of co-sharers in Government records, so that they could be paid by the village officers independently of the principal sharer. Since the last four years, however, a new policy appears to have been initiated by which co-sharers are being refused recognition unless they get their claims certified by a Law Court. I cannot conceive what possible inconvenience Government would be put to, if the old practice had been allowed to continue. But on the other hand, I can vividly realise what hardship it must entail upon the co-sharing Inámdár who is systematically evaded or defied by the principal sharer or the registered Inámdár, who then has to apply for and obtain a certificate under the Pensions Act, who must then run the gauntlet of civil litigation in all its stages, and in some conceivable cases when the registered Inámdár has squandered away the other co-sharers' money along with his own, remain content with realising petty instalments, awarded, or even with the mere paper decree in his hands. And I appeal to Government to take the matter into consideration and pass final revisionary orders on the question.

And lastly, I would mention the Inámdár's grievance arising out of the appointment of Talátis in place of Kulkarnis. It is necessary considering the rights enjoyed so long by the Inámdárs that the Talátis should be appointed with their consent.

My Lord, I have done. It is impossible to pass the whole administration in review in such a short time as twenty minutes even from the point of view of the most prominent features of the administration as reflected in the Budget, much less than from the point of view of bringing to the notice of Government all the most crying needs or grievances of the people. And I do not attempt an impossible task. I cannot conclude, however, without once more emphasing the fact to which I have already averted to in the beginning, *viz.*, the steady going and thorough manner in which the administration is being conducted under Your Excellency's care in this Presidency at such a critical time cannot but win the admiration of the people of this Presidency; and that admiration will add still more to the undying impression already left by Your Excellency's administration upon the pages of the history of this Presidency and will further prove an added buttress of strength to the Empire as well.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency,—Regarding the closing balance shown in the Budget, namely, Rs. 1,31,81,000, the unspent balance from the Assignments received from the Government of India are approximately Rs. 14 lákhs. I would suggest that for the purposes of ready reference a collective table showing in detail and in a tabular form the total Assignments received from 1910-11 from the Imperial Government and the expenditure incurred therefrom by the Government of Bombay on the specific object of the Assignments such as Technical education, girls' education, sanita-

tion, University education, etc., should be given in the explanatory memorandum accompanying the Financial Statement. This will show clearly the unexpended balance standing at the credit of each specific assignment instead of only by the major head.

Regarding head XII—Interest—I should like to know from the Honourable the Finance Member if the difference between the figures of interest received and the figures on the debit side represents the profit to Government on its loan transactions from sums borrowed from the Government of India at 3½ per cent. and advanced to cultivators or public bodies.

Coming to the provisions of the Budget, we find the total revenue of the Presidency shows a falling off of Rs. 9,08,000 from the last year's Budget, and the total expenditure shows a decrease of over 51 lakhs.

Owing to the war this was indeed inevitable and is regrettable. Under the circumstances, I should look at this year's Budget not from the view of what provisions Government have been able to make under the present crisis, nor what omissions or deletions or postponements had to be made, regrettable as no doubt they are, but I would look at the Budget framed from one particular point of view, namely, whether in the unavoidable curtailments Government have treated the various expenditure heads on their merits, or in other words whether the pruning has been such as the different heads deserved.

Let us therefore see how the expenditure has been cut down. Out of the total retrenchment of Rs. 51 lákhs and odd, the reduction on education, we find, is Rs. 26 lákhs, that is, from one crore and two lákhs last year to 76 lákhs and odd this year. The reduction on head 24—Medical, is Rs. 17 lákhs and odd, and the reduction on the Public Works Department is about Rs. 16 lákhs.

Now let us see how the Police Department fares in the retrenchment. I find not only it has been allowed its last year's full allotment of Rs. 1 crore and odd, but in this year of stringency and stress, it has been fortunate enough to get an increase of Rs. 5 lákhs and nine thousand. And yet the member in charge of that Department at the sitting of the Council last March was deploring the fact that he could not secure for this head something more.

We are told that this expenditure is intended to carry to completion the Police re-organisation scheme inaugurated some years ago. Now I should like to inquire if, in common with the other departments, this re-organisation scheme cannot stand over till our resources improve, so that we need not starve or give a set-back to Head 22—Education, or Head 24—Sanitation which were just finding themselves making a good headway? It is indeed disappointing, Sir, to find that while the usual provision for new primary schools and for the improvement of the pay of the teachers has been withheld, while the scheme for Technical Institute at Bombay is kept waiting, while grants-in-aid of sanitary projects are cut down, while some necessary works in the Public Works Department have been relegated to the back ground, the Police Department not only gets its full usual share, but in this very year of stringency, provision has been made to create appointments of Additional Deputy Commissioner of Police in Bombay and Personal Assistants to the Inspector-General, as also to the Deputy Inspector-General of Police, Criminal Investigation Department. Now we know the Bombay Police is reputed to be in a sound state of efficiency. I was tempted, on looking at these provisions for new appointments, to see if the police both in Bombay as well as in the mofussil had shown any remarkable, I mean very strikingly remarkable improvement in efficiency during the past few years during which we have been spending so liberally over this re-organisation scheme, at any rate as shown in Police Report statistics, and I confess, Sir, that the evidence disclosed by the figures of crime detected or say of recoveries of stolen property is not very convincing. Thus for instance taking the Annual Report of the Police in the Town of Bombay for 1913 (the latest one) the percentage of true cases of all classes which remained undetected rose from 5·96 to 8·32 over previous years. Out of 24 cases of murder 9 remained undetected, and as regards recovery of stolen property the percentage of recovery unfortunately fell from 39·52 to 33·72.

Government themselves in their Review of this Annual Report admit that "A few of the statistics quoted in this resolution give at first sight not an altogether favourable impression of the work of the Police for the year." Of course Government however add, by way of explanation, that "statistics can be as misleading in Police work as in any other subject." This however shows that at all events the efficiency is not on the increase in the ratio of the expenditure that is now being incurred on the re-organisation scheme for some years. I shall turn to the Moffusil Police. Here the Divisional Police Reports for 1913 are also not very encouraging. Taking the figures of undetected cases of which there is an increase in that year in the Districts of Ahmednagar, Nasik, Poona and Sholapur, the Superintendent of Police, Nasik, has said—

> "In spite of the fact that the higher grades of Police are now filled by officers of better social standing and higher standard of education, there is a lamentable lack of success in the detection of house-breaking and theft cases."

And as for Poona, Mr. INGLE, the Superintendent of Police, himself a very capable officer, says that with certain exceptions "looking to the steady increase in the volume of undetected crime for the last three years, the force can hardly claim to be more than moderately efficient".

In the face of these reports, Sir, I think we ought to pause before we pour more money over the re-organisition scheme, and put the Police Department into a state of suspended animation, especially in a year of financial difficulty.

Regarding Head 22, Education, I wish Government could see their way to increase the present meagre expenditure on Industrial and Technical education. Some months ago, in an interpellation I asked Government if it was in contemplation to create the post of Director of Industries for Bombay. I now venture to suggest once more that the present times are just the occasion to consider seriously the urgent necessity of such an Officer for advice aud guidence of intending investors and promoters of small industries in the Presidency. The Governments of Madras and United Provinces have created such a Department, not due to the War, but long before the War and it is high time, I venture to think, for this Government to approach higher authorities for the necessary sanction. I have no faith in the Utopian schemes of so-called capturing of the trade of the enemy countries—trade which has been built up by them during so many years and at enormous capital. But I do think Government can help at this time small industries in the Presidency by expert advice from an authoritative department. In fact, the Government of the United Provinces have gone still further, and I hold in my hand a Report of a Committee appointed by that Government in April last to advise Government on the possibility of replacing (not capturing) German and Austrian manufactures by Indian-made articles. And it is interesting to find from that Report that the industry of glass-bangles could under certain conditions be built up in those provinces. Now we find in Bombay Presidency, a similar attempt in East Khandesh is reported by the Commissioner of the Division to have failed owing to foreign competition. Here is an example I think for opportunity for success if expert advice could be had by promoters of industries. I hope and trust that with your Excellency's keen interest in this subject as shown by recent utterances in Poona as well as by your visit to the factory at Talegaon the post for which I have been making a suggestion would be soon created. I find my friend the Honourable Mr. LALLUBHAI with his experience of industries made pracisely the same suggestion at a meeting in Poona about this subject raised by me in an interpellation some time ago.

As to Head Agriculture, I confess the allotments are exceedingly satisfactory, but the field for improvements is so vast that in spite of all departmental efforts it would be some years before adequate results are seen in the remotest corner of the Presidency. May I therefore venture to suggest that the Local Boards, which at present can spend so little on agricultural improvements, be helped by grants expressly for agricultural reform under the advice of the Department of Agriculture? In this connection I should be glad to know what the decision of Government has been about a scheme which Mr. Smart had suggested. At present the total expenditure of the Local Boards in the Presidency over

Scientific and Minor Departments (which includes Agriculture) is only a lakh and one-third, and I am afraid on Agriculture alone in the aggregate it must be a sum of a few thousands for a population of nearly $1\frac{3}{4}$ crores administered by the Boards.

His Excellency The PRESIDENT :—Order, Order. I must tell the Honourable Member that he should rather curtail his remarks as he has exceeded the time-limit of 20 minutes.

The Honourable Mr. KAMAT :—If Government wait till the Boards can levy a voluntary cess for agricultural improvement, I am afraid they will have to wait indefinitely, much to the detriment of the industry of agriculture in the Presidency. I hope therefore Government can see its way to small subventions to these Boards for this important reform.

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK :—May it please Your Excellency,—It is with very great pleasure that I congratulate Your Excellency's Government for the presentation of a most successful budget at this time of financial stress and trouble caused by the Great War in the west. It is indeed a matter of great felicitation and satisfaction to see that the budget which was expected to be overshadowed by the anxiety of these troublous times has come out unscathed through the prudence and sagacity of our financial member. The fact that though India is required to spend a very great amount to meet her share of the cost of the Indian Expeditionary forces no additional taxes have been imposed by either the Government of India or Your Excellency's Government, speaks volumes in favour of our financial stability and reflects no small credit on those who have the control of our purse strings. People everywhere expected some kind of additional taxation to tide over the dire calamity of the present war, and they are agreeably surprised to find that their rulers have managed the situation within the ordinary means at their disposal. Since my friend the Honourable Sir RICHARD LAMB has been in charge of the revenue portfolio, he has been used to what are called prosperity budgets year after year, but this year's budget as was naturally to be expected is seriously affected by the disorganisation of the financial position, commercial and economic depression of the country, and must have taxed the ingenuity of my honourable friend to the utmost to make both ends meet. I must express the unstinted admiration of the people of this presidency to the Honourable Sir RICHARD LAMB for his singular ability which he has displayed in tackling such a peculiar and grave situation, his masterly review of the measures adopted by Your Excellency's Government to husband the financial resources and the skilful manner in which he has been able to meet without adding however slightly to the burden of our taxation and I warmly congratulate him on the caution, foresight, clearness and the withal firmness, with which he has been able to present this year's budget. It appears, under orders from Government of India, our expenditure was proposed to be kept within our provincial resources. Even under such economical and financial disturbances the Imperial Government have allowed us to draw upon our Provincial balance to the extent of Rs. 22,77,000 and we must offer them our most sincere gratitude. But for this liberal treatment which has been highly appreciated in this present critical financial situation, our necessary expenditure would have had to be curtailed considerably. As citizens of the Great Empire, we do not grudge most rigid economy and curtailment of all avoidable expenditure and every enlightened subject should think that Government are justified in observing this restraint. It is no doubt rather depressing that many desirable and pressing schemes have been put off, but even the most optimistic and enthusiastic advocate of the peoples' rights and liberties, recognises or ought recognise, that we should feel content with what Government have been able to provide for the amelioration of the conditions of the people in the different necessary directions and thank the Government for the modest doles which let us hope will keep us going on till better times come, as come they must to-day or to-morrow.

Revenue.

11. The estimated provincial revenue for the current year comes to Rs. 7,49,00,000, while the expenditure is estimated at Rs. 7,71,77,000, leaving a

deficit on the year's budget of Rs. 32,77,000 which reduces this year's opening balance of Rs. 1,51,78,000 to Rs. 1,29,01,000, as closing balance. Out of this balance of Rs. 1,29,01,000, Rs. 63,43,000 are said to represent unexpended balance, of special Imperial assignments and Rs. 65,58,000 our true provincial balance. The compulsory minimum balance prescribed to be maintained by us by the Government of India being Rs. 20,00,000, that the net surplus out of our own funds on the year's working is over three times the minimum is quite satisfactory.

Suspensions and Remissions.

It is a matter of self-congratulation to us as well as to Your Excellency's Government that though on account of a state of commercial depression and fall in the price of cotton and other money bringing crops and though there was a serious apprehension that the revenue collections would receive a rude stroke strong enough to upset the financial equilibrium and consequent retrenchment in all directions, fortunately not only the Land Revenue collections during the year that has recently been closed have been almost fully recovered, but a part of the outstanding balances to the extent of Rs. 2,32,000 have been collected leaving the amount under suspension and arrears considerably less than in previous years. This reflects greatest credit upon the officers responsible for these collections and none the less upon the subjects of this Presidency, who though in adverse circumstances have paid almost fully the revenue demand realising the financial embarassment in which the Government has been thrown and the tireless exertions of the officers of Government to surmount and steer clear of the economic and financial disturbances developed by the present international conflict.

Education.

I shall be failing in my duty if I do not at the outset express my high appreciation of the motive which prompted Your Excellency's Government to give effect to the long wished for scheme of encouraging the study of oriental languages by granting as an encouragement of personal allowances to Pandits and Moulvies engaged in teaching these languages on traditional lines. It is most gratifying to note that the extension of granting such allowances to Moulvies and Pandits even outside the Government service has been made at a time when the purse of Government has been stretched to its utmost. It will open a new era in the study of these languages, which for many years past has lagged behind. For this act of benevolence Your Excellency will ever be remembered in this country with pride and gratitude. Coming to the Educational Budget, we find a very heavy curtailment. The needs of education are so numerous that these curtailments though they have been done under exceptional and justifiable circumstances no one will remain without feeling that the curtailment under education the vital necessity for the well-being of inarticulate masses, is rather deplorable. If we look into the different items of curtailment we find that under grant-in-aid, the amount spent last year was Rs. 19,40,000 whereas the amount provided during this year is Rs. 14,54,000, about $\frac{3}{4}$ths of what we spent last year. This I think is a big drop and I should like to know from my Honourable friend Mr. SHARP how he proposes to satisfy the claims of the existing schools whose grants have already been fixed unless either by cutting them down or by refusing the same in many cases. Another point that I should like to take the liberty of alluding to, on this occasion is, that the Karnatic is keenly feeling its complete want of representation on the University. Uptil now there have been very few fellows from the Karnatic and now there are none except Sir Narayanrao Chandawarkar and Dr. Rao, of whom the whole of the Karnátic is very proud. But by their having required to stay at Bombay they are considered to be more Bombay Dignitaries. The want of qualified men might have been the cause of this in the past; but now I venture to say that the cause no longer exists, and I earnestly request in the interest of and in justice to the Karnátic that Your Excellency will graciously be pleased to give the matter due consideration. There is yet another question which presses for solution and that is the question of reorganising the Kanárese-speaking villages of Sholápur District on linguistic basis either by including them into Bijápur District or

forming them into separate Petha. They are 70 in number with a population of 67,625. Three out of these have a population of more than 3,000 in each, four more than 2,000, 18 more than 1,000 and 23 more than 500. It is very discouraging to see that in this age of uniformity of treatment, there is only one Kanárese primary school in the whole of these 70 villages. The effect of this has been that these villages, whose mother tongue is Kanárese, have been losing their linguistic identity and are being submerged in the mechanical uniformity of the District Administration guided by the interests of their Maráthi-speaking brethren. I therefore request that Your Excellency's Government will immediately open more Kanárese schools on the same scale as in Bijápur District, and consider the desirability of forming a separate Petha of these villages. While these measures of reform will secure to these villagers uniformity of treatment they will eventuate in helping these Kanárese-speaking people to regain their district linguistical indentity.

Now coming to the medical budget we find that in this year's budget there is a retrenchment to the extent of Rs. 17,27,000. I am not unaware of the fact that in this present crisis all of us must co-operate with the Government in curtailing the expenditure as far as possible, but at the same time I cannot but help remarking that their provision of Rs. 15,000 half of what we used to provide for opening the new dispensaries in the Presidency is very little. The existing provisions of the District Municipal Act to prevent adulteration of important articles of food are not stringent enough and I think that it is rather a strange reflection on our progressive administration that we should be wanting in a special law penalising the adulteration of food-stuffs. The water-supply in many places of rural areas is most defective. No one both in and outside this Council will deny the necessity of improving the village water-supply, a necessity behind which all others pale into insignificance. It is often said that it is the duty of local bodies to provide and improve the existing water-supply of rural areas, but with their limited finances it is not possible for these bodies to improve the existing quality. In addition to occasional grants given to local bodies for the improvement of the water-supply large grants to the extent of half of the expenditure are given to many Municipalities. I do not find any instance in which such grants are given to the village water schemes. Major Liston in the course of his lectures has been popularising schemes suitable for the villages and small towns and as an encouragement, I request on behalf of the rural population who suffer from bad water, that Your Excellency's Government will be pleased to extend giving grants equal to half the cost of schemes if villages or Local Boards undertake small water schemes on scientific and modern principles.

Village Sanitation.

It looks to me as a very curious anomaly that while the amount provided in the budget for the extension of village sites lapses year after year and the villagers in the mofussil who are in need of extension or exchange of village sites on account of either congestion in, or insanitary situation of their villages, or on account of loss of sites in some villages situated upon the banks of the rivers by delusion remain unprovided and the villagers are asked by the authorities to contribute fully or a considerable portion of the compensation that may be required to acquire the lands for their village sites. This in my humble opinion is due to many lower officers not knowing the fact that there is such provision in the budget year in and year out. It should, I humbly submit, be the duty of Government to provide village sites in those cases in which the change or addition is required on account of insanitary situation or loss by delusion. However I am glad to note that much greater provision is made in this budget for this purpose.

Local Boards.

I feel myself most gratified to see that Your Excellency's Government have been pleased to accept my suggestion made two years before about inducing the Local Boards to abolish toll bars on their roads, by compensating them for the loss of the revenue, they may have to incur, and to see that a provision of Rs. 21,000 is made in this year's budget for this purpose. For this, Your Excellency's benevolent action, I cannot but express the deep gratitude of both the travelling public and the Local Boards.

Municipal Conference.

I must congratulate the Honourable Mr. Lawrence, the Commissioner of our Division, for successfully holding a Municipal and Sanitary Conference last month at Belgaum where instructions and valuable information on town-planning, water-borne diseases, municipal taxation and various subjects allied to the Municipal Administration were given by the best available experts in the Presidency, and I am sure that the representatives who attended this conference, which I believe was the first of its kind in the whole of this Presidency, carried a most valuable impression and much good is sure to come out of it. A suggestion to hold an inter-Municipal and Local Board Conference was made, I believe, in 1912 in this Council and it was then remarked that the suggestion was premature. The non-official members whose suggestions are rejected or are thrown out should not think that their actions in this Council have been without result, and by the present action of the Commissioner, Southern Division, they should feel encouraged that where there is a good argument to the suggestions made by them, even if the suggestions are rejected or do not carry conviction at the moment, they are sure to be remembered and given weight to.

Weights and Measures.

Indian weights and measures have never been upon an organic basis suitable for the widespread fluidity of commerce and trade conditions of modern age. They vary from town to town, village to village in a way that could only work satisfactorily so long as dealings of towns and villages were self-contained, and before railways and roads opened up trade between one place and the other. But now in these days of multiplying railways and communications they offer great obstructions to the even flow of trade. The problem was brought under special consideration by Your Excellency's prodecessor by appointing the special committee to consider the question, but so far nothing more has come out than asking different Municipalities to standardise the existing weights and measures in their area. Your Excellency will therefore be giving a great relief to the trade if Your Excellency will be pleased to take steps to fix uniform standard weights and measures for the whole of the Presidency.

Agriculture.

The cattle problem in this Presidency is becoming more and more difficult. I would suggest that cattle-breeding operations on a much larger scale should be undertaken by the Agricultural Department. Cattle-breeding worth mentioning I believe is not carried anywhere in this Presidency. It is a pity moreover that in a province specially agricultural there is no sufficient provision for the grazing of our cattle, so much so, that it is said, and with truth, that owing to an awful dearth of grazing area, more particularly in rich black soil villages, the agriculturists are required to send their costly cattle, in slack season, to far-off grazing places on the borders of Malnad or forest with the result that on their return they are greatly emaciated not being accustomed to Malnad climate and the biting of beastly jungle flies. I think that Government should give greater attention to this matter by providing pasture grounds in villages where they do not exist. I must not forget to express the gratitude of the rayats of my táluka for the splendid work turned out by the steam plough this year also.

Conclusion.

I am fully alive to the gravity of the present situation and to the serious complications and anxieties created by the war which we all wish to see soon ending into brilliant victory to the British arms and conclude my remarks by once more thanking the Government for the various reliefs given to the subjects committed to Your Excellency's care even at such a critical time.

The Honourable Mr. JEHANGIR H. KOTHARI :—Your Excellency,—I have had the honour of being associated on the Finance Committee with the Honourable Member in charge of the Budget and have naturally no fault to find with estimates which have been approved by that Committee, the more so as I am

personally aware of the anxious care and consideration which the framing of the Budget has occasioned the Honourable Member on this occasion in particular.

But in supporting the Budget I beg leave to be allowed to tender the congratulations of this Council and the Presidency in general to Sir RICHARD LAMB on his being able to evolve a budget which cannot but be regarded as satisfactory bearing in mind the tremendous disturbance of economic equilibrium which has resulted from the outbreak of the greatest war the world has ever seen and in which the destinies of the British Empire are involved.

I think the notice of the Council should be drawn very pointedly to the fact that in spite of the mandate of the Government of India that we must not draw next year upon our Provincial balance amounting to over 65 lákhs of rupees exclusive of nearly the same amount, ear-marked, for educational and Sanitary projects towards which the Government of India have made large grants, our Government does not intend to curtail recurring expenditure to which they have already committed themselves. It is mainly new or extraordinary items of expenditure which would no doubt have been passed in an ordinary year that have been ruthlessly excluded or reduced. Thus in a very real sense business will go on as usual during the next year in the administration of this Presidency; we merely mark time in carrying out or pushing to completion administrative reforms not yet begun.

When we consider, My Lord, the nature of the conflict in which the Empire is involved and the period of stress occasioned in India in common with the remainder of the Empire in the life-and-death struggle for existence, we have every reason to be proud of the financial strength of this country which has enabled both the Imperial and Provincial Governments to weather the storm and to carry on business as usual without imposing any additional taxation.

In supporting the motion for the passing of the Budget I again beg leave to felicitate the Honourable Member in charge and Your Excellency's Government on its comparatively satisfactory character, but my Lord, before resuming my seat, I would like to endorse what has been said by those who have spoken before me in regard to our sorrow at parting with the Honourable Member in charge of the Finance Department. This is the last budget of the Bombay Government which will be presented to the Legislative Council by the Honourable Sir RICHARD LAMB. I have been associated with him on the work of the Finance Committee for the last two years and it is impossible for me in a few words to express the admiration which we all feel for the careful manner in which he has administered the finances of this Presidency and for the numerous works of public utility which he has specially encouraged. But there is one signal service which he has rendered to this Presidency, with which his name will ever be associated, and that is the abolition of all tolls on provincial roads and their practical abolition in the course of the next few years on all other roads throughout the length and breadth of this Presidency. When we remember that before the Honourable Sir RICHARD LAMB took charge of the Finance Department the average annual receipts from tolls amounted roughly to 5½ lákhs of rupees which capitalized at 25 years' purchase, would indicate the vast sacrifice of 137 lákhs which Government have made of a valuable source of revenue, we shall in some measure be able to appreciate what he has done in this matter. My Lord, every inhabitant of this Presidency, whether he be rich or poor, has been saved a deal of trouble, loss of time and expense by the abolition of tolls in this Presidency. That will be one of the monuments of the Honourable Sir RICHARD LAMB'S memorable term of office as Finance Member of your Excellency's Government.

The Honourable Mr. RAMANBHAI MAHIPATRAM NILKANTH :—Your Excellency,—I wish to refer to two points in connection with the Budget. The first is with regard to the expenditure on Sanitation. Under the Head "Medical," Sub-head "Sanitation and Vaccination," the Budget provides for an expenditure of five lákhs as "Grant for special expenditure in connection with Sanitation" and the memorandum annexed to the Budget states that out of this provision of five lákhs Government have sanctioned an allotment of one lákh to the Sanitary Board to enable them to make grants for sanitary projects. This, I understand, would be the sum which the Sanitary Board would be able to distribute among several

municipalities to enable them to carry out their sanitary projects. Now, I submit, there are several municipalities in the Presidency, each of which would require at least a lákh of rupees to carry out some of the projects they have on hand; and the total sum of one lákh distributed between them all would hardly afford them any appreciable help. I recognize that Government are unable this year to devote to this head the large sums allotted in previous years, and, that Government have not got the large grants which the Government of India gave for some time. However, as the sum of five lákhs has been set apart for grants on this account, I venture to hope that Government would be able to give to municipalities much more than one lákh for this purpose.

The other subject to which I wish to refer is expenditure on Secondary Schools for girls. At present there is only one English School for girls maintained by Government in the Presidency, *viz.*, the school at Ahmedabad, the school at Poona not being, I believe, purely a Government institution. I would urge that the time has now arrived for opening more such schools in some of the important district towns. There is a fairly large demand for English education for girls, and, I am sure if facilities are available, they would be largely availed of. No doubt, Government are unable this year to undertake any fresh recurring expenditu e on a large scale. But Government are in a position to prov de for some further expenditure on this head, and, looking to the importance of the matter, I would request Government to make a beginning in extending the English education of girls.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency, I propose to offer a few observations in connection with the Budget. My first observation is in reference to the increase of cost under the head "Police". On this question, I strongly support the observations made by my Honourable friend Mr. KAMAT. This is a question to which I have on previous occasions drawn the attention of this Council, and I think that before the work of re-organization is completely carried out, it will be proper to stop at one stage and try to see if the results of the re-organization partially carried out are in any way commensurate with the large amount of cost that has been incurred. We find that the efficiency has not improved. On the other hand, we find, judging by the results, that the efficiency has decreased rather than increased. Upon consideration of these facts, I think it is desirable to enquire what is the reason for the results not being satisfactory in spite of the large increases of expenditure under this head, made from year to year.

Another point upon which I wish to make one observation is in connection with the spending of more money towards the industrial advancement of this Presidency. This, I submit, is the most opportune time for the establishment of new industries or the development of industries that are not in a good condition. Our empire is at war with two countries which sent out articles of large value to this country; their competition being for the present removed, I should think that such an opportunity is not likely to arise in the future, and one must profit from it as much as possible and therefore either by non-recurring grants repeated for some years or by recurring grants, some provision should be made for the advancement of industries. This can be secured by the appointment of one well-informed officer or a committee of experts to whom persons desirous of entering into new industries or strengthening existing ones may approach for advice, information and guidance, and such a committee or officer should be able to help the advancement of industries in a number of ways. There may also be the question of inviting capital, and capital is not likely to be forthcoming unless there is an assurance of protection by tariff walls or otherwise during the earlier stages of their growth from the Government of India. People are not likely to take the risk of investing their capital in new industries so long as they doubt whether they will be permanently established in the country or not. Considering these things, I think it would be proper and desirable for Your Excellency's Government to devise some measures which would encourage the people to put in money in industries.

The third point upon which I should like to make a few remarks is the question of education. Upon this matter I asked a question last year, the reply

to which shewed that in a large number of village schools in the five districts of Gujarat the teaching of the higher vernacular standards was stopped and the schools were restricted to the teaching of the three rural standards. The same thing has taken place in the other parts of the Presidency. This, I consider, is not proper policy as a large number of children who are too young to be sent to other villages for the purpose of education are barred from having the benefit of education at a very early age. The base of education should not be broadened at the cost of its height. There should be extension on all sides. I, therefore, urge that where there are pupils available for the higher vernacular standards the schools should be restored to their original status in all the districts of the Presidency.

In regard to female education, I fully endorse the observations that have been made by my Honourable friend Ráo Bahádur RAMANBHAI, and I think that it is desirable to have more schools for teaching English to girls.

In regard to primary schools for girls, I should think that the provision for female teachers is yet very inadequate and the directions for helping and encouraging female education should be extended and made more effective.

There is one more point, Your Excellency, upon which I should like to say a few words, and that is on the question of Excise. In connection with this question three years ago I put before this Council a Resolution relating to the toddy traffic in the Chorási Táluka, and the results of the inquiry, which Government ordered in consequence, are found in a Press Note; it shews that the conditions under which the toddy traffic was then conducted were not such as to enable shopkeepers to supply pure toddy to their customers, without incurring loss and with a view that pure toddy might be available to the poorer classes, Government proposed that the maximum rate for selling toddy in that part of the country should be done away. That might have given some relief if the other conditions had remained unaltered, but what we find is that, while there is this provision, which is advantageous to the shop-keeper, added, in another direction measures have been taken which must necessarily increase the cost of toddy. There has been a large increase made in the amounts payable by the licensees as license fees. It has been admitted on all sides that pure and fresh toddy is a harmless drink and is free from the injurious effects of other intoxicants, and I should, therefore, think that the heavy cost on pure toddy should be reduced by the lowering of the tree-tax and the reduction of the license fees so as to enable the business to be carried on on honest lines in such a manner that poor people may get pure toddy at reasonable price.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA:—Your Excellency, there are so many points in the Budget that is before us that I do not wish to take them all and thus be a burden to the valuable time of this Council, but I shall only refer to only one or two matters in which I am keenly interested. The first is education, which is of so many kinds, general, industrial and technical education.

With regard to general education, the advancement of the people by mass education is a blessing, and in that we have been trying, but the funds at our disposal are limited and the large reduction in the educational contribution by Government, which unhappily the war has forced upon us to curtail, has been a source of great regret to me. However, I hope that greater facilities will be given to primary and secondary education. Our primary education, which was rather the boast of the Bombay Presidency, has now deteriorated, I may say, by the starting of rural schools. The aim of primary education should be such that instruction up to the matriculation standard should be given in vernacular in most vernacular schools or Local Board schools of the Presidency. When we aimed at such a thing there was a certain order regarding the introduction of rural standards in villages, and this reform, as has been called by the Educational Department, is a subject of comment, and experience has shown that our schools have deteriorated in the way of progress, and there is no corresponding increase in the quality of the students being trained. Therefore I would strongly urge that instruction in our primary schools should be such that it should be useful up to the matriculation standard up to which instruction should, in my opinion be,

through the medium of the vernacular, and when we reach that stage, our primary schools will be teaching something. What would be the result of these rural schools? The rural schools perhaps teach the boys of the cultivators who will be there for about two or three years and when they leave the school, well I doubt whether any of them can sign their own name, because what is learnt in very early age is forgotten, and with that view the former Directors of Public Instruction or the former officers of Government fixed the minimum standard of vernacular, namely, the fourth vernacular standard, which comprised more subjects of such nature that the boys could not forget them. But the rural standards are now of no use, and instead of making any advance in the way of primary education, it is only putting a stop, as it were, or making the boys unlearn what they have learnt, and the number of years they have been in schools go for nothing, and they think that they have uselessly spent their time of two or three years in rural schools, therefore the introduction of rural standards in villages has been more a curse than a blessing.

With regard to industrial and technical schools, I hope these schools will cost a good deal, but the co-operation with Railway workshops such as those at Hubli, Deolali and Bombay will solve the difficulty to a certain extent at the beginning, and would not necessitate a large expenditure for the establishment of technical schools.

With regard to industrial schools, weaving schools have been already started, and similar small schools attached to the higher vernacular primary schools would be a first step in the beginning. This would not require a large expenditure, and we shall have the satisfaction of making a beginning, in this direction.

With regard to the education of girls, so much is talked of with regard to the want of English teaching schools for girls. Well, English teaching schools in bigger towns like Poona and Bombay do exist, and it is only a matter of regret that they do not exist in the mofussil. But latterly all the principal Municipalities have resolved to appoint, and some of them have appointed, English teachers in their Municipal Girl Schools, and when we can get a sufficient number of teachers for the schools which have already been started, an effort will have to be made for increasing the supply of trained female teachers, and more money will have to be sanctioned for the conversion of these ordinary schools, which at present teach up to two or three standards, into secondary schools teachnig higher standards, and that is the only way. But so far, the encouragement to female eductation in general, and to primary education among girls in particular, has not been so satisfactory, and this is a matter of great regret to me. At the same time, I must say that in almost every district of the Presidency there is so much apathy felt by the people and so much aversion for the girls to attending schools, that even in the enlightened districts of Ratnágiri and Bijápur, where there are so many Girl Schools, even with the inducement to the children by paying scholarships to every girl for regular attendance, we have not been successful, and therefore instead of asking the Educational Department to give greater attention to these things, well I think it is the leaders of the society who should induce their brethren to send their girls to schools, visit the tálukas and districts and speak to the parents.

There is, however, one thing again which the Department has to do. The Department must appoint ladies as Assistant Deputy Inspectresses of Schools and Deputy Inspectresses, because a male teacher or a male Deputy Inspector is not competent enough to go and speak to the mothers to send their children to school. This is a point to which I alluded last year in this Council, but I fear nothing appears to have been done in the matter, and there is not a single lady Assistant or Deputy Inspectress for primary schools, although there is a lady Mahommedan Inspectress for Mahommedan Schools in the Central Division. Therefore I would ask my friend the Honourable Mr. SHARP to take this matter into his immediate and serious consideration, and give us the facility of appointing lady Assistant Deputy Inspectresses, and also to place these schools under competent Inspectresses of Schools. There are Inspectresses of Schools in the Northern and Central Divisions, but as yet that blessing is denied to the Southern Division, which, under able guidance, will, I am sure, bring out a result which would be very favourable in the advancement of female education.

Another point to which I should like to refer is, that while there are Municipalities whose resources are augmented by the increase of taxation of some form or other, there are the Local Boards started, and these are in the same state financially without any tangible contributions to aid them from any other sources; while the demands on the Local Funds are increasing. Anything that is new is forced upon District Local Boards. When sanitation comes, well it is thrown upon the Local Board; when vaccination comes, it is thrown on the Local Board, or when the roads come there, the Public Works buildings come there, like the rest-houses for repairs of roads, etc., and generally the residences for the European supervising officers tell as a burden upon the limited resources of the Local Boards. If any well in the compound of the rest-house is required, it is also borne by the Local Board. (Hear, Hear.) Therefore, what I would respectfully ask this Council is to find out some means of augmenting the limited resources of these Local Boards.

In this connection there is one suggestion which I wish to make and which I think has already been thrown out on former occasions, and that is, that the A'bkári revenue has increased to such a large extent that some portion of it may be made as a grant to the Local Fund which will, in that case, be able enough to carry any additional burden put upon it.

There is one thing more. When all the public services have received due attention, there is a department whose claims have never been considered favourably. It is, according to one saying prevalent among the Indian people, who have progressed and who have not progressed—when that question comes almost every caste man has improved—our carpenters and architects have improved, but there is one class which has not improved, namely the village potter, because the village potter remains what he was, because he produces the same sort of vessels as he used to hundred years ago. Similarly, Sir, there is a department which has received no attention whatsoever, I mean the Vaccination Department. The vaccinators are paid a salary which they have been drawing ever since the formation of the Department, and although the prices have risen in some cases a hundred or two hundred-fold, their pay is the same. It is Rs. 14, 16, 18, 22 and so on, such odd numbers that there are no multiples of five in the way of promotion. Therefore I would earnestly beseech Government to consider the question of making some reparation for having overlooked their claims by making adequate and suitable provision for the increase of pay of these vaccinators. At a time when vaccination was not appreciated the work was still more difficult, but at a time when they are called from place to place, when people are so eager to get the lymph from the Vaccine Depôt at Belgaum every day, and when the people go readily to the vaccinators, to have the fresh lymph injected, the vaccinators, with a view to consume the fresh lymph, have to go from house to house doing their duty more energetically than before. Under these circumstances, taking the provision that is made for this department and the work which the vaccinators have to perform to-day, their pay, in my opinion, is exceedingly small, and I think the time has arrived for making a suitable increase in the salaries of these poor vaccinators.

With these few remarks I resume my seat.

His Excellency the PRESIDENT:—I think it will probably be convenient if we adjourn for three-quarters of an hour.

The Council then adjourned till 3 p. m.

The Council re-assembled after Lunch at 2-45 p. m.

His Excellency the PRESIDENT:—Order, Order. The Honourable Ráo Bahádur SATHE.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency, I wish to refer to a few points in connection with the Budget. I am glad to observe that my Honourable friends Messrs. KAMAT and PAREKH have anticipated me when they took up the question of police re-organization, and the best course for me now would be not to traverse over the same ground but to place before the Council such new points as I have got to urge in addition to those

which have been already referred to by them. We all know that consistently with the recommendations of the Police Commission and the instructions given by the Government of India in their Resolution, the work of re-organization has been taken up by this Government and is being gradually pushed forward for the last few years. I may refer to one point in that re-organization scheme and that point is the additional Police Stations created in the several districts in the Presidency. If we look to the object which was really in the minds of the Police Commission when they advocated the creation of new Police Stations, we find that it was their intention to give greater facilities for registering complaints of cognizable offences, for speedy investigation and also, I may add, for the prevention of crimes. The only complaint which I have to make is that the Police Stations which have lately been created have not really sufficient work to engage the services of the new Police Sub-Inspectors. When I say this I have some information on the point. The information which I have is this, that there are some Police Stations in the Districts of Ahmednagar, East Khándesh and Bijápur where registration of cognizable offences has not exceeded 12 during the whole year: nor do we find from the Administration Report that any improvement has been made in those Police Stations so far as the prevention of crime is concerned. If we look to page 135, paragraph 194, of the Police Commission's Report we find that the average number of cases which one Sub Inspector is expected to investigate during one year is 100. Considering this number and making all allowance for the increase in the other work which might have been noticeable in the last 10 years since the publication of the Police Commission's Report—making allowance for all that—I think the work for some Police Stations is not sufficient. I do submit that it is now time for Government to enquire, before increasing next year the number of Sub-Inspectors, whether the already increased Police Stations are really required. If they are not required, the question before your Excellency's Government will be to stop the scheme of re-organization for a certain time until we know the results of the gradual development of Police Stations and if necessary to readjust existing Stations. After some time, if we do find that the work is not carried on with due regard to efficiency and speedy disposal, then Government may see its way to increase the Sub-Inspector's places in the years to come. It is from this standpoint that I place before the Council the desirability of not pushing on the police re-organization scheme until enquiry is made in this direction and until Government is certain that so many additional Sub-Inspectors are required for the next year.

The next point which I wish to touch is No. 24, Medical, and Land Revenue. The point which I am now going to place before the Council may appear not to have a direct bearing on these two heads, but I will explain the relevancy of the question which I am putting before the Council. It is in connection with the resources of the Municipalities and the way in which we ought to supplement those resources. We have been told oftener that the Municipalities are not taxing their own people to the fullest capacity, and we have been always finding that there is a great disproportion between the receipts and needs of administration. In fact the revenue is far less than the needs of administration. Latterly we have been marking a tendency in the people of large towns and cities to go and have habitations outside the proper city limits. This tendency has its own advantages, and Government has to place at the disposal either of the Municipality or to make it open for public to take Government waste lands. The effect of this development has been to bring additional revenue in the form of building assessment to Government which I may say is 20 to 40 times the agricultural assessment. And what is the state of the Municipalities when the extension schemes are being pushed on so vigorously? They have to incur additional expense on account of roads, conservancy, sanitation and lighting, etc., and the only source of income which could be called legitimate is their own taxation. But you will all agree with me when I say that that income is found to be insufficient for the needs of all Municipalities. I am referring to the large Municipalities. I am aware of the fact that Government has been giving latterly munificent grants to several Municipalities in connection with sanitary projects. But my complaint is that when those grants are given no even treatment is given to all Municipalities. Those who are alert, who show better work, are favoured with much more liberal

grants. Considering the large increase of revenue which the town development schemes bring in to Government in the form of building assessment, the demand of the Municipality, if I may be allowed to use that word, for some proportion of this increased revenue will not be considered, I believe, as unfair or extraordinary. That will supplement permanently the resources of municipalities. Government may lay down certain terms as to the disposal of such money. We are not here concerned as to the conditions which Government might impose; but the point is that if on account of this development, Government waste land is being brought under habitation and if Government is getting additional revenue, it is but fair that it should be ready to give some proportion of that revenue to the Municipalities. I am aware that some such question had cropped up during the time of your Excellency's predecessor, Lord Sydenham. I do not know what eventually happened to it. But my earnest desire is to request your Excellency's Government to see its way to meet the wishes of Municipalities and to find out means to supplement the resources by giving some proportion of this revenue. It must be some appreciable proportion. I trust that every one of this Council will agree with me that the request which I am making is quite fair and reasonable.

When I entered this hall I was practically disinclined to touch any other point. But when I read the answer given to Question No. 4 of the Honourable Mr. PATEL, I am prompted to make a few observations as regards the fees and status of Public Prosecutors in this Presidency. In the first instance I am glad to find that Government have already taken action in the right direction in giving its administrative sanction to increase the daily fees from Rs. 10 to Rs. 15, and I am really thankful to your Excellency's Government for taking that step. But, Sir, that is not enough. The ten-rupee scale of fees was introduced in the early seventies and it is really regrettable that during the last 40 years no action was taken to increase the fees of Public Prosecutors. If we take the figures in the other Presidencies (and in this direction I have made some enquiry) I may inform this Council that nowhere else in the four Presidencies from which I have received information the scale of fees is Rs. 10; it varies from Rs. 15 to Rs. 20 and Rs. 25 per day. When I say Rs. 15, a question may be asked, well, when we have come up to that figure, why should there be any complaint now? Rs. 15 are paid for half day's work. I am particularly anxious to bring about reform in this direction. The answer to Question No. 1, clause (*a*), distinctly shows us that there have been *frequently* cases of enhanced payment. What does this enhanced payment mean? This enhanced payment means recommendation by the officers concerned and consequent payment of fees in excess of the scheduled fee. When the word used is '*frequent*' the rate of fees (Rs. 10) seems to be on paper or a nominal rate of fees. My complaint is that no such cases of enhanced payment ought to be in existence or at any rate ought to be very rare, and if Government find that there are occasions,—*frequent* occasions—to make recommendations for enhanced payments for reasons more than one, I would urge before this Council that it is in the interests of purity of the service that the scale of fees should be raised, and then it would be an encouragement to good and experienced Pleaders to come forward to take up the position of District Government Pleaders and Public Prosecutors. I would urge that the general rate of fees should be increased from Rs. 15 to Rs. 25, and if that is done, then there should be very rare occasions for enhanced fees. These frequent recommendations for enhanced fees may be the result of favouritism, if I am allowed to use that expression. It is on these grounds that I ask your Excellency's Government to reconsider the orders that have already received administrative sanction, and I think that they are tentative. In this state of things, my suggestion would be considered as quite in time. And if Government is pleased they may call for from other Provinces the rate of fees obtaining there. This is, I think, what I need say on the subject which is one of the subjects under 19A, Law and Justice.

Another small point which is very very small is about Sub-Government Pleaders. I would not have ordinarily referred to it, but as I have already touched a cognate question I desire to ventilate my grievances on this point also. I refer, your Excellency, to the question of fees which are being paid to Subordinate Government Pleaders. It is an office which is held by some Pleader or other in

every Táluka of the District and those gentlemen have only the satisfaction to know that their names appear in the Civil List. But do they get any retainer? Absolutely nothing. Do they get any appreciable fee? I am speaking subject to correction; but so far as my District is concerned the fee is very very low and practically the fee of the Subordinate Government Pleader may not exceed Rs. 12 during the whole year. Naturally the question will be put to me why should people come forward to hold such posts. This is not the place nor the time to answer that question. There may be various reasons for people to come forward; but I think it is really Government's duty to see that the officers who are appointed by them and who work for them should be adequately remunerated, and it does not appear dignified to the position of Government that their officers should hold appointments carrying no pay. I would rather wish that these places be made Honorary, and in that case there will at least be the satisfaction that people work for honour's sake and with no expectation of getting any remuneration. So this point, though it may appear a small point, is one which should attract the attention of your Excellency's Government.

The next point is my own doubt (I am not going to make any observations on it) as to the amount shown under the Head "Conciliators' Court," at page 104. I do admit it would have been much better had I informed the Honourable Sir RICHARD LAMB in time of it.

The Honourable Sir RICHARD LAMB:—Page 104 of what?

The Honourable Mr. SATHE:—Page 104 of the detailed list of the Budget Estimate. My information is, and I think it is correct, that all Conciliators have now been abolished by an executive order of Government, and if it is so, I would be thankful to my Honourable friend Sir RICHARD LAMB if he were to give me some explanation as to why this amount has been shown there.

This is all that I wanted to say on the Budget; and with these few remarks I resume my seat.

The Honourable Mr. MANMOHANDAS RAMJI.—May it please Your Excellency,—Before dealing with the Budget, I should like to express, on behalf of the Indian commercial community whom I have the honour of representing in this Council, their feeling of concern at the great world war which has run on almost for one year, their feeling of loyalty to the Empire which is doing its part of the work even at tremendous sacrifice for the preservation of the principles of justice and independence, and their sense of co-operation to do what they can to help the Empire in this its hour of need. In common with other subjects of the Empire in other Provinces and in other parts of the Empire, Indian merchants also have suffered to no slight extent from the effects of the war, but all this is undergone in silence for the sake of the British Raj which has done so much for us all. It is the fervent prayer of all that the war may be over as soon as possible with victory for the Allies and triumph of the principles for which they have fought. While on this subject I cannot but allude to all what Your Excellency and your noble Consort have been doing for the people in these times of stress.

Coming to the Budget proper, I am glad at the increase in the Police expenditure by Rs. 50,000 for increase in the Dock police, including police for the Alexandra Docks. Increase in the area of the Docks with the huge increase in business there had made it long necessary that a proportionate increase in police provision should follow.

Decrease in expenditure however for educational and medical items is to be viewed with feelings of dismay. We appreciate the force of circumstances which must have necessitated such a decrease, but at the same time must say that these two are the very life-breath of the progress of a nation and that any decrease must ultimately tell on its development and achievements. As I pointed out last year, the educational expenditure of the Presidency is less than that of all the civilised Governments. The experience of the present war conditions has shown how want of education is responsible for the spread of misleading rumours and a sort of ignorant panic. Equally necessary is sanitation, the want of which is calculated to devitalise people and to render them incapable of resisting powers

so essential in times of famine. This year, however, decreases have to be made because of war, and so we only hope that after the war all such retrenchments, specially in matters educational and medical, will be conspicuous by their absence and that steps will be taken to push forward education, and, at least, to spend all that is allotted to it in the Budget. In this connection I have much pleasure in congratulating Government on the sanction accorded to the Royal Institute of Science by the Secretary of State, an Institute which will be a great factor in the development of science in the Presidency.

Commerce and industry are the watchwords of the modern times and a nation which falls behind in providing suitable education for these will not be able to make any headway against competing nations. Fortunately, though late in the day, we have come to appreciate the value of commercial and industrial education, and Government, with the co-operation of public bodies and public spirited citizens, have provided a College of Commerce and will provide an Institute of Science in the near future. The Budget for this year has also got a welcome provision for a school of research in the field of Indian economics and sociology. May I, while recognising all that Government have done in this direction, suggest that in all these institutions Indian talent should be, as far as possible, recognised? In this connection I should like to suggest to Your Excellency's Government the necessity for having a Department of Industry. As far as my impression goes, the Madras and United Provinces Governments have got such a Department and the Bengal Government have also got a temporary arrangement. There is no reason why the Bombay Government with an industrial and commercial population should not have such a Department. There is a great deal of talk about the development of indigenous industries and capturing the trade of enemies. I do not understand how all this is going to take place unless there is an active and live Department to advise the public on industrial matters and to guide them on paths which are still new and strange to many. There is capital, there is good raw material, both in the sense of men and materials, but the vivifying touch must come from Government. Even in civilised countries of the West the lead has come not infrequently from Government, and India with her comparative poor population and backward state of education naturally expects a similar lead here. I do not wish to throw the whole responsibility upon Government, but I do say that they should come forward with a well-organised Industry Department to help the starting of new industries and development of the existing ones.

There is a welcome grant provided for in the Budget to the Salvation Army for an Industrial Home to accommodate conditionally released prisoners, boys of criminal tribes and criminal tendencies and also to accommodate about 30 European vagrants. I appreciate in common with many of my countrymen the good work being done by the Salvation Army, specially for the poor, and I hope my remarks will not be misunderstood. What I mean to say is that proper care should be taken that none of the inmates of the first two Homes is exposed to any sort of pressure to be converted from his religion. Regarding the industrial Home for European vagrants, while fully approving of it, I beg to express a hope that Government will be pleased to consider seriously the question of providing a similar Home for non-European vagrants also.

Before I conclude, I express, in common with my other colleagues, my sense of regret at the coming retirement of the Honourable Sir RICHARD LAMB. Ever sympathetic, kind and courteous, he has been one of the best Revenue and Finance Members of this Presidency. His Budgets have always been studies in simplicity and he has always been specially careful in welcoming and adopting, if possible, suggestions from his non-official colleagues. I wish him a life of peace and usefulness in his retirement.

The Honourable Mr. NARAYEN MADHAV SAMARTH :—Your Excellency having regard to the lengthy programme the Council has to get through, and having regard also to the fact that the Budget having been sanctioned by the Government of India in all its details, the discussion on it is bound to be academic, I do not wish to make any lengthy remarks on this occasion. I wish, however, to emphasise, in my own way, the point which has been noticed by previous speakers as to the decrease in the expenditure on education in the current year's

Budget Estimates. I venture to think, Sir, that the decrease could have been avoided to some extent. I find, on analysing the decrease, that a large portion of it is due to the Local Government not utilising to the fullest extent the subventions which have been made by the Government of India as recurring and non-recurring assignments in regard to education. I fail to see why these subventions should not have been fully availed of. I fail to see why some of the other spending departments should not have similarly suffered. If they had suffered a similar fate, I do not think I would have had any cause for complaint. But I do say, Sir, that increased expenditure on education is so needed for the growing requirements of the times that I hope it will be found feasible, at any rate in the next year's Budget Estimates, to mend matters in this respect. The complaint has been often made that a large number of young men have found it from year to year increasingly difficult to get accommodation in the colleges affiliated to the University. It is a serious problem to have a large number of young men denied facilities for higher study and at the same time not having any opening in any of the avocations of life. I think, Sir, that this affords food for serious thought, and trust that immediate steps will be taken to see that this evil is not allowed to go on gathering strength from year to year. I think there is a way out of the difficulty. It is not necessarily the opening of new colleges—which it is difficult for Government to do, having regard to the limited funds at its disposal—that is needed, but what I submit is that Government can give building grants to their own institutions as well as to private colleges, so that the accommodation available may be substantially increased. Private colleges, if building grants are given to them, will be able to open more lecture rooms and they will make their own arrangements as to the required number of Professors so that a large number of young men will be provided with higher education which they are at present denied.

Now, as to Secondary education, at present the policy of Government is to open High Schools only in District towns and not in Taluka towns. Many parents living in Taluka towns are not able to make provision for their sons in District towns owing to the higher cost of living there, with the result that many young boys—intelligent young boys—who could be brought up to higher intellectual heights, are denied the facilities for such education. I do not ask Government to open High Schools in all Taluka towns, but I do ask Government to pursue a persistent policy of encouraging and aiding private efforts for starting High Schools in Taluka towns and offering the necessary facilities for High school education to students. It is only in this way that Government can carry out the policy laid down by His Majesty the King-Emperor to have a network of schools and colleges spread over the whole land from which will go forth loyal and manly and useful citizens able to hold their own in all the vocations in life.

As to Industries, I am not inclined to ask Government at present to embark on a policy of starting new industries themselves. I do not think it is possible for Government to take that step in the present state of things. I do think, however, that it is possible for Government to spend more money in teaching cottage industries to the people as in Ireland. I find the Irish people supplement their incomes to a large extent on account of Government teaching them various cottage industries. The same could be done here and schools for teaching cottage industries suited to local conditions started in suitable centres,—industries such as lace-making, machine embroidery, toy industry, glass-making, bangles, paper, matches, and other different kinds of small industries. But this teaching alone won't do. Side by side with this, Government must help to start co-operation in the real sense of the term, namely, productive co-operative unions as well as distributive co-operative concerns. When all this takes place, it will, I think, improve the material condition of rural India to a considerable extent and add materially to the national wealth of the country. I, therefore, think that immediate steps should be taken having regard to the situation arising out of the war to organize a department which will go on teaching some of these industries. I do not wish to go into details at present, but I am only suggesting the outlines, and I have no doubt but that all the money spent upon it will be repaid a hundredfold. With these remarks I beg to resume my seat.

The Honourable Mr. ABDUL HUSEIN ADAMJI PEERBHOY.—My Lord, —It is very gratifying that, notwithstanding the disadvantages caused by the war the Government of India have accepted the Budget in its entirety, and that although there is need for the strictest economy, the administration in this Presidency will not be much hampered by the want of funds. Since the budget was considered by this Council it has been made clearer that we cannot hope for the present conditions to change by the end of the year, as His Excellency the President anticipated in March last. In fact they are daily becoming more aggravated, and the highest authorities are pressing on the whole Empire the urgent necessity for sacrificing luxuries and for economy, administrative and personal. Though we may hope for an improvement in the resources of the country and a favourable season, we cannot but appreciate the efforts of the Government to make both ends meet while at the same time providing for necessary and important works, etc. It is in the circumstances a highly satisfactory budget, and Government deserve to be congratulated on its acceptance by the Government of India. It must be particularly gratifying to the Honourable member who will, to our great regret, leave us shortly. His last budget must have given him much cause for anxiety, and the result of his labours is very satisfactory to him and to us.

It was expected that the budget would also be the last one to be passed by the Council as now constituted, but it now appears that the term of the Council has been extended, and the budget for next year will, at any rate in its preliminary stages, be considered by this Council. The Government of India have recognized the inconvenience caused by the election being held in December, and for this too we have to be thankful. There can be no doubt that April would be more suitable than December for the election.

It is a pleasure to note the grants-in-aid to sanitary projects, especially the allotment to the Sanitary Board. I may observe that the provisions in the Public Works Budget for discretionary grants and unspecified works seem rather high. I will not take up any more time in making remarks on the Budget. We all I hope shall have the opportunity of considering the next year's Budget.

We are bound to do our best to support Government in co-operating with the Home authorities in carrying out the measures necessary to put an end to this much deplored war, and we know that financial help is of the greatest importance in the present emergency. Without the sinews of war we cannot expect victory.

The Honourable Lieutenant-Colonel J. JACKSON :—Your Excellency, I wil be very brief. I wish to make a few remarks on those proposals and statements with regard to the Police Budget grant made by the Honourable Mr. KAMAT, the Honourable Mr. PAREKH and the Honourable Mr. SATHE. The two latter honourable gentlemen have cordially supported the Honourable Mr. KAMAT'S remarks, but have made no specific proposals. I may take it therefore that they also support the suggestion of the Honourable Mr. KAMAT. The suggestion is that the Police Department should be "put into a state of suspended animation"—I quote the actual words of the Honourable Member. This cannot appeal to those who are responsible for the protection of life and property and the maintenance of good order in this country. I have heard of people who desired to turn a department upside down, who desired to abolish a department, or to improve a department; but this is the first time I have heard of any one who wished to put a service—and, above all, the police service—into a cataleptic trance, in which it will presumably remain until after some years the Finance Member comes riding along like a gallant knight and wakes the Sleeping Beauty with the jingle of rupees. No department could survive such treatment, and least of all so great and essential a one as the Police. I see little use in improved sanitation lengthening our lives or in a Director of Industries teaching us to amass wealth if neither lengthened life nor acquired property is safe owing to a somnolent police.

The criticism which leads the critic to make such a suggestion must be surely faulty, and hardly worthy of serious consideration.

The only other matter on which I wish to touch is the remark of the Honourable Dewan Bahadur GODBOLE about Sind allowances. I presume the Honour-

able Dewan Bahadur has had some considerable service in those climates to which he alludes. But if he has stayed during the month of June on the Kushmore Bund watching a rising inundation and still considers Sind allowances an " unearned increment ", I can only say he is more of a salamander than most of us.

The hot weather in Upper Sind is as detestable as it is protracted. Its reputation in that line is illustrated by a story current there. A certain high official died in the hot weather and went to a place popularly reputed to be even warmer than Upper Sind. On his arrival in his new abode the night was oppressive, even for that place, and he annoyed the presiding genius so much by asking for an extra blanket that he was sent back to Upper Sind, where he lived for many years afterwards.

A distinguished Indian official who had served in Upper Sind stated that " no one but a European could stand the climate of Shikarpur ". I went once to Jacobabad for ten days in the hot weather to see what it was like. I found out. Personally I would not care to go there again for double local allowances, and I never knew a man who had done much service in Upper Sind who desired to return there.

The Honourable Mr. GODBOLE says " What about Multan ". Well, if two men are perspiring and scorching before a fire, because one man has no screen to protect himself with, you would not take away a screen from the other. That Multan is hot is no reason to do away with Sind allowances. If Multan and Muzaffarnagar have a climate like that of Upper Sind, then the correct course is for some philanthropic member of the Punjab Legislative Council to induce the Government of the Punjab to grant local allowances there and not to take them away from Upper Sind.

The Honourable Mr. M. DEP. WEBB :—Your Excellency,—I have been carefully studying the Budget from the point of view of the Province of Sind, and in particular, through the eyes of those engaged in furthering the commercial, industrial and general economic development of that province, and I should like, with your Excellency's permission, to place before this Council one or two of the impressions which this study has produced.

In the first place, the Budget Estimate whilst giving certain details of *expenditure* incurred in the Province of Sind, makes no specific reference to the *income* which Sind contributes to the general revenues of the Presidency. I should like respectfully to suggest for the consideration of Your Excellency's Government the desirability, in the interest of Sind, of including in the next Budget Estimate, or preferably in the next Financial Statement, a summary or abstract of the revenue collected in Sind. There is widespread belief in that Province that the revenue collected in Sind is very largely in excess of Government's expenditure in Sind. It is possible that popular estimates of this excess are greatly exaggerated, and it seems desirable, therefore, that the actual figures should be made known. In these circumstances I hope that Your Excellency's Government will be able to remove all grounds for misapprehension by including in the next Financial Statement a brief table showing exactly what Sind is contributing annually under the main heads of " Revenue and Receipts ".

Your Excellency is probably not aware of the fact that the Chief Collector of Customs in Sind and his staff are still carrying on the important duties of their office in a rickety, old, disused cotton press godown. This very undignified makeshift arrangement was, I believe, entered upon—purely as a temporary measure—some ten years ago. True, the foundations of the new Customs Buildings have just appeared, but if progress is no quicker in the future than it has been in the past, I fear that nobody of the present generation will see the new Karachi Customs House completed. I can find nothing whatever in the local Budget to dispel pessimism in this connection. I should be very glad, therefore, of any information that Government could be so kind as to give.

The Honourable Sir RICHARD LAMB :—Customs is Imperial.

The Honourable Mr. WEBB :—Then there is the long outstanding question of the concentration of the public offices of Karachi upon the old Jail site. This site

is situated on the main road and in the very centre of Karachi. It is unquestionably one of the finest and most valuable sites in the city. And yet, incredible as it may sound, it is now 20 years since a former Commissioner in Sind—Sir EVAN JAMES—promised us that the work of concentrating certain of our widely scattered public offices should be commenced on that site. And how little has been accomplished in that time! Those who can find their way through an impromptu timber yard and general refuse store which now disfigure a portion of the site, will probably discover the foundation stone of the new Government Buildings laid by Your Excellency's predecessor—Lord SYDENHAM—some few years ago. But, Sir, Karachi cannot live on foundation stones alone. Karachi is very anxious to know when the new building will be completed. Here again, I can find nothing in the Budget Estimate to guide me. I therefore appeal to Your Excellency's Government for information.

The natural expansion of the town of Karachi in the only direction that is possible and suitable has been for many years checked by the fact that a portion of the Military Cantonment (occupied by the Artillery Parade Ground and Barracks, and the Government Arsenal) seriously blocks the way: for a long time now the people of Karachi have been rejoiced by the belief that arrangements with the Military Department had been completed by which the Artillery would be moved to a site more appropriate for Military purposes. The transaction could, it is everywhere believed, be carried through without any financial outlay at all on the part of the Government. I do not know whether this accounts for the fact that no reference at all to this long outstanding and most important matter appears in the public works or Civil Budget, but it would be of the greatest interest to Karachi if Government could say how the matter now stands, and when the much needed step forward will be taken.

Your Excellency will perhaps not be surprised to hear that one of the results of the heart-breaking and, to us, inexplicable delays to which I have just referred, is a growing belief in many quarters in Karachi that Sind is in a sort of back-water to which the tides of progress that surge everywhere in the Presidency proper somehow fail to penetrate. And the fact upon which I desire to lay emphasis is that the Budget now before us contains little or nothing calculated to dispel that gloomy belief. I hope that the Honourable Member in charge of the Budget will be able to show that there is more for Sind in the Budget figures than meets the eye, as I should much like to carry back with me some corrective of the pessimistic feelings which I am bound to confess the Budget has given rise to in my mind.

Would time permit, I should much like to dilate on the much needed direct linking of Delhi and Karachi by broad gauge Railway (a matter to which Karachi aspired twenty-five years ago), and also on the very long deferred construction of the great high-level canal from Rohri to Hyderabad, a scheme over which Irrigation Officers have battled for, I believe, 40 years. In particular I should like to utter the strongest protest of which I am capable against the impression conveyed by the India Office Expert Irrigation Committee's report—the impression or view that Sind is an "Inundation" Province, that inundation canals are perhaps quite good enough for Sind and that there is hardly any need, therefore, for Government to run a risk, even of the slenderest kind, in trying to convert Sind's inundation canals into perennial canals. Why, Sir, Sind was struggling on by means of inundation canals at the time of Alexander the Great, and surely the time is now ripe for improvement and development. Sind desires to move forward, and I hope that Government will very shortly be able to give us good news of this—Sind's greatest Irrigation project.

I merely mention these railway and canal matters in order to indicate how many and great are the schemes which those who are endeavouring to hasten the development of the Province would like to see carried forward without further delays. I fully recognise that the present is not a time to call for heavy outlays of money for the building up of Sind and its capital, no matter how long those outlays may be overdue. But I do venture to press upon the attention of Your Excellency's Government the desirability of

including in the next Financial Statement particulars of Sind's contributions to the revenues of the Presidency in order that it may be clearly seen and understood that the demands we have made for the expenditure on public works in Sind are not at all unreasonable, but are in fact merely a request that a little more of the revenues collected in Sind may be expended in Sind.

The Honourable Mr. HARCHANDRAI VISHINDAS :—Your Excellency, without any desire to make a speech on the Budget, I rise to make a correction in the figures quoted by the Honourable Mr. WEBB. He said that 20 years ago Sir EVAN JAMES moved a Resolution for new public buildings in Karachi, but the fact is that when in 1910 I moved a Resolution on the subject I was told by the late Honourable Mr. JENKINS that 21 years before that the building question was first moved. As that was 5 years ago and 21 plus 5 is 26, the figure given by Mr. WEBB should be 26 years and not 20 years ago. That is the only correction I desire to make.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA :—Your Excellency.—With reference to the remarks of my Honourable friends Mr. KAMAT and Mr. PAREKH regarding the necessity of further action to be taken by Government in the matter of industrial development of the Presidency, the Council will perhaps be interested to learn that the Provincial Conference at its yesterday's sitting passed a resolution requesting the Government to appoint a committee of officials and non-officials to make inquiries into, and suggest the best means of establishing new and developing existing industries. We recognize that the Government of Bombay have been moving in the matter by taking up the inquiry into one industry at a time by appointing Mr. Mehta to inquire into the condition of the Handloom Industry and thereafter Mr. Pandit for the Oil-pressing industry. It is now time for the Government to move faster by making inquiries about the possibility of successfully establishing as many new industries as possible. As an example I may refer to the Sugar industry; a capable expert is available, and if it were known how far Government are prepared to assist a sugar factory, it may not be difficult to get the required capital. The Honourable Mr. KAMAT has suggested the creation of a post of the Director of Industries. If an expert is appointed to the post, he will be able to make suggestions about one industry only in which he is an expert, and that is not what is wanted at present. On the other hand if a Civilian with a general knowledge of industrial and economic questions were appointed, he may require the assistance of a number of experts. The appointment of a committee was suggested to consider this matter carefully and to advise Government as to the steps they should take in the matter.

The Honourable Mr. W. L. GRAHAM :—Your Excellency.—I rise to agree with the remarks which have fallen from Col. Jackson with regard to the grants for Police. I have myself had the honour of being on the Budget Committee and it was with great reluctance on the part of the Revenue Member and the Budget Committee that the necessary items were cut down. But there was one instance however in which it was fully imperative in the public interest, at the present time, to maintain the expenditure and that was with regard to the Police grant. The Honourable Mr. KAMAT and the Honourable Mr. SATHE have spoken with great ability and clearness on this matter, but I agree with Col. Jackson that it is extremely difficult to reconcile oneself to the arguments of those Honourable Members. The Honourable Mr. KAMAT gave us some extracts from official reports and his own able arguments that considerably more should be done in the detection of theft and crime. I consequently anticipated that he advocated increased expenditure under the head of Police grant, but instead of that he asked that the expenditure should be suspended. He criticised the contemplated payment to senior officers which he said was making the service top-heavy. Well I cannot agree with him in this. Efficiency must always come from the head as fruit from a tree. The Honourable Mr. SATHE, however, has spoken of the greater facilities to be given for the prevention of crime and he asked that the scheme of re-organization should be suspended. I cannot therefore agree with both these Honourable Members on the item Police grants. And, as regards Sind allowances, I support the remarks which have been made by the Honourable Col. Jackson.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—May it please Your Excellency,—After what has fallen from so many speakers I need not take up the time of the Council. However, I have to offer a few remarks and I shall proceed to do it immediately. In view of the great crisis that has been brought about by this great war, it is necessary for us to enforce economy in all departments where possible, but at the same time we have to keep up expenditure on departments where it is absolutely necessary and if need be even to add to it. It is with this view that my honourable friends who preceded me have advocated the postponement, for a time of the expenditure on the completion of the Police Re-organization Scheme. Objection has been taken to their suggestion on this point on the ground that we cannot keep the police department in suspended animation. My Lord, the Police Department has been exceptionally fortunate in having a very large amount of expenditure assigned to it for so many years. I think, several of our hon urable friends have from year to year protested against the unduly large amount of expenditure incurred on police reorganization and pointed out that it has failed to secure corresponding efficiency in the department. It is, therefore, time now to see whether we get a sufficient return for what we are already spending on this department, and whether we find the department working with greater energy than before. If on the other hand, we find that by over-feeding we have made the department far too heavy and inert for its proper work and less efficient than before, then there will be the greater reason to consider seriously whether it is absolutely necessary or even desirable to still spend more money on this department. In days gone-by we had only one Chief Constable for a táluka and one or two Inspectors for the district, and now we have a number of Sub-Inspectors in each táluka and Inspectors in every district—whether we have enough work for them is a question to be considered by the Finance Committee when they make allotments for the various departments. Then another point which will have to be seen is as regards the amount spent on village police. If reference is made to the amount spent on village police, it will appear that it amounts to only 9 lákhs 37 thousand and if we deduct from this Rs. 4,52,000 included for the amount of assessment on the service Inám lands held by the village police the net expenditure will come, I think, to 4 lákhs 85 thousand, which is too small considering that the total expenditure on the department comes to over one crore and 12 lákhs. In connection with this, therefore, I would beg that adequate provision be made for re-organization of the village police, and for maintenance of the village chowkies opened in West Khándesh. Formerly the Chowkidárs were allowed to charge their own fees on every cart for their watch, but that system led to abuse and was abolished; I do not know wheth r provision has been made in the budget for these Chowkidárs or whether the old state of things is to continue. It is a matter which will have to be looked into in case needful provision for this item be not made in the budget.

The next point which we have to consider is as to the need for developing our industries. The necessity for this was never brought home to us so vividly as it has been now in the present state of general depression of trade owing to the war; the time has come now for us to see whether it is not absolutely necessary for Government to take the initiative to direct people as to what may be done in this direction. Many efforts have been made by private individuals to start new industries, but they have ended more or less in serious failures. We have several industries in which private capitalists have invested considerable capital which can be made to work at a profit with needful help from Government. Take for instance the match factory at Karád on which I think some Rs. 80,000 have been spent. We cannot now get matches from Austria, Germany or even Sweden and yet the only match factory we have here cannot be made to work at a profit as we have no expert advice in the matter. We have any amount of raw material available in our country, but we are in need of expert advice as to what to do with it. Also we have cheap labour available here to a much larger extent than elsewhere. Having regard to this I think something should be done by Government to show the people how these local advantages may be turned to profitable account. Proper consideration should be given to this subject. Well it may be premature to have immediately a permanent provincial department opened for commerce and industry, but it is in that direction that we have to make

an effort and we may for the present appoint an expert committee to make needful inquiries in the matter. We have been spending lákhs and crores for our harbours, ports and docks, but where is our country mercantile marine? Well, all that money is spent in the interest of other countries. Other countries are taking advantage of our expenditure and we are sitting with folded hands. Have we done anything to improve our country craft or to replace it by steam vessels? Can the owners of country craft be left to themselves to do all that is needful in this respect? If direct help of impulse from Government will be forthcoming, then only we shall be able to make some headway in this direction. Therefore, I pray that whatever may be our difficulties, commerce and industry is the department on which more expenditure is absolutely necessary in the immediate future and the present is the most opportune time for taking definite decisive action in the matter.

Now as regards education, I think that was the last department to which the shears should have been applied by Government. I hope our honourable friend Mr. SHARP will do his best to not only keep up but to increase the expenditure on education. It has been pointed out several times that there is pressing need for larger expenditure on female education. The figures collected in the official reports will themselves show that we are spending too little on this branch of education particularly for the Central Division. As regards secondary education and higher education the fees charged are, I think, far more than the parents of the majority of the students can afford to spend. The number in the Arts Colleges has enormously increased and I do not think there is enough provision for the proper education of all the students who attend there, and time has come to open additional Arts Colleges at least the one proposed for the Southern Division. The same may be said of the Law Class in Bombay. The number there is far too large to allow all the students receiving proper instruction in one institution. The students have to come there from Karáchi and also from the remotest parts of the Deccan, while there is no hostel accommodation provided for them and the cost of living in Bombay is far too high for them. The opening of classes for at least the First LL.B. in Poona, Ahmedabad and Karáchi is urgently needed and at these places we shall get able members of the legal profession to take up those classes. In connection with the Education Budget I have to refer to one more small matter and it is the hardship of the students in the Dhulia Training College. It is difficult for them to live within the stipend that they get there and I hope it will be immediately raised to the scale allowed in the Poona Training College.

The next item that I would refer to is as regards the Vernacular Text-Books. I think Government was not well advised in renewing the contract with Messrs. MacMillan & Co. for their printing. Government could have earned much more than they would get from the Company if they had printed them in the Government Press. As I gather from the answer given to my question on the point at the last Council meeting the cost of printing the Vernacular Text-Books in Government Central Press was much less than the price now charged for them by the Company, and it would have been advantageous both to Government and to the boys had the old practice been continued. With these few remarks I resume my seat.

The Honourable SHEIKH GHULAM HUSEIN HIDAYATALLAH:—Your Excellency,—I want to say a word about Sind allowances. The chief reason for granting the Sind allowance to the Members of the I. C. S. is the trying climate of Sind. If Your Excellency's Government approves that Sind allowances should be continued to the members of the I. C. S., I would suggest to Your Excellency's Government that the members of the Provincial Service who are not residents of Sind should also be given the same allowances. For Sind is as bad to them as for any other member of the Civil Service. Then again members of the Forest Service are not given any Sind allowance. I do not think the duty they have to do is less hard than that of the members of the I. C. S. I really cannot understand why the members of the Forest Service should be denied the Sind allowance.

The Honourable Moulvie RAFIUDDIN AHMAD:—Your Excellency, my Honourable friend Mr. WEBB made a remark about Karachi with that

admirable retort on foundation stones. My Lord, I have a similar complaint to make. The Mahomedan community cannot rely on foundation stones alone. It is a very long time since Your Excellency's predecessor, Lord SYDENHAM, laid the foundation stone of a Mahomedan School in Poona, but it is to be regretted that no progress has been made towards the building of that school. My Honourable friend, the Director of Public Instruction will throw more light upon the subject. I am told the other day the corner stone was in danger of being stolen and carried away (laughter), and the sooner the Government turn their attention to the building, the better it will be for Government and the Mahomedan community. Three years ago the late Mr. JOSHI drew the attention of Government and the attention of the Department, to the necessity of having more training colleges in this Presidency, and we had a very hot debate in which my Honourable friend Sir PHEROZESHAH and the Honourable Mr. SETALVAD joined, and we all agreed that there is great necessity for having more training colleges in this Presidency. I am sorry to see that no mention is made at all in this Budget of a Urdu Training College in this Presidency although the necessity of the same is admitted by my Honourable friend Mr. SHARP. Considering the fact that there are no trained teachers to teach Urdu Standards, I hope the Department will advocate the cause of Urdu Training Colleges in this Presidency as soon as funds permit. Nearly three years ago the Honourable Mr. HILL promised in this Council that a two years' experiment would be tried in the Urdu School at Ahmedabad, and if that experiment proved successful, that a Training College will be established in this Presidency. It is now nearly three years since that promise was given, and no steps seem to have been taken in this direction, and I hope the Honourable Mr. SHARP will give us some information about that. The establishment of Urdu Training Colleges is a very crying need, and I hope the Educational Department will advocate the Primary Education of Mahomedans in the next Budget.

Then, my Lord, there is a crying grievance in the Collegiate Branch of the Provincial Educational Service. I am told promotion has been blocked there for 10 years and I am also told that there are no rules at all for promotion. For instance there is the Professor of Persian in the Deccan College. He is only a Lecturer at the Deccan College but he teaches Arabic and Persian even up to the M.A. Degree, and so does the work of a Professor, who gets Rs. 700, in the Elphinstone College for the same kind of work for which the Lecturer at the Deccan College, whose grievance I am ventilating, gets Rs. 300 only. I do hope, my Honourable friend will correct me if I am wrong. With these remarks, and once again drawing the attention of the Educational Department to this crying need and particularly to the need of the primary education of Mahomedans, I resume my seat.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency, we are all agreed that this is a year of unprecedented financial stringency, and therefore it is not expedient that we should prefer requests to Government to incur fresh expenditure, but I believe it is open to every one of us to suggest to Government directions in which economy is possible and it is only in this light that I wish to make one or two observations. The question of special Sind allowance was discussed, if I remember aright, in the Finance Committee of which I had the honour to be a member and I could not understand at that time the reason why the special allowances should be granted to members of the Indian Civil Service who serve in Sind. I am told that the climate in Sind is very hot and trying and that it is therefore necessary to pay a special allowance to officers serving in Sind. And now I find from the remarks of the Honourable Mr. WEBB, that the people in Sind insist upon a separate statement of receipts and expenditure in Sind apart from the Presidency Proper, with a view, *inter alia*, of supporting the special allowance under consideration. I respectfully beg to enter a strong protest against anything of the kind. Sind may produce more revenue but that is no argument for doing something special for the benefit of officers who may have to serve there. The logical sequence of the Honourable Mr. WEBB'S argument comes to this that a district which yields a larger amount of revenue is entitled to greater administrative amenities than others. My point is this that we

should not take Sind as a separate territorial unit. If that province has any legitimate grievance it should by all means be redressed. But it is not at all proper to say that because Sind yields more revenue that it is therefore entitled to any special concession. I understand that members of the Provincial Service do not get this special allowance in Sind and I do not know why there should be any differentiation between the members of the I. C. S., and the members of the Provincial Service. I am surprised to hear from the Honourable Colonel JACKSON, that one should be entitled, if he claimed, to double the allowance that is being paid at present. This is indeed a desparate argument. The Honourable Diwán Bahádur GODBOLE has successfully pointed out that the special allowance is not necessary under the circumstances in which Sind is situated at present. It is but natural that those who enjoy the special allowance now should be opposed to its abolition. But it is for us, Members of this Council, to see whether it is absolutely necessary in these days.

There is another point which was referred to by my Honourable friends Messrs. KAMAT, SATHE and PAREKH, and that is as regards the Police Reorganization Scheme. If I remember aright I protested strongly in the year 1911 against the expansion and the top-heavy character of the Police Department in this Presidency. I am a man having a house in a village containing about 100 houses. I was born there, educated there and I have to live there at least for some portion of the year, and so I am able to give my Honourable friends some idea of rural life in the Deccan. The village police has been cut down in numerical strength. And in lieu of the village police we have now a large number of Sub-Inspectors and a large number of Havildars and Naiks who throng into the villages not when an offence is committed but after the commission of the offence is over. They do not help at all in the prevention of the commission of offences. In order to prevent the commission of crime it is better to increase the lower grades of the Police rather than the higher grades. In some of the talukas now you find two or three Sub-Inspectors while in former times there used to be one Sub-Inspector for each taluka. I do not know how the efficiency of the Police Department has been increased by the creation of additional Sub-Inspectors and Inspectors. We find that the numerical strength of the village police has been considerably reduced and the numerical strength of the district police is increased from time to time. I submit, Sir, that this is a very wrong step indeed. If the police are to be strengthened, the proper way is to strengthen the village police at the outset. I maintain that the Members of this Council should understand that there are thousands of villages in this Presidency in which even the Police Patels have got no arms, and dacoits do come and plunder the villages, and it is not possible for the Police Patels or even for the District Police to prevent crime. Some safeguard should, therefore, be afforded to the residents of villages to guard themselves from dacoities. I, therefore, agree with all that has been said by the Honourable Mr. KAMAT and the Honourable Mr. SATHE.

The Honourable Mr. W. H. SHARP:—Your Excellency,—There are one or two remarks that I should like to make on the points that have been referred to with regard to the educational Budget. It is true that several of these points have had nothing at all to do with the Budget; but still a certain amount of latitude has always been allowed on such occasions.

With regard to University education the Honourable RAO SAHEB NAIK complained that there were not more Kanarese members on the Senate. This is a matter which is entirely outside the Provincial Budget. It is however a matter which closely concerns the University Budget. The University last year spent Rs. 16,000 on the travelling allowances of the Members of the Senate, and this was regarded by some members as excessive expenditure. That is the main difficulty in having members resident in distant places like Dharwar on the Senate. It would cost the University a large sum, and that I believe is the difficulty in nominating more representatives from distant places.

I agree with the Honourable Mr. SAMARTH, that more College accommodation is required. His proposal is that Government should give grants for the erection or extension of Colleges. Government have already given liberal grants, as far as

funds permitted, during the last two or three years. As long as funds are available there is no reason whatever why the colleges should not claim building grants.

The Honourable MOULVIE RAFIUDDIN said that there was a grievance in the collegiate branch of the Provincial Educational Service with regard to promotion. He said he understood that there were no rules for promotion in this service or if there were rules, that they were not adhered to. He particularly laid stress on the case of the Lecturer in Persian at the Deccan College. I can assure the Hon'ble Member that there are rules and that they are adhered to, and it is precisely because this is the case that the Lecturer in Persian at the Deccan College has suffered. Many years ago Government ruled that the subject of Persian at the Deccan College was not of first rate importance, and that the gentleman who taught it must be called a Lecturer. They also ruled that the minimum pay for any one styled a Professor should be Rs. 350 a month. Putting those things together the gentleman teaching Persian at the Deccan College cannot rise above Rs. 300, while the gentleman teaching Persian at the Elphinstone College, being a Professor can rise to Rs. 700. The question of the Provincial Educational Service is, as everybody knows, one of the questions on which the Public Services Commission is expected to report before long and it would be premature to try to make any proposals for revising or re-organizing the Provincial Educational Service until the report of the Royal Commission is issued. But I think after the report is issued and funds are available that something may be done to improve the conditions. I do admit that the work of the present Lecturer in Persian at the Deccan College is as important as that of the Professor at Elphinstone College. I now come to the Honourable MOULVI RAFIUDDIN'S grievance regarding the foundation stone of the Mahomedan School in Poona. The delay in regard to this is mainly due to the undecided policy of Sir FAZALBHOY. As a matter of fact Sir FAZALBHOY has found it difficult to make up his mind as to exactly what is wanted, and, Sir, this is the third scheme that I have prepared for him. The Department has prepared a scheme for the school on the Ahmednagar road but I am told that Sir FAZALBHOY objects to it. What his objection is I do not really know, but at any rate the next move in the matter is for Sir FAZALBHOY himself.

The Honourable Mr. SAMARTH suggested the starting of high schools in taluka towns. I do not know if he means high schools up to the seventh standard, or only secondary schools. As a matter of fact, a good many taluka towns have secondary schools, and the Department gives every aid to such schools when it is convinced that there is real need for them and that they are properly conducted. I myself, however, deprecate the opening of additional high schools without proper accommodation and proper staff. Most of the boys who complete the high school course appear for the Matriculation and what is the result? The result of the last Matriculation examination shows a failure of 75 per cent. This indicates a lamentable defect in the teaching of the existing high schools, and therefore, I think, it is not right to multiply high schools without taking every step to see that students can be properly taught therein, and that they are properly staffed.

With regard to primary education the Honourable Mr. NAIK raised a question regarding Kanarese schools in certain parts of the Sholapur District. Well, the view that has been taken on the subject is this that as the business and court language in that district is Marathi, the people of the villages of that District require to be taught Marathi for these purposes, whilst they can keep up their Kanarese in their own homes; just as, for instance, there are Mahomedans who learn Marathi or Gujarathi outside and Urdu at home. That has been the view of the Department, and it is believed that the people themselves have never asked for a Kanarese school. However, the matter is under investigation again, and if there is a real demand for Kanarese schools, efforts will be made to obtain the necessary teachers from further south.

Objection has been taken to the conversion of primary into rural schools. That has nothing to do with the Budget. But I may assure Honourable Members that before the conversion of any primary schools into a rural one full enquiry was made into the number of boys attending the 5th, 6th and 7th Standards for several

years before. It was only when this number was found to be exceedingly small that a full primary school was reduced. The object of the rural carriculum is to teach as much as possible of reading, writing, and arithmetic in four years, instead of spending the student's time in teaching him history or geography which can be of very little use to him.

The Honourable Mr. UPASANI has pleaded for more stipends for the Dhulia Training College. I find that in every training college the students ask for increased stipends, and say that it is very difficult to make both ends meet. This is not the time for asking for more money, but I am sure that when circumstances improve this is likely to be one of the first points that will be dealt with.

With regard to the training of Urdu teachers in particular I quite agree with the Honourable Mr. RAFIUDDIN that it is the primary want of Mahomedan education. Only the other day I was asked to arrange certain proposals in order of urgency and I put down the training of teachers for Urdu schools as the most urgent need of all. A training class was opened for this purpose in Ahmedabad as an experiment, and the present is the second year of the experiment, so that towards the end of the year I shall have to report to Government on the whole question and what should be done in the future. Of course I cannot anticipate exactly what may happen, but I am sure that the class will be continued for some years and if possible extended.

Then I come to the subject of girls' education. It is said that there is a large demand for secondary education for girls and that therefore more girls' high schools should be opened. It is perfectly true, I think, that there is a larger demand, but the difficulty is that there is only a very small number of girls at any one place, say 2 or 3 or 4 or 5 wanting education. But we cannot start schools for 2 or 3 or 4 or 5. We have, however, encouraged municipalities to attach an English class to their girls' primary schools where necessary. When the number of girls attending the English classes is found sufficient to justify the starting of secondary schools for girls, no doubt such schools will be started.

The Honourable Mr. RODDA has referred to the appointment of lady inspecting officers. As regards the Inspectress of girls' schools in the Kanarese-speaking Districts, the proposal has been approved but it has been hung up since the war began owing to financial conditions. As regards the appointment of ladies as Deputy or Assistant Deputy Inspectress, I had actually prepared for submission to Government a proposal of this kind with regard to the Northern Division, but this also was hung up owing to the war. But the main difficulty is as to how a woman is to tour in the district. It is no doubt very desirable that there should be more girls' schools and more women teachers, and some Honourable Members said that large expenditure was desired on this object. But I think it was the Honourable Mr. RODDA who pointed out that all that expenditure would be of no avail unless the present condition of Indian society is changed. Expenditure on schools is of no use if there are no girls to attend them. The first thing is to get girls to learn.

Several Honourable Members have referred to technical and industrial education, and the Honourable Mr. GODBOLE wanted ten per cent. of the total educational expenditure to be reserved for this purpose. But if a large amount of money was reserved for this purpose, probably much of it could not be expended. It is a fact that this branch of education has made very slow progress. Not long ago, Government constituted a Committee for the purpose of controlling technical and industrial schools, but that committee has only started work recently; it had to spend some time in making a survey of the existing schools to see what they were doing and what they could be made to do. It will not be possible to open new schools on satisfactory lines until the position has been thoroughly surveyed by the Committee. At present it must be confessed, I think, that existing schools are run rather at random, and have no systematic programme. Another esential point is to have inspectors for this purpose—full-time Inspectors to attend to these schools. That is another

proposal which has been suspended for the present on account of the want of funds.

The Honourable Mr. KAMAT wants to have a statement issued with the Budget showing what amount has been assigned by the Imperial Government to objects such as technical education, girls' education and university education, and how much has been spent. I have no objection to furnishing the statement if it can be got ready in time. It is difficult to get the amounts from other offices, and even when they are received they are incorrect and have to be returned for correction. I will however, do my best to get such a statement prepared in time next year.

The Honourable Mr. NAIK asks for an explanation of the curtailment of a large sum under grants-in-aid. This refers to page 159 of the Budget. The grant-in-aid has been cut down from 23½ lákhs in the revised estimate to 14½ lákhs, and he wanted to have an explanation of this. The column headed Revised Estimate is constructed by the Accountant General, and I cannot tell you exactly how he arrives at his figures, but I think that he enters under the proper sub-heads the special grants sanctioned during the year. For instance if you look at the grants for apparatus you will find that the Budget Estimate was Rs. 13,000, but the revised estimate was over 2 lákhs, and then again the Budget Estimate for this year is 14,000. The revised estimate is swollen by the special grants originally provided in lump, but afterwards placed under their proper sub-heads by the Accountant General. Now if the Honourable Member looks at the Budget Estimate for the year 1914-15, he will find Rs. 18,97,000 which is now reduced to Rs. 14,54,000. If the details are examined it will be seen that the whole decrease is accounted for by the building grants, which are reduced from Rs. 7,00,000 to 1,50,000. The reason is this. Last year out of 7 lákhs, 3½ lákhs were a special grant for the Technical Institute of Bombay, and 1 lákh a special grant for the Bombay Corporation; the remaining 2½ lákhs were the ordinary building grant provision. The special provision for the Technical Institute and the Corporation were not required this year, and the ordinary building grant was reduced from 2½ lákhs to 1½ lákhs on account of want of funds; so that really what has happened is that the Budget provision for building grants has been reduced by 1 lákh. The result will be that possibly a certain number of institutions will not be able to get grants paid this year as expected, but that cannot be helped. So then, what is apparently a large reduction in the provision for grants-in-aid, resolves itself into a reduction of one lákh under building grants. I trust that I have made myself clear to the Honourable Member and I do not think there is anything else that requires any explanation from me.

The Honourable Mr. G. CARMICHAEL:—Your Excellency, I have a few remarks to make with regard to the question of Sind Allowances, which has been discussed. I entirely agree with what the Honourable Colonel JACKSON said in regard to them. The question I particularly wish to refer to is the remark which the Honourable Mr. BELVI made as to whether there was an equitable distribution of these allowances in the various Departments and to various Officers in these Departments. The question of these allowances was reconsidered quite recently and threshed out and some anomalies that existed have been removed. The allowances are payable to the Public Works Department, to the Civil Service, to the Medical Department and to the Police, but there are two districts which have been removed from the benefit of these allowances, *viz.*, Hyderabad and Karáchi, except with regard to Irrigation Officers who get the allowance throughout the Province of Sind wherever they may happen to be, because their work is of a nature which requires them to be continually out on the canals, even throughout the hot weather. The only officers that are not entitled to these allowances when other officers get them are those who are natives of the districts referred to.

I may also refer to another question which has aroused considerable interest in this Council and that is as to what should be done to develop our Industries. I think the Honourable Mr. KAMAT took a very gloomy view of the position of Bombay. Instead of this Presidency being, as it usually is, in advance in these

matters, he suggests that we are considerably behind-hand and that we have been out-distanced in the race. As regards the other Provinces these have Directors of Industries. I admit, but so far, these officers have been engaged mainly in the supervision of technical education, and not necessarily working for the discovery of new openings for industry. In Bombay we already have the machinery which does the work which these officers undertake. They also, I believe, do the work which in Bombay is undertaken by the Agricultural Department, through the Agricultural Engineer, in the way of training men, training the cultivators and others to work machinery such as power-pumps. We have in Poona a good workshop and an efficient arrangement for training these people, for spreading knowledge of power-engines throughout the Presidency. It is true that in Madras they have gone somewhat farther than we have. They took up in that Presideney the Aluminium Industry and, after that had been started, they took up the Chrome Leather Industry, and I understand that they have now another new industry under consideration. Now, we wisely, I think have contented ourselves with tackling one subject at a time; and I think the suggestion that Government should be equipped with expert advice to deal with all possible openings would involve Government in unnecessary expense. In Bombay we have this great advantage that there are many men continually looking for opening new business and new openings—good commercial men, who will not allow chances to pass by. I quite agree with the Honourable Mr. LALUBHAI that what we have to consider is not whether we should have a Director of Industries but how best we can help to promote new industries in Bombay. The Honourable Mr. SAMARTH, in his maiden speech, referred to the promotion of cotton industries. Here also the Government of Bombay have done something and are spending quite a considerable sum of money every year in helping one of the main industries, that is the handloom industry. The Honourable Mr. SAMARTH said that co-operative production and distribution were the most important part of co-operative work. I think that the Committee on which the Honourable Mr. LALUBHAI represented Bombay is considering this question and their report will be shortly out and I think we might wait until we hear what they have to say on the subject. We should have the benefit of their experience and the information they have collected on the subject from all parts of India before we decide whether we should spend more money on co-operative production and co-operative distribution than on the promotion of co-operative credit.

The Honourable Mr. H. S. LAWRENCE:—With Your Excellency's permission I wish to say a few words on the subject to which several members have alluded of Sind allowances. The Honourable Colonel JACKSON has given us a vivid and poetic description of the heat of Jacobabad; but I should like to supplement his account with some homely and prosaic facts. The Honourable Diwán Bahádur GODBOLE expressed the view that the amenities of life in Sind have been very greatly improved in recent years. Well, Sir, I first went to Sind in 1893, and I last left it in 1913; during these twenty years the main features of life have remained unchanged.

The heat is not the only reason for these allowances. There are in many ways very considerable additional expenses which have to be incurred by officers residing in Upper Sind. In the first place, there is in the hot weather no garden cultivation in Upper Sind, and vegetables and fruit have to be obtained from Quetta and Karáchi, from a distance of hundreds of miles. There is also the abnormal expenditure on ice. When you can get it at all, you have to get it in large quantities, and it is very expensive. Then, again, when officers travel in the cold weather, owing to a want of good roads and bridges, their tents and kits are liable to all kinds of accidents.

But most serious of all is of course the question of health. During the hot weather officers have to visit Quetta or Karáchi to recuperate their health. Married officers must send away their wives and keep two establishments. The record of health of officers serving in Sind can be tested, and you will find a grievous percentage of sickness and even mortality. A Sind allowance is a very small compensation for these hardships.

The Honourable Dewán Bahádur GODBOLE referred also to the position of officers in the Punjab, and stated that no allowances are paid there as compensation. Some years ago I met the officers of one district which he mentioned, Dera Ghazi Khan, and I learnt that there the officers are permitted in the hot weather to spend long periods at a hill station in that district; and I know that in other districts in the Punjab officers are similarly allowed to visit hill stations and in this way to safegua d their health Su h a privilege is not permitted, and is not possible in the circumstances of the duties of officers in Upper Sind. In comparison with this privilege the Sind allowance is a very small matter.

The Honourable Sir RICHARD A. LAMB:—Your Excellency,—With regard to the Honourable Dewán Bahádur GODBOLE's suggestion that we should lay down a fixed proportion of 12½ per cent. of our receipts for expenditure in the Public Works Department, I should like to mention that we did lay down for our own guidance a little while ago that it will be desirable to provide every year for expenditure on Civil Works a sum of 90 lákhs of rupees. We did not take a percentage on receipts, we preferred to take a gross sum. The futility of this course was immediately shown by our not being able to provide even 70 lákhs this year. We should like to have provided 90 lákhs for Civil Works, but when we cannot do a thing, we cannot do it.

With regard to the Visapur Tank, I understand that it is no longer being carried out as an irrigation work, but I do not know the details I remember it began as a famine relief work, and I know it is being carried on as a Deccan Convict Gang work, but I understand that it cannot be classed as an irrigation work, because it cannot give an irrigational return. If a work cannot give an irrigational return, it cannot be classed as an irrigation work and if it is carried out it has to become an item of Miscellaneous Public Improvements

The Honourable Dewán Bahádur GODBOLE:—I have complained of the Tank itself as being classed under the Irrigation Department.

The Honourable Sir RICHARD LAMB:—My honourable friend has done what some other honourable members have also done, that is to say, he has omitted to inform me beforehand of the points he intended to raise. Had he informed me I could have got the information required; but as it is, and as I have to reply on the same day as the discussion, I have had no opportunity of referring to the Secretaries of the Departments so as to be able to give a full reply.

There is a point to which several honourable members have alluded, regarding the provision made under the head Education as compared with the provision made under the Head Police. I should like to mention that these two branches are in charge of the same Member of the Government; and at the time when this budget was prepared the Honourable Mr. HILL was in charge of Police and Education. I am glad to have this opportunity of expressing my thanks for the great help he gave me in reducing the expenditure proposed in our preliminary financial statements. To cut down desirable expenditure is an insidious task, and it is a matter of great difficulty to decide what provisions should be reduced. It was on the advice of the member in charge both of Police and of Education that we adopted the figures which were entered in the budget. He found it practicable virtually to mark time in regard to education and maintain a figure which is very little short of previous years' figures, while he found it not possible so to cut down the Police Budget as to bring it below the figures of the preceding years. It is I think a reasonable and sound proposition that the Police re-organiz tion, in which a great deal of progress has been made, should be carried through steadily until it is completed. In a matter of that kind it appears unwise to call a halt, or to desist from making provision until the re-organization is completed. During the past year there was represented to the Finance Department the extreme need of provision for the proper housing of the Police, that is Police Quarters. The lack of quarters is very serious not only in Sind but also in the Presidency Proper, and it was estimated that approximately between 50 and 60 lákhs of rupees would be required to provide decent quarters for the men who are employed in the Police. We had to consider whether it was practicable to provide that amount and we concluded that we should endeavour to find some eleven lákhs of rupees a year for five years for that purpose alone. It was in connection with that particular

point that we decided that 90 lákhs a year for Civil Works in the Public Works Department should be provided. Failure to provide proper quarters for the police has a distinct and deteriorating effect on the police force; when they are not properly housed, the men are not content and have to undergo great inconveniences; and, this affects recruiting.

In the circumstances which at present exist it does not appear correct that we should reduce the provision for internal security. I presume that at this time it will hardly be disputed that internal security is a matter of very grave importance. We are with the rest of the Empire sharing the burden that falls upon us owing to an attack on our external security, and we should leave nothing possible undone to secure that in our Presidency we shall continue to enjoy peace and internal security. I claim, Sir, that in this Presidency, the Police, and the whole administration, have given us an internal security which may well be envied by other less fortunate Provinces. We have not had to extend to any part of this Presidency the special provisions of the Defence of the Realm Act, which has had to be put in force in Bengal and in various parts of the Punjab, and I hope that we shall not be driven to have recourse to such a measure. I think that we should recognize that in saving us from such a necessity our Police are doing very good work, and I do not think that we should grudge to make full provision for them. I may add that the Police Force has to be constantly vigilant and alert, lest by any unfortunate accident, any views from outside should find its way into this Presidency. I think, therefore, Sir, that this Council may well be satisfied with the provision that is made in the budget for the Police. In regard to the provision for Education, it is possible that the total amount has escaped the observation of those who look only at the figures shown on the 5th page of the Budget memorandum. There 76,86 is given against Education. Honourable members may perhaps not have noticed that on page 2 of the Budget memorandum an additional 1½ lákhs has been assigned for Education out of that figure of 3,66 which appears as the last item in paragraph 4. This additional 1½ lákh raises the figure for Education to 78,36. This is not the total expenditure on Education in this Presidency. To that sum must be added what is paid by the Local Boards. As regards the sum spent and to be spent by the Local Boards, honourable members will find figures given at pages 236 and 237 of the Civil Estimates. It will be seen that the Local Boards' estimate spending on Education in the current year, 37,06 and that out of that amount 24,33 are contribution from Government. So that the Local Boards themselves contemplate spending on Education this year between 12 and 13 lákhs. If we add that sum to the provision that Government have made we get about 91 lákhs for Education. That I submit, Sir, is a very considerable sum specially if we compare it with what this Province undertook to spend on Education at the time of the Provincial Settlement of 1904. It therefore cannot be said that we are starving Education. As the Honourable the Chief of Kurundwád has pointed out, our expenditure on Education has risen by 250 per cent. as compared with a rise of only 74 per cent. in the expenditure on Police.

The Honourable the CHIEF of KURUNDWA'D and the Honourable Mr. KOTHARI referred to the question of tolls. It was asked by the honourable members why toll-bars were not completely removed. In fact we desired to remove them completely, but we could not do so as money was not available in sufficient quantity this year. We could not find the money to compensate all the Local Boards for the abolition of their tolls. We had to select some districts from each division. We had only Rs. 21,000 available and we selected four districts out of those of which the District Local Boards had accepted our proposal. The Honourable Mr. KOTHARI gave me credit for the abolition of the tolls. My recollection is that it was Sir GEORGE CLARKE, now Lord SYDENHAM, who pointed out that in view of our expanding revenue we might do something to relieve the Presidency of some burden that it was bearing, and it was in consequence of that suggestion that the abolition of tolls was proposed. The proposal proved acceptable and has been carried out completely in regard to Provincial tolls. The somewhat contentious subject of Excise has been referred to by the Chief of KURUNDWA'D and also by the Honourable Mr. PAREKH in respect to toddy, but as in these days we avoid contentious subjects as much as possible I refrain from making any comments on the subject.

The Honourable Mr. SATHE raised a point which, if I understand correctly, is that some proportion of the increased assessment imposed on land connected to building purposes in Municipal limits, should be given to the Municipality as a contribution from Government, in order to assist the Municipality in discharging its functions. I think that such grants have been made in certain instances, such as the Municipality of Mátherán, but I speak open to correction. Whether they have been made in the case of ordinary mofussil municipalities I am not sure, but at any rate, we will take a note of the point. It appears to be one deserving of consideration, but I do not know how it will work in in connection with any scheme of town-planning or city development. As regards the provision in the Civil Estimates for Conciliators' Courts, I think that there are a few Village Munsiffs' Courts, and that the provision in question is made for these Munsiffs' Courts. To enter it under the name of Conciliators' Courts is a misdescription, but that is the Accountant General's affair, not mine.

My Honourable friend Mr. WEBB has resuscitated an old question which has appeared before, viz., the advisability of showing separately the receipts and expenditure in Sind. I am not sure whether he intends both, but I am quite sure that the question arose before; and the conclusion was very much as the Honourable Mr. BELVIE has expressed it, namely, that Sind is an integral part of the Presidency and not a separate unit; and it would not be desirable to have such a statement for Sind any more than for the Northern, Central and the Southern Divisions and the City of Bombay. The Presidency must be treated as a whole, and it would be altogether incorrect to treat its component parts as separate units. Nor do I think that from so treating them any advantage would be derived at all commensurate with the time and labour involved.

With regard to Customs buildings in Karáchi, I must point out that Customs is an Imperial matter, and I must say the same about Railways and productive Canals. All these are Imperial and we cannot deal with them here.

As regards the Public Offices in Karáchi again I speak with uncertainty, but on the spur of the moment the best information that I can give is that the plans are under preparation and examination by the Consulting Architect to Government. I am afraid that, as frequently happens, things take a rather long time to get through the Consulting Architect's office. This however implies no reflection on Mr. WITTET who is a most hardworking man. The amount of work with which he has to deal is greater than can be put through as quickly as is desirable with the establishment with which the Consulting Architect is provided. As regards certain land to which my honourable friend referred, I understand there is a piece of land of which possession has been granted to the Civil Government by the Army Department for the purpose of building, I think, Police Lines; we took over the occupation of it on agreeing to make certain payments as compensation for loss of revenue to the Cantonment. I will let my honourable friend to know privately later on what the state of affairs is; at present. I am without accurate information on the point, and I am not sure that I have correctly understood what land it is to which he refers.

There is only one point in the Honourable Mr. KAMAT'S speech to which I need refer, and that is the question of interest. There appear on the receipt side some 14,00 in round figures of receipts on account of interest and on the expenditure side there appear some 7,35. The 7,35 is what this Government pays to the Government of India on money advanced by the Government of India on what is called the Provincial Loan Account. Out of the sums standing in our name in that account we make advances to various bodies and persons at varying rates of interest. The Government of India charge us $3\frac{1}{2}$ per cent. on the mean balances standing to our debit in account with them, and we grant loans for Tagai at $6\frac{1}{4}$ per cent., and loans to Municipalities and other bodies at 4 or $4\frac{1}{2}$ per cent. The receipts shown in the budget include also the interest received on certain educational and other endowment funds. But for the most part the difference between the receipts and the expenditure represents, as my honourable friend supposes, the profit to Government on these loan transactions. It is to be borne in mind that against this profit there have to be taken into account the

losses that we suffer on other occasions. But probably more will have to be said on that point when we come to the resolution of the Honourable Dewán Bahádur GODBOLE regarding Tagai.

I would ask Your Excellency's permission to add one word of appreciation of the kind remarks which several honourable members have made about me.

His Excellency the PRESIDENT :—I think I need add only one or two words to sum up this discussion, which has been extremely interesting though somewhat discursive, and I think it will be admitted that the President has allowed a considerable amount of latitude to Honourable Members on the present occasion. From the Government point of view I am grateful to Honourable Members for bringing forward various matters which I can assure them shall receive the careful attention and serious consideration of Government. There has been a good deal of criticism with regard to this Budget Statement, but on the whole I think Government may feel that the Council are agreed that it is, taking all the conditions into consideration, a sound and satisfactory one. I say there are several criticisms. My Honourable friend Dewán Bahádur Godbole, as an old executive officer of the Public Works Department, is troubled at the reduction n the expenditure on Public Works. The Honourable Mr. KAMAT as a keen agriculturist is very anxious that we should give more grants to agriculture. Various other gentlemen have said that we have not done enough for education, but I would urge that we must remember that, first of all, we have framed our budget under conditions of considerable financial strain and anxiety, and secondly that this statement has been most carefully thought out not only by the Government but also by the Finance Committee and embodies the judgment of a highly intelligent body of gentlemen who have seriously considered every aspect of this matter. I wish to make a particular reference with regard to another matter that has been under discussion this morning, *viz.*, the strong feeling that exists that Government should take more active steps to encoura e the development of Industrial enterprise in the Presidency, a feeling with which I entirely agree ; but I would like to place before you—and let me say, that this is entirely my individual opinion for I have had no opportunity of consulting my Honourable colleagues on the subject—the exact position from which I consider we ought to look upon this question. My Honourable friend Mr. PAREKH in his remarks made a very general statement that he considered the Government of India and the Government of Bombay should protect industries in their early youth. I should like to know exactly what form of protection he proposes. My view of the matter is that it is for individual capitalists or companies of capitalists to show enterprise and to start these various industries which they are anxious to develop in this country and it is for Government when these capitalists come to them with any enterprise that they wish to start, to do everything in their power to promote and encourage their enterprise. I agree with the Honourable Mr. LALUBHAI that it is most desirable to consider the appointment of a Committee of experts to advice as to how we can encourage existing industries and promote new ones ; but in the main I still maintain that it must be the capitalist who has got to show the enterprise and that Government should assist in any sound industrial routine which is brought to their notice. I regret extremely to hear the doleful pessimism of the Honourable Mr. WEBB on the question of Sind. I always had an idea that Sind was a progressive and prospe - ous part of the Presidency. But, I understand from the Honourable Mr. WEBB th t it is lagging behind and suffering owing to the brutal treatment of the Government of Bombay. I have listened with attention to his grievances, and as far as Government can, in the future when the financial conditions improve, I can assure him that we shall endeavour to clothe some of those bare foundation-stones which he tells us are to be frequently found in this district ; I think we may confidently rely, after listening to the forceful remarks of my Honourable friend this afternoon, that Sind is unlikely to remain in the backwater in the future. Let me co clude by remarking that it is a matter for considerable satisfaction that we have been able to sanction fairly generous expenditure on the various heads during the year, notwithstanding the condition to which I have already referred ; most sincerely I hope that the coming season may prove a thoroughly satisfactory one and that when next we meet the financial situation may in every way be considerably improved.

His Excellency the PRESIDENT :—I think it will be to the convenience of Honourable Members if we now adjourned till 11-30 a.m. tomorrow morning.

The Council then adjourned till 11-30 a.m. on Tuesday the 13th July 1915.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

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PART VII.

Proceedings of the Council of the Governor of Bombay.

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

The Council re-assembled at the Council Hall, Poona, on Tuesday the 13th July 1915, at 11-30 a.m.

PRESENT.

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

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

The Honourable Sir PRABHASHANKAR D. PATTANI, K.C.I E.

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable the ADVOCATE GENERAL.

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

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

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

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

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

The Honourable Sardár SYED ALI EL EDROOS.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Captain W. L. GRAHAM.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Mr. M. N. HOGG.
The Honourable Lieut.-Col. J. JACKSON, I. M. S.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. NAVROJI DORABJI KHANDALLAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
The Honourable Mr. J. A. D. MCBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable M. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Mr. NARAYAN MADHAV SAMARTH, LL.B.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Mr. W. H. SHARP.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
The Honourable Mr. M. DEP. WEBB, C.I.E.

BILL No. I OF 1915 (A BILL TO AMEND THE PROTECTION OF PILGRIMS ACT, 1887.)

His Excellency the PRESIDENT:—Order, Order. A Bill to amend the Bombay Protection of Pilgrims Act, 1887—Second Reading. The Honourable Mr. SHEPPARD.

The Honourable Mr. W. D. SHEPPARD:—Your Excellency,—I rise to propose the second reading of Bill No. I of 1915 (an Act to amend the Bombay Protection of Pilgrims Act, 1887). I do not propose to go nto the reasons which are at the basis of the Bill itself, because I see from the report of the last Council meeting that they were very fully laid before you by my predecessor. But I have to draw your attention to the report of the Select Committee. The Bill was referred to a Select Committee consisting of several Honourable Members who were interested in this matter, and they have reported, and their report is before you. I suggest that all the proposals of the Select Committee should be adopted. They do not really amount to very much, but there is one important alteration, and that is in section 3 of the Bill. A new section is there inserted—

The Honourable Mr. SHEPPARD moves the Second Reading of the Bombay Pilgrims Bill (I of 1915).

sub-section 2 to old section 11, to the effect that the price advertised for each class of ticket by a master, owner or agent shall be in conformity with the price supplied to the Protector of Pilgrims. I think that this may be accepted by the Council, but the wording of it I propose to alter slightly, mainly because I think that if the wording, as drafted by the Select Committee, be accepted, the result would be that the selling of tickets over certain prices would be simply a single offence, and that a man who does this could only be punished once. The intention however is that every sale of a ticket above the advertised price should be an offence and I have altered the wording to make this clear. But with that exception, and a change of wording, *viz.*, using the word "intimated" instead of the word "supplied", I have no alterations to suggest to the Council.

I do not think I need say more. After the second reading is passed, we will deal with the Bill clause by clause. I now propose that the Bill be read a second time.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—I had hoped that the honourable member in charge of the Bill would have given his views, however brief they may be, in regard to the suggestions which are embodied in my minute. As I have stated, in my minute there is not the least question as regards the desirability of doing something to relieve the hardships entailed upon the pilgrims in consequence of changing the dates of the departure of pilgrim ships. The question really at issue is whether the measure which is now under the consideration of this Council will have the effect not only of affording relief in this connection, but whether it will have the effect of controlling, in however small a manner, the excessive increase in the rates of passage money which has taken place since quarantine was abolished and the pilgrims have been free to book their tickets direct. It has occurred to me very pointedly that a measure adopted on the lines suggested by me in my minute would have the effect, not only of securing the fixity of the dates of departure of pilgrim ships, but also of controlling, to a certain extent, the rates of passage money which these pilgrims have got to pay. I apprehend, Your Excellency, that as a result of this measure there will be a practical monopoly to some big shipping line which has a large fleet of steamers going periodically to Jeddah. The arrangement provided in the Bill will not affect the big liners if they get a practical monopoly, because if they sail one of their steamers with a smaller number of pilgrims than the ship is authorized to carry under the law, they will get the remainder in their subsequent boats, while the owners of one or two steamers who are at present in this trade and provide competition and help to regulate the rates of passage money may have to go to the wall and give up the trade altogether, thus leading to the monopoly which I apprehend.

Your Excellency is aware that in the time of your predecessor, Lord SYDENHAM, the Government of Bombay, had decided to grant a monopoly at fixed rates of passage money to one steamship Company. When these recommendations went to the Government of India for sanction, they asked that Mussalman public opinion should be first obtained before this monopoly could be sanctioned. On a reference being made to the Mussalman community, there was an overwhelming body of opinion against the granting of the monopoly, and these proposals had, in consequence, to be abandoned. From this it can be clearly be seen that the Mussalman community is totally opposed to the granting of a monopoly to any one shipping company. It appears to me that under this system a practical monopoly will be indirectly created, and it will not have the advantage,—it may for the purposes of the present argument be taken as an advantage—of the fixity of maximum rates. Under the direct monopoly which Government had proposed the maximum rates of passage money were laid down. These rates were no doubt very high, but there was at all events a given maximum. Under the present arrangement, if my apprehensions are realised, there will be a practical monopoly without there being the advantage of the fixity of maximum rates. It appears to me therefore that the Mussalman community, so far as the pilgrims are concerned, will be worse off in this respect, than they would have been under the proposal of the declared monopoly—a proposal which had to be abandoned in consequence of an overwhelming body of Mussalman opinion against it.

I will tell you, Sir, how this fixity of the dates of departure of pilgrim ships will have or is likely to have the effect of providing the monopoly which I apprehend. The Mussalman Calendar is governed by the lunar year, and the day on which the Haj must be performed is a fixed date in every year. Every pilgrim has got to reach Mecca in time for this date and that automatically fixes the date of the departure of some steamships at the end of the season.

Now, Sir, it was only about a couple of years ago that about 1,000 or 1,200 pilgrims were stranded in Bombay for want of steamer accommodation, and they would have been unable to proceed to Mecca at all, because there was no steamer available to carry them. At that time one of the steamers of the Arab line, which has subsequently passed under the same management as the Persian Steam Navigation Co. had a steamer which could go and get there in time, just in time if it sailed within two days. The agents of the Arab line were quite willing to sail the steamer within that time in order that these pilgrims may reach in time for the Haj and enable the pilgrims who had come to Bombay to go on pilgrimage. After certain arrangements in regard to quarantine in Camaran, they put the steamer on berth. The pilgrim brokers who are naturally great experts in this matter saw that as soon as the steamer was berthed it would have to go, irrespective of the number of pilgrims actually booked. The then prevailing rates were between Rs. 80 and Rs. 100 per deck ticket. Immediately the steamer was put on berth, the brokers booked about a 100 tickets at Rs. 80. The steamer, now that the tickets had been actually booked, must sail two days afterwards. Thus definitely fixing the date of departure. Immediately the 100 tickets were booked at Rs. 80 they held back and would not book any more. The authorized carrying capacity of the steamer was about 1,200 pilgrims. The alternative before the agents of the Company was either to sail with the 100 passengers already booked or to accept such rates as they may be able to obtain for the remaining number of passengers and fill up the balance of space available. As I have already pointed out the date of departure beca me automatically fixed by the date of the Haj and the steamer must sail on a given day to be in time for it. Naturally they adopted the latter alternative. The next booking was for about 400 or 500 pilgrims at Rs. 50—a drop from Rs. 80 to Rs. 50! Even that did not fill the steamer and before the steamer actually sailed, I understand that passages were booked as low as Rs. 25, 20 and 15. The steamer was filled up in this way and it went and got there just in time for the performance of the pilgrimage. This is an illustration of the results which may happen in consiquence of the passing of the present Act. Your Excellency will realise that if this system of fixity of dates is made permanent the result will be that very much reduced rates will have to be accepted in order to fill up the steamers to the required number authorized by law.

As I have already pointed out, a big liner which has regular sailings and a practical monopoly will not mind, because the remaining pilgrims would have to go by its next boat, but in regard to small owners, owners with one or two steamers, such frequent happenings will result in their giving up the traffic, as no one can expect that this shipping trade will be carried on in the interests of philanthropy. It is a matter of business, and ship-owners would take the trade only if it is conducted on lines, leaving a reasonable profit. No one can expect them to face a certain loss almost each time. It appears to me that the result under the system of fixity of dates, will be that the small owners will have to withdraw from the trade, send their steamers in other directions and that a practical monopoly will be created leading to excessive rates of passage money. That is the danger which I apprehend under the system which is laid down in the present Bill. At the same time I wish to make it perfectly clear that I am putting forward this point to Your Excellency, not in the interests of the ship-owners, because I could not possibly urge that they should be left free to regulate the dates of departure of their ships at their supreme pleasure. That is not what I advocate. The irresponsible change of dates of departure is an evil which I admit, and I also further admit that it calls for a remedy. The question which I am raising is, whether the remedy provided under the present Act is the right remedy and will secure to the pilgrims those benefits which Government intend that they should receive, or whether some other measure should not be adopted in order that the object

which Government have in introducing this legislation may be secured, and at the same time the evils which I apprehend as likely to result from this system may be obviated and real relief afforded to the pilgrims. It is perfectly true, as I have pointed out in my minute, that in regard to those ships which are obliged to book tickets at very low rates to enable them to sail on the fixed dates, there will be a temporary advantage to the pilgrims who will get passages at reduced rates, but the ultimate effect of the withdrawal of these steamships from the trade will involve very excessive rates and those excessive rates will be a source of very serious hardships to the pilgrims.

Then, Sir, I will be asked whether there is any other system under which the object which Government have at heart—and I readily admit that they are moved in the best interests of the pilgrims—cannot be attained in some other manner, in some way which may prove more beneficial to the pilgrims. In dealing with that point, Your Excellency, I have merely to indicate a system which Government officers have themselves worked in the past very successfully and very satisfactorily. If I am able to prove by documentary evidence supplied by Government themselves that that system worked for a period extending over 4 years resulting in the fixity of the departure of steamships, and at the same time controlling effectively the rates of passage money paid, then I venture to submit, that I will have made out a *primâ facie* case for the consideration of Government as to whether they would not take into their serious consideration the question of introducing in the near future some legislation on the lines which I advocate.

The system is briefly this. As Your Excellency is aware, in consequence of the outbreak of plague, pilgrimage was practically stopped for about 3 years. In 1902 pilgrimage was re-opened under certain regulations and restrictions imposed by the Venice Sanitary Convention, The apprehension was that these pilgrims might, through their intercourse with Arabia and the Red Sea, be instrumental in conveying plague infection into Europe, and it was considered necessary that adequate precautions should be instituted to protect Europe from this danger of infection. For that purpose, the Venice Sanitary Convention, which is representative of all the leading European Powers, laid down certain restrictions in the matter of pilgrim traffic, and the most important, of those restrictions was that no pilgrim was allowed to depart from India, unless he had undergone quarantine detention of 10 days, at an isolated place, and was then carried direct from the quarantine camp to the steamer. The steamers carrying pilgrims were required to sail immediately, so that there may be no subsequent contact of the pilgrims with the rest of India.

Well, Sir, this system enabled Colonel CRIMMIN to regulate the number of pilgrims which he should take to the quarantine camp and to call for tenders from the Steamship Companies as to the rate they will charge for carrying a full complement of passengers that each steamship was authorised to convey. If Colonel CRIMMIN found that among those ship-owners who tendered for this work the lowest rate was quoted by an owner whose steamer was authorized to carry a thousand pilgrims, he would take that number to the camp and immediately the period of quarantine was completed the steamer was to be ready to sail. All the pilgrims were then carried by boats from the quarantine camp to the steamer in the harbour and the steamer set sail at once. The quarantine camp was then availed of for the next batch of pilgrims. It will be observed that during the period of quarantine detention Colonel CRIMMIN engaged passages for those pilgrims under a system of competition by calling for tenders, with the result that during those 4 years the average rate of passage money paid was something like Rs. 25 to Rs. 30 per ticket. In one instance so much as Rs. 50 had to be paid during the period, and Government have themselves, as I have already recorded in my minute, regarded the rate as high. After a reduction from 10 days to 5 days, quarantine detention of pilgrims was altogether abolished and the system of engaging passage tickets by competition had perforce to be abandoned. There was no law which authorized the Port Health Officer to continue the system of engaging tickets, and the original system, which prevailed before the quarantine detention, was revived, *viz.*, tickets began to be

booked again mostly through pilgrim brokers. It is perfectly true, that there is no obligation upon the ship-owners to go through the pilgrim brokers, but the actual system which has worked is that the ship-owners generally insist upon going through the pilgrim brokers. As a matter of fact, in one instance, I was asked by the Government of His Highness the NIZAM to engage tickets for the pilgrims in His Highness's dominions. At that time there were three steamship companies in the trade. Two of them informed me that they would not book direct but would only do so through brokers. The result of this change in the system of engaging tickets has been a heavy rise in passage rates and the change of the dates of departure of pilgrim ships. Other reasons may have also operated in bringing about these results. It cannot however be gainsaid that the principal cause of both these evils has been the change of system in engaging tickets—I am therefore pressing to the attention of Government the desirability of reviving a system which has ensured very important benefits to the pilgrim class—It appears to me, Your Excellency, that when a system of this character which has been worked by Government officers for a period of 4 years and has proved so eminently successful in the matter of the fixity of the dates of the departure of steamers as also with regard to the rates of passage money, I cannot see why legislation should not be undertaken to give legal effect to that system being put in force as a permanent measure. It is with a view to secure important benefits to the pilgrims, that I am advocating the adoption of a system which has proved in actual experience to be so eminently satisfactory in this connection. I put forward these suggestions in the Select Committee, and it was then pointed out as we have all along admitted that the hardship in consequence of the change of dates was serious, and that if my suggestion was accepted, it would mean the drafting of new legislation and a fresh Bill. The Honourable Mr. HILL put it to us whether it was desirable that this Bill should be hung up pending the time that would necessarily elapse before my suggestion was carefully considered, and if approved by the Government of Bombay, it would certainly take time before the necessary sanction of the Government of India, and the Secretary of State, was obtained, and legislation was passed in this Council. He therefore put it to us whether it would not be desirable to allow the present legislation to go through and to give my suggestion the best consideration of Government for future legislative action. Sir, to that course the Members of the Select Committee had no objection. I have also no objection if that course is adopted. It is for that reason, Your Excellency, that I do not propose to oppose the passing of this legislation, because it will enable Government within the time that it may be in operation, to secure that experience which may be regarded as necessary to ascertain whether my apprehensions are well-founded, and in the meantime the Government may be able to give their fullest consideration, to the scheme which I have briefly outlined in my minute and in my speech today. If that suggestion is acceptable to Government fresh legislation may be introduced in the near future and the new Bill can then take the place of the existing measure. If I receive an assurance from Government that they will take this matter into their serious consideration, I for one will not oppose the passing of this Bill and thereby enable Government to obtain such information on the subject as may be deemed necessary with a view to the introduction of legislation on the lines of my suggestion.

With these words, I appeal to Your Excellency's Government to give the suggestions which I have placed before them their very best and favourable consideration.

The Honourable MOULVIE RAFIUDDIN AHMAD :—Your Excellency,—I have heard with very great attention the very lengthy speech of my honourable friend Sir IBRAHIM, and I am sorry to say that he has taken so much time of the House. Every argument that he has used is already before us in his minute of dissent, and such of the Honourable Members as are interested in this Bill have already gone through his minute of dissent, and have already come to a conclusion, whatever that conclusion may be.

In the course of his speech, however, he referred to the question of monopoly being given by Government. It is one thing to protest against the Government giving a monopoly to a particular company, and it is quite a different thing to

protest against the indirect competition. I am aware of the days to which the Honourable Member has referred, when Colonel CRIMMIN used to call for tenders, but I have one suggestion to make, My Lord, that even in those very days when the Colonel used to do these things, a Mahommedan Company had arisen, called the Shah Company, and they themselves protested against the system of Colonel CRIMMIN, as it was, they said, a burden upon free trade. And I am not quite sure that a petition had not gone to the Government of India protesting against that system.

Well, Sir, then again the big companies will always have the advantage over small companies. The chief argument of my honourable friend is that this will become a monopoly. My Lord, before I go into that subject, I would like to draw the attention of the House to the fact that I do not understand the position of my honourable friend. He does not oppose this Bill, nor does he support it quite to the degree to which support is necessary. He has referred to the proceedings of the Select Committee. I had the honour to be a member of that Committee, and I must point out a slight misrepresentation which he has made regarding the Honourable Mr. HILL'S decision on that occasion. On that occasion, I am sorry the Honourable Member who was in charge of this Bill is not present here as he is now in the Viceroy's Council, nor was my friend the Secretary to the Legislative Council present, but there were some Honourable Members here who attended the Select Committee meeting, and who will bear out my statement. We tried our best to convince the Honourable Member against his measure. The Honourable Mr. HILL sent for Mr. EDWARDES, the President of the Haj Committee, who kindly came and explained to us all the important matters, and he also spoke against the scheme of the Honourable Member. The Honourable Mr. HILL, when he was tired of all the suggestions, said 'supposing your scheme is good, even then you must not oppose this'. But he did not say that the scheme was necessarily good, but he said in order to save time, and in order to get rid of the opposition, 'supposing this is good, this is a different Bill, and if it is acceptable to the Council they will accept it', and he said this not because he was convinced of the soundness of the Bill which has been brought forward by my honourable friend Sir IBRAHIM—we were convinced of that—but we wanted anyhow not to have this opposition. But I am sorry that he has after all opposed, and now he says that he will be quite satisfied if the Government says 'do not oppose it, we will give you your scheme'. Well, I do not think it is a sound position. He has not yet convinced us as to the soundness of his scheme.

Now with regard to the question of monopoly, My Lord, there is Messrs. Turner, Morrison and Company, and if tenders are invited at the present time, perhaps there is one more company which has one or two small ships who might submit their tenders. Now, if Turner, Morrison and Company want to defeat the object or to get rid of the opposition, they can very easily give the lowest tender, and they can compete with any other company for a long time. At the present time, as I said, there is hardly any other company worth the name. Mr. EDWARDES pointed out to us—and I believe, his opinion ought to have great weight, because he has been the Commissioner of Police for a long time and he has been the President of the Haj Committee—he pointed out to us very strongly that if there was a Mahommedan Company, he would be the first man to give the preference to them. The Haj Committee would naturally be inclined to support the Mahomedan Company, and even if there be a very streng English or non-Mussulman Company, he would be only too pleased to prefer the Mahommedan Company to any other. But the Mahommedans just now are not coming forward, and one or two that exist are in a very struggling condition, and I do not think that they will be able to carry on the trade with the present competition. So the present remedy, which my honourable friend suggests, that tenders should be invited, will only go to defeat the object, because there is only one company, namely, Messrs. Turner, Morrison and Company who can tender, and they can place any tender they like, and they can put down the figure so small that no other company will be able to compete with them, so that practically the whole monopoly will remain with them, and to my mind it appears that we will be interfering with free trade, and we will not get the desired object. So, My Lord, the Select Committee after a

good deal of consideration arrived at the conclusion to which the Honourable Mr. HILL had arrived, and they unanimously supported this Bill. I still say that it is open to my honourable friend Sir IBRAHIM to bring in a private Bill if he thinks that his scheme would be more satisfactory, but this is quite inconsistent with the position he has adopted. He is entirely opposed to this Bill. He wants to defeat the very object of this Bill. He wants to kill the Bill and he has tried to kill the Bill, and now he comes forward and says to the Council 'if you only say that you will favour my scheme, a little later I will support this Bill'. Even now, as the Bill stands at present, he should support it, and then in the fullness of time he should bring forward his 'blessed' Bill, and we will see how it looks. But at the present time I think it is a most inconsistent position which my honourable friend has taken up. He will probably remember that it was with the greatest difficulty that we got rid of the quarantine at Camaran. I was myself the person who had moved at a big public meeting a resolution to that effect, and my honourable friend Mr. ADAMJEE PEERBHOY was the principal person who had got up the meeting. Well, with the greatest difficulty we got rid of that quarantine, and, as I said, this Shah Company at that time was entirely opposed to the interference of Colonel CRIMMIN. But notwithstanding all that, if the scheme which has been brought forward by my honourable friend Sir IBRAHIM were good, we should have been only too pleased to support it. But I do not think it deserves any support. The Haj Committee is opposed to it. The President of the Haj Committee is opposed to it. The Select Committee which sat to consider this Bill was entirely opposed to it. His was the only dissentient voice, and I am sorry to say that my honourable friend Sir IBRAHIM wants to carry it against the entire thoughtful opinion of the Mahommedan Community.

I will not, Sir, go into further details. I think I have said enough to show that the Bill, as amended by the Select Committee, meets with our approval, and I, therefore, heartily support this Bill.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY :—Your Excellency :—I have much pleasure to support this Bill. But I am sorry to say my honourable friend MOULVIE RAFFIUDDIN AHMED has made too much out of the Select Committee meeting. I think, Sir, that my honourable friend Sir IBRAHIM RAHIMTOOLA has told us exactly what he said at the Select Committee meeting and not so much as what the Honourable MOULVIE RAFFIUDDIN AHMED has said just now.

With these few remarks I support the second reading of the Bill.

The Honourable Mr. M. N. HOGG :—Your Excellency :—I understand that the principal objects of this Bill are two ; first to ensure that pilgrims before they come down to Bombay shall know what their passage will cost them, or at any rate the maximum cost, and to prevent their being enticed to Bombay by advertisements of very cheap rates, amounting almost to an offer of hospitality on the part of the ship-owners, only to find on arrival in Bombay that that offer of hospitality has been withdrawn and the rates enhanced. The second object, I understand, is to ensure that pilgrims shall not be compelled to spend a long time after arrival in Bombay, to the detriment of their own pockets and in all probability to the detriment also of the health of the City of Bombay. The Honourable Sir IBRAHIM RAHIMTOOLA, while agreeing with the aims of Government condemns the bill lock, stock and barrel, and would have Government legislate in quite another manner. I realise that the honourable member has made a very special study of this subject and has a special knowledge of it to which I cannot lay claim and I therefore feel considerable diffidence on finding myself in disagreement with him ; but I think it is a fair question to ask how far the proposals of the honourable member will provide a speedier and more effective route to the ends which both he and Government have in view than the present proposals of Government.

To take the first object of the present Bill, namely, that pilgrims should know what rates will be charged before they come down to Bombay, I understand that Government intend to attain this object by compelling ship-owners to intimate their rates to the Protector of Pilgrims beforehand and by forbidding

them to charge a higher or advertise a lower rate than the rate so intimated. Now I believe it will be found in practice that ship-owners will probably not quote a separate rate for each steamer, but that at any rate those companies who own more than one or two steamers will quote a rate to cover all their steamers for say two or three months. If that should prove to be the case, the Protector of Pilgrims will have an ample opportunity of disseminating this information so widely up-country that practically all pilgrims will know the cost of their passage before they come down to Bombay. But should my anticipation prove incorrect and ship-owners decline to commit themselves for more than one steamer at a time it would still be possible for the Protector of Pilgrims, by using the administrative machinery of Government throughout the country as a channel for the dissemination of information to disseminate very widely this important information. Under the proposals of the honourable member, I cannot see that the same dissemination of this information will be attained.

I understand that according to his proposal there should be a Committee for the engaging of all pilgrims' passages and this Committee should get into touch with the pilgrims by correspondence. Well, I do not know what proportion of the pilgrims would be prepared to engage their tickets and conduct their negotiations by correspondence. But I do not think that any one would say that more than 50 per cent. of the pilgrims would be able and willing to carry on their arrangements by correspondence. Therefore, under the proposals of my Honourable friend Sir IBRAHIM RAHIMTOOLA, some 50 per cent. of the pilgrims would come down to Bombay knowing the rates that would be charged. The other 50 per cent. would come down without knowing what the passage rate will be, and I would point out that the latter 50 per cent. would consist of the poorer and more illiterate members of the community, in fact the very members who most need protection.

With regard to the second object of the Bill, that of preventing the pilgrims making a long stay in Bombay after their arrival, I find that a comparison of the proposals of Government with those of my honourable friend leads to a very similar result. Under the proposals of Government the Protector of Pilgrims could again disseminate very widely the sailing date of the various vessels, and I think that a very small proportion of the pilgrims would come down without knowing the sailing date of their vessel. Under the proposals of the Honourable Sir IBRAHIM RAHIMTOOLA, the result would be that 50 per cent. of the pilgrim community would come down knowing the sailing date of the vessel by which they intended to travel and the other 50 per cent.—the illiterate members—would drift down to Bombay to take the first vessel that might be available, and possibly have to stay therefore a long time.

There is only one other point I want to touch on and that is the question of monopoly which my honourable friend apprehends will spring up under the present proposals. Well, Sir, I understand, as a matter of fact, that there is almost a monopoly at the present time. But, what my honourable friend apprehends is presumably not so much the existence of a monopoly as the misuse of that monopoly to raise rates to a very high level. Of course, it is possible that rates may be temporarily raised to a certain extent, but I think that the answer to that is that if the rates were raised so high as to give an unusually profitable return on the pilgrim traffic, the first effect of these high rates would be to re-attract competition.

With these few remarks, I beg to support the Bill as amended by the Select Committee.

The Honourable SIRDAR SYED ALI EL EDROOS :—Your Excellency :—I beg to fully support the second reading of the Bill which entirely meets our purpose. I am particularly glad that the Select Committee has made the provision for fixing the price of the ticket, which will mitigate to a great extent the hardships of the poor Hajees, for which the Select Committee should be thanked.

The Honourable Captain W. L. GRAHAM :—Your Excellency :—There is just one word which I should like to add to the admirable remarks of my Honourable

friend Mr. HOGG, and that is as regards rates. As pointed out by my Honourable friend Sir IBRAHIM RAHIMTOOLA, it is really purely a matter of business with regard to rates. He apprehends that, if fixity of sailings is instituted, the small owners will be thereby eliminated, and that this monopoly which he apprehends will have the result of increasing the rates. Well, Your Excellency, I should like to point out that if rates are excessive, it will naturally lead to a diminution in the pilgrim traffic, and consequently, companies or those who quote these rates will have to reduce their rates, in order to obtain traffic.

With these words, Sir, I, beg to support the Bill as amended by the Select Committee.

The Honourable Mr. W. D. SHEPPARD.—Your Excellency:—I am glad to see from the speeches that have been made that there is practically no opposition to this Bill. The Honourable Sir IBRAHIM RAHIMTOOLA has accused me of a slight want of courtesy in not having taken notice of his minute of dissent, but he will admit, I think, that I am labouring under the disadvantage of not having been present at the meetings of the Select Committee, and that, therefore, I have been compelled to look at the result of the labours of the Committee rather than at the proposals that were there discussed. The Honourable Sir IBRAHIM'S minute of dissent has appeared very late, and he has not, although it was in his power to do so, proposed any amendment affecting the provisions of the Bill. Even now looking at the Bill from my point of view, and looking at the minute of dissent of my Honourable friend Sir IBRAHIM dealing with this question from a different point of view, I still hardly feel disposed to discuss in detail the remark which the Honourable Sir IBRAHIM RAHIMTOOLA has made, but I would suggest to this Council that if in the future we are to deal with pilgrims on the lines which the Honourable Sir IBRAHIM RAHIMTOOLA has suggested, it will mean a very much larger degree of Government interference with the personal movements of pilgrims than Government hitherto has thought it right to adopt, and I think it is hardly fair to compare the embarking of the pilgrims of to-day, with that of pilgrims forced by law to come into a quarantine camp, who would give anything to get out of that camp, who have come to Bombay from distant countries, and who are totally unacquainted with such matters as disinfection and sanitary measures. The conditions of those days were distinctly peculiar, and I think I may compare the pilgrims of those days with a flock of sheep who were only too ready to follow their shephered. To-day the conditions are certainly different, and I am not therefore prepared to accept at sight the suggestions that have been made by the Honourable Sir IBRAHIM RAHIMTOOLA, though I can assure him that the question will receive the best attention of Government, and that nothing will prevent our continuing to take the same interest in the pilgrim question as heretofore.

I will now ask the Council to pass the Bill without any opposition.

The motion for the second reading of the Bill was then put to the vote and carried.

The Bill was then read clause by clause.

Clauses 1 and 2 were then put to the vote and carried.

His Excellency the President:—Clause 3. The Honourable Dewán Bahádur GODBOLE.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency:—The amendment of which I have given notice is in sub-clause 2 of section 11 as amended by section 3 of the Act. I propose that the words " be in conformity with " be replaced by the words " not exceed, but may be less than".

The amendment I have proposed will secure to pilgrims the effect of competition amongst the masters of vessels carrying pilgrims. If there is keen competition the chances are that the rates of tickets will be diminished and I want pilgrims to have the full advantage of this competition. Therefore, he

advertising of prices lower than those furnished to the Protector of Pilgrims should, in my opinion, be allowed. If my amendment is accepted, sub-section 2 will read as follows:—

"The price advertised for each class of ticket by such master, owner or agent shall not exceed, but may be less than, the price supplied to the Protector of Pilgrims."

My main object is to secure to pilgrims the advantage of competition and thus enable them to perform their journeys at less cost.

The Honourable Mr. M. N. HOGG.—Your Excellency:—I am unable to agree with the amendment proposed by the Honourable Dewán Bahádur K. R. GODBOLE. It seems to me that this amendment will have the effect of reinstating just one of the principal evils which it is the object of Government to do away with, namely, the enticing of pilgrims to Bombay by advertisements of very cheap rates. The clause, as it stands, does not prevent any shipowner from selling tickets at prices below the price which he has quoted to the Protector of Pilgrims. He is at liberty under the clause as it stands to sell to the brokers at cheap rates whatever number of tickets may be required to fill his steamer and therefore the clause as it stands does not, I think, stop competition. Whereas the amendment proposed will, I think, have a very serious effect.

The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.—Your Excellency:—I oppose the amendment. By advertising lower rates, a large number of poor pilgrims will come down to Bombay from up-country, and if the steamer is to start at a certain fixed date, naturally the Company will sell the tickets at lower rates and fill up their steamer. The advertising of lower rates will naturally attract a large number of people who will come down to Bombay with a view to finding tickets at lower rates and it will lead to some harm instead of doing good. The Company is not prevented to sell tickets at cheaper rates; so I think the present clause as suggested by the Select Committee should be allowed to stand without any modification.

The Honourable Mr. W. D. SHEPPARD:—Your Excellency:—I have privately discussed this matter with the Honourable Dewan Bahadur GODBOLE and have informed him that I am unable to agree with him as to the desirability of his amendment. The main object of this legislation is to have a fixed price which every pilgrim is to know of, that is, the maximum price at which they will be taken to the Haj. Now, if after this price has been advertised and become known, a shipping company is allowed for a particular voyage to advertise a specially low rate of fare for that voyage only, the effect will be to mislead the pilgrims who will think that the maximum rate has been permanently reduced and on arrival in Bombay will find that prices have again risen. The very evils which this Bill is intended to obviate will be re-introduced. There is nothing to prevent shipowners giving their tickets away or selling them at cheaper rates, but they must not advertise a rate which is not the maximum rate for the voyage. Therefore I object to the amendment.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency:—In view of the remarks that have fallen from the Honourable Mr. SHEPPARD, I beg to withdraw my amendment.

The amendment was then by leave withdrawn.

His Excellency the PRESIDENT: Clause 3. The Honourable Mr. SHEPPARD.

The Honourable Mr. W. D. SHEPPARD:—Your Excellency:—In sub-section 2 of section 11 of the Act I propose that the word "intimated" should be substituted for the word "supplied".

It seems to be a more appropriate word.

The amendment was then put to the vote and carried.

Clause 3 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 4. The Honourable Mr. SHEPPARD.

The Honourable Mr. W. D. SHEPPARD :—Your Excellency :—The proposal here is that in new section 12 for the words " or charges a price for any class of ticket higher than the price supplied to the Protector of Pilgrims ", the words " or charges a price for a ticket of any class higher than the price of such class intimated to the Protector of Pilgrims, or advertises a price which is not in conformity with the price so intimated," shall be substituted.

The first portion of this change is simply to make the sale of each ticket an offence. As the Select Committee sent up the draft it was so worded that in my opinion if a shipowner had sold tickets of a particular class at a higher rate—he might have sold 500 or 600 tickets—it would have enabled him to make a very large profit, and he would only be subject to a single penalty. The object of this amendment is to make the selling of any ticket and of all tickets above the price intimated to the Protector of Pilgrims an offence. I have the wording altered so as to meet that case; and the second part of my amendment is " or advertises a price which is not in conformity with the price so intimated " so as to bring this into conformity with new section 11 (2).

I do not think I need say anything further in support of this amendment.

The amendment was then put to the vote and carried.

Clause 4 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 5. The Honourable Mr. SHEPPARD.

The Honourable Mr. W. D. SHEPPARD :—Your Excellency :—This is similar to the first two proposals. It is that in new sections 12-A, and 12-B, respectively, for the word " supplied " the word " intimated " may be substituted.

The amendment was then put to the vote and carried.

Clauses 6 and 7 were then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. SHEPPARD moves the Third Reading of the Bombay Pilgrims Bill (No. I of 1915).

The Honourable Mr. W. D. SHEPPARD :—Your Excellency :—I now ask that the Bill be read a third time and passed into law.

Bill read a third time.

The motion for the Third Reading was then put to the vote and carried.

BILL No. II OF 1915 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

His Excellency the PRESIDENT :—A Bill further to amend the City of Bombay Municipal Act 1888—First Reading. The Honourable Sir PRABHASHANKAR PATTANI.

The Honourable Sir PRABHASHANKAR D. PATTANI :—Your Excellency :—

The Honourable Sir PRABHASHANKAR PATTANI moves the First Reading of the City of Bombay Municipal Bill (No. II of 1915).

Only two years have passed since the City of Bombay Municipal Act was amended, chiefly in order to carry out Dr. Bentley's anti-malaria proposals. The Act, however, is a long and intricate one and we find that every two or three years it requires some amendments; hence I have another Bill amending that Act to place before this Council.

The present Bill is practically a Municipal Corporation Bill, as, I believe, all the proposals contained in the Bill originally emanated from the Corporation; and the Bill, as finally drafted, has been approved by the Corporation. Most of the proposals are in fact directed towards facilitating the adminitration of the City and aim at meeting difficulties which have actually arisen.

The particular points with which the amendments deal are briefly the following :—

Clause 2.—Alteration of the definitions of " bakehouse " and " premises ".

Clause 3.—Regarding the compensation payable in respect of properties acquired for street improvement. On this point Mr. Chambers, Architect and Surveyor, and Mr. Delves, Deputy Land Manager, Bombay Improvement Trust, have been good enough to give the benefit of their experience and advice.

Clauses 4 to 7.—These are important clauses dealing with the construction and use of buildings. On this point the Honourable Mr. ORR was consulted, as he has taken special interest in such questions. It is understood that the Honourable Member is in favour of the proposals though he would like to go still further in the same direction ; and I believe that the proposed amendments will serve a useful purpose, even if they may not be a final solution of the difficulty.

Clauses 8 and 16 will enable the Corporation to deal efficiently with premises used for storing building materials and other articles and with bake-houses and public eating houses.

Clause 9 will enable the Corporation to enforce the cleanliness of private streets.

Clauses 10 and 12 deal with the control of stables, and will prevent the stabling of horses and other animals in buildings used as dwellings.

Clause 11 will give the Health Department of the Corporation more control over factories ; there have been various evasions of the law in this matter.

Finally clause 15 will bring the boundaries of the various wards up to date.

It is proposed to refer the Bill to a Select Committee on which there will be representatives of the Corporation and of the public, and the Chairman of the Improvement Trust and the Port Trust ; and any defects that there may be in the Bill will, no doubt, be corrected by the Select Committee.

I move, Your Excellency, that the Bill be read a first time.

The Honourable Sir IBRAHIM RAHIMTOOLA :—Your Excellency :—I wish to offer only a few remarks in regard to one of the clauses which has been embodied in the amending Bill, I mean clause 3 which amends section 301 of the Municipal Act of 1888. The reasons which are stated in the Statement of Objects and Reasons for this amendment are as follows :—

> " The manner in which section 301 (1) has been interpreted by the Courts has led to the payment of exorbitant claims as compensation. The proposed amendment will result in owners being fully compensated for the loss sustained by them, but at the same time it will protect the Corporation from inordinate demands. The proviso allows for betterment as well as for damage to the property."

There is no doubt that there is a very strong feeling in this connection. Practically the whole of the Corporation is unanimous to secure some amendment of the law governing the amount of compensation payable for the acquisition of set-backs, especially in view of recent decisions of the Courts. Before these decisions were given the average price of the land was paid to the owner as compensation, plus loss and damages sustained by him These set-backs were required for the purpose of improving and widening the roads, and the Courts have now held that as this land abuts on public streets for the widening of which a portion is required that therefore the compensation payable should be calculated on the basis of frontage land. It is a recognised principle of land valuation that frontage land is far more valuable than the land in the rear of the same plot, and awarding compensation on the basis of frontage land, has led to excessive compensation being paid. As I have said, the Corporation is unanimous in asking that the Act should be amended in order to secure that only fair and reasonable compensation should be paid from public funds when land is acquired for widening a street. But, Sir, it appears to me and it appears to a large number of members of the Corporation that the amendment as embodied in the Bill swings quite to

the other extreme. At present excessive compensation was being paid because the land is construed to be frontage land, whereas in the case of land which will be acquired under the proposed amendment there will be practically no compensation paid at all in most cases. In this connection I should like to point out that when this particular amendment came up for the consideration of the Corporation before it was sent up to Government, the question was debated at great length and it was only by the casting vote of the President, that it was recommended to Government. I was therefore more than hopeful that as Government were not taking up any controversial legislation at this particular time, they would hesitate to introduce into the amending Bill a clause about which the Corporation was practically equally divided. However, the amendment is there and I daresay it will be considered by the Select Committee, but before it is referred to that body I should like to put before the Council the view which we hold in regard to this matter.

Section 301 which it is proposed to amend runs as follows :—

> " Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 *for the value of the said land* and for any loss, damage or expense sustained by such owner in consequence of the order made by the Commissioner under either of the said sections."

I wish to draw the attention of the Council to these particular words in the existing section, *viz.*, " for the value of the said land " and to point out that in the amended clause they are omitted altogether. The procedure under the existing law is that whatever may be the basis of determining the value of the land which is acquired for a public purpose, that the Municipality shall pay to the owner the value of such land. The amended clause omits these words with the result that land belonging to a private owner may be acquired and no compensation may be paid for it. As I have already said I am quite in agreement with the view that under present conditions excessive value for the land is being paid and that the Act requires amendment in so far as bringing it down to reasonable compensation based on the average value of the land acquired in relation to the whole plot. That appears to me to be all that is needed, and up to that extent only the Corporation are practically unanimous. The proposed amendment goes too far and as I have already pointed out the pendulum is swinging to the other extreme. Instead of determining the basis on which the owner shall receive compensation for the land taken from him, the amended section says that he will only be paid any loss that he might sustain. When we were discussing the subject in the Corporation it was admitted that the intention was that in cases in which it is held that the appreciation of the remainder of the property belonging to the owner is sufficiently high, then no compensation will be paid at all for the land acquired. That intention has been embodied in the amended section as it is before the Council now. The clause reads as follows, *viz.* :—

> " Compensation shall be paid by the Commissioner, to the owner of any building or land acquired for a public street under section 298 or 299 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections ; provided that any increase or decrease in the value of the remainder of the property, of which the building or land so acquired forms part likely to accrue from the set-back to the regular line of the street, shall be taken into consideration and allowed for in determining the amount of such compensation."

Your Excellency will observe that under the amended clause a great number of things have got to be done before the amount of compensation is determined. The clause also provides for betterment. The question therefore arises " who is going to determine the amount of betterment which may have occurred. The reply I received to this enquiry was " the Courts of Law." Now, Sir, it appears to me that when the Municipality as representing the whole city of Bombay takes possession of private property for public benefit—a road is a public benefit—they ought to pay on a reasonable and a fair basis for the value of the land they

actually acquire and add to the road. The question of determining betterment in the present Bill, if carried out, will mean that there will be litigation in regard to determining what betterment has accrued and litigation is rather an expensive process. In the one case private holders whose property has been acquired will have to incur the worry and expense of such litigation as against a public body fighting at public expense. When a very large number of these set-backs comprise of small areas of land Your Excellency will appreciate what a serious hardship it entails upon owners to require them to go to law for obtaining any compensation at all—I should like to ask whether it is fair to legislate in a manner which will compel owners of property to part with a portion of their holding without receiving any compensation at all. Apart from this aspect of the case, I should like to invite the attention of the Council to the wording of the clause under which in certain contingencies unscrupulous owners may make the Municipality pay an excessive compensation. If the point for determination is what loss the owner has sustained, then under present practice of fixing the value of property excessive compensation will have to be paid. In some cases in the Improvement Trust acquisition proceedings manufactured account books have been produced to show higher rents. If that is done by owners to receive greater compensation, it can easily be done in the case of those properties portions of which are acquired by the Municipality by declaring that the actual letting value of the remainder of the property was considerably less than what it originally was and in that way claim very substantial compensation for very small bits of land. It appears to me, Your Excellency, that both these objections will be easily met by confining the amendment to what the legislature intended in 1888, namely that compensation shall be paid for land actually acquired on the basis of the average price of the whole plot belonging to that owner.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency:—I rise to a point of order. The Honourable Member is discussing a section of the Bill instead of the principle of the Bill as he ought to at the time of the first reading.

His Excellency the PRESIDENT:—I think I must allow the Honourable Member to proceed. I think this particular section is a very wide one.

The Honourable Sir IBRAHIM RAHIMTOOLA:—I am sorry my honourable friend Dewan Bahadur GODBOLE rose to a point of order, because I was on the point of concluding my speech. In consequence of the interruption, Your Excellency will permit me to urge that the point which I wish to bring to the notice of the Council is that under the wording of the clause, as it stands, there is the danger of owners of property being deprived of a part of their holding without any compensation at all, and on the other hand there is the danger to the public purse of excessive compensation being paid if the letting value of the property under acquisition is manipulated. It, therefore, occurs to me that the simplest procedure is to carry out the intention of the Act of 1888, namely, that compensation shall be paid for the land acquired on the basis of the average price of the whole plot and for such loss and expense as the owner may have suffered in consequence of such acquisition. If that is done, the public purse will be safeguarded against undue compensation and private property will be safeguarded against being acquired without compensation.

With these words, Your Excellency, I trust that the Select Committee will give the matter their careful consideration.

The Honourable Mr. NARAYAN MAHADEV SAMARTH:—Your Excellency:—I beg to accentuate the points urged by my honourable friend Sir IBRAHIM RAHIMTOOLA. So far as the present section of the Municipal Act goes, the principle underlying it, to which effect has been given by judicial decisions in the High Court, is that when the Municipality acquires a piece of land under the circumstances mentioned therein from any proprietor or owner, then the value of the said land as also the loss or damage sustained or expense incurred by him will be taken into consideration in assessing the compensation, and in particular cases it depends upon the value of the site in the particular locality and the loss or damage caused to the man by the action of the Municipality under sections 298

or 299 as to how much he is entitled to, and in some cases when the owner was dissatisfied with the compensation offerred to him by the Municipality, the Courts have had to decide the compensation to be paid to him on the principles I have mentioned, in which the value of the land acquired forms the chief factor. The Corporation has complained, and I do not think has reasonably complained, against the decisions of the High Court in this matter.

Now in the Bill before us the principle introduced is practically this, that the Bill does away with the main element, namely, the value of the land in determining the amount of the compensation in the first instance for the land acquired and says in effect to the proprietor "Well, you must show what loss has been caused to you by our appropriating your land, never mind what the value of that land may be, and we deduct from it any benefit that is likely to accrue to you by our appropriating your land for the regular line of the street". That goes, I venture to think, too far, but that would be the effect of the clause as at present worded. It introduces the term "value" only in the proviso which refers to the property not acquired. For instance, the Bill says "provided that any increase or decrease in the value of the remainder of the property, of which the building or land so acquired formed part, likely to accrue from the setback to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation". It does away, as I said, with the value of the land acquired and says "that compensation may be paid for any loss which such owner may sustain in consequence of any building or land acquired for a public street". It may be determined that the appropriation does not cause him any loss but on the contrary is likely to raise the value of his remaining property and that, therefore, he is not entitled to any compensation whatever for the infraction of his proprietary rights. There is every probability of such an interpretation being put on the clause as at present worded. I do not mean to say, and I have no reason to think, that it is intended by Government to have such an interpretation put on the clause in question. In any case, the Bill is certainly capable of improvement. I do not oppose the first reading of the Bill. I support it, but I hope that in the Select Committee it will undergo the necessary revision.

The Honourable Sir JAMSETJEE JEEJEEBHOY :—Your Excellency :—I entirely agree with the remarks that have fallen from my honourable friends Sir IBRAHIM and the Honourable Mr. SAMARTH, and I beg to support the first reading of this Bill.

The Honourable Mr. NAVROJI DORABJI KHANDALAVALA :—Your Excellency :—In this clause the amendment proposed to be made says :

> "Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections ; provided that any increase or decrease in the value of the remainder of the property, of which the building or land so acquired forms part likely to accrue from the set-back to the regular line of the street, shall be taken into consideration and allowed for in determining the amount of such compensation."

Now the Commissioner in making an inquiry by this clause puts the burden of proof upon the owner of the building or land. This is unfair. The Municipality may want the land for widening the streets, and it asks the owner of the land what loss he has suffered. Now to ask the owner what loss he has suffered is rather a vague question. It is very difficult to make out exactly at the time what loss he may have to suffer. When the land is actually cut away from his building and a portion taken the value of the land and building should be the principal item of compensation. I think it is very necessary to ascertain the price of the land taken by the Municipality and, along with it, the loss that the owner may have to sustain should be calculated. Simply to say that the owner should say what loss he has sustained is unfairly to put the burden upon the owner. In my opinion the burden should not lie upon him, but it might be shown to him how they were going to pay

him for the piece of land that they were taking from him. It is very essential to calculate the price of the land before any compensation is paid, and in merely asking the owner to say what loss he has suffered, the Municipality are putting an unnecessary burden upon the owner. With these observations, I support the first reading of this Bill.

The Honourable Mr. J. P. ORR :—Your Excellency :—The subject to which my honourable friend Sir IBRAHIM has referred, has been very fully discussed in the Corporation. The main change of principle is the introduction into this section of the principles of the Town Planning Act. That is to say, when you pay compensation you take into consideration not only the loss that the owner has suffered in respect of the particular land that is taken from him, but also any betterment of his property—which results from the taking up of that property—and it is because there have been in Bombay some very conspicuous cases of people giving up land and yet getting an improved property as the result of the absorption of their land into roads, that we have introduced the clause into this section. I won't take up the time of the Council by analysing all the *pros* and *cons* that we considered on the Committee. I will only mention that we finally accepted the recommendations that were put before us by experts. We put our difficulties before expert land valuers and expert lawyers, and their recommendations have been accepted. I do not think the principle adopted can be open to serious objection. To take a single example, I can quote a case in which a very narrow strip was taken off a few shops, and the owner was heard bragging that although he got an enormous compensation based on the square yard value of the land, his shops were yielding a higher rental than before.

Now I am not quite sure whether I caught the meaning of my honourable friend Mr. SAMARTH'S speech, but I think he was objecting to the idea that a man might even have to pay in some cases. That point was particularly taken into consideration. It was pointed out that if we carried the principle of the Town Planning Act to its extreme, we might have cases in which a man, having given up land, will have his property so much bettered that he will have actually to pay the Municipality for taking his land. Well, the clause has been so worded as to avoid any such possibility, and to compensate him *for any loss* that he may sustain. If his property is actually benefited by the Municipality's operations and he suffers no loss, he does not pay for that benefit.

Then as regards the danger of litigation as to the amount by which the man has been bettered. Fifteen years ago we had few, if any, skilled valuers in Bombay; to-day we have several; and I do not anticipate that there will be serious difficulty over valuation. We have left clause (4) of section 301 untouched, so that disputes as to valuation are left for the determination of the Chief Judge.

While I am speaking on this section, I think perhaps I had better just say a few words in regard to another clause, *viz.*, clause 10 (*2*) (*e*) of the Bill as Chairman of the Bombay Improvement Trust. I think the position of the Trust is fairly clearly stated in the letter that I sent to Government in May last. The Trust think that the proposed absolute prohibition of storage of grain and groceries beneath dwellings far too drastic, and they submit that a sufficient advance towards the object in view, *viz.*, the reduction of the rat nuisance, would be secured if the proposed prohibition were restricted to buildings not suitably designed and constructed for a combination of godowns and living rooms. The point is that the Improvement Trust have constructed large godowns on the ground floors of some of their chawls and have several more actually under construction. They derive considerable revenue from such godowns, and they do not find that any harm has come from the combination of pukka suitably designed godowns in the same building with living rooms. The Trust submit that control not prohibition of such buildings and godowns is all that the Municipality require. I have however the assurance from the honourable member in charge of the Bill that the difference between absolute prohibition and control will not be treated by Government as a difference in principle, and that being so I need not discuss this point in detail here but will leave it to be settled by the Select Committee.

The Honourable Mr. M. De P. WEBB :—Your Excellency :—I rise to support the first reading of this Bill. But I think there can be little doubt that the section to which the Honourable Sir IBRAHIM has just been drawing attention will require further consideration.

I understand, Your Excellency, that this Bill is recognising for the first time the principle of betterment. It appears to me that this clause—clause 3—has been worded on the assumption that the property to be acquired and the remainder of the property is all in the possession of one owner. But it seems to me quite possible that the property to be acquired may belong to one person, and the adjoining property the value of which has been considerably improved, may be that of some other individual. For that reason it seems to me that the wording of this section will unquestionably require reconsideration. This will of course be done by the Select Committee.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE :—Your Excellency :—You will all be surprised to find that I am travelling all the way from Sholápur to Bombay to take care of the Corporation affairs. But when a matter of principle is being introduced, I think that I should rather go out of my way and place a few observations before the Council.

When we want to introduce any principles on which compensation of land is to be given to the owners of houses, we have, as far as possible, to adopt the principles enunciated in the general Act of the Government of India, the Land Acquisition Act. Therein certain principles are laid down. I am not going into details, but will only put forward some suggestions for the consideration of the Select Committee.

There is section 23 which lays down certain rules which guide Courts in determining compensation, and it will not be a correct policy to depart from the general principles laid down in that Act which govern acquisition cases both in municipal areas and in rural districts.

Another point which I wanted to bring to the notice of this Council was the unhappy omission of the word value in the first part of the clause and its insertion in the proviso. I may read :—

> "Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for any loss which such owner may sustain in consequence of his building or land being so acquired, and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections."

If we go to the proviso I find—

> "provided that any increase or decrease in the *value* of the remainder of the property, of which the building or land so acquired formed part, likey to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

So my suggestion is that this clause really required better thought and some amendment, and when the Select Committee will sit to consider this clause they should go into the spirit of the Land Acquisition Act and adopt, as far as possible, consistently with the interests of the Corporation, the general principles enunciated in that Act.

With these few words I support the first reading of the Bill.

The Honourable Mr. HARCHANDRAI VISHINDAS :—Your Excellency :—Just now I have been reminded by the remarks which have fallen from my Honourable friend Ráo Bahádur SATHE whether it is proper for one who is not connected with the Bombay Municipal Corporation to speak on a clause which affects that municipality. But I see that the principle which is involved, which is the subject-matter of discussion, is one which affects not only the Bombay Municipality but other municipalities as well. And in spite of the fact that three Members of the Corporation,—I do not know whether the Honourable Mr. SAMARTH is a Member,—had reason to oppose this clause

in the amending Bill, I am strongly against their view, and I think that it is rather very much to be regretted that this betterment clause had not been introduced in the municipal legislation before. (Hear, hear.) Being connected with one municipality in the Presidency, I have found that the municipal interests have very much suffered on account of the absence of such municipal legislation. Now so far as the principle in the amendment is concerned, it has been attacked by the Honourable Sir IBRAHIM and the Honourable Ráo Bahádur SATHE but without any arguments based upon fairness or justice. As a matter of fact if you look into the *pros* and *cons* into the justice of the thing, why should not the owner pay for any advantage that his land receives. As the Honourable Mr. ORR has pointed out, an owner who had received compensation on the lines at present laid down was actually bragging that far from having suffered any loss for which he had received compensation he had actually gained in higher rentals. Well, that happens in very many places. We ourselves when we acquire land for the municipality have to pay very exorbitant rates in spite of the fact that some portion of the land is given to the municipality for street widening which has very much improved the land and raised it in value. Therefore just as the Honourable Sir IBRAHIM has thrown out a suggestion for the Select Committee that they should favour his view, I suggest that the Select Committee will strongly oppose the amendment of the Honourable Sir IBRAHIM and let the amending clause stand.

The Honourable Sir F. L. SPROTT:—Your Excellency:—Two points have been prominently brought out in the speeches that we have so far heard. First of all the compensation payable to owners of lands from whom land has been acquired by the Municipality, and secondly, the point which has been raised by the Honourable Mr. ORR in regard to the provisions of sub-section (2) (*e*) of clause 10 of this Bill, whereby the use for human habitation of any building which is used as a place for the wholesale storage of grain and groceries is prohibited. This is a question which will be of much interest to a number of land owners in Bombay and I may say that the Port Trust as such is largely interested in the Elphinstone Estate. I have placed the matter before my Board, and the Board consider that the principle involved in this clause is a sound one, but as regards the details and as regards some of the proposals that have been made by the Honourable Mr. ORR, it is desirable that they should be dealt with in the Select Committee. I therefore support the first reading of this Bill.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA:—Your Excellency:—The Municipal Act is an Act which is applicable to all big towns in the Presidency, and Bombay is not an exception, although it has a special Act. Under section 301 my Honourable friend Sir IBRAHIM proposes that compensation should be fully paid. Well, on this ground I may say that there are people in the mofussil who will not accept compensation who come forward readily and offer their lands without any compensation. All that they want is that the street should be widened and improved. While in some places owners of the surrounding houses will readily come forward and subscribe for any compensation to be paid for a piece of land. When such a state of affairs prevails even in the mofussil, where the people are only just beginning to realise the advantages of clean and wide roads, sanitation, etc., I do not see any special reason why the Bombay City, which is full of rich and wealthy people, who make enormous incomes out of their property, should aspire to be fully compensated. (Hear, hear), and I say one thing, that the rich people object to the thing more than the poor people in the mofussil, and that has been the case. On this principle I oppose the amendment, and at the same time support the first reading of the Bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency:—I have only to say one word on the point which has been raised as to how far the benefit to the party should be taken into consideration. My Lord, if the house owner himself desired that his land should be taken up so that he may get benefit of the improvement then it would be all right to take into account the value of the benefit which his property may get by the improvement contemplated, but where you take his property under compulsion, then it would be doing him kindness with a vengeance to force the benefit on him and to compulsorily take his land

without giving him proper full compensation. If he himself wanted the benefit of the improvement it would be another matter, but otherwise it is but fair to him that you should allow him the proper compensation which he would receive if he had to give up his land to any private person by way of purchase. In that case the land is to be taken up not for his own benefit or convenience, but of other people, and, therefore, full compensation would be properly due to him and the same should I think he allowed without any abatement on account of any possible benefit to his property from the improvement contemplated. With these words I support the amendment.

The Honourable Sir PRABHASHANKAR D. PATTANI :—Your Excellency :—Municipal matters generally are of such wide interest that I am not surprised at so many honourable members standing up and speaking on this one point. In the first place however, I should like to say that, had it not been for Your Excellency's courtesy in the matter, I should certainly have taken objection to this clause being discussed at this length, because it does not involve any question of principle that is enunciated in the Bill, but only deals with the modification of a clause that is embodied in the Bill. Speaker after speaker, who has spoken on this subject, has admitted that it is necessary that some provision should be made to prevent the Corporation having to pay exorbitant prices and enormous value for property acquired for the purpose of widening streets. So the principle is accepted, and yet some honourable members have thought it fit to raise a long discussion suggesting amendment of the clause when the Bill is at a stage when such discussions are not allowed by the ordinary procedure of the Council. I believe, Sir, that this is a matter for the second reading of the Bill. In the first instance, it is a matter for the Select Committee to decide, and then if there is any objection to a clause accepted by the Select Committee, the members will have an opportunity of bringing forward any amendment they like, in the Council and have a full discussion on it. Therefore, Sir, now that the principle is accepted I think it is time that without going into the several arguments that have been gone into here we might accept the first reading of the Bill. Government have no desire, by pronouncing an opinion on this point to-day to influence in any way the opinion of the Select Committee to whom the Bill is going to be referred. I should, however, like to say that when the Bill provides that the full value of the property *plus* compensation for any damage or loss incurred by the owner shall be paid it would appear at first sight that it is but fair that he should get the value *minus* the benefit if any that may accrue to him. But I am not inclined to press this point to-day, because as I said before the question raised will be very fully gone into by the Select Committee, and really forms a matter for discussion at the second reading of the Bill.

As to the suggestion made by the Honourable Mr. ORR with regard to the control of godowns, Government have received a letter from him on the point which has been acquiesced in by the Municipal Corporation, and I do not suppose that there will be any difficulty to meet the objection raised by the Honourable Member.

With these remarks, Your Excellency, I would move that the Bill be read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Sir P. D. PATTANI :—Your Excellency :—Now that the Bill has been read a first time, I propose that the following honourable members may serve on the Select Committee with power to report before the 15th September The gentlemen on the Select Committee will be:—

The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

The Honourable Mr. LALLUBHAI SAMALDAS MEHTA.

The Honourable Mr. J. A. D. MCBAIN.

The Honourable Mr. J. P. ORR.

The Honourable Mr. MANMOHANDAS RAMJI.

The Honourable Sir IBRAHIM RAHIMTOOLA.

The Honourable Mr. NARAYAN MADHAV SAMARTH.
The Honourable Sir FREDERICK L. SPROTT,
and
myself.

The motion was then put to the vote and carried.

BILL No. III OF 1915 (AN ACT FURTHER TO AMEND THE BOMBAY MEDICAL ACT, 1912).

His Excellency the PRESIDENT:—Order, Order. A Bill further to amend the Bombay Medical Act—First reading. The Honourable Mr. SHEPPARD.

The Honourable Mr. SHEPPARD moves the First Reading of the Bombay Medical Bill (No. III of 1915).

The Honourable Mr. W. D. SHEPPARD:—Your Excellency:—Members will no doubt have read carefully the Statement of Objects and Reasons which accompanies this Bill, and will have seen that the changes proposed are so slight that a long explanation is hardly necessary from me. I therefore propose to notice them very briefly.

The Medical Council have found that the Bombay Medical Act is in some degree defective, and as the law stands at present they find it difficult to give effect to all its provisions. The Medical Council from time to time have pointed out the particular defects, and you will find that four of them are set forth in the Statement of Objects and Reasons.

First of all it is proposed that the privilege of electing four members to the Medical Council should be restricted to Registered Medical Practitioners. The object of that is to make effective the register of medical practitioners in Bombay. At present unregistered practitioners have the right to vote for the election of members to the Council.

The second point is that all persons who are registered under the Medical Acts, that is the qualifying Acts in England and the British Empire, should come on to the register without any fee. At present they can only come on the register after paying a fee, although they have already had to pay a larger fee in England for the original registration.

The third point is that power should be given to register medical practitioners who possess qualifications of foreign Universities of good repute and have practised in the Bombay Presidency prior to the passing of the Bombay Medical Act but who are debarred from registration on the ground that the institutions from which they obtained their diplomas are not mentioned in the Schedule to the Act. This is a power which is intended to enable the registration of certain medical gentlemen who hold diplomas of Universities of repute and who are well-known for their ability, but who do not happen to be on the register as they do not possess the qualifications required for registration under this Act.

The fourth power is to deal with persons subject to Military Law. A considerable number of applicants for registration under the Act are subject to this law; but there is no provision in the Medical Act either for refusing registration to, or for the removal from the Medical Register of the name of, any person who has been convicted either under the Army Act or under the Indian Army Act, 1911, of an offence which is also a cognizable offence, as defined in the Code of Criminal Procedure, 1898. Cases have arisen which show that it is desirable that this power should be in the hands of the Medical Council. These are rather simple points, and I hope that you will pass the first reading of this Bill, and then allow me to suggest a Select Committee to whom it can be referred for detailed discussion.

The Honourable Mr. DATTATRAYA VENKATESH BELVI,—Your Excellency:—In supporting the first reading of this Bill I beg to say a few words. I wish that this amending Bill had travelled as far as section 11 of the Medical Registration Act of 1912. It seems to me on reading section 11 of the Medical Registration Act, as it now stands, that it is capable of giving rise to certain hard cases, and those cases are such that it is necessary for this Council to

consider. I shall make myself clear by citing a concrete instance of what has happened in this Presidency. I have learned, from what I consider to be an unimpeachable source, that there is a medical dispensary in the city of Poona which is maintained by the Poona Municipality. That medical dispensary is run on lines of indigenous system of medicine. The dispensary is maintained by the Poona Municipality and it has been in existence for the last 22 years, but under the provisions of section 11.....

His Excellency the PRESIDENT :—Will the Honourable Member kindly say how it has got any reference to this Bill ?

The Honourable Mr. BELVI :—Your Excellency :—My point is this. I do not oppose the first reading of this measure, but I wish to suggest that in considering this Bill in its details consideration may be given to the provisions of section 11, which, in my opinion, require to be amended. This is an amending Bill and my contention is that this amending Bill should include in its purview section 11 as well.

His Excellency the PRESIDENT :—Then your particular case refers to section 11 ?

The Honourable Mr. BELVI :—Yes, Your Excellency. I lay this information before this Council so that it may be utilized when this Bill is considered by the Select Committee.

His Excellency the PRESIDENT :—I think the Honourable Member must confine his remarks to the particular clauses that are to be amended and which we are discussing at the moment.

The Honourable Mr. BELVI :—My view is that in this amending Bill all that is necessary to amend should be amended once and for all, and my point is that it will be simpler if we include in this amending Bill all that requires to be amended. I throw out a suggestion and I request that it may be considered by the Honourable Member in charge of the Bill, and, if necessary, steps may be taken by the time that this Bill is brought up for second reading before this Council to see that the amendment of which I speak is included in the scope of this Bill.

His Excellency the PRESIDENT :—I must tell the Honourable Member that it has always been laid down as a general practice that in the discussion of certain amendents on a particular Act, members should confine their attention to the particular clauses to be amended and not to the Act as a whole.

The Honourable Mr. BELVI :—Your Excellency :—I rely upon Rule 34 of the rules governing the Rules for the conduct of the business of this Council.

His Excellency the PRESIDENT :—I shall be very glad if the Honourable Member will accept my ruling.

The Honourable Mr. BELVI :—Yes, My Lord.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—Your Excellency : We bow down to Your Excellency's ruling just pronounced on the point which Mr. BELVI has raised, but I beg leave to address a few remarks with reference to that point.

His Excellency the PRESIDENT :—Order, order. The Honourable Member cannot make any remarks with reference to that point which the Honourable Member has left.

The Honourable Mr. UPASANI :—Your Excellency, I refer to another section in the present Bill bearing on the same point. I refer to sub-clause 3 of the present Bill. This section gives the Governor in Council the power to permit the registration of any person who is actually practising medicine. Now it is not specified in the Act, as it stands, whether the words "any person practising medicine" should or should not include a practitioner who practises according to the indigenous Ayurvedic system of medicine. In the discussion that took place when the Act was passed in 1912, it was stated that it was meant to refer to only the practi-

tioners who practised English medicine. Nevertheless the operation of the Act is being extended so as to affect practitioners who practise according to the indigenous system of medicine. So far as the present Bill affects the practitioners who practise according to the western system of medicine we do not object to it at all, nor to the provisions which are proposed to be embodied therein. But what we pray, My Lord, is that if it is not intended that the Act should affect the indigenous practitioners, the intention should be clearly and expressly indicated in the present Bill or some provision should be made therein for registration of those who practise according to the Ayurvedic system.

The necessity for this has actually arisen with reference to the Ayurvedic dispensary which is maintained by the Poona Municipality for the last 22 years and which the Collector of Poona has called upon the Municipality to stop because the gentleman in charge of it only knows the indigenous system of medicine and is not qualified for being registered under the Act. Now the qualification for those who would come under the provisions of the Act is given in the schedule to the old Act as follows :—

"Any person trained in a Government Medical College or school who holds a diploma or certificate granted by Government declaring him to be qualified to practise medicine, surgery and midwifery, or to be qualified for the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon."

These are the qualifications. Unfortunately Government has not yet opened any college or school for giving education in the Indian systems of medicine. We have been moving for it, in fact I had sent a resolution to move Government to take needful action in that direction, but the same was not allowed. Thus, on one hand, Government refuses to make needful provision for qualifying practitioners in the Indian system of medicine and gives us to understand that the Act is not meant to apply to them, while on the other hand the Collector of Poona refuses to recognise as qualified a practitioner who has received regular instruction in that system at a private institution and he insists that the Ayurvedic Municipal Dispensary should be closed or kept in charge of a doctor qualified under the Act who is not expected to know anything of the Ayurvedic system of medicine. That, My Lord, is a double hardship. The blessings of the western system of medicine are well-known and are fully appreciated by us, but I may tell the Council that outside large cities like Bombay and Poona the majority of the population in the mofussil ordinarily goes in for the indigenous system of medicine. That being the case, now that we have the amending Bill before us we must make it distinctly clear that the Medical Act is not to apply to practitioners of Ayurvedic medicine or to dispensaries maintained by public bodies for treatment under that system of medicine or provision should be made in the Bill for recognition and registration of qualified persons practising in Indian medicine and for their qualification in that system of medical treatment. This matter requires to be made clear in the present Bill in the interests of the Ayurvedic practitioners and the large number of citizens who prefer or wish to have the benefit of the Indian system of medicine. Moreover, My Lord, I submit that European medicines are more costly than the indigenous ones, and in the mofussil we have not got a sufficient number of qualified men practising the western system of medicine readily available for the poorer classes of the people. Either one or the other of the amendments suggested by me would, therefore, appear to be necessary and they will, I hope, be considered by the Select Committee.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—I am quite sure the valuable suggestions of my honourable friend Mr. Upasani will be considered in the Select Committee. I personally should like to make a suggestion or two in connection with clause 3. Sub-clause (3) gives the Governor in Council power to put on the register the name of any person who is actually practising medicine in the Bombay Presidency when the Registration Act of 1912 came into force. My Lord, I do not know how far it is wise to give such wide powers to the Governor in Council in the matter. It appears to me, looking to the Statement of Objects and Reasons, that this power is proposed to be given to the Governor in Council only in reference to persons who possess qualifications of foreign universities of good repute. Now, if that is the only object, I do not

know why we sitting here as legislators should not make sure as to what are those foreign universities of repute which we ought to recognize and insert their names in the schedule to the Act. If it is possible to ascertain this—and I am sure it is—we need not leave the matter to the discretion of Government.

Now a word with regard to sub-clause (2). It is provided by this clause that the names of those persons who are registered under the Medical Acts in England should also be placed on the register here without payment of fees. No doubt under the existing provisions of the Medical Practitioners' Act such persons enjoy all the privileges of a medical man registered here without being actually registered.

Thus at present a medical practitioner registered in England is entitled to vote although he is not on the register here. Under the amending Bill, however, we take away that privilege and restrict it only to persons who are actually on the register here. It is for this Council, therefore, to consider whether it is or it is not desirable to provide that such persons should pay the registration fee of Rs. 15.

There are several other suggestions that I should like to make, but as the Bill is going to be referred to a Select Committee I reserve my observations for the present.

The Honourable Dr. D. A. D'MONTE :—Your Excellency : I do not understand what my honourable friend Mr. PATEL'S difficulty is with regard to sub-clause (2). All registered medical practitioners in England pay 5 guineas for registration. When they come out here I do not think it is right that they ought to be made to pay Rs. 15 more for registration, as they have already paid 5 guineas in Europe, and I maintain that they should be registered free of charge in the Bombay Presidency.

Then with regard to sub-clause (3) I would say that this especially applies to certain medical practitioners of a very high standing who have got a very large practice in the Bombay Presidency and who have written to the Bombay Medical Council to be registered, but they have not been registered and cannot be registered under the Act as it stands. These have got diplomas from some other than British Universities, and such men ought, I think, to be registered, and Government ought not to apply this Act to them and treat them as exceptional cases.

The Honourable Surgeon-General R. W. S. LYONS :—Your Excellency :—In rising to support the Bill I would point out that it deals entirely with the Medical Act for the registration of practitioners of western medicine and has nothing to do with any other system of medicine such as the Ayurvedic. Consequently the remarks of the Honourable Mr. BELVI and the Honourable Mr. UPASANI do not come under consideration with regard to this Bill.

With regard to Mr. PATEL'S remarks he does not think that there will be sufficient control over Government regarding the admission of certain highly reputed medical practitioners who were practising in the Presidency before the Act was passed, and who now seek registration. The protection that he requires, I think, is sufficiently given in that the Medical Council must be consulted by the Governor in Council in order to permit of the registration of these men. Now the Medical Council is not at all likely, under any circumstances, to permit the registration of men who would in any way be a disgrace to the profession. The medical practitioners in question are a number of men who have been working in the Bombay Presidency, some of them for over 20 years, and who have the very highest repute, but owing to the fact of their not being registrable under English Acts they cannot register here. In order to register they would have to pass the qualifying examinations of our medical schools and it would be a gross injustice to ask distinguished medical men to sit down to an examination now at the end of their lives in order to bring them on the register. Besides we are only asked to do what was done when the English register started originally. In the schedule of the English Act it was laid down that all practitioners who were practising in England before the passing of the English

Act might, on application to the Medical Council, have their qualifications considered and on the representation of the Medical Council they could be accepted for registration. That is all that is asked in the present case. Such a provision should have been added originally either in the schedule of the Bill, or, as Madras and Bengal have done it, in the body of the Bill. Both Madras and Bengal have embodied a proviso in the body of the Bill to admit of the registration of such distinguished practitioners as the Medical Council shall recommend to the Governor in Council.

Another point that Mr. PATEL dealt with was that medical practitioners who are registered by the General Medical Council of Great Britain are through that very fact registered in the Bombay Presidency. Now, registration under the General Medical Council gives to the person registered the privilege of practising anywhere in the British dominions. Our registration Act, I regret to say, is limited to Bombay Presidency. We cannot apply the penalties under our Act to men who are registered in England and who are practising out here, and make them pay a fee. We want to get these men on our register, but we cannot enforce any penalty if they refuse to register. They have all the privileges of a British medical practitioner, and the only thing we do if we omit their names in our register is to embarrass ourselves. Unless we get their names on our register our register is incomplete and a Court of Law will have to refer not only to our register but also to the British register in order to find out if the certificate of a man practising in Bombay is valid Another way we embarrass ourselves is in regard to these practitioners' right of voting. They have the right of voting on medical matters and in order that we should know to whom to send voting papers we must have their names on the register, otherwise if we send out voting papers they may be filled in by any one even though the practitioner is dead, or has left the country altogether. The Bombay Medical Council considered it a great hardship that we could not obtain our Rs. 15 from each of the men who were registered in England before the passing of the Act. In the case of all those who have applied for registration in England since the passing of our Act the British Medical Council require the certificate of registration by the Bombay Medical Council, to show that we had already registered them, so in future we will not lose our Rs. 15.

The points brought forward in the Bill are to meet difficulties that have come out in the working of the Act by the Medical Council.

The Honourable Mr. BALKRISHNA SITARAM KAMAT:—Your Excellency, I rise to support this Bill. I would, however, take exception to one principle of the Bill, namely the clause which makes it compulsory for Government to permit the registration of any person only *after* consulting the Medical Council. This sounds rather strange; I may tell the reasons why it is not necessary in every case to consult the Medical Council. This Bill emanates, as it were, from certain suggestions made by the Medical Council; their suggestion is that it is necessary that all medical practitioners who possess the requisite qualifications laid down by the Act should be brought on the register. Now I fear probably the Medical Council may have a bias against persons who may have no University qualifications at all and yet who may be practising medicine successfully according to any indigenous system. There are persons in this country, My Lord, who are practising medicine, for instance under the Ayurvedic system, which has already attained an unrivalled reputation; yet they do not belong, it is true, to any University of repute. If therefore Government at times come to think that any persons who are practising the indigenous system of medicine successfully deserve registration, the discretion of Government should not be fettered by the restriction embodied in clause 3 that the Medical Council ought to be consulted before a certain person who is practising a certain system of medicine is brought on their register. I welcome this Bill on the ground that it does enable Government to make an exception in favour of persons who might be very successfully in charge of certain dispensaries, but who may not have any University qualification. And I further wish to suggest to my honourable friend Mr. UPASANI that in the first place we should wait and see how Government use their discretion in making these exceptions in favour of certain persons, and if we find that Government do not make any exceptions in favour of certain systems, then probably it is open to the members

of this Council to bring in an amending Bill. I welcome, Sir, this measure primarily on the ground that it leaves a certain latitude and discretion to Government. I only object to the principle of Government consulting in every case the Medical Council before a practitioner of any system is registered.

The Honourable Lieutenant-Colonel J. JACKSON :—Your Excellency, time brings about wonderful changes. When this Bill first came up for discussion here a distinguished member of the Council—unhappily absent to-day—warned us that the stealthy hand of Government was behind ready to grasp everything and that the object of the Bill was to bring the whole medical profession under the control of Government. That was the language used by the Honourable Sir PHEROZESHAH MEHTA. When the Medical Council was proposed it was represented that it would be a body without any mind of its own. So rapid has the change been that the Honourable Mr. KAMAT now fears that the virile Medical Council will run the Bombay Government.

The Honourable Surgeon General LYONS has pointed out that the object of the Medical Act has been to deal with Western medicine and Western medicine alone. It was very clearly pointed out at the first reading of the Medical Bill, now under amendment, that the Bill had nothing whatever to do with Ayurvedic or any other system of Indian medicine. The intention of the Bill is quite clear, and a distinguished member of this Council said, at the first reading, the Bill did not touch or deal with vaids or hakims, its real purport was to give the Government drastic powers over the qualified medical profession. How can members now rise and wish to construe the Bill as applicable to Ayurvedic medicine.

The only other thing I have to say, Your Excellency, is with regard to a remark that fell from the Honourable Mr. UPASANI. He said "we all recognise the blessings of Western medicine, but we also wish to see Indian medicine thrive". Now here is inconsistency; it is just the same thing as to say "I love the gentle monsoon breezes and soft rain of the Deccan, but personally I would rather go and live in the Sahara".

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE :—Your Excellency, I quite agree with my honourable friend Col. Jackson about the idea of the Medical Act that it applies only to the practitioners practising according to the Western system of medicine; but the effect of that Act will be that it affects practically the Ayurvedic system of medicine; and it is to remedy this defect, though such is not the intention of this Bill, that I have come forward to say that the Honourable Member in charge will be pleased to include practitioners of other systems of medicine under sub-clause (3) of clause 3 of the Bill. I may say that these practitioners of other systems of medicine hardly care about votes and other privileges given by the Act, but only wish to have the disability about employment by public bodies removed.

We cannot say, as is stated in the Bill, that from the 25th June nobody shall run any dispensary according to the Ayurvedic system of medicine. That is really not contemplated by the Act. And so long as people will go to these practitioners, we cannot restrict them by an executive order; and therefore I think that some way has to be found to recognize these practitioners, and I think the Governor in Council should be enabled by this amending Bill to put them on the Medicial Register.

The only thing that I further want to say is about the way in which the qualifications of these practitioners are to be judged. I submit, Your Excellency, that the Medical Council is not the proper judge in this case. I think the Government itself through its other officers is the proper judge. They can find out whose pupil the particular Ayurvedic practitioner was, and where he has been practising and with what success. All these things the practitioners of Western medicine who constitute the Medical Council will regard as somewhat below their dignity to enquire into, and therefore I think that this sub-clause (3) has got to be redrafted in view of the remarks that have been made by so many members.

The Honourable Rao Bahadur SHRINIWAS KONHER RODDA :—Your Excellency, I was a member of the Select Committee when the Medical Bill was first introduced in this Council in 1911-12. The object of registration was

to regulate the registration of those practitioners who in the opinion of Government were found fit and who were only those persons named in the schedule and no others. Thousands of memorials also came before this Council for considering the Unani system of medicine. There were memorials from the Lucknow native doctors and so many people, but the Act then contemplated was for the registration of those medical practitioners and for the purpose of regulating who are to be the fit persons to give certificates of death, etc., and with that view the Act was taken up and only with regard to the regulation of the conduct of those persons in service, etc. Now, who are to be registered has been put down in the schedule of the Act, and if the Governor in Council, after consulting the Medical Union, arrived at the conclusion that the practitioner does not possess the qualifications prescribed by the Medical Act, then he will not be registered. I submit, Your Excellency, that the Medical Board is not at all qualified to give any expression of opinion in regard to a person who is not qualified or whose qualifications are not those that are mentioned in this schedule. Therefore we must remember that when we are amending Act VI of 1912 we are not going beyond the qualifications mentioned in the schedule, but only the registration of those persons who have been practising for a very long time, but who were not registered under certain conditions, and the present Act enables the registration of practitioners who possess degrees of English universities of repute. The amendment will no doubt be considered in the Select Committee. I therefore think that this Bill may be referred to a Select Committee.

The Honourable Mr. W. D. SHEPPARD :—Your Excellency, I must confess to some surprise to the amount of interest which this Bill has excited among Members, but as there is unanimity among those who have spoken to the effect that it should be sent to a Select Committee, I propose that the Bill be read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Mr. W. D. SHEPPARD :—I now propose that the following gentlemen be appointed to the Select Committee, with instructions to report in time for the next meeting of this Council :—.

The Honourable Surgeon-General R. W. S. LYONS,

The Honourable Lieutenant-Colonel J. JACKSON,

The Honourable Dr. D. A. D'MONTE,

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL,

The Honourable Mr. DATTATRAYA VENKATESH BELVI,

The Honourable Mr. JEHANGIR H. KOTHARI,

The Honourable Rao Bahadur SHRINIWAS KONHER RODDA,

The Honourable Moulvie RAFIUDDIN AHMAD,

and

myself.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT :—I think it will be convenient if we adjourn now till a quarter to three

The Council then adjourned till 2-45 p. m.

(After Lunch.)

The Council re-assembled at 2-45 p. m.

BILL No. VIII OF 1914 (AN ACT TO PROVIDE FOR A SURVEY OF THE TOWN AND ISLAND OF BOMBAY).

His Excellency the PRESIDENT :—Order, order. An Act to provide for a survey of the Town and Island of Bombay, Second Reading. The Honourable Sir RICHARD LAMB.

The Honourable Sir RICHARD A. LAMB moves the Second Reading of the Bombay Survey Bill (No. VIII of 1914).

The Honourable Sir RICHARD A. LAMB :—Your Excellency, I have to apologise on behalf of the Select Committee which considered this Bill for having exceeded by a considerable time the period which was given to us for reporting on the Bill. It is not that we were neglecting the Bill at all. On the contrary, we spent many strenuous days in discussing it, and the discussion proved so protracted that we had to ask for an extension of the time granted to us.

Sir, I do not propose to go through the provisions of the Bill as it is now before the Council, because the Bill and the report of the Select Committee have been published and are in the hands of the Honourable Members, and I am going to assume that they have read the report of the Select Committee and have seen the changes that have been made in the Bill as first presented to the Council.

Honourable Members will observe that the Bill, as now placed before the Council, is agreed to without any minute of dissent by all the members of the Select Committee, and in their report they have given the reasons for the modifications which they have made in the first draft of the Bill. As it stands now, the Bill provides in the opinion of the Select Committee adequate measures for conducting the survey of Bombay and for maintaining a register of what is ascertained in that survey. It is believed that objections which were taken to the Bill when it was first introduced have been removed by the alterations which we have made in the Select Committee. Sir, I do not desire to say anything more on the subject, except to recommend this Council to accept the Bill as modified by the Select Committee. I therefore move that this Bill be now read a second time.

The motion for the second reading of the Bill was then put to the vote and carried.

The Bill was then read clause by clause.

Clauses 1 to 8 were then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 9. The Honourable DEWAN BAHADUR GODBOLE.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency, I think that clause 9 of this Bill is not necessary. In the first place all the properties in Bombay, whether open lands or buildings, have their boundaries already demarcated. The houses are surrounded by compound walls, and open landed property round about Bombay and in Salsette is so valuable that the owners take special care to have boundary marks for each property. When therefore every property has got its own boundary marks, I do not see why this provision should be made requiring the owner to maintain temporary boundary marks. In the case of house property and compounds the boundaries are marked by masonry walls. In the case of open landed properties sometimes it may be necessary to put in new boundary marks, but as these will consist of small masonry pillars, the surveyor in the charge of the survey operations can easily put them up in a short time without calling in the aid of the owner. Besides, if we entrust the custody of these temporary boundary marks to the owners who are interested in the shifting of the boundary marks, there are chances of the boundary marks as set by the Survey Department being changed by interested parties. Therefore when temporary boundary marks are necessary, their custody should be in the hands of the Survey Officers themselves, and they might keep temporary establishment to see that the marks that they have set up are in their proper position before they are made permanent. I do not think that this clause should be retained in the Bill. It is a vexatious clause and is likely to cause dissatisfaction, because sub-clause (2) says "should such holder not comply with such notice, the Superintendent may repair the boundary mark and the expenses shall be recoverable from such holder as an arrear of land revenue .....". For these reasons I think, Your Excellency, that this clause should be expunged.

The Honourable Mr. G. CARMICHAEL :—Your Excellency, I rise to oppose the amendment which has been moved by the Honourable DEWAN BAHADUR GODBOLE. I do not think he realises that in Bombay there are, besides lands

covered by buildings, large areas of lands which are not demarcated by walls and permanent marks. There is quite a large amount of open space land in the north of the Island which has all to be brought under survey. He also says that the boundary marks ought to be put up by the Survey Officer. That is what is being done. They are put up by the surveyors, the owners do not have to put them up. All that the owners are required to do is to take reasonable care to see that the marks are not removed or defaced and I think it is a quite reasonable proposition that the responsibility should be placed on the owners of the lands in which these boundary marks have to be placed for a short time.

Another ground on which he takes objection to the clause in the Bill is that it involves the risk of the boundary marks being displaced by the owners, but I think the Honourable Member when he remembers what kind of work the survey work is that it is quite impossible for a man to take an unfair advantage to himself by removing the boundary mark from its proper position. If he tries to do so it will be detected immediately. There will be absolutely no risk.

He also suggests that special establishments should be employed to look after the boundary marks. I think this would quite unnecessarily add to the expense of the survey which Government are trying to keep down at as low a figure as possible.

I submit, Sir, that it is a reasonable proposition that the owners of lands, where it is found necessary to put up these temporary marks, should have imposed on them the duty of looking after them, and if through carelessness or negligence they allow them to be displaced or defaced, the owners should be required to replace them.

The Honourable Sir RICHARD A. LAMB :—Your Excellency, I have really nothing to add to what has been said by the Honourable Mr. CARMICHAEL. It does not appear to us that this is an amendment which ought to be accepted. I wish only to compliment the Honourable Dewan Bahadur for the gallantry of his knight-errantry in pleading for the owners of lands in Bombay in respect of putting up temporary boundary marks, about which they themselves did not feel that there would be any wrong done them by the insertion of this clause. I think that the amendment should not be accepted.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency, I might say in reply that the city survey operations outside Bombay have been carried out without any such provision. The Survey Officers have been demarcating all the private property including open spaces of land. They have been carrying on the survey without the aid of any such section as has been inserted in this Bill. As I find however that I am not going to get support in this Council to my amendment, I consider that my wisest course would be to withdraw it.

The amendment was by leave withdrawn.

Clause 9 was then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 10. The Honourable Sir IBRAHIM RAHIMTOOLA.

The Honourable Sir IBRAHIM RAHIMTOOLA :—Your Excellency, I beg to move that clause 10 be deleted. I wish to invite the attention of the Council to the Statement of Objects and Reasons which indicates the reasons why this Bill has been taken in hand. You will see, Sir, that it is stated therein that this legislation has been undertaken to legalise the action of the expert surveyor, Mr. Newland, and to obtain for the surveyors the requisite statutory powers, similar to those contained in the Act of 1887 which provided for the survey of Calcutta. That Act forms a very convenient precedent and has been followed for the most part word for word, "Bombay" being substituted for "Calcutta", etc. One material difference, however, is that sections 12 and 17 in the Calcutta Act regarding the power to refer to arbitration are not required for Bombay, and have been omitted. It is also necessary to provide for the levy of a survey fee to meet part of the cost of the survey as well as fees for the revision of maps and plans and for copies of the records.

Your Excellency will observe that the present legislation was undertaken to legalise certain action which has been taken by Government for the purpose of carrying out the survey of the City, and that, with a view to legalise this action, the Calcutta precedent was adopted to such an extent that this Bill is practically word for word the same as that of Calcutta with the substitution of the word "Bombay" in place of the word "Calcutta". It will be obvious to the Council that if that is the procedure Government propose to adopt, the question of levying survey fees should also follow the precedent of Calcutta, but such is not the case. In the Calcutta Act the liability is borne in certain proportions between the Municipality and Government. In the case of Bombay we have got also a precedent, I mean the precedent of the survey which was carried out by Major Laughton from 1865 to 1872. Under that survey the cost was divided in the same proportions, one-sixth having been paid by the Municipal Corporation and five-sixth being paid by Government. So that we have two precedents in the matter of the levy of the survey fee—the precedent of the previous survey of the Bombay City and the precedent of the City of Calcutta, which has been copied in this legislation. Under both those precedents the fee leviable is borne by the Corporation and Government. It has been, however, urged that under section 132 of the Bombay Land Revenue Code applying to the Presidency of Bombay, the authority to levy these fees is given, and we are further told that because the Bombay Land Revenue Code provides for the levy of these fees, that therefore the Bombay City should also be made to pay for the survey in spite of the precedents of Calcutta and Bombay. Your Excellency, it appears to me that if the case was reversed, and there was no provision in the Bombay Land Revenue Code for the levy of any fees, and if legislation were undertaken in the circumstances of Calcutta providing the levy of this fee from the rate-payers of Calcutta, it would have been argued that because Bombay City is on a different footing to the mofussil and that it is on the same footing as a big city like Calcutta, that therefore Bombay should pay it on the Calcutta precedent. So that, if the precedent in favour of the levy of the fee exists so far as the mofussil is concerned and does not exist in the case of Calcutta the argument is used that because it is so in the mofussil, therefore the precedent of a city like Calcutta, which is the right precedent for a city like Bombay, should be given up, and that the precedent of the mofussil should be adopted. I do not know whether the circumstances applying to the mofussil and the circumstances applying to the Bombay City in the matter of ownership of land, revenue and various other matters are alike, and whether the same precedent ought to apply to these two places. But assuming that the same precedent ought to apply, I venture to submit that instead of amending the law and making an important city pay, as against the Calcutta Act and precedent, the correct procedure would be to amend the Bombay Land Revenue Code and give up the levy of such fees in the mofussil.

Then, Sir, I would invite the attention of the Council to the manner in which this charge is proposed to be levied. In the first place all the properties belonging to Government, the Municipal Corporation, the Trustees of the Improvement of the City of Bombay and the Trustees of the Port of Bombay are excluded. Properties which are exempt from the payment of the general tax, that is to say, properties exclusively occupied for public worship or for charitable purposes, are also exempted. Then Government reserve to themselves the right of exempting buildings and lands which do not exceed such limit as may be prescribed by the Governor in Council. If you add up the total number of all these exempted properties, and deduct them from the total number of properties in Bombay City, you will clearly realize that though in theory Government propose to levy only half of the cost of the survey from the houseowners, the actual cost to them will be far in excess of that proportion. In this connection I should like to invite the attention of the council to sub-section (4) of this section. That sub-section says :—

"Any person who has paid the survey fee assessed on any land under this section shall be entitled to receive free of charge a certified extract from the map and a certified extract from the register prepared under section 7, so far as they relate to such land."

This opens up to my mind a very wide field for the application of the system of compulsion. In the opinion of Government, these maps are supposed to be useful to the owners, and Government who occupy in this case the position of publishers avail themselves of the power of legislation vesting in them and propose to levy a fee for the purchase of these plans whether the owners want them or not. This was not done in the case of the previous survey known as Major Laughton's Survey. But we are improving and we have now evolved a system under which, Government purpose to compel houseowners to buy plans prepared for them. Under this new system Government practically say as follows :—

"That you shall pay in certain proportions towards the cost of carrying out the survey and in consideration of your paying that, we will give you a plan."

Sir, the principle is so novel and advantageous to the Government purse that it may well be extended to a great many things. Following the present precedent Government might well say that they will publish certain books on Moral Instruction, and that such publications are of so much benefit to the people that they will require by law that every tenant occupying a room shall buy a copy at a given price, a great many other things may be cited on the same lines, and once the principle is accepted there is no knowing how far it may be carried. Here is a case in which Government say that each houseowner shall buy a copy of the plan. The people have not asked for these plans; if they want them, I am perfectly agreeable that they should be made to pay such prices as Government may fix. It should be voluntary on their part to buy these plans. This is the principle which universally applies. But instead of following that principle, which was adopted in regard to Major Laughton's survey also, Government tell us "we will charge you the fee and will give you the plan whether you want it or not, because it is for your own good". However much this new principle may appeal to Government, I do not think that it will be acceptable to this Council.

Then, Sir, there is another point. I venture to submit that the Municipality is a body representative of the citizens of Bombay, and that the Municipal purse is the collective purse of the City of Bombay. That being so, here is a procedure under which a lakh and six thousand rupees, *i. e.*, 1/6th of the total cost is paid from the Municipal fund. Now, Sir, I want to know whether the Municipal fund is not the city's fund, and if it is the city's fund, why should there be this distinction between collecting a certain amount of money from the Municipality and another from the citizens direct. There appears to be no reason why that should be done.

Then, Sir, I would like to invite your attention to another matter, and that is, that all these fresh burdens which are proposed to be thrown on the City of Bombay are, to my mind, not justified. I have worked out the figures of provincial and Municipal taxation as between Calcutta and Bombay, and also as regards other provinces, and I find, Your Excellency, that the City of Bombay is paying nearly 25 lakhs of rupees per annum more in the shape of municipal taxation than the sister city of Calcutta with about the same population. In the City of Calcutta, though they are paying 25 lakhs of rupees less, this charge is borne by Government. In the City of Bombay we pay about 25 lakhs of rupees more per annum in the shape of municipal taxation, and these additional burdens are tried to be imposed upon the tax-payers by Government. Is that fair?

Sir, in regard to provincial taxation also, the province of Bombay pays Rs. 4 per head, while the next highest that is paid is only Rs. 2-8-0 in the Punjaub. There is no doubt that the Presidency of Bombay is over-taxed for its Provincial revenue in comparison with all other Indian Provinces. I do not wish to enter into this wide question on the present occasion but I venture to submit that in face of these facts, it is not right that the burden of this liability amounting to more than three lakhs should be thrown upon the citizens of Bombay in addition to the municipal contribution.

Sir, I do not wish to detain the Council any further, but I do trust that the arguments which I have advanced will appeal to the members and they will see that the precedent of the first survey of Bombay and the precedent of the Calcutta survey will be made applicable to this second survey and that the new departure proposed in the Bill will not be accepted.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency:—I support the amendment that is proposed by my honourable friend Sir IBRAHIM RAHIMTOOLA. I submit that the inhabitants of the city of Bombay ought not to be made liable in reference to the cost of the survey which it is proposed to be levied from them, because there has already been one survey of the city. The other reason that I submit for the people not being made liable for the cost is, that the analogy quoted between the Land Revenue Code and the present survey has no application at all. The circumstances under which the people had to pay some share of the cost of the survey in the mofussil towns was this, that Government issued a sanad and it was because the sanad gave them a security of title that they took it and the payments in reference to the sanad commenced. It was never contemplated that people should contribute towards the cost of the survey and nothing was levied from them on that account. The taking of the sanad and the payment of fees were optional with the holder of the land. It was only recently that the payment was made compulsory. Then again, I submit, that the present survey is not intended to decide any question of title and excludes the enquiry of titles by survey officers. These being the circumstances, I submit that no analogy exists between the Land Revenue Code and the present Bill in connection with this charge. The half share that is thrown upon the people could not be thrown on the municipality. I should think the proper course would be to apportion the charges of survey in the same manner as was done at Calcutta.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH:—Your Excellency:—I would submit that there is no reason why the man whose land is surveyed should not pay the cost of the survey operation. He gets the benefit of his land being surveyed and demarcated. The survey work involves cost, and the cost has somehow to be paid, why should the general tax-payer, both in the Presidency town and the mofussil, be called upon to pay the whole of this cost? The incidence of the cost as prescribed in this clause is a proper one inasmuch as it makes the holders of the lands surveyed liable to contribute to a moiety of the total cost in proportion to the area and rateable value of their lands, and certainly this is a fairer method than that of throwing in whole cost on the general tax-payer. I would therefore oppose this amendment.

The Honourable Mr. G. CARMICHAEL:—Your Excellency:—I rise to oppose this amendment. I have listened very carefully to the wealth of argument which my honourable friend Sir IBRAHIM has devoted to his motion, but I do not think that he has been able to show that there is either injustice or unfairness in the measure against which he protests.

In the first place, I would explain that the burden which is proposed to be imposed on the property owners in Bombay is a very small one. The survey, as I have said before, is being done very economically and the charge on any individual holding will be comparatively light. Then again it is not a recurring charge. It is a single payment: once it has been paid the matter is over and done with. The Honourable Sir IBRAHIM said that on account of the exemptions which are provided for in clause 10 practically the whole of the cost of the survey will be assessible on an individual holder. But that is not so. Look at the wording of the clause. I think it is absolutely clear that the half cost will be divided up amongst the owners who are not exempted. I do not see how he can possibly arrive at the conclusion that nearly the whole of the cost of the survey will be paid by the owners who are to be made liable under this section.

The Honourable Mr. PAREKH said the advantages which the property owners will get are not at all equal to those which are obtained by the property owners in the mofussil where they get a sanad and where they have to pay the cost of the survey. Your Excellency, I submit that there is practically no difference in the position at all. The advantages of a survey are very considerable and add appreciably to the value of the property which is surveyed. I may perhaps be excused if I state the position. When once the land has been surveyed each owner knows exactly what his possessions are and when the measurements and the map have been recorded in a public office he knows that it is quite impossible for his neighbour or any one else to jump a claim on him, and if he has

occasion to sell or mortgage his property he can tell the vendor or mortgagee exactly what he has to offer; he can show him at once what the limits are, instead of entering into a long enquiry in order to satisfy the proposed vendor or mortgagee. Then the property owner, when he thinks of his property passing from himself to his heirs, knows that whether his heirs are able to look after themselves or not their interests in the land are secure because they have been registered and there can be no dispute about them. These advantages, as I said, enhance the value of the property. Besides the Calcutta precedent to which the Honourable Sir IBRAHIM referred and the other precedents in Bombay which he mentioned, I may adduce others. There is the one which is afforded by section 132 of the Land Revenue Code. Under this section in every town in the mofussil in the Bombay Presidency where a City Survey is carried out the owners have to pay and do pay. Again it is a curious historical fact that the principle involved in this clause has been accepted and acted upon in the Bombay Presidency for ages past. It is no new thing. Take, for instance, the villages in the Deccan. Before the days of surveying or mapping the villagers recognised that they ought to have a definite method of ascertaining their property and they devised a very quaint method, that of making the village mahárs the repository of the information. The village mahárs were required to know what the boundaries of each cultivator's holding were and they passed this information down from father to son. The villagers paid the mahárs for keeping this record and were quite ready to do so. They recognised the advantages of some kind of record, a public record, of the boundaries of their properties when the surveying and mapping are scientifically done; the advantages to be obtained are much greater. Government are going a little further in the matter. I won't refer to the contentious word "title" but I may say that Government are collecting regarding each holding the information which is available from the registration and other public records. This will be entered in a register against each holding so that if any property owner has occasion to transfer his property, or partition it, or if he wishes to sell or mortgage his property, this information will be at his disposal at any time and he will get his map at once. Thus he can go through any transaction in connection with the land immediately without having to pay for the cost of a private agency for surveying and making a map of the land, or without having to pay for searching records to find out the previous history of the land. This is being done without asking the owners for the information. The information is available in the Government records and it is being compiled and will be a very useful record because it is found that on the public records one or more transactions have been recorded with regard to nearly every survey number.

We know that Sir IBRAHIM keeps a very watchful eye on the interests of the property owners in Bombay. He has shown this in his speech on the Municipal Bill this morning, and this afternoon I think he went a little further than I would have expected him to go. He said with reference to the fact that the Municipality are paying for part of the survey that to impose a further charge on property owners is tantamount to making the owners pay a double charge as the Municipality represent the people of Bombay. But the property owners by no means represent the whole body of the rate-payers. I can understand that he regards it as his duty to press the claims of the property owners in Bombay as strongly as he can, but I think it is incumbent on this Council to take a comprehensive view, and when we remember that in the mofussil towns where smaller operations are undertaken the property owners have to pay the whole of the cost of the survey, while here they are asked to pay only half the cost, I do not think his arguments will carry much weight with the members of this Council who represent the mofussil. In his speech the Honourable Sir IBRAHIM compared the carrying out of this survey and the giving of a map to each property owner and charging him for the survey to giving a pamphlet on moral instruction to house-owners in Bombay and charging them for it. Well, I do not think his comparison is altogether complete, because this survey, like the village arrangement in the Deccan to which I referred, is really a communal arrangement, and the giving of pamphlets on a communal basis might form an appropriate part of the communal arrangements for educating the people in Bombay.

In conclusion, I submit, Sir, that I do not think the Honourable Sir IBRAHIM'S motion should be supported at this time when we have no money to give away and when the times are so critical that we are bound to conserve all our resources with scrupulous care, so that the normal development of the Presidency should not be interfered with or should be retarded as little as possible.

The Honourable Mr. PAREKH said that property owners should not be made liable, because a survey has already been made in Bombay. It is quite true a survey has been made. It was carried out at the cost of Government, but the fact remains that no provision was made for maintaining that survey and it has become quite useless now for any purpose—not absolutely useless perhaps,—but it is very inconvenient for the purpose of getting information and it is not complete; it will have to be redone. I do not think it is any argument that because Government once undertook this survey at their own expense, therefore it should be done again at the expense of Government, because, as I have said, the benefits which the property owner receives are very considerable indeed. It adds to the value of their property a great deal more than what they pay. For these reasons I hope this Council will reject the amendment.

The Honourable Sir RICHARD A. LAMB:—Your Excellency:—The point before the Council is really, I think, a very simple one. When a survey of the City and Island of Bombay has to be made, it has to be paid for. Who is to pay for it? What is contemplated is that we, that is Government, will pay our share, the Corporation have agreed to pay their share, the Port Trust has agreed to pay its share, and finally the holders of land in Bombay shall pay their share. Why should they not pay their share? It does not appear to me at all reasonable to argue that, because the Corporation of Bombay is going to pay a share for its own purposes, therefore the holders of land should be exempted from paying any share. They benefit in their own individual interests. The Bombay Corporation will pay a share, because the survey is beneficial to the Corporation of Bombay for its municipal administration. When there is a survey of Bombay, that the Corporation should pay out of its general revenues a share of the cost of the survey, for their own municipal purposes, is perfectly right and reasonable. Then the Government are certainly interested in respect of Government lands in Bombay; and even if we were not interested in that way, it would still be to our interest for general administrative purposes that there should be a good survey. Therefore we will pay our share. The Port Trust are interested, because they have a direct concern with a certain portion of the Island—not with the whole Island; and they will therefore pay a small share. But there remains the large body of men who are holding lands in Bombay; and as the Honourable Mr. CARMICHAEL has justly pointed out, they derive a very distinct and appreciable benefit from being provided with an authoritative map and record of the boundaries of their holdings. I submit, Sir, that it is a perfectly reasonable and just proposition that they should pay a moderate fee for having that map and record made.

I am not at all affected by the Calcutta precedent. The Honourable Sir IBRAHIM referred to the Calcutta Survey Bill as having been the basis of the Bill which we laid before the Council; but if he has taken the trouble to read through the present Bill, he must have observed that we have practically scrapped the whole of the Calcutta Act—that Act which perhaps the Honourable MOULVIE would call that "blessed" Act,—because it is so badly drawn up that we could not stand its phraseology or the terms in which its provisions are expressed. We therefore practically threw over the whole thing and prepared a new Bill. Hence the Calcutta precedent is not relevant at all in regard to the form of the bill; and it appears to me equally irrelevant in regard to the charging of a survey fee.

Nor does the fact of Laughton's Survey having been paid for without levying a survey fee seem to me to affect the present situation at all. The circumstances in Laughton's days were very different from what they are now, and Laughton's Survey, however good it may have been at the time, has become, as the Honourable Mr. CARMICHAEL said, almost useless, because it has not been kept up. It was good once, but now it is with the greatest difficulty that we can trace out things by the aid of Laughton's Survey, and it is because it is so worn out that we

have had to undertake the present survey. It was found impossible to reconstitute so to say the survey made by Laughton, so that we had to undertake a survey *ab initio.*

In the circumstances of Bombay I think that it is perfectly just and equitable that the land-holders should pay a fee, the total of which shall not amount to more than half the cost of the survey. If the survey were in the mofussil, they would have to bear the whole cost of the survey. It is maintained that the mofussil affords no analogy whatever. I admit that the analogy is not complete, because in the mofussil we give a sanad. The sanad is not effective as regards title between two private individuals, but is effective as between the individual who receives it and the Government which gives it. Such a sanad we are not giving in Bombay. We would have given such a sanad in Bombay, but we were not able to carry with us public opinion on that point; therefore we are obliged to refrain from undertaking to give a sanad which would have been effective as regards the recipient's title in relation to that of the Government. But since the word "title" frightened those who represented Bombay in this Council so much,—personally I do not believe that the holders of land themselves were a bit frightened,—but at any rate the people who represent Bombay in this Council got so frightened, that in order to meet them we had to modify very considerably the phraseology of the Bill as laid before this Council originally, so as to do away with the fears which these representatives of the City expressed. In meeting them in that respect, it did seem to us we were on sound and solid ground if we asked them to meet us on another point on which apparently they were feeling a little trouble, mainly the question of the land-holders paying for a portion of the survey. We suggested to them that they might meet us by agreeing to the land-holders bearing a reasonable portion of the cost of the survey, subject to the limitations and exemptions which are provided for in clause 10 of this Bill. They met us accordingly, and I should like at this moment to express my sense of gratitude for the reasonableness and moderation with which the Honourable Mr. SETALVAD, who is no longer here, debated and discussed these things. We at first found it difficult to get along, but finally as we worked on, we arrived at a perfect understanding, and it was accepted by those representatives of Bombay on the Select Committee, that it would be a reasonable thing to retain clause 10 in the form in which we had put it.

I think, Sir, that both in regard to what we do in the mofussil and in regard to the interests concerned in Bombay, it is a very just and proper thing that survey fees should be levied as proposed in the clause, and I do not think that the amendment should be accepted.

The Honourable Sir IBRAHIM RAHIMTOOLA :—Your Excellency :—This is the second occasion during one week on which I am complimented that I am a great advocate of property owners in Bombay, and I am glad that the Honourable Mr. CARMICHAEL has given me an opportunity of pointing out that the advocacy of the public is one of the duties enjoined upon the representatives of the people.

The Honourable Mr. CARMICHAEL :—I said it was your duty.

The Honourable Sir IBRAHIM RAHIMTOOLA :—I am glad it is admitted that it is my duty, and that I am doing nothing more than discharging that duty. What I object to is the disparaging tone in which that remark was made. If it is admitted that I am simply doing my duty in this respect, may I inquire why this remark was brought in at all? I will not pursue the subject beyond pointing out that the interests of the property owners in Bombay are really the interests of the tenants and the citizens of Bombay.

Sir, I dare say that what has emanated from the General Department of Government may not be known to the Revenue Department of Government, because it was in 1907 that Government in the General Department wrote to the Corporation pointing out that the rents for one-room tenements in the city had during recent years enormously increased, and that it was averaging between Rs. 3-8-0 and and Rs. 5 per room. What was the cause of it. One cause is that we are heaping on the shoulders of the house-owners various burdens of many kinds and they in their turn transfer them to their tenants, as far as they possibly can. It is therefore the tenants who suffer, in the shape of paying

higher rents. It is a matter of common knowledge that rents have gone up considerably during recent years and if we are fighting for relief in the matter of further burdens on the house-owners of the City of Bombay, it is because we wish to have relief accorded to the poorer tenants who are being obliged to pay very heavy rents far in excess of what they can afford. I have never objected to the twenty-five lákhs of rupees per annum which the City of Bombay pays more in the shape of Municipal taxation as compared with Calcutta. I have never moved in the Corporation that taxation should be reduced, but I do submit, Sir, that when so much more money is paid in the shape of Municipal taxation, that additional burdens should not be thrown on the citizens of Bombay who are at present heavily feeling the problem of high rents. For these reasons I advocate that additional burdens should not be put on the rate-payers and citizens of Bombay.

Then, Sir, the Honourable Mr. CARMICHAEL enumerated at great length the various advantages which will accrue to the house-owners in getting copies of the plans as a result of the survey. If that is so, if a house-owner stands to secure all these manifold advantages by getting an authentic copy of the plan why not leave him free to buy the copy at a price which you may yourself lay down? Why do you want to compel him to buy a copy at a given price? Why not offer these plans for sale and leave it to the house-owners in view of the manifold advantages they stand to secure, to come voluntarily and pay a higher price which you may fix if they want them. That is the main difference between the Bill and my amendment. I do not say that those people who want to secure the benefit of obtaining an authentic record should get it for nothing. Your Excellency, I wish to make it perfectly clear that I do not advocate that those people who want this authentic record should get it for nothing. All I say is, that you have no right to say "we will carry out the survey, and *you shall buy the plans at the prices we fix.*" I say leave it to them. Let the purchase be voluntary and not compulsory. That is the point for which I am fighting. If the owners themselves want the plans, they will purchase them at such prices which Government themselves may fix. As I have already pointed out if you carry that principle of compulsion in such matters to its logical conclusion, Government may publish various things and say "it is good for you and so you shall buy it at our price." That is a principle which appears to me to be wholly objectionable and I do appeal to the Council by accepting my amendment to leave the house-owners free to buy the plans at such prices which Government may fix if they desire to have them, and that they should not be forced to do so. That is the difference between the Bill and my amendment and I do hope that this Council will not be a party to the introduction of a principle that the plans shall be purchased by the people compulsorily at fixed prices.

His Excellency the PRESIDENT:—I am bound to say that I have been under an entire misapprehension with regard to the general position which has been taken up on this question by my honourable friend Sir IBRAHIM. I gathered that, running through the whole of his arguments, not only when discussing this amendment but also on one amendment to the Bombay Municipal Act, he was upholding the rights of property owners and he was urging their claims to recognition, and suggesting that they were not being dealt with fairly. But I find that I was under a complete misapprehension. My honourable friend is, I understand, the champion of the rights of the tenants and rate-payers against the brutality of the land-owners who, I gather from him, whenever any extra assessment is imposed on them, put up their rents against their tenants and thus secure themselves against any extra expense. I quite admit that my honourable friend ought to be in a far better position to know what action property owners in the town of Bombay take under such circumstances as he has described, but I for my part am inclined to think that property owners are not as bad as he suggests. I do not believe that property owners in Bombay are all taking up the position that they wish to secure all the benefits of ownership without undertaking any of the responsibilities. I sincerely trust, believing as I do that the amendment is a perfectly fair one, that honourable members will not be influenced by my honourable friend but will approve of its paving into law.

Clauses 10 and 11 were then put to the vote and carried.

His Excellency the PRESIDENT:—Clause 12. The Honourable Sir IBRAHIM RAHIMTOOLA.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—This is merely consequential on the first amendment and I beg to withdraw it.

The amendment was by leave withdrawn.

Clause 12 was then put to the vote and carried.

Clauses 13, 14 and 15 were then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Sir RICHARD A. LAMB:—Your Excellency,—This Bill having been read a second time and considered clause by clause and having passed through the Council without any amendment, I now move that it be read a third time and passed.

The Honourable Sir Richard Lamb moves the Third Reading of the Bombay Survey Bill (No. VIII of 1914).

Bill read a third time.

The motion for the third reading of the Bill was then put to the vote and carried.

His Excellency the PRESIDENT:—Motion by the Honourable Moulvie RAFIUDDIN AHMAD—

"That this Council expresses its deep gratitude to His Imperial Majesty the King-Emperor for extending the term of office of His Excellency Lord Hardinge till March next. This Council also offers its grateful thanks to His Excellency the Viceroy for his cheerful response to the call of duty and hopes that the extension granted to His Excellency will bring additional blessings to the Country."

The Honourable Moulvie RAFIUDDIN AHMAD:—My Lord:—I need no apology in bringing this motion before the Council. Ever since the beginning of this war there has gone forth a unanimous prayer from a thousand platforms from every nook and corner of India, echoed by the princes and press of the country for the extension of the period of the office of His Excellency Lord HARDINGE till the end of the war, because there has never been a Viceroy who loved India so well and who enjoyed to such a high degree the confidence of the people. Now that our beloved Sovereign has been pleased to grant our prayer it is but meet and proper that this Council which is the only representative body of the inhabitants of this Presidency should express its loyal and grateful thanks to His Imperial Majesty for the kind response to popular opinion as well as put on record its appreciation of the great services of Lord HARDINGE to this country and to the Empire.

A great English statesman has thus described the duties of a Viceroy: "It is his duty, first and foremost, to represent the authority of the King-Emperor whose name in India is both a bond of union and a symbol of power". My Lord, the people of India are by temperament and tradition warmly attached to the Crown and every representative of the King in this country readily commands their highest respect and obedience. But Lord HARDINGE has not been content merely with their respect and obedience. He has won their affection. He has conquerred their hearts. Secondly, says the statesman, the Viceroy "should try to remember that the people of India are not the sons of our own race or creed or clime and it is only by regard for their feelings, by respect for their prejudices that we can obtain the acquiesence as well as the submission of the governed." In this connection, I may observe that I have always deplored the tendency of some of our politicians to harp too much on the alien nature of the British rule in India. But much would depend upon the British Officers themselves to make us forget that we are governed by an alien race. No one has however done more than Lord HARDINGE to unite the two people together. He has completely identified himself with Indian interests, Indian aspirations and Indian nationality. So much so that if a referendum were to be taken to-day His Excellency would no doubt be elected Viceroy

of India for life. His great speech at Madras instinct with overflowing sympathy with the grievances of the Indians in South Africa and his righteous denunciation of their treatment in a portion of His Majesty's own dominions will never be forgotten by the present and future generations of the Indian people. His statesmanlike solution of the Cawnpore Mosque incident has made him the hero of the great Moslem community. The third duty of the Viceroy is "to preserve intact and secure from internal convulsion or external inroad the boundraies of the great Imperial Dominion." It is fortunate indeed that we have at the helm of this country at this critical period a statesman of the head and heart of Lord HARDINGE. Just before the commencement of the war the loyalty of the Indian people was disputed by some of the influential organs of Public Opinion in England. This war has silenced the mischiefmakers for ever. Lord HARDINGE'S despatch about the loyalty of India read in the House of Commons, has revolutionized English feelings towards India and is no little responsible for the change in the angle of vision.

It is our universal prayer that he should be allowed to remain in India till the end of the war and should have a voice in the re-adjustment of the claims of India that would follow. Lord HARDINGE has held the scales even between Indians and Europeans, Hindus and Mahomedans, officials and non-officials in this country and though some of his measures have been bitterly distasteful, sometime to one and sometime to another section of the people, his sincerity and impartiality and noble motives have been universally acknowledged. Lord HARDINGE has also improved considerably the relations between Supreme Government and the Local Administrations. This is rather important because we have it on the authority of Lord Curzon that there were times when the Viceroy was not on speaking terms with some of his principal Lieutenants. My Lord, I must add a word or two about the personal charm of Lord HARDINGE. Indians frequently complain that there is too much official and too little friendly intercourse between the rulers and the ruled in India and that there are too many debates and too few dinners between them. The social problem at one time became or threatened to become a serious political danger. Lord HARDINGE realised the danger and set himself to remedy the same. He cultivated private friendship and made the best use of the personal elements in his administration and has thus removed a serious source of friction. We must acknowledge with gratitude a similar practice by Your Excellency and your distinguished consort for which the people of this Presidency can never be too grateful to you.

Lord HARDINGE has rendered great services to the Empire. He has been the Viceroy of India in a most eventful period. He has passed through troublous times and nobody would have blamed him if he had excused himself from remaining in India more than the allotted period. He has never yet recovered from the blow of his would-be assasin. He has had domestic bereavements of the most heartrending nature. What, then, is the inducement which has kept him in India? Nothing but a sense of duty towards the Empire and an affectionate regard for India and her people.

My Lord, in whatever else the people of India may lack, they are never wanting in gratitude and when the proper time comes they will no doubt raise a national memorial to keep his memory green. Meanwhile I would beg you to pass this motion with enthusiastic unanimity.

The motion was then put to the vote and carried.

Discussion on matters of General Public Interest.

His Excellency the PRESIDENT:—Resolution No. I. The Honourable Sir IBRAHIM RAHIMTOOLA.

"That this Council recommends the Governor in Council to be pleased to utilize the munificient donation of eight lakhs of rupees, given by Sir Mahomed Yusuf Sodagar, towards the foundation of a Moslem Residential College, to be named after the donor and established either in Salsette or in the suburbs of Poona City, with adequate provision for the teaching of Arabic and Persian; that the

College should be open to students of all communities, provided that every Musalman student applying for admission shall have priority over students belonging to other religious denominations, and that a reasonable number of free studentships and scholarships should be provided for poor Musalman students attending the College."

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—I understand that the matter is under consideration, and I therefore ask Your Excellency's permission to postpone this Resolution to the next meeting of this Council.

The Resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. II. The Honourable Ráo Sáheb NAIK—

"That this Council respectfully recommends to His Excellency the Governor in Council to consider the desirability of working out a scheme for the Dharwar District:—

(*a*) for the redistribution of the villages among the several Subordinate Judges and permanent Joint Subordinate Judges so that each Subordinate Judge may have separate jurisdiction over a compact group of villages, and

(*b*) for the more convenient location of the Subordinate Courts in the district."

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK:—Your Excellency:—I also understand that this matter is under the consideration of Government, and I therefore request Your Excellency's permission to postpone this Resolution to the next meeting of the Council.

The Resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. III. The Honourable Dewán Bahádur GODBOLE:—

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency:—The resolution which I am going to lay before the Council this day reads thus:—

"This Council recommends that His Excellency the Governor in Council will be pleased to reconsider in the near future, the question of interest charged on loans given under the Land Improvement Loans Act, 1883, and reduce the same to the lowest possible figure."

I may remind the Council that I brought a motion regarding the rate of interest to be charged on Takavi advances given for land improvements two years ago, in July 1913. It was pointed out by me on that occasion, that it was extremely desirable to give as many facilities as practicable to secure the improvement of our agricultural lands so as to make them more productive and thereby to improve the condition of our agricultural classes. The conversion of Jirait holdings into Bagait and the improvement of lands by terracing and levelling must go on rapidly, and with this object in view, I recommended that the rate of interest on Takavi advances for land improvements should be reduced and brought down from $6\frac{1}{4}$ to $4\frac{1}{2}$ per cent. per annum.

In the course of the discussion that took place on that occasion the Council came to the conclusion that the Local Government should make no profit on these Takavi transactions. The Government of India supply the requisite funds at $3\frac{1}{2}$ per cent. per annum. The Local Government should add to this percentage such a margin as will cover bad debts and the cost of extra establishments required for the administration of the funds. The cultivator should have to pay the rate arrived at, after allowing for the above margin.

The finance member on behalf of Government agreed to the above principle. The actual words used by him were "Therefore when the Honourable Sir PHEROZESHAH MEHTA says that the rate of interest ought not to be such as to give us a profit, that is a principle which we fully accept. We do not want to

make a profit, but we do not want to work at a loss." The finance member also promised to lay on the Council table figures showing the actual financial results of the raised Takavi rate of interest of 6¼ per cent. per annum. This information has been furnished in Government Financial Memorandum No. 2817 of 13th July 1914. I may tell the Council that the results support my contention regarding reduction of Takavi interest.

The Takavi interest rate was raised from 5 to 6¼ per cent. in 1909 and since that year the Provincial Funds have commenced to profit by Takavi transactions. According to figures furnished by the Chief Secretary to Government the net gains from these transactions were Rs. 6,28,616 in 1909-10, Rs. 6,08,145 in 1910-11, Rs. 3,28,442 in 1911-12 and Rs. 67,868 in 1912-13. From figures contained in the Civil Budget Estimate for the year 1915-16 of the Government of Bombay I find further that in 1913-14 the net gains were Rs. 5,57,441 and they are estimated to be Rs. 5,76,000 in 1914-15 and Rs. 4,07,000 in 1915-16.

These gains show that the Local Government are making profits from Takavi transactions. The rate is therefore capable of reduction a d I think, Sir, that it should be reduced as early as practicable and made as low as practicable. The bad debt allowance should be trifling if the advances are made with proper care and with the safeguards of joint bond system and making advances to economic holders only, introduced into the Ahmednagar District by the Collector there. The cost of extra establishment to be entertained for Takavi administration should also be moderate. It would appear from the statement accompanying the Chief Secretary's Memorandum No. 2817 of 13th July 1914 that in Sind the Collectors can conduct their Takavi administration without any extra establishment at all. In the Presidency proper, I think these establishment charges can be kept down somewhat, and if these precautions are adopted, I think the Takavi interest rate can be kept somewhere in the neighbourhood of 4½ per cent. per annum.

I might tell the Council while they are deliberating on this question that a progressive Native State in Central India is granting loans from its State Banks to its agriculturists on much more favourable terms than what I am asking for in this Presidency. The rates of interest charged by this Native State vary from to 2 to 6 per cent. per annum. The exact rates are 4 per cent. on advances for manures, seeds, &c., 6 per cent. on advances for purchase of bullocks and for tank and well works and 2 per cent. on advances for agricultural and irrigation machinery such as pumps, &c.

With these remarks I lay my Resolution before the Council for its acceptance.

The Honourable Mr. G. CARMICHAEL :—Your Excellency :—It is very gratifying to find the Honourable Dewán Bahádur GODBOLE returning to the charge with a resolution to reduce the rate of interest on Tagavi loans to the lowest possible limit. It is, we a ll know, a very laudable object to keep in view, an object with which we all deeply sympathise. But with regard to the question of the reduction of the rate of interest, there are one or two points that have to be remembered. The number of loans are very large and Government conduct the banking business largely through the ordinary establishment. The special establishments as the Honourable Dewán Bahádur points out are small, therefore the charges under this head are small. But if we take the rate of interest which complicates our accounts, then we should have to employ a much more expensive establishment. Six and quarter per cent. is a very convenient one for our subordinate officers and for those who have to deal with the accounts, because the calculations are quite easy being at the rate of 1 anna per rupee per annum. At 5 per cent. the calculations would be a little more complicated. But other percentages may cause more difficulties. Therefore I shall consider the question only from the point of view whether a reduction from 6¼ per cent. to 5 per cent. is feasible. Now he has quoted the figures which have, I think, been published except for the last year, which show the results since 1908-1909 when the change from 5 to 6¼ per cent. was made. In that year there was a further loss to Government, but since the year 1909-1910 there has every year been a surplus. In the first two years 1909-1910 and 1910-1911

the surplus was abnormally large because the accounts had been simplified, the Tagavi administration had been tightened up in the matter of the clearing off of arrears, and the receipts are magnified by the collection of arrears of interest for past years. I would take the years following that year as being more or less normal years, that is to say the four years 1911—1915. In these years the surplus total amounted to Rs. 10,00,000. Now if the rate of interest had been at the rate of 5 per cent. per annum instead of $6\frac{1}{4}$ the surplus would have been reduced to Rs. 4,00,000 that is at the rate of about Rs. 1,00,000 a year, which is something between $\frac{1}{2}$ per cent. and $\frac{3}{4}$ per cent. on the total outstandings. Now, I submit to this Council that that is a very small margin. These years had been years of comparative agricultural prosperity. They have been good years on the whole for the agriculturists on this side of India, but Government have to take into account the possibility of a recurrence of famine. I do not think that anybody would venture to say that famine on this side of India is a thing of the past, a prospect of which we need no longer entertain any fear. Now in the last few years, the policy of Government in the matter of famine has undergone a modification. The tendency has been to rely more and more on liberal advances of Tagavi than on relief works and if you reduce the margin on which the Tagavi operations are conducted, then you restrict the freedom of Government in the matter, especially at a time of crisis when Government ought to have a very free hand.

Another reason why the rate has not been lowered, why it is kept at $6\frac{1}{4}$ per cent. is that $6\frac{1}{4}$ per cent. is really a very liberal rate from the point of view of the cultivator. It is much lower than he would get from the money-lenders if he wants to borrow in the bazar, and I believe it is much lower than he would get if he as a member of Co-operative Credit Society borrowed from his Society.

Another reason besides the advantage which I have referred to of making the Tagavi system an elastic one and of providing a fund from which risk may be assured, is that it is quite a reasonable proposition from the cultivator's point of view to make him pay for the loan; it is not every person who gets the benefit of Tagavi and if you make the cultivator who receives the loan pay what is to him a very low rate, then there is no reason why you should not take the money and apply it for the benefit of the general body of cultivators. In this matter the Agricultural Department can show that the money which is supplied to them, whether we regarded it as given out of general revenues or from Tagavi interest, is being used in many directions for the special benefit of the cultivator and for special measures closely connected with the objects for which Tagavi is given. I may refer to the expenditure on well-boring. That has gone up nearly Rs. 30,000 per annum and the Committee who considered the question recently, recommended to Government that these operations should be extended very widely. The operations hitherto have been going on in Gujarat and now they are to be undertaken all over the Presidency.

Another head of expenditure closely related to the object, for which Tagavi loans are given and one for which the Honourable Dewán Bahádur every year makes a special request in the Finance Committee is the provision for free grants for small Irrigation works. Every year he presses Government to make this provision and Government every year has made it. Now it is quite a reasonable thing to set off this expenditure on free irrigational grants, grants to private persons for carrying out private irrigation works, against the surplus receipts which come in in normal years from Tagavi interest.

There are other items in the budget which might also be set against the same sources of income. For example the Agricultural Engineer's Department provides assistance to cultivators who wish to put up irrigation pumps. The expenditure is comparatively high at least Rs. 30,000 per annum, and it is always increasing. If you allow for the expenditure by Government on objects which are closely connected with the purposes for which Tagavi is given, I do not think it can be held that the rate which is charged is at all an unreasonable one.

I see that the Honourable Member merely asks Government whether they will be pleased to reconsider the matter. I can assure the Honourable Member that every year the question is carefully examined.

There is another point in the resolution to which I may refer. The Honourable Mover uses the words "in the near future." I am glad to see this, I am sure, he will be the first to admit that the present juncture is not the most favourable time for moving in this matter.

The Honourable Dewán Bahádur GODBOLE :—That is the reason why I have specially put in the words "in the near future."

The Honourable Mr. CARMICHAEL :—One could not, with confidence, take action just now when the rate of interest is so very uncertain.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI :—My Lord :—We had a very long and full debate on this subject when the resolution was last before the Council and the final understanding was that if it was found that Government made a profit out of the interest charged, the rate of interest would be reduced. This position was accepted by Government and assurance was given that they did not want to make any profit and that if they found from the actual figures to be supplied by the C ief Secretary that they made a profit they would reduce the rate of interest. Now we have found from the actual figures that during the period of 7 years since the rate was increased, Government have made a profit of Rs. 31,00,000. This period includes years of famine and scarcity. We had during this time a famine in Gujarat and famine and scarcity also in parts of the Deccan for one or two years. That being the case, I do not think we can now go behind the position accepted by Government and re-open any further discussion on the subject. Another point that has to be considered is that it is admitted that the giving of Tagavi on a liberal scale has actually helped to reduce materially the direct famine expenditure during the period above referred to. That being the case this method of making Tagavi advances ought by all means to be extended and encouraged in the interests of Government and the rayats by allowing the small reduction in the rate of interest charged as proposed by the Honourable Dewán Bahádur GODBOLE. He deserves to be congratulated on his having made out a clear case on the basis of the figures supplied by Government and under these circumstances if his resolution is not accepted, it would, I think, be rather hard.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE :—Your Excellency,—I stand to support the resolution that has been brought forward by my honourable friend Dewán Bahádur GODBOLE. In view of the attitude which was taken by the Finance Member at the time when this resolution was moved on the last occasion, I thought the Honourable Dewán Bahádur's resolution was a plain sailing. But from what fell from the Honourable Mr. CARMICHAEL I think it is not so and I ought to say a few words. The principal grounds on which—I do not use the word oppose—the principal grounds which he urges are 3. The first is that $6\frac{1}{4}$ per cent. is a very convenient rate from an account point of view. The second is that we do not utilise any money for our own purposes; in one form or another, we make use of that money in the interests of the agriculturists. The third, which is the foremost,—and I bow down to that objection—is that the present is not the time when we should really insist upon the reduction. If the third ground is looked to, I would rather ask my honourable friend to withdraw his resolution. But on the first two grounds my submission is that the reason advanced that of easy method of counting is not a real one. There are good officers under Government and good accountants, and they can as well work out at the rate of 5 per cent. as they can work out at the rate of Rs. 6-4-0.

As regards the second ground, it is true that Government may be intending to spend and might have also spent up to now money which has been thus realised on improvements and agricultural objects such as well-boring and others; but in that case we should have at least certain assurance that the excess which Government derives in the form of interest receivable from the rayats would be spent on particular objects. If that is done, then there is some redeeming feature. The

real ground urged for not acceding to the request of my honourable friend Dewán Bahádur GODBOLE was the present financial position. But, I think the wording he has used, *viz.*, "in the near future" is so very happy that it does not mean that Government ought to consider it now. Government might accept the resolution now and give effect to it when matters improve and times, we hope, will be better soon.

With these few remarks I support the resolution of my honourable friend.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency :—I entirely agree with what has fallen from my honourable friend Ráo Bahádur SATHE, and I wish to add only a few words. The Honourable Mr. CARMICHAEL justified his arguments by saying that during famine times there are losses on Tagai loans. Well, I think they should be borne from the surpluses in ordinary years, because there are famine times only once in five years or ten years, and I do not see why we should go on charging $6\frac{1}{4}$ per cent. for Tagai loans even when there is no famine.

The second argument of the Honourable Mr. CARMICHAEL was that the margin from the profits is devoted to agricultural improvements in the shape of well-boring, etc. There, also, I must point out that those persons who pay a higher rate of interest are not actually the people who are profited by the well-boring but persons who profit by well-boring are private individuals, and thus the people who actually pay the higher rate of interest suffer considerably. I think well-boring expenditure and the rate of interest ought to be entirely independent of each other.

In this connection, Your Excellency, I may be permitted once again to refer to the practice of another Provincial Government in the matter of the margin of interest on their loan transactions, and I speak subject to correction,—because I have not the proceedings in my hands to-day, but I am almost sure that in the case of the Government of Madras, I have a recollection that that Government does not make a profit on the loan transactions, I mean loans both to public bodies as well as to agriculturists taken together.

The Honourable Mr. CARMICHAEL remarked yesterday that I took a very gloomy view of this Government as compared with the Government of Madras. Your Excellency, I must say that on the whole I have a great admiration for the very advanced views and the advanced policy of the Government of Bombay, and I may also unhesitatingly add that it is one of the most enlightened Governments in all the provinces of India. But we might take a lesson from even a child, as the Indian proverb says. I must confess, Sir, that in this matter of charging interest to the poor agriculturists the Government of Bombay have not so far treated them sympathetically. The margin between the rate of interest which Imperial Government charge to the Bombay Government and what the latter charge to the agriculturists is something like $2\frac{3}{4}$ per cent. I think, Your Excellency, that even in the case of ordinary money-lenders this will be considered as a very high margin. An ordinary money-lender, if he can get money at 6 per cent. from somebody, would be I think quite content to charge at the rate of 8 per cent. to his clients. Two per cent. or even less than that would be a fair margin between the rate of borrowing and the rate of advancing. I therefore hardly see any distinction between the methods of the ordinary money-lenders so far as their pecuniary circumstances are concerned, and the methods followed by Government in the matter of advancing loans ; the ordinary money-lender, it must be remembered, has chances of bad debts and he will also have enormous expenditure for litigation, etc., before he can recover whatever he has advanced. In the case of Government, such chances are few and far between. Government can recover the Tagai loans much more easily and quickly and perhaps without recourse to litigation. On this ground, therefore, and for the reasons which I have stated, I strongly support the Resolution.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency :—After all the speeches we have heard so far, I think that the rate of Rs. 4-11-0 would be quite as convenient for purposes of calculation as of $6\frac{1}{4}$ per cent. Then Government have also to take into consideration that these loans are least liable

to risks unlike loans of other kinds as Government make the loans for the improvement of the lands whereby their values are increased. Again if the object of the profit is to spend it for agricultural improvements, I should consider that the reduction of interest would be a very good object, and I am quite sure the prosperity of the agriculturists depends to a large extent on the assistance which Government may render them from time to time. I am told, Your Excellency, that in some of the more advanced Native States, loans are freely advanced to ryots at easy rates of interest for the encouragement and advancement of agriculture. For these reasons I should consider it would be a great advantage to the poor people if the rate of interest on loans given for land improvement is reduced to the lowest possible figure.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA :—Your Excellency :—I heartily beg to support the Resolution that has been brought forward by my honourable friend Dewán Bahádur GODBOLE. My reasons are these. In the first place, Tagai is advanced not to make a profit, nor to spend it for any other thing, but for the legitimate thing for which the loan is intended, *viz.*, for land or agricultural improvements.

From the remarks that fell from the Honourable Mr. CARMICHAEL, it seems that $6\frac{1}{4}$ per cent. has been fixed as it is very convenient for purposes of calculation. I do not think this is a sound argument, because I know there are Indian gentlemen who are well acquainted with the multiples of $1\frac{1}{2}$, $1\frac{3}{4}$, $1\frac{1}{5}$, $1\frac{5}{8}$, $1\frac{7}{8}$, $2\frac{1}{2}$, $2\frac{7}{8}$, and so on, and I do not think there can be any difficulty in calculating the rate of interest.

Then again, Your Excellency, the main object for which Tagai is advanced is for the improvement of agriculture. Under these circumstances I think Government ought to come to the help of the poor ryots by advancing tagavi at low rates of interest. Of course, the springing up of so many Co-operative Credit Societies is a great boon to the people, but at the same time these Societies charge $9\frac{3}{8}$ per cent. interest in almost all cases. The Societies give loans only to those who are members, but there are other people who require advances or small loans who cannot afford to be members for several reasons, because the Societies advance money only to Members who are resident within a particular area. They do not advance money to those that are outside their village, and the Societies do not exist in almost every village. Therefore it is necessary that the Tagai should be given to those that cannot afford to take advantage of the benefits of Co-operative Societies. When Tagai is given to poor men, I think it is necessary that Government should not make a profit, as it were, because according to the calculations of my honourable friend Dewán Bahádur, I am led to think that there is a surplus every year which can be taken for the reduction of interest. At the same time, I do not wish that Government also should be losers in this respect. They must get a little more than what they are deriving from their loan deposits, etc. But I think with due regard to their own interests, any reduction of interest in the Tagai advances would be a great blessing. With these remarks I beg to support the resolution that has been brought forward by my honourable friend Dewán Bahádur GODBOLE.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA :—Your Excellency :—As reference has been made to the Co-operative Credit Societies in connection with the resolution, I may say that the question of giving Tagávi loans through these Societies was considered by the Committee on co-operation and though our report is not issued to the public, I may read that portion which bears on the subject—(Reads).

The Honourable Mr. MANMOHANDAS RAMJI :—Your Excellency :—I rise to a point of order. The question before us is the rate of interest on Takávi loans. My honourable colleague is dealing with what has happened in the co-operative commission.

His Excellency the PRESIDENT :—My honourable friend is referring to the rate of interest, and that seems to me to be the matter that we are discussing at the moment.

The Honourable Mr. LALUBHAI :—My Lord, I was coming to the question of interest. The report says "The true cost of the Government agricultural loan to the present borrower may be estimated from the fact that in one province members of societies have been known to borrow at 18 per cent. from the societies in order to pay off agricultural loans on which the nominal rate is 5 per cent. It will thus be seen that it is not the rate of interest that matters so much as many other things.

The Honourable Dewán Bahádur GODBOLE'S resolution recommends reduction of interest on Takávi loans given under the Land Improvement Loans Act. Improvement is defined under the Act as something that increases the letting value of the land. If the agriculturist wants money to improve his land and get a better income from it, he must not grudge to pay the present rate on Takávi loans which is lower than the usual market rate. The case of agricultural loan is quite different, these loans are given in times of distress for the purchase of seed, cattle, etc., and on these loans Government need not make any profit. I am prepared to support my honourable friend's resolution if he amends it by substituting agricultural loan in place of land improvement loans.

The Honourable Mr. DATTATRAYA VENKATESH BELVI :—Your Excellency :—When it is admitted as a matter of principle that Government ought not to make any profit out of the loans which it advances to agriculturists, I really fail to understand how the Resolution which has been moved so ably by my honourable friend Dewán Bahádur GODBOLE can with any show of reason be resisted. Government is in the position of the greatest landlord in this country, and there are hundreds of poor land-lords who advance small sums of money to their tenants without interest when necessary for agricultural purposes. So if it were possible for Government, they should advance these loans without charging a single pie in the way of interest. At any rate, it is admitted that Government ought not to make any profit. Government pays to people who invest their money in Savings Banks only at the rate of Rs. 3-2-0 per Rs. 100 per annum ; to those who hold Government Promissory Notes it pays only $3\frac{1}{2}$ per cent. and there is no reason why Government should charge at the rage of $6\frac{1}{4}$ per cent. in the case of poor agriculturists. The argument that it is easy to calculate interest at the rate of $6\frac{1}{4}$ per cent. is in my humble opinion an argument which, to say the least, verges on the border of the ludicrous. It means that the people in this country are very bad mathematicians, and they cannot calculate interest at 4 or 5 per cent. per annum. I do not think that it is an argument which this Council should take any serious notice of.

The argument that it is not possible just now to revert to the old rate of 5 per cent. or to a still lower rate is an argument that is perfectly sound in itself, and as the learned Dewán Bahádur has told us, he does not desire that there should be any reduction in the rate of interest immediately, and he has stated that he has used his phraseology in a guarded manner. He leaves it entirely to the discretion of Government to reduce the rate of interest at the earliest convenient time. I believe that this Council will do well if it were to accept this Resolution unanimously. Such a course will save the good name of this Council, and it will also add to the credit of the Bombay Government. (Hear, Hear.)

The Honourable Mr. MANMOHANDAS RAMJI :—Your Excellency :—I rise to support the Resolution that has been brought forward by my honourable friend Dewán Bahádur GODBOLE. While doing so the argument advanced against this motion by the Honourable Mr. CARMICHAEL is that the rate of $6\frac{1}{4}$ per cent. is more convenient for calculation purposes. It would have been quite right if that argument had come from an agriculturist, that a certain rate was easy for him to calculate, but that highly paid and highly trained Government officers should advance such an argument that a certain rate is quite easy for purposes of calculation is ludicrous. If $6\frac{1}{4}$ per cent. is easy for calculation, why not 5 per cent. be more easy for calculation, therefore that is not a logical argument at all.

Then the other argument is that the surpluses are used for the benefit of agriculturists, as for example the boring of wells and other agricultural improve-

ments, tools, etc. Well, I think, that in the interest of the Government itself, in the interest of the country itself, and in the interest of the cultivators in particular, the money of the tax-payers should be spent in that direction, because it pays; when a land is improved after spending a certain amount for improving it, it will help Government to assess it at a higher rate when there is a new survey. So that the question of utilising the surpluses for the benefit of agriculturists and agriculturists alone is not a sound argument.

My honourable friend Mr. KAMAT alluded to the question from a business point of view, and he quoted some examples how the things are done in Banks. Of course, he has said that 2 per cent. generally is allowed for bad debts and expenses. I say that even after making allowances for these, very huge profits are made out of this 2 per cent. Now if banking could be done at a margin of 2 per cent. or less, why should Government require $2\frac{3}{4}$ per cent. and continue to justify this rate.

The Honourable Mr. LALUBHAI has pointed out that agriculturists prefer to take loans from co-operative societies at a higher rate than at a low rate from Government. That shows that there is something in that statement and it requires further light, of course he was not good enough to point out why it was so. With these few remarks I support the Resolution of my honourable friend Dewán Bahádur GODBOLE.

The Honourable Mr. J. P. ORR:—Your Excellency:—As regards the question of Tagái, I find that the same arguments which were advanced on the last occasion have now been brought forward with, I may say, considerable force. There is however one point which always struck me when I was Collector, and I used to feel very strongly about it, that these Tagái advances were often lost in some overrash enterprises which ultimately turned out to be no good, and I have always been in favour of a fairly high rate of interest, so that the ryots, before they ask for Tagái advances, may pause and consider whether the work they contemplate is fairly certain to result in such an improvement of their land as to justify the cost and the risk of failure. Of course we know that the Tagái advances are not always used entirely for the proposed land improvement. For these reasons I have always been in favour of putting a fairly high rate of interest upon the agriculturists' loans, and the only question to my mind has been what will be a fair pitch to reach, and I don't think that the interest that is charged at present by Government can be said to be unreasonable. In fact the Sircar is dealing more generously with the ryot than the co-operative societies, which charge interest at a rate 50 per cent. higher than the Government rate of 1 anna in the rupee.

The Honourable Mr. BELVI:—Co-operative Societies charge 18 per cent.

The Honourable Mr. LALUBHAI:—Never more than 9 per cent.

The Honourable Mr. BELVI:—In my part of the Presidency they do charge 18 per cent. and over.

The Honourable Mr. ORR:—I understand that the rate charged by co-operative societies is $1\frac{1}{2}$ annas in the rupee, and I therefore do not think that the Government rate is high judged by that rate.

I do not think I need go into the other points. I only wanted to bring out this new point.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—I should like to say a few words in regard to this Resolution. I think that the principle, for which the Honourable Dewán Bahádur is fighting, is one which would appeal to everybody, *viz.*, that Government in making advances to agriculturists should, as far as possible, not make any profit. When substantital public improvements have got to be carried out, it is usual to lend the credit of public bodies and of Government for the purpose of encouraging these improvements.

In this connection, I should like to point out what we have done in the Improvement Trust, with the sanction of Government. The Trust has been empowered by law to lend money for building chawls to employers of labour at

4 per cent., at which rate it borrows. The Board borrows at 4 per cent. and lends at 4 per cent., and there is no margin for the cost of keeping accounts, etc. That being so, I think the sympathy of the Council must be with the Honourable Dewán Bahádur's motion in the principle which he is pressing to our notice.

There is, however, one difficulty to which my honourable friend Mr. SATHE has referred, and that is in regard to the wording of the Resolution. You know that in consequence of the war the British Government has raised its rate of interest to 4½ per cent., and one does not know at what rates and under what conditions the Government of India will now come forward in the market for borrowing purposes. Therefore, it appears to me that the present time is hardly appropriate for the passing of this Resolution.

If the rate of borrowing is likely to be substanti lly increased, then the question of reducing interest on Takavi advances will assume a different aspect. I would, therefore, ask my honourable friend whether he would not alter his Resolution dropping the words in the second line. He says "this Council recommends that His Excellency the Governor in Council will be pleased to reconsider in the near future.....". I think "in future" will be quite enough. What I mean to say is, that we should leave the question for reconsideration in the hands of His Excellency the Governor in Council till such time as they may deem appropriate. At present the time is inopportune, especially having regard to the fact that the British Government, which has the highest credit in the world, is offering to borrow at 4½ per cent. I think the question might well be deferred till after the present crisis is over.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—I would like to make a small alteration in my Resolution, Your Excellency, and it will probably.....

His Excellency the PRESIDENT:—Well, the Honourable Member cannot make a speech now.

The Honourable Dewán Bahádur GODBOLE:—I would like to suggest at small alteration in my Resolution.

His Excellency the PRESIDENT:—Will the Honourable Member write it down and hand it up to me.

(The Resolution in an amended form was then handed over to His Excellency the PRESIDENT.)

The Honourable Sir RICHARD A. LAMB:—Your Excellency:—I understand that the Honourable Mover of this Resolution is prepared to submit it to the Council with a small modification, so that it will read—

"This Council recommends that His Excellency the Governor in Council will be pleased to reconsider at his convenience the question of interest charged on loans given under the Land Improvement Loans Act, 1883, and reduce the same to the lowest possible figure".

The Resolution as modified recommends "that the Governor in Council will be pleased to reconsider at his convenience". Of course that leaves the matter very much in the hands of His Excellency the Governor in Council. That he will ever consider the matter at all, is an undertaking which I, for my part, cannot give. The acceptance by Government of a Resolution has always been understood to involve something in the nature of an undertaking on the part of Government that action in the direction recommended by the Resolution will be taken by Government. For my own part, I think that the Honourable Dewán Bahádur would have been better advised if he had withdrawn his Resolution, or postponed it at any rate, as many other things have been postponed, until after the period of the war. I must say that, for the present,—I am for the moment speaking for myself personally,—I am not prepared to give any undertaking that I would consider this question at my convenience, because we cannot at the present time foresee what is going to happen as the result of the inconveniences and troubles caused by the war. We do not know what the state of our credit in India will be after the war, but at any rate, as has been mentioned, the Govern-

ment of Great Britain is going to pay 4½ per cent. on its loans, and we do not know now what the Government of India are going to do with regard to its loan, nor therefore can we tell what rate of interest it will in future charge to us on our provincial loan account. How then could I given an undertaking, if I were disposing of this matter myself, that I would reconsider this question, until I knew myself how much I was going to be charged? At present I do not know; there is no certainty whatever about it. Hitherto the Government of India have been borrowing at a rate of approximately 3¾ per cent. But will the Government of India be able to do so now? How is the Finance Member going to raise this year's loan? Nobody can answer that to-day. Probably he himself cannot answer the question for the moment; and in these circumstances that we should give an undertaking that we will consider the question—not merely consider it, but consider it with the object of reducing the rate of interest—that is an undertaking that I do not personally feel inclined to give, nor would I advise this Council to recommend Your Excellency in Council to commit Government to such an undertaking. I must say that I feel very strongly on this point, because it appears to me that this is a suggestion which cannot be considered until after the situation has become a great deal clearer than it is now.

Again, Sir, the Resolution is in a form which makes it a little difficult to deal with, because it applies to only one form of Tagai.

The Honourable Dewán Bahádur GODBOLE:—I am quite prepared to add "Tagai under the Agricultural Loans Act".

The Honourable Sir RICHARD LAMB:—The point that I was going to make is this, that the Honourable Member has cited me as saying that we do not wish to make a profit out of Tagai, nor do we; but if he separates one particular head or branch of Tagai from the other, it renders it extremely difficult for me to show whether we are or are not making a profit on that particular branch. As the printed statement, which I believe has been supplied to him and to everybody, indicates, we have not got separate accounts under each head. It is not possible to disentangle the advances under the Land Improvement Loans Act and those under the Agricultural Loans Act. The two are so entangled together that it is not possible to separate them in our accounts. Therefore I cannot stand up in this Council and say that under the Land Improvement Loans Act we are not making a profit or that we are making a profit, simply because the accounts are mixed up with the Agriculturists' Loans Act. On those two, mixed up and taken together, during the last few years it is perfectly true that we have been making a profit, but I maintain that we ought not to look to a few years but we should look to a considerable number of years; and if we do that, honourable members will find that up to now, from 1899-1900, we have worked at a very heavy loss. Our losses for the year 1899-1900 up to 1907-1908 were Rs. 69,22,034, and against that we have some Rs. 22,00,000 shown as profit. We are down about Rs. 50,00,000 on the account, and with that balance against us, how can we consider a reduction in the rate of interest? I maintain that so long as we are not making a profit, we should not reduce our rate of interest. But possibly my honourable friend will say that this loss ought to be debited to famine and ought not to be debited to Tagai at all. I take strong objection to the figures being taken out of the head Tagai when we are making a loss, and left in only when we are making a profit. The money is advanced as Tagai, and it is accounted for under that head, both at the time we are making losses and at the time we are making profits; when we make a loss it is not fair to say 'Oh, no, that is not Tagai at all, that is famine expenditure'. That, Sir, is not a sound argument at all. We must take both the losses and the profits under the same head under which they are actually incurred, and not transfer only the losses to some other head. If both the losses and profits are considered, then I say that from 1899-1900, that is to say for nearly 16 years, we have been working at a loss of something like approximately half a crore of rupees.

We are not making a profit, and I personally do not recommend that we should consider the question of reduction in the rate of interest until it is shown that we are making a distinct and continuous profit. The Government of India,

when they, in 1904, asked us to increase the rate from 5 per cent. to 6¼ per cent., which we have done, gave their reasons, and I consider them very sound reasons. The rate is very much less than that warranted by the custom of the country. It does not seem probable that the reduction of the rate from 6¼ per cent. to 5 per cent. would have any appreciable effect on the demands for loans. The result will be precisely what the Honourable Mr. ORR has pointed out,—it will have the effect of increasing demands for reckless loans. The borrowers derive no benefit from such loans, or have no certainty at any rate of these loans resulting in any reproductive returns. I consider it is most unwise to encourage that kind of borrowing. I think it ought to be discouraged. The Governor General in Council went on to say that the Government of India agree that loans under the Act for the improvement of lands need not be made with a profit to the State. Certainly not. He considers that, where the present rate of interest is found to result, after taking into account all classes of transactions including remissions under both Acts, in a net profit to the Local Government, this margin of profit should be utilised not in reducing the rate of interest to all borrowers, but in granting special concessions to those borrowers who stand in need of them. He would regard the margin between the rate paid by Government on the loans it raises and that which it charges to the agriculturists as an assurance or sinking fund to cover losses such as may be expected to occur in individual cases. That is a very sound pronouncement, in my opinion, and it is one on which we ought to continue to act.

There is one more point, Sir, and that is, that we ought not to foster or force Tagai loans while we are trying to develop Co-operative Credit Societies. We are doing all we can to encourage the people to co-operate, to work up their own credit, to manage without the assistance of Government, to stand on their own feet; and it is found that as a general rule these Co-operative Credit Societies which we have got going in many places—and many of these are springing up in different parts of the country with great prospects of success—are not able to charge less than 9⅜ per cent. While we are doing all we can for the furtherance of these Societies, while we are giving out money to these Societies my honourable friend asks for a reduction in the rate of interest on Tagai loans. It appears to me ridiculous. I should myself be in favour of raising the rate o interest on Tagai loans up to the rate which the Co-operative Societies are charging, and not less. That I say, speaking for myself, as a personal opinion. In speaking on behalf of Government I do not think, Sir, that this Resolution ought to be accepted, at any rate at the present time.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency :—Will the Honourable Member tell me in what form he is prepared to accept my Resolution? Are your prepared, Sir?

The Honourable Sir RICHARD LAMB :—No, I am not.

His Excellency the PRESIDENT :—My honourable colleague refuses to listen to the voice of the charmer.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency: I am much gratified at the amount of discussion that my Resolution has brought out. The main support on which I based my Resolution is the wording of the Finance Member himself. In the July sessions of 1913 he used the words which I have quoted. The words that he used on that occasion are "when the Honourable Sir PHEROZESHAH MEHTA says that the rate of interest ought not to be such as to give us a profit, that is a principle which we fully accept. We do not want to make a profit but we do not want to work at a loss". These are his words, and it is these words that moved me to bring this Resolution, when I saw the figures that were supplied to us by the Chief Secretary to Government. The Chief Secretary has told us that from year to year, from 1909-1910, since the rate was raised from 5 to 6¼ per cent., the State has been gaining money on these Takavi transactions. I have quoted figures for seven years, and acting upon the words of the Finance Member and upon the trend of the discussion that took place in July 1913, I think I was quite justified in bringing forward this Resolution. I have shown that year after year the State has been making large

profits. The arguments that have been advanced against my proposition by my opponents are only two or three, and I think they were demolished at the time of the last discussion. During to-day's discussion also the arguments of my honourable friend Mr. CARMICHAEL regarding the easy method of calculating the interest on Tagavi loans, etc., have already been answered by several Honourable Members. The Honourable Mr. KAMAT has already said that even ordinary money-lenders get a margin of 2 per cent. on the advances they make and they are quite satisfied with this margin. Here Government are keeping a margin of $2\frac{3}{4}$ per cent. and are making large profits every year, and still they wish to keep up the rate of interest at $6\frac{1}{4}$ per cent.

I think I have made out a strong case for the acceptance of my Resolution. The only weak point is that I have brought it at a time which is not very favourable, and in consideration of this I was quite prepared to make a modification in the wording of my Resolution, but unfortunately even that yielding on my part has had no effect. I regret, therefore, that under these circumstances I have to ask the permission of His Excellency the PRESIDENT to defer the consideration of my Resolution to a future meeting of the Council. I do not withdraw the Resolution, but I postpone it.

His Excellency the PRESIDENT :—I understand that my honourable friend wishes to postpone the consideration of this Resolution to a future meeting. I am very much obliged.

The Resolution was by leave postponed.

His Excellency the PRESIDENT :—I think it will be to the convenience of Honourable Members if we adjourn now and meet to-morrow at 11-30 a.m.

The Council then adjourned till 11-30 a.m. on Wednesday, the 14th July 1915.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council
of the Governor of Bombay.

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

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 14th July 1915, at 11-30 a. m.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *presiding*.
The Honourable Sir RICHARD AMPHLETT LAMB, K.C.S.I., C.I.E., I. C. S.
The Honourable Sir PRABHASHANKAR D. PATTANI, K.C.I.E.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Dr. D. A. D'MONTE, M.D , L.R.C.P (LOND.), L.M. & S.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. M. N. HOGG.
The Honourable Lieut.-Col. J. JACKSON, I. M. S.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákore of Kerwada.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Sardár Sir CHINUBHAI MADHAVLAL, Bart., C.I.E.
The Honourable Mr. J. A. D. MCBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Mr. NARAYAN MĀDHAV SAMARTH, LL.B.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Mr. W. H. SHARP.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
The Honourable Mr. M. DEP. WEBB, C.I.E.

The Council re-assembled at Poona, on Wednesday, the 14th July 1915, at 11-30 a. m.

The Honourable the Vice-President: Order, Order, in the temporary absence of His Excellency the President I take the Chair for a few minutes. Resolution No. IV. The Honourable Dewán Bahádur Godbole.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency :—The resolution which stands in my name reads thus :—

"This Council recommends that His Excellency the Governor in Council may be pleased to consider the advisability of obtaining the sanction of the Government of India to supplement from Provincial Revenues the assistance ordinarily given under the existing feeder line terms, from Imperial Revenues for the construction by private enterprise of Railways in the Konkan, Kanara and the Western Ghaut Districts of the Bombay Presidency."

The Council will excuse me if I make a few preliminary observations before I come directly to the resolution in hand. India is an extensive agricultural country which is producing wheat, oilseeds, cotton, food grains, raw sugar, etc., in large quantities. Only a small proportion of this produce is consumed on the spot. The rest has to be transferred to more paying markets both in India and outside India. The problem is to provide means of economic and rapid transport for all this agricultural produce. Again, such manufactures as exist in India and as will come into existence in the near future, require to be helped by the provision of easy means of transport. The agricultural and industrial population of the country also must move about freely and rapidly, realising the value of time.

If the country is to make a steady progress and to compete successfully with the other countries of the world in trade and manufactures, the bullock cart as a means of travel and transport beyond distances of 10 and 12 miles must go, and be replaced by motor lorries, tramways and railways working at speeds of 12 and 15 miles an hour. Every town containing a population of 7 or 8 thousands and every agricultural and irrigation centre in the country must have means of railway communication.

The value of railways and tramways for purposes of transport is now realised in every part of India. Whenever Your Excellency visits any portion of this Presidency where there is no railway communication at present, the first want that is put forward before Your Excellency as requiring immediate attention, is provision of railway communication. The demand for additional railways is real and every effort must be made to satisfy it.

Most of the main arterial lines of railway have already been constructed in India. What are now wanted are Branch Railways for bringing traffic to these arterial lines. The Government of India are desirous that these Branch Railways should be constructed by private enterprise and with Indian capital, and with these objects in view, they have promulgated certain Feeder Railway terms.

(At this stage His Excellency the PRESIDENT arrived in the Hall and resumed his seat). Under these terms, the promoters of private railway companies can get guarantees of $3\frac{1}{2}$ and 5 per cent. on the capital invested on lines which are really required for the development of the country. The $3\frac{1}{2}$ per cent. guarantee is given from Imperial funds and the 5 per cent. rebate guarantee has generally to be obtained from the parent line administration.

The feeder line terms are very fair on the whole, and they are being taken advantage of, on a considerable scale all over India. They are suitable to thickly populated and fairly level tracts where railway construction is comparatively cheap and where feeder railways are likely to give a return of about 5 per cent. on capital invested within 5 years after construction. As regards our Presidency, Guzerat, Sind, Kathiawar and East Deccan might be mentioned as tracts for which the present feeder line terms are suitable.

There are other portions of the Bombay Presidency, however, which will require special treatment in the matter of railway development. These portions are the Konkan districts of Kolaba and Ratnagiri, Kanara and the portions of the Deccan and Southern Maratha Country Districts that lie close to the Western Ghauts. These tracts are hilly and very much broken up by hill torrents, rivers, and tidal creeks. The construction of railways in such tracts is necessarily very expensive. There will be deep cuttings and high banks and expensive cross drainage works for crossing hill torrents, rivers and tidal creeks on these railways.

Perhaps some tunnelling also may be necessary. On account of the high cost of construction, these railways are not likely to return 4 or 5 per cent. until 15 or 20 years after construction. The 3½ per cent. and 5 per cent. guarantees allowed by the present feeder railway terms will not therefore be forthcoming for such lines, and consequently they will not be financed by private enterprise, unless some supplementary assistance from Provincial funds is given to induce private capital to come in.

What form this assistance from Provincial funds should take, is a matter for Government to decide. The assistance may be in the shape of a subsidy or contribution towards first cost, so as to keep down the capital expenditure on the line, or the Provincial Government may give a subsidiary guarantee to make up 4½ per cent. on the paid-up capital of the Branch line company for a stipulated period after the opening of the line, the Imperial fund guarantee of 3½ per cent. being previously secured from the Government of India according to feeder line terms. The latter is the form of assistance which the Provincial Government of Assam has received permission to give, to the lines which will be undertaken by private companies for the development of their territories.

What I ask for in the resolution is, that the Bombay Government should obtain permission from the Government of India to give assistance from Provincial Funds in either of the above forms to railway lines which are required for the development of the Presidency but which are not likely to be taken up by private enterprise on present feeder line terms on account of their not being immediately remunerative.

Amongst the lines that come in this class in this Presidency I would place the Railway from Campoli or other suitable station on the G. I. P. Railway to the Goa Frontier in the south, a line of Railway from Haveri or Hubli to Sirsi, a line from Alnavar to Yellapur forests *viâ* Haliyal, a line from Manmad to the interior of Dang Forests *viâ* Malegaon, Baglan and Pimpalner Talukas, a line from Nasik Road station to Sangamner and so on. If in the case of these and similar lines that are required for the development of the country Government are satisfied that they will pay 2 per cent. immediately after construction, and if they are satisfied further that after 15 years working they will pay over 5 per cent., then I would advocate a subsidiary guarantee being given by the Bombay Government from Provincial Funds to make up 4½ per cent. dividends for the first 15 years working of the lines. The case of each line will have to be dealt with on its own merits, and some arrangements may be feasible whereby the financial burden borne by the Provincial Funds in the earlier years of working of the line may be recouped when the line commences earning good dividends.

Government are opening large irrigation works in the Presidency as a protection against famine. Each of these works ought to have a railway line to transport its produce to the most paying markets. If these irrigation works lines require the special treatment I am advocating, the same should certainly be extended to them.

With these remarks I lay the resolution before the Council for its acceptance.

The Honourable Sir RICHARD A. LAMB :—Your Excellency :—With your Excellency's permission I think I may perhaps save the time of the Council if I state briefly what is the actual state of affairs in regard to this matter. So long ago as 1908 the Bombay Government made a representation to the Government of India in respect to the assistance that the Local Government might give to local railways. In 1910 the Government of India in the Railway Department, the Secretary of the Railway Board, wrote to this Government and said that after communication with the Secretary of State His Lordship had sanctioned the grant of guarantees by Local Governments on certain conditions and that this Government would be addressed on the subject separately. That looked fairly hopeful. However last year we received from the Government of India, Finance Department, copies of despatches which had passed between the Government of India and the Secretary of State of which I will read the relevant portion. It appears that the Government of India made proposals to the Secretary of State that

Local Government might be authorised to give guarantees to railways on certain conditions, but when they considered the matter further they felt great doubt whether the plan was practicable and they gave their reasons to the Secretary of State. They said :—

"The considerations which led us to suggest the imposition of conditions were that the Local Government have not the same experience as ourselves on questions relating to railway construction, and secondly that owing to the large vested interests of the Government of India and of company worked lines, it is essential that fresh schemes of railway development should receive the most careful examination at our hands"—that is the hands of the Government of India.—"So long as this condition is maintained and it cannot be dispensed with it is unlikely that any system of provincial guarantees will prove of much practical value or will result in the construction of any lines guarantees for which would not be given by ourselves or would attract substantially more capital to such enterprises than would be obtained without provincial guarantees. Furthermore, the main object which it was desired to attain by this proposal is one that no longer concerns us. When the question was originally raised in 1904, by Lord Curzon's Government, branch lines constructed from private capital were included within the annual railway programme of the Government of India, and the object in view was to facilitate the provision of funds for such lines outside the programme. Now that these lines, even when guaranteed by the Government of India, have under Your Lordship's orders been excluded from the programme, financial considerations no longer stand in the way of our offering guarantees from Imperial revenues, and the only limitations to such guarantees arise from the administrative aspects of the lines and their probable yield of revenue. In these circumstances we anticipate that lines which are administratively unobjectionable and have good prospects of revenue will readily receive the Imperial guarantee and that there is some danger that only lines with doubtful prospects will be relegated to Provincial Governments. Such a result would eventually kill the scheme—and in any case there is an obvious antecedent probability that, with two parallel systems of guarantee—one by Local Governments and one by the Imperial Government—the public will incline to look upon the former as of inferior value and attractiveness. We see no practical means of meeting these objections and are thus forced to the conclusion that the proposal should be abandoned as one of general application."

That is what the Government of India wrote to the Secretary of State. His Majesty's Secretary of State replied :—

"I concur in the considerations which have led you to abandon the proposals for permitting Provincial Governments to grant guarantees of interest to companies formed for the construction of branch lines of railways".

That despatch was dated October 1913 and was received here in 1914 and was communicated to the Department concerned. I think, Sir, that in view of the matter of local guarantees, that is, guarantees by Local Governments, having been so recently placed before the Secretary of State for India by the Government of India and it having been decided by the Secretary of State that such guarantees cannot be permitted, it would be hopless for us to make any further recommendation in the matter at present. The orders are so recent as last year. It would be perfectly hopeless, especially in the present condition of affairs, to revive the question, although as has been shown in the previous correspondence, the idea commended itself at first to the Government of India. The ultimate decision so recently taken is one that, I think must be accepted by this Government, and it is hopeless to make any approach to the Government of India in the direction indicated in the resolution moved by the Honourable Dewán Bahádur GODBOLE. That is how the matter stands. We are not an independent Government and we have to confine ourselves within the limitations that are laid upon us by the superior Government. In the meantime my Honourable friend is doubtless aware that a great deal has been done in the direction of improving the terms granted for the construction of feeder lines by private companies. The terms originally published have recently been modified and I understand that the modifications have been accepted as a marked improvement. Further the

question of assistance which may be given by District Local Boards has been under consideration, and the Secretary of State has approved of power being taken by all Local Governments such as exists already in Madras to allow Local Boards if they think fit to levy a special extra land-cess not exceeding 3 pies in the rupee on the annual net value of land for the development of light railways and local railways and tramways, subject to conditions similar to those laid down by Act V of 1894. In accordance with that approval of the Secretary of State, a bill has been drafted and has been sent to the Commissioners and Collectors with the request that they will report after consulting the Local Boards of their respective Districts their opinions on the subject. That, Sir, is at present so far as we are able to go. We can make use of the amended rules for granting concessions to Companies for feeder Railways, and we can go forward with the empowering Act of the District Local Boards. In view of the papers just read to approach the Government of India with the object of obtaining sanction to the Local Government giving guarantees or subscribing its own money is, I submit, Sir, a proposition which cannot be entertained.

The Honourable Mr. LALUBHAI SAMALDAS:—There is a difference between the proposals submitted by the Government of India to the Secretary of State in October 1913, and the terms of the resolution of my Honourable friend Dewan Bahadur GODBOLE. While the Government of India referred to a provincial guarantee as a parallel to, if not actually competing with the Government of India's guarantee, Dewan Bahadur GODBOLE wants the Provincial Government to get the permission of the Government of India to supplement the guarantee of the Government of India. This means that the Government of India will have to satisfy themselves as regards the probability of each scheme earning at least $3\frac{1}{2}$ per cent. If after they give their guarantee to that extent, the Provincial Government finds that owing to local conditions a company cannot be floated to construct a railway the Provincial Government should have the authority to give a further guarantee of, say, one per cent. As a matter of fact, the Government of Assam has only recently given a supplementary guarantee from their provincial revenue of one per cent., not for fifteen years as Dewan Bahadur GODBOLE suggested but for ten years. By that time the railway will be able to earn at least $4\frac{1}{2}$ per cent. and the cessation of the supplementary provincial guarantee will not affect the share-holders of the company. The orders of the Secretary of State were received in February, 1914, and the Assam Government got permission to give a supplementary grant from the provincial revenues thereafter. There is no reason therefore why Your Excellency's Government should not approach the Government of India to get the necessary permission to give a supplementary guarantee which will only be utilized if the Provincial Government is satisfied that for particular feeder railways the requisite capital cannot be raised on the guarantee of $3\frac{1}{2}$ per cent. of the Government of India; that sufficient capital will be forthcoming if a supplementary guarantee of one per cent. is given for a specified period and that by the end of that period the earnings of the railway will at least be $4\frac{1}{2}$ per cent. With these remarks I beg to support the resolution of the Honourable Dewán Bahadur.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—The question raised by the honourable member really comes to this. Whether the rate of interest which the Government of India guarantee, namely, $3\frac{1}{2}$ per cent., is sufficient to draw private capital for the construction of railways or whether it is not. If the rate of $3\frac{1}{2}$ per cent. is sufficient to induce capital for the purpose of railway construction, then the supplementary guarantee which the Honourable Dewán Bahádur wants becomes unnecessary at once. If the rate of $3\frac{1}{2}$ per cent. is insufficient then certain further measures are called for to secure construction of railways. As regards the first part of the Honourable Member's speech, I do not think there is any difference of opinion on the point that the extension of railways in India is highly desirable, and if means could be found on a reasonable basis to promote such extension then everybody desires that these means should be adopted. The Government of India had formerly promulgated certain rules and regulations for the construction of feeder lines, but they proved to be unattractive. During recent years they have largely modified these regulations

and they are offering terms which I understand are regarded as satisfactory. A large number of new companies have been formed on the modified feeder line terms of the Government of India. It appears to me that the whole question as regards finding capital for the construction of feeder lines depends upon the prospects of financial success of the lines proposed to be undertaken. A large amount of money has been forthcoming every year for investment in 3½ per cent. Government Paper. I am of course speaking of the conditions before the war. The change of conditions that the war has brought will be dealt with later. Every investor of Government paper has no prospect of getting any larger return than 3½ per cent. The capital invested in the construction of these feeder lines carries a guarantee of 3½ per cent. and there ought not to be any difficulty in finding it, because irrespective of the cost of construction in regard to such lines as have been mentioned by the Honourable Dewán Bahádur GODBOLE the total invested amount will secure a return of 3½ per cent. under the guarantee clause. The only question is whether the investors will obtain a higher return than 3½ per cent. People wanting to invest their money as between Government paper and railway securities have to consider the fact that in the former case they will only get a fixed rate of 3½ per cent., while in the case of the latter alternative, not only a return of 3½ per cent. is absolutely secure, but there is a reasonable prospect of getting more as time goes on if proper care is bestowed in the choice of the railway line. Besides the guarantee of 3½ per cent. I understand that the present terms provide a 5 per cent. rebate on the trunk line receipts, which ought to give an increased return immediately. It therefore follows that the rate of actual return must be a little more than 3½ per cent. to start with, and as time goes on, if the scheme is undertaken with foresight, there would be an increasing return on the capital invested in railways as against that invested in Government paper. There is a further advantage in this class of security. At the end of 25 years the Government of India reserve to themselves the right of acquiring these railways and to pay as compensation 25 times the net return of the preceding three years or the actual cost of construction whichever is greater. Under these terms there is every probability of getting the original capital back in full with a fair prospect of getting more if at the end of 22 years, the company has earned more than 4 per cent. Government paper is only redeemable at par. In the case of feeder lines it is redeemable on the actual return after 22 years' working—under these circumstances it will be apparent that, if sufficient foresight is exercised in the choice of the line, the first higher cost does not matter, because the shareholders will get a minimum of 3½ per cent. with the prospect of getting a higher return as time goes on, and with the further prospect of getting a higher compensation when the railways are taken over by the Government. It appears to me therefore that if money is not forthcoming for the construction of railways on such advantageous terms as against investments in Government paper there must be some other reasons operating in the matter. Looking to the terms offered by the Government of India, I think, there ought to be no serious difficulty in securing private capital for the purpose of these lines.

I am quite in agreement with the honourable member in charge when he pointed out that this is hardly an opportune time for the purpose of raising this question. One does not know how the rate of interest on gilt-edged securities will be affected as a result of the war. It is generally expected that higher rates of interest will have to be paid by the State for its borrowings. If these expectations are realized the feeder line railway terms may have to be revised by the Government of India and they may be induced to give a guarantee of a higher rate of interest than the present 3½ per cent. The question, therefore, is one which, in my opinion, should wait till, as I said yesterday, the financial atmosphere is cleared and it becomes known how the State proposes to borrow for its own requirements. As soon as this information is available, I think, it will be time to consider what should be done with regard to this matter. Instead of asking for a provincial guarantee, I think, the time may reasonably be expected to come when the Government of India who earnestly desire to push railway construction may be induced to offer a higher rate of guarantee than the present 3½ per cent.

For these reasons, Sir, I agree with the honourable member in charge that this is not an opportune time to raise the question.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE :—Your Excellency,—We are all indebted to the Government of Bombay for raising this question some time ago and for referring it on proper lines to the proper authorities. But even then there is some use in raising it in this Council ; because, if this Council expresses its emphatic and definite opinion that something should be done in the matter of this railway, I am sure the Government of Bombay will find themselves strengthened by such an expression of opinion in any representation to the Government of India. Again I bow to the suggestion made that the question of the construction of this railway should wait. But what is the question that has been raised ? The actual financing of the railway, the actual raising of the capital, that of course can wait till times are better. But the consideration of the question as to what is to be the policy to be followed hereafter, that can certainly go on even in these hard and straitened times. I, therefore, submit that the consideration of this resolution ought to go on at present. The speakers before me took into consideration and confined their remarks to the economic aspect of the question. But apart from the economic consideration there are other considerations for Government and these are the very important considerations, not of finance, not of funds, but of administrative necessity. The three districts of Kolába, Ratnágiri and Kánara have a population of more than 20 lákhs. None of these three districts are served by railways, while all the other districts in the Presidency are. It is a great hardship that these three districts with a total population of 20 or 25 lákhs have got no railways. These districts, I submit, should not be kept in a kind of suspended animation for want of proper facilities. The only possible communication in these districts is by means of water-ways. These communications are, to say the least, very inconvenient and during the four months of the monsoon absolutely non-existent. If I am not wrong in my impression, these three districts, particularly Ratnágiri, are regarded in the official world as a kind of penal settlement for high Government officials on account of the want of proper amenities of life. Konkan, as the honourable members know, is a narrow strip of land between the sea and the Ghauts of a breadth of between twenty and forty miles. There are many creeks in the Konkan which are navigable for about 10 or 15 miles from the coast. The approaches to the ports at the mouth of these creeks are very inconvenient. The result of this want of communication is very well seen in the nature of the population of the district. If you refer to the Census reports, you will find that Ratnágiri District has a population in which old men and women predominate to a considerable extent ; the adult and young population of the district goes away and the only people who remain there are old men and women. Even in our memory many a flourishing village in Konkan has been reduced to a collection of dilapidated houses and the population has gone down to half of what it was a few years ago. I therefore submit that it is essential to see that these districts do not deteriorate any further. Another result of this absence of railways is, that there is no possibility of having any industries in the Konkan. Owing to the want of proper communications there are no facilities for getting any raw material for four months of the year and to start any factory there is therefore out of the question. The whole of the district is practically supported by remittances from other places where the villagers go to earn their livelihood. In fact, in the Ratnágiri District, any amount of money orders come from even such distant places as East and South Africa, and I am told that the total revenue collection of a town called Mahád in the Kolába District is insufficient to pay up all the money-orders that are sent to it by its inhabitants earning their livelihood somewhere else. This shows that these districts are leading a rather exotic existence, and it is the business of Government to see that they have a chance to lead a proper existence. The people of the villages in the Ratnágiri District are, as you know, exceedingly attached to their own land, and even though they go to other countries and have no hopes of coming back to their own villages, they go on paying the assessment and some of them who earn money outside are anxious to purchase more lands in their own villages and consequently prices of land in this district have risen much higher than the prices in other districts. Again the whole of Bombay is supplied with the labour that is obtained from the Konkan.

His Excellency the PRESIDENT :—Order, Order. I should like just to remind the honourable member that he has to keep his attention to considering the advisability of obtaining the sanction of Government of India to supplement from provincial revenues the assistance already given, and in referring to the condition in a particular part of the country, I think he is travelling a little wide.

The Honourable Mr. PARANJPYE :—I shall leave that point, Sir. I only want to say that these railways are necessary from the administrative point of view, and that it would really be generous on the part of Government to take in hand the construction of these lines. There are several ways in which assistance can be given. If the Bombay Government were to construct good roads which are also a great want in these districts and allow Railway Companies to use them they would be helping on in the construction of railways. I would mention that Government have already allowed the Barsi Light Railway to make use of ordinary roads in this manner. I am not an expert of engineering matters and cannot speak about the actual cost of these railways, but I am certain that if proper precautions are taken, they will not be too costly ; such light railways would be very useful particularly in the districts where there are bad roads. I therefore think it right that this Council should express an emphatic opinion that more facilities should be given to the construction of such railways as from the administrative point of view these railways are essentially required for the convenience of a large number of the people of this Presidency.

The Honourable Ráo Bahádur SHRINIVAS KONHER RODDA :—My Lord, the resolution moved by the Honourable Dewán Bahádur GODBOLE is one of great importance. He only seeks the aid of Government in matters where construction of railways solely owned by Government is impossible. The extension of railways in the Presidency would lead to the development of industries and would add to the material wealth of the nation at large. But so far as the whole of the western coast of the Bombay Presidency is concerned, there are no facilities on the eastern and western side of Konkan from where various kinds of produce are exported in large quantities to other parts of the country. From the resolution moved by the honourable Dewan Bahadur GODBOLE, I understand that the Government are asked to encourage private enterprise in the construction of these railways if they are unable to construct them themselves, and for that reason my Honourable friend is urging to ask the sanction of the Government of India to supplement from Provincial Revenues the assistance already given.

His Excellency the PRESIDENT :—Order, Order. I really would like to suggest that all this conversation that is going on is really beating the air. The resolution moved by the honourable member refers to (reads). This is what it refers to and therefore this interesting discussion on private enterprise and public enterprise is really beating the air and I am forced to say to honourable members that it is really waste of time.

The Honourable Mr. M. DEP. WEBB :—Your Excellency,—speaking as one who had some experience in the construction of feeder lines, I must say that the Honourable Dewán Bahádur GODBOLE'S resolution finds a very warm corner in my heart. I understand from the expression of Sir RICHARD LAMB'S views that Government heartily sympathises with the Resolution now before this Council. But it has been explained that the Government of India have rejected the idea of provincial assistance. I think the fact must have been overlooked (as pointed out by the Honourable Mr. LALUBHAI) that the Government of India have quite recently sanctioned a contribution from provincial funds in the case of Assam.

His Excellency the PRESIDENT :—May I read the Government of India's letter. (Reads). It may be, however, that exception will be found to be possible in the case of Assam where the conditions are in many respects exceptional. (Reads).

The Honourable Mr. WEBB :—If Your Excellency's Government is of opinion that the exception there made is one which will give no assistance to us in the case of the Bombay Presidency then, Sir, I have nothing further to say.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency :—After the reply that has been given by Finance Member, I see that there are difficulties to my proposition being accepted. What I plead for, Sir, is that it is the duty of the Local Government to bring to the notice of the Government of India, the extreme want of railways in the districts that I have mentioned. The physical formation of the tracts that I have mentioned, *viz.*, the Konkan, and the districts of the Bombay Presidency near the Ghauts is such that no railways constructed in these tracts will pay for 12 or 15 years on account of the heavy initial expenditure. What I ask for is, that the Government of India should be approached by the Local Government with the object of procuring for these tracts the same terms as they have given to the districts of Assam. In Assam, special terms have been given by the Government of India, because the districts of that Province are backward and because the construction of railways there is not likely to prove immediately profitable or paying. The condition of the districts that are brought to the notice of the Council is exactly similar. Konkan, as my Honourable friend Mr. PARANJPYE pointed out, is an important tract of the Bombay Presidency where railway development is extremely necessary, and I think it is the duty of the Local Government to approach the Government of India to get for it the same concession as the Government of Assam have obtained. With reference to the remarks that have been made by some Honourable Members I may mention that I have been doing something in the way of railway promotion, and I find that it is extremely difficult to get in the financial market money with a guarantee of 3 1/2 per cent. Investors require 4 1/2 and higher percentages of interest, and unless the schemes are such as will be capable of paying these returns in the immediate future it is impossible to float them in the market. So my appeal to the Local Government is that they should represent to the Government of India the necessity of giving special concessions to the districts mentioned by me in the matter of railway development. These districts should receive treatment on the same lines as the Assam Government have obtained for the development of their tracts. It is, in my opinion, the duty of this Government to press the wants of tneir own Presidency. As regards the irrigation works that have been constructed in this Presidency, I submit, that these works will never develop unless railway facilities are given to the irrigated tracts in order to enable the produce of those tracts being brought into important markets like that of Bombay.

His Excellency the PRESIDENT :—Order, Order. I really do not think that these points arise on the resolution.

The Honourable Mr. GODBOLE :—Well, I may conclude by saying that the districts I have brought to notice deserve special assistance from the Local Government in the matter of railway construction. I quite realise that the present are exceptional times and no measure should be initiated by Government which will cause additional expenditure to Government. What I ask for is that the proposal should be put forward before the Government of India with an intimation that it need not be brought into action until financial conditions improve.

The Honourable Sir RICHARD LAMB :—Your Excellency,—I rise once more to endeavour to explain to the Council, the extremely difficult position in which my Honourable friend places Your Excellency's Government by persisting in this resolution. I endeavoured to explain that this Government has of necessity to regard the decision of the Government of India and the Secretary of State. We are not an independent Government, but we are bound by the orders which come from those higher authorities. We, therefore, as a Government, are unable to accept the suggestion that we should obtain the sanction which we formerly attempted to obtain but which was refused only so lately as last year. My Honourable friend, therefore, by insisting on this resolution, places us in a position which we are unable to accept. We cannot agree to a resolution which runs counter to the recent decision of the Government of India and the Secretary of State. It would be a totally different matter if we were a separate Government; but having received from the superior Government a definite order we cannot accept the suggestion of the Honourable Dewán Bahádur GODBOLE.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency :—With the explanation that has been given to this Council by the Financial Member I agree to postpone the consideration of this resolution, and if postponement will not satisfy, I agree to withdraw it.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT :—Resolution No. V. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency :—I beg to move the following resolution :—

"This Council recommends that the Governor in Council may be pleased to direct that the number of elective members on those Taluka and District Local Boards in the Presidency which have been in existence for 25 years or upwards, shall be not less than two-thirds of the whole board."

My Lord, in moving this resolution, I propose to give this Council a short history of the Local Self-Government which was granted under the British rule in the form of Taluka and District Boards in the Presidency so that the Honourable Members may appreciate what I have to say on the subject matter of this resolution.

I do not at all suggest that before the advent of the British rule, there did not exist any machinery by which the rural population in this Presidency managed its local affairs. On the contrary there is ample evidence to show that not only in this Presidency but throughout India there were village communities which were so many village republics—self-contained, independent and fully competent to manage all the local affairs of their rural areas including even judicial matters with greatest efficiency. These institutions existed from times immemorial to the present day. They were destroyed only under the rule of the East India Company partly owing to its ignorance of the existence of the efficiency and value of these communities and partly to the politico-commercial nature of its policy.

I do not, however, wish to weary the Council with this ancient history. I refer to it only to remind the Council of the commonplace fallacy which is so dear to the hearts of some people that before the advent of the British into this country, the Local Self-Government was unknown to its people and that in creating these Local Boards and the Municipalities the British Administration had ventured on a new experiment. My Lord, Local Self-Government in India is as old as the Himalayas. Modern research has established this fact beyond doubt. My Lord, the British Government, however, started Local Self-Government in its present form half a century ago in rural areas by establishing rural boards in this Presidency.

In the year 1869, the Bombay Government passed an Act called the Local Funds Act legalising the levy of cess on land for the purposes of maintaining primary schools, roads, dispensaries, etc. This Act, gave no Self-Government to the people, because the Committees created by it, to administer the cess funds, consisted only of members nominated by Government. The principle of election found no place in it. This state of affairs continued in this Presidency for about a period of 15 years when, in the year 1882, during the Viceroyalty of Lord Ripon, the Government of India tried to give a great impetus to Local Self-Government in rural areas by issuing a resolution on the subject. This memorable resolution, as the members of this Council are aware, among other things, laid great stress, on the importance of having a large preponderance of non-official members chosen by some system of election on the rural boards. It was in consequence of this resolution of the Government of India and to give effect to it, as far as was then practicable, that the Bombay Government introduced a Bill called the Local Boards Bill in the year 1884. This Bill was opposed and adversely criticised by some of the non-official nominated members there being no elected members then on the ground that the Bill did not satisfy adequately either the requirements of the resolution of the Government of India in substance or in

spirit or the legitimate aspirations of the people. The clause of the Bill dealing with the constitution of the Local Boards which appears now as section 5 of the Bombay Local Boards Act, 1884, was hotly opposed by three most eminent non-official members of the Council—Mr. BADRUDIN TYABJI, Mr. MACAULAY, and Ráo Sáheb MANDLIK. All of them maintained that the principle of elective majority on Local Boards must be provided for, in the Bill itself and not be left to the discretion of Government. My Lord, I may here, for the information of the Council, quote a short passage from the speech of Mr. TYABJI made on that occasion. He said :—

"First as to the constitution of the Local Boards. The Bill leaves this important matter entirely to the discretion of Government providing only not less than one-half shall be elective members and not more than one-half Government nominees. Now I confess that the proportion of the Government nominees, as here contemplated, seems to be somwhat high. Unless a decisive majority is given to the elective members I fear that the Bill will be practically worse than useless. It will be mischievous. The real power will still continue to belong to the Local Authorities and the present measure will merely continue and practically perpetuate the present system under the high sounding name of Local Self-Government. It seems to me that the people will have gained little more than a bare responsibility for the administration of funds and of affairs, over which they will have no real control. On all important occasions, the independent members will be liable to be completely swamped by the Government nominees who will, ordinarily, be the mere creatures of the Collectors.

The Honourable Mr. PEILE :—No.

"The Honourable Mr. TYABJI :—They can hardly be expected to vote in opposition to the wishes of the Authority to whom they owe their nomination. The real object and scope of nomination by Government, ought, I submit, to be nothing more than to correct and adjust any accidental defects in the composition of the Local Boards and to secure a due and impartial representation of the different classes of the people and this, I think, would be sufficiently provided for if power were reserved to Government to nominate say not more than one-third of the total number of members of the Taluka Committees and say not more than one-fourth of the total number for District Local Boards."

Such were the fears entertained by the public on that occasion. How were they met by the then Government? The published proceedings of the Council have an interesting tale to tell. The Bombay Government gave a solemn assurance that they would give a wider scope to the principle of elective majority on Local Boards as early as possible. Relying on this, the Honourable Mr. BADRUDIN TYABJI and Mr. MACAULAY withdrew their opposition to the Bill. Ráo Sáheb MANDLIK, however, did not. My Lord, in order to avoid any mistake I give the Council the very words of His Excellency the then Governor and President, in which this assurance was given. His Excellency said :—

> "Now I confess that I look forward with my Honourable Colleague to an extension of the elective principle. While I hope it will be the pleasure of my successor—though it can hardly be mine—to see a wider scope given to this principle, I can not think that in this measure we have adopted too great precautions."

If the then Governor claimed to have taken precautions in framing the Bill, Mr. TYABJI, who represented the Indian public of this Presidency, did not forget to take his own precautions in accepting the Bill on the assurance of the Government. He said :—

> "Now as the Government have pledged themselves to apply these provisions in a fair and liberal spirit, I for one, am content to accept their assurances with perfect confidence. Unhappily, however, the past history of this Presidency is not without instances where similar assurances have, on previous occasions, been either entirely ignored or lost sight of; and this, no doubt, is the chief reason why the Bills, even as amended by the Select Committee, have been received with less satisfaction by the people than might, otherwise, have been the case. This absence of satisfaction, however, is not founded upon anything contained in the Bills themselves, so much as upon an uneasy feeling that however honourably and scrupulously, Your Excellency and the members of the present Government may fulfil their assurances they have no binding force at all upon Your Excellency's successors."

These words were uttered over thirty years ago and it pains me to observe that the fears so forcibly expressed by that great Indian leader have been unfortunately justified by events to the letter and the solemn assurances of the Government have remained only to adorn the pages of the report in which they appeared. The elective principle, my Lord, is to-day exactly where it was in the year 1884 and this inspite of the enormous progress made in education and public spirit which has been so recently and tellingly recognized by the Government of India in the creation of the expanded Legislative Council and the admission of the Indian element into the Executive Council. Moreover, My Lord, the Royal Commission on Decentralization charged with the duty of carefully examining *inter alia*, the question of the extension of true Self-Government has, after an elaborate examination of the question, given its vote in its favour in the following unequivocal terms. Paragraph 789 of their report says :—

" There is evidence that the existing methods of election often fail to excite public interest or produce good men. On the other hand the non-official witnesses, except in Upper India, are generally in favour of giving further effect to the elective principle.

The resolution of Lord Ripon's Government in 1882 laid down that there should be a large preponderance of non-official members on the rural boards, and that is our view also. We consider that the nominated element in a sub-district Board should not exceed the strength sufficient to secure the due representation of minorities and of official experience and that the District Board also should contain an elective majority. In other words the proportion of official and nominated members should be substantially diminished."

Under these circumstances, one should have thought that 30 years were long enough for any civilized Government to redeem its promises solemnly made to the responsible representatives of its subjects. But the Bombay Government did not seem to think so when its views were sought for by the Government of India with a view to make some further advance in Local Self-Government in this Presidency. I gather that of all the Provincial Governments in India it stood alone in thinking that the time was not still ripe to give effect in this Presidency to the wish of the Government of India. They seem to have said that it was inadvisable, in present conditions, to provide for an elective majority on the Boards.

Is that really so ? and if so, is it not, my Lord, a sad confession on the part of the Government to whom in the Providence of God, the welfare of the people of this Presidency has been entrusted by the British nation that its enlightened rule for 30 years should not have been able to evoke such modicum of public spirit in its subjects as to make it possible for such small extension of the elective franchise ?

But is the view expressed by the Bombay Government on that occasion borne out by facts ? How did that truth dawn on the Government ? Did it consult any of the many recognized public institutions such as the Bombay Presidency Association, the Deccan Sabha, the Sarvajanik Sabha or any other ? Were the non-official members of the Local Boards of this Presidency or even the non-official members of this Council ever invited to express their opinion on this matter ?

I am afraid, my Lord, that the Bombay Government, when it expressed that opinion, expressed entirely the one side of opinion of some of its officials who had their ear and not the public opinion of this Presidency. My Lord, neither I nor any other non-official members of this Council have any information as to when and on what materials the Bombay Government submitted such an opinion to the Government of India. As a matter of fact in my capacity as a representative of the Local Boards of the Northern Division on this Council, I have been pleading for some time past for the extension of the elective franchise to the Local Boards in this Presidency. The reply of the Government to my interpellation on the subject in July 1913 was that the matter was under their consideration.

Allured by this, while we were all expecting a substantial increase of the elective principle in the constitution of the Local Boards, to our mortification, the resolution tells us that our Government have interposed its veto to the generous proposal of the Government of India to carry out in spirit Lord Ripon's scheme.

Is this fair to the people of a Presidency which is considered as one of the most enlightened provinces of the Indian Empire? Speaking for my own electorate, I emphatically say, it is not. I, therefore, take this opportunity of moving this resolution whose scope is intentionally limited and beseech Your Excellency's Government to reconsider the question and forego the unenviable position it occupies among the sister Presidencies of India in its attitude towards this question. In doing so, I am confident I shall have the support of the Honourable Members present here, not only non-official but also the official.

The Honourable SHAIKH GHULAM HUSEIN HIDAYATULLAH :—Your Excellency :—The time has now arrived to increase the elective majority of the Taluka Local Boards. People have worked for nearly a quarter of a century with the present system of half elected and half nominated Members on the Taluka and District Local Boards and they have gained sufficient experience and shown satisfactory work. Your Excellency, after 25 years in the Bombay Presidency conditions have changed, education has been advanced and people have been more educated and are taking more and more interest in the administration; therefore they are entitled to the preponderance of their Members in the Taluka and District Local Boards. We all prefer the principle of election to nomination, because, the elected Members represent the people and the nominated Members are Members of Government and if on occasions they show no spirit they are not nominated again. Your Excellency, I submit, that the claims of minorities should also be taken into consideration. I must bring to the notice of this Council that in my province my community is in minority upon the District and Taluka Boards and, therefore, I submit that out of the 2/3 a few seats should be open to them by election. With these remarks I support the resolution.

The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada :—Your Excellency :—I rise to support the resolution so ably moved by the Honourable Mr. PATEL. The Honourable Members of Your Excellency's Council are so well acquainted with the original conception of the institution of Local Boards that I need not dwell upon this subject at any great length; but I would say that the time is ripe when Government could safely trust such bodies with extensive powers, and in doing so Government would be putting in actual shape the principles, the promoter of such institutions had in view.

With these observations I support the resolution.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE :—Your Excellency :—I rise to support the resolution moved by the Honourable Mr. PATEL. The history of the question which he gave to us and the opinion expressed so recently by the Decentralization Commission are very strong arguments in favour of the acceptance of the resolution. We have been working in District and Taluka Local Boards for over 30 years with half elected and half nominated members. And if in 1884 experienced gentlemen like the late Honourable Ráo Sáheb MANDLIK and the Honourable Mr. BUDRUDDIN TAYABJI thought that the time was then ripe for giving a majority of the elected members, surely we have made good progress during the last 30 years, and I think, Government should readily accept the resolution now put forward. In fact the times are over-ripe. There is yet one thing to be said. I am not quite sure whether the idea of the Honourable Mr. PATEL is to extend the franchise in all cases or in such cases where the District Local Boards have shown satisfactory work and steady progress. I am given to understand that there are some Districts where elective franchise has been recently given and if it be so, I think, it would be reasonable to exclude such for the present, and I do not think, the Honourable Mr. PATEL would even go in for 2/3 in the case of such Districts. Another reason why we should have this elected majority is this, that in Taluka Local Boards we know what kind of gentlemen are returned to serve on Local Boards. They have to work

with a Mámlatdár or with a Sub-Divisional Officer who is *Ex-officio* President of the Taluka Local Board, and unless we get more capable and strong elected men to work on the Taluka and District Local Boards who can fearlessly fight in the right cause even with the officers we shall be unable to show substantial and marked progress in their administration. With this object in view I would advocate the extension of 2/3 of elected members instead of half.

One remark has pained me and would pain anybody and that is the remark of the Honourable Mr. PATEL and of the Honourable Mr. HIDAYATULLAH, *viz.*, that the nominated members are the creatures of Government. Let me assure the Council that a time now has come when you do get nominated members who are, if not better, as good as elected members (hear, hear). With these few words I beg to support the resolution.

The Honourable Mr. HARCHANDRAI VISHINDAS—Your Excellency:—I rise to support the resolution. In doing so I have to observe that the resolution is justified among others on the ground that simultaneously with the passing of the Local Boards Act we had the Municipal Act passed in giving self-government to urban populations in the same manner as to rural. And when some few years back it was thought desirable to extend the Municipal franchise from $\frac{1}{2}$ to $\frac{2}{3}$ in some cases, I do not see any reason why a similar extension of franchise should not be considered desirable in the case of particular Local Boards also. I do not share the apprehension that necessarily all nominated members of District Local Boards follow the official head although there may be some who do so. But all that I wish to say is that it is desirable in the interests of the extension of local self-government, that the proposal should be accepted. I have nothing very fresh to add to the remarks in favour of the resolution that have fallen from honourable members, but I have to record a note of dissent against a certain remark of the Honourable Mr. SHEIKH GHULAM HUSSEIN from Sind, regarding the claim of minorities, although the honourable member intends to favour the Hindus of Sind by his proposal. I myself am entirely against any separate electorates. With these few remarks I beg to support the resolution.

The Honourable Sir PRABHASHANKAR D. PATTANI:—Your Excellency:—The Council will be interested to know what the Honourable Mr. PATEL knows already that before the honourable mover gave any indication of making the recommendations such as are conveyed in his Resolutions 5 and 6, His Excellency's Government were making inquiries into these questions as well as into another equally important cognate matter connected with the administration of Local Boards. Government have therefore no hesitation in accepting the honourable member's Resolution if he will be good enough to modify it in the manner I shall presently mention.

The Local Boards came into existence soon after the Local Boards Act of 1814 was passed. These bodies have thus existed for over 30 years without making any advance whatever as regards their constitution. The proportion of the nominated and elected members has remained where it was at the inception of this branch of local self-government. The Decentralization Commission have recommended an elective majority and Government have the power under the Act to grant such a privilege by an executive order. We are conscious that we cannot afford to stand still with regard to these local bodies when we are almost every day making substantial progress with regard to Municipalities. His Excellency's Government believes that the time has now come when we can, without any detriment to the efficient working of these Boards, move in the direction of giving some of these Boards a substantial elective majority. I use the words "some of these Boards" advisedly and in contravention to the honourable member's wholesale proposition to grant the privilege to all the Boards that may be in existence for 25 years. I hope it will be appreciated that merit born of capacity for good management and not mere age should be the criterion for the grant of privileges. Let those Boards that may, on inquiry, be found deserving of the privilege, get the two-thirds elective majority irrespective of their age.

Again if the Honourable Mr. PATEL had studied the question of the existence of these Boards minutely he would have found that all districts and tálukas got

these Boards soon after the passing of the Local Boards Act in 1884 and although there may have been some redistribution of administrative areas and therefore of Local Boards to correspond, yet all these areas may be called to have been under Local Boards Administration—original or reformed—for over 30 years and Mr. PATEL'S cautious-looking proposal of 25 years will not help us at all, for as I have explained it has hardly any restrictive value and if Mr. PATEL'S recommendation is accepted it will practically mean that all existing Local Boards should, by one stroke of pen, be given the privilege he recommends, which I prefer to think could not be his intention. I would therefore suggest that such Local Boards as may deserve the grant of this concession may receive it and with this point in view, I would request the Honourable Mr. PATEL to accept the resolution in the modified form in which I now submit it to the Council, *viz.*,

"That this Council recommends that the Governor in Council may be pleased to consider whether the number of elective members on such of the Taluka and District Local Boards in the Presidency as the Governor in Council may think fit shall be not less than two-thirds of the whole Board."

I may add that the fact that Government themselves have been considering the question irrespective of any suggestion from outside should it is expected go a great way in favour of the acceptance of the modified Resolution by the Council.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I should have been very much pleased if Government had accepted my Honourable friend Ráo Bahádur SATHE'S suggestion that District Local Boards which have been enjoying the franchise of election for 25 years should now be given elective majority.

His Excellency the PRESIDENT:—I will put briefly what I feel to be the position of Government in the matter. My honourable friend knows from some private conversation I have had with him that Government has been for some time enquiring into the whole question of the administration of District Local Boards and Taluka Local Boards, and I think under the circumstances his Resolutions are rather premature because they tend to embarrass Government in giving a satisfactory answer. We have come to no decision at present as to the action we shall take to secure the necessary information on this important question, but we may possibly decide to have a committee to go into the whole matter of the working of the Local Boards. After this explanation I trust that my honourable friend will be willing to accept the suggested amendment of my honourable colleague and by allowing his resolution to be in very general terms to give Government a free hand in this matter.

The Honourable Mr. PATEL:—I have not the slightest intention of embarrassing Government in the matter and I accept the suggestion made by the Honourable Sir PRABHASHANKAR PATTANI.

The Honourable MOULVIE RAFIUDDIN AHMED:—Your Excellency:—May I be allowed to address a few words on the matter, or must I take it that the matter is closed. Your Excellency, if this principle is going to be adopted, I take the liberty to bring to Your Excellency's notice the debate which took place in the year 1901 in this Council when the extension of the District Municipal Act was being discussed and the remarks made by one of the members of the Executive Council on that occasion are so pertinent that I would like to reproduce them. The Honourable Sir CHARLES OLLIVANT said; (reads).

The Honourable Mr. PATEL:—Your Excellency,—I rise to a point of order. The Honourable MOULVIE is advocating the question of minorities which is entirely different from my resolution.

His Excellency the PRESIDENT:—I am rather inclined to agree with the Honourable Mr. PATEL.

The Honourable Mr. PATEL'S Resolution as amended was then put to the vote and carried.

His Excellency the PRESIDENT:—Resolution No. VI. Will the Honourable Mr. PATEL before he moves this* resolution allow my honourable colleague to make a statement with regard to it.

The Honourable Sir PRABHASHANKAR D. PATTANI:—The recommendation contained in this resolution is also along with others under the consideration of Government and if the honourable member is prepared to accept a modification similar to the previous one, Government will be pleased to accept the resolution.

The modified resolution reads as follows: (reads).

This Council recommends that the Governor in Council may be pleased to consider the desirability of directing that the Presidents of such of the Táluka and District Local Boards in the Presidency as the Governor in Council may think fit be elected by such Boards.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—I accept the resolution in its modified form.

His Excellency the PRESIDENT:—Then will the honourable member move it.

The Honourable Mr. PATEL:—Your Excellency,—In substitution of the resolution of which I have given notice, I move the following Resolution: (reads).

"This Council recommends that the Governor in Council may be pleased to consider the desirability of directing that the Presidents of such of the Taluka and District Local Boards in the Presidency as the Governor in Council may think fit be elected by such Boards."

In dealing with the resolution I only hope that the Government will be pleased to consider the question at an early date, and that it will not share the same fate as the question raised by my friends 30 years ago.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—The District Local Boards Act, as it at present stands, already empowers Your Excellency's Government to direct that certain Boards shall elect their Presidents, subject to the approval of the Government. Section 27 of the Act says (reads).

I therefore submit, Sir, that this resolution is unnecessary as Government already have power to direct the Local Boards to elect their own Presidents.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—My Lord, the power referred to by my Honourable friend Dewán Bahádur GODBOLE is, I admit, possessed by Government under the Act as it stands here, and there is no doubt about it. But what the Honourable Mr. PATEL urges is that the power thus possessed by Government under the Act has never been exercised during the last 30 years and he seeks by his resolution to move Government to exercise it and for that reason the resolution is necessary and may well be accepted.

His Excellency the PRESIDENT:—It is perfectly correct that Government have the power, but, as the Honourable Mr. PATEL and the Honourable Mr. UPASANI said, Government have not exercised that power and the Honourable Members are encouraging Government to use those powers.

The Resolution was then put to the vote and carried.

His Excellency the PRESIDENT:—Resolution No. VII. The Honourable Mr. PATEL.

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* The Resolution as received from the Honourable Mr. Patel ran as follows:—

6. The Council recommends that the Governor in Council may be pleased to direct that the Presidents of those Taluka and District Local Boards in the Presidency which have been in existence for twenty-five years o upwards shall be elected by such Boards.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency:—I will only say a couple of words in support of this resolution. The resolution that stands in my name reads.

"This Council recommends that the Governor in Council may be pleased to appoint a Committee of officials and non-officials to inquire and report on the ways and means of increasing the resources of Local Boards."

My Lord, to the propositions which I have had the honour of putting before the Council to improve the personnel and increase the responsibilities of the Local Boards, this proposition, which seeks to provide those bodies the wherewithal to discharge those responsibilities, follows as a corollary.

My proposal, my Lord, is only to appoint a Committee to consider and devise means to render the financial position of the Boards more elastic than at present.

Now, my Lord, the Boards have really to leave on the yearly dole graciously granted to them by Government. Such a position is not likely to contribute towards the self-respect or dignity of the bodies or create much enthusiasm in those who are on them. The only independent and sure resources it has, my Lord, are the one anna cess collected with the land-revenue and the petty uncertain proceeds of the sale of kankar, sand and the like. That this is a very unsatisfactory position for the Local Boards has been almost universally admitted. Witness after witness said so before the Decentralization Commission and the Commission has found that that was so. Official reports have also frankly recognized this fact.

While there is thus unanimity in recognizing the defect, opinion is much divided as to the means of remedying it. Some say that the Boards should be relieved of some of their functions and free from certain contributions to Government. Others suggest the imposition of light transit dues of exports and imports. Some others say that there should be direct taxation and yet others are of opinion that they should be allowed to levy extra cess for constructing railways and tramways and thereby increase their revenue. There is again one very valuable suggestion made by some gentlemen interested in the welfare of the Local Boards. They maintain that the Local Boards were given compensation for their revenue from one anna cess on Abkari revenue in the seventies or eighties and this revenue has risen by leaps and bounds in this Presidency and if the one anna cess on the present Abkari revenue is restored, it would increase very materially the revenues of some of these Boards. There is, no doubt, that the advocates of temperance would welcome this one anna burden on the Abkari revenue and the agricultural masses would have no ground for complaint. Many other similar sources of local revenue can be considered, my Lord, by the special Committee which I propose that this Council should appoint.

The Honourable Mr. HARCHANDRAI VISHANDAS:—Your Excellency, I rise to heartily support the Resolution of the Honourable Mr. PATEL. My reasons are these. In my Province, *viz.*, Sind, the condition of roads and other institutions managed by the Local Boards is extremely bad. I have often times had conversation with high officials ruling over these Boards for the supply of these wants but the general cry with which I have been met is want of funds. All civilized Governments claim that the greatest blessing they can give to a country is good roads and means of communication. And it is a pity that my Province, and probably others, are rather backward in this respect. The officers who rule the Local Boards themselves admit that they are entirely helpless in the matter owing to want of funds, and I think that it is high time that some such means as suggested by my Honourable friend be devised. The appointment of a Committee is the only suggestion that can commend itself to one. The Honourable Mover of the Resolution in the course of his remarks deprecated the contributions from Government to enable the Boards to carry on their duties. But we should rather welcome these contributions from Government. It is with the help of these contributions that Local Boards are in a position to carry on their duties and supply the necessary wants to a certain extent.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please your Excellency, the Resolution which is moved by the Honourable Mr. PATEL has my hearty support. My Lord, the special responsibilities thrown

upon these Local Boards are every day increasing, especially, in the matter of education and sanitation and also in the matter of road communication. I quite approve of my Honourable friend having emphasised the necessity for finding ways and means to increase the resources of the Local Boards. But I would at the same time suggest that we might include in this resolution a suggestion for restricting the liabilities and responsibilities of the Boards. The liability of the Boards in respect of the construction and maintenance of roads is already very heavy and has been increasing. I, therefore, submit that road-making should be charged to Provincial Revenue and the work can be more conveniently done by the Public Works agency than with the agency and the limited resources available to the Local Boards. That is a point which, I hope, the proposed Committee will have to consider. With these few remarks I support the resolution.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency, I heartily support the resolution that has been moved by my Honourable friend Mr. PATEL. The Local Fund Act was passed about 40 years ago and at that time the public needs of the Districts and Talukas were much smaller than they are now. We have a considerably larger number of schools than what was considered to be sufficient then, and we have also a larger number of masters than what was then considered to be sufficient and they are much better paid, and in many other directions the needs of the people have increased and the cost of meeting those needs has also increased. No doubt recently the subventions that we have been receiving from the Government of India have helped considerably in remedying to a certain extent the defects that arise from the poverty of the Local Boards. But there was a time, which I have seen, when large number of schools had at once to be closed during one year because Government found it necessary to raise the salaries of the teachers that were most inadequate and Government were unable to provide for this without closing some schools. Under the circumstances the suggestion made in the resolution for increasing the resources of the Local Boards is one which ought to meet with approval. For this purpose it is necessary that a committee consisting of a large number of officials and non-officials should be appointed to inquire into and report on the ways and means of increasing the resources of Local Boards.

The Honourable Ráo Bahádur SHRINIVAS KONHER RODDA:—Your Excellency:—In my Budget speech I laid stress on the importance of Government supplementing the resources of the District Local Boards that is, while the resources of the Municipalities can be secured in many ways by new taxation on the articles consumed in the Municipal area, the Local Boards have no other means but to depend upon their own resources from their own revenue as well as Government grants. Beyond these there is no other kind of income to Local Boards. The local fund started years ago had only particular duties to perform and as I have already remarked, the demands made upon it are too numerous. When there is any institution in the province the help of the District Local Board is sought for. The expenditure of the Local Boards has increased by 10 or 12 per cent. If we look to the Memorandum of Roads, a small pamphlet prepared by Mr. Robertson, Collector of a District, we see that there are particular roads and they were roads under consideration. But the roads have increased and their maintenance has been another matter for consideration. The public works are carried out very economically no doubt, but the charge of material has increased, cost of labour has increased and the agency required is also more highly paid than in old days. Under the circumstances the Local Boards are justified in demanding more money from other sources. And this matter has been lately engaging the attention of Government. A strong Committee therefore is needed to consider what are the ways and means of increasing the resources of the Local Boards. Government have been taking money from the Local Funds and transferring it to the provincial revenues on many occasions. They have been doing this and doing all what they can to afford relief to Local Boards. But at the same time further aid is necessary, and in order to devise measures as to how to give that further aid, whether by taxation (and that again is a grave matter in these days when prices are growing high) or by any other way, a very strong Committee of officials and non-officials may be constituted to make a careful inquiry into these questions. With these remarks I heartily support the resolution brought forward by my Honourable friend, Mr. PATEL.

The Honourable Sir PRABHASHANKAR D. PATTANI :—Your Excellency, I am afraid I have to oppose this resolution. It is true that the success of the administration of these Local Boards depends upon their satisfactory finances, and if ways and means can be found by which to add to their resources and if they are definitely proved to be acceptable, there will be no hesitation on the part of any body to accept them. But to accept a general proposition asking us to see whether the resources can be strengthened is out of the question at this juncture, for, as we know, the Decentralization Commission inquired into the matter very recently and although as the Honourable Mr. PATEL has preferred to put it, they took it for granted that there was need for increasing the resources, they after due inquiry, came to the conclusion that it was not possible for them to suggest any ways and means by which to do it. The inquiry is only recently concluded, and I do not think any purpose will be served by appointing a Committee after so short a time. One of the means of adding to the resources mentioned by the Honourable Member was the raising of the one anna land revenue tax. Now this question was very carefully gone into by the Commission and the question of giving the power of taxation to the Boards was also very carefully gone into. Mr. Dutt who represented the popular view on the Commission was opposed to having any change in the existing method as he was satisfied that the people were not in a condition to bear any further taxation. So that disposes of the idea of raising the one anna cess to any higher limit.

Then the Honourable Member's other suggestion is the railway cess for the construction of railways. Now that question is being referred to the Local Boards for their opinion and the decision of Government will be based on the opinions reaching Government from those bodies.

The Abkári grant to which the Honourable Member has referred would appear to be the only likely item to deserve consideration, but opinion has been expressed on other occasions that it is not possible for Government to accept the suggestion.

The only new source suggested by my Honourable friend is the possibility of a duty on export and import. Your Excellency, this sounds a very ingenious suggestion but if we consider the consequences which would accrue from the imposition of such a duty, we would be reaping what, I am afraid, the frontier line of Viramgaum is reaping. We have had enough experience of the inconvenience the hardship and the irritation it causes. But I would rather like the Honourable Member to know that it is not for the purpose of raising any revenue that this cordon was put up. It was for the purpose of bringing the foreign ports of Káthiáwár into Customs union with Government that its imposition was necessitated with Government. And if it is possible to persuade those Native States to come to terms and raise the tariff to the standard of the British Ports and assure Government of the efficiency of their Customs management, it is just possible that the Viramgaum interdict will go. I would ask the Honourable Member to consider whether he could contemplate with equanimity the possibility of one British district being furnished with a preventive line against another, which will mean the re-institution of the once abolished transit duty. Then I think it will be admitted that a Land Customs Line is never considered to be a very good source of revenue. Your Excellency, it is very surprising to me to find that people who would in another quarter raise an objection against such lines being placed, should advocate for the purpose of this resolution numerous frontier lines. There are no other sources suggested from which the taxes can be raised and I would recommend that we should not accept any vague proposals for the appointment of a Committee. I would therefore strongly urge the Honourable Member to withdraw his resolution, and the Council to oppose it if my request for withdrawal fails.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency :—It is really outside the scope of my resolution to point out ways and means to better the financial condition of Local Boards. All I suggest by this resolution is that a Committee should be appointed to inquire and devise methods for the purpose of increasing the resources of the Local Boards. It is no business of mine to suggest any methods for the purpose. The Honourable Sir PARBHASHANKER admits the defect but says that there is no remedy to cure it. My

Lord, should we allow these local bodies to die, because no remedy suggests itself to us for the moment? My submission to Your Excellency and this Council is that there is no wrong without a remedy, and the existence of a wrong being admitted, let a strong Committee make inquiries and suggest proper remedy for its cure. I am afraid, therefore, that I cannot accept the position put forward by my Honourable friend Sir PRABHASHAKER PATTANI.

His Excellency the PRESIDENT :—I should like to make the same suggestion that I made on the previous resolution. I want the Honourable Member to believe in the good faith of Government and to understand that we are seriously considering what are the best steps to take to inquire into the whole position of District Local Boards, and that in this enquiry must of necessity arise the question of the general finances of the Boards; and, therefore, I would suggest to my honourable friend to withdraw this resolution having regard to the fact that Government intends to enquire into the matter that it raises.

The Honourable Mr. PATEL :—I am very glad your Excellency's Government is going into the matter and I am perfectly satisfied. And I have the fullest confidence in the good faith of your Excellency's Government, and I therefore beg to withdraw this resolution.

The resolution was then by leave withdrawn.

His Excellency the PRESIDENT :—Resolution No. VIII. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—May it please your Excellency, the resolution which I propose to move reads thus :

> **"This Council recommends to the Governor in Council to constitute Municipal Districts out of such adjacent notified areas in the Salsette Táluka as the Governor in Council thinks fit or, in the alternative, to appoint a substantial proportion of a notified area committee in the Salsette Táluka on the recommendation of electorates to be constituted in such notified area."**

His Excellency the PRESIDENT :—Order, Order. Would the Honourable Member hear what my Honourable colleague has to say.

The Honourable Sir PRABHASHANKAR D. PATTANI said :—Your Excellency,—Government will be prepared to accept the resolution if the Honourable Member will agree to a slight modification. I suggest the insertion of the words " consider the desirability of constituting " instead of the word ' constitute ' so that the resolution may take the form of a recommendation and the action to be taken on it may rest with Government. (After a pause) I find that there is some hesitation in the mind of the Honourable Mover to accept these words, but I can assure the Honourable Member that Government is in sympathy with the idea conveyed in the resolution, of considering whether it may not be possible to combine some of the notified areas into Municipalities or to formulate a sort of an electorate as he has recommended.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency :—I do not think there is much or rather any difference between what Government suggest and my own suggestion. I do not know why your Excellency's Government wishes me to accept the verbal modification suggested by my friend Sir PRABHASHANKAR. If Government accept the necessity of doing a thing, it must be done. I press this point because, my Lord, the matter is in my opinion very urgent from this point of view that the Town Planning Act, the result of which is being watched by the whole of India, is being for the first time applied to Salsette, and several schemes, I am told, have already been submitted by these local bodies which, as I have already told your Excellency, consist of three members. All these three members are nominated by Government. Two of them are salaried servants of Government, *viz.*, Special Officer, Salsette Building Sites, and the Mamlatdar of Salsette. The third is a non-official gentleman nominated on the recommendation of the special officer. These bodies have already

submitted various schemes to Government for sanction and many more, I am told, are being prepared by them and I really think the question is so urgent, at least in the interest of the successful working of the Town Planning Act, that your Excellency's Government will not any longer delay this question but take it into their serious consideration at the earliest possible opportunity. With these observations I move the resolution as modified* by the Honourable Sir PRABHASHANKAR PATTANI.

The resolution was then put to the vote and carried.

His Excellency the PRESIDENT :—Resolution No. IX.

"This Council recommends that the Governor in Council may, under sub-section (2) (c) of section 23 of the Bombay District Municipal Act, 1901, be pleased to direct that every President of a City Municipality in the Presidency shall be elected by such Municipality."

The Honourable Sir PRABHASHANKAR D. PATTANI :—Your Excellency :—This is another resolution which Government is willing to accept but with the same kind of alteration as has been effected in the previous resolution.

I want to assure the Council that when I say that Government are in sympathy, they really are in sympathy.

With regard to the former resolution, the Honourable Mr. PATEL said that there was an urgent necessity for elected members being on a notified area committee owing to the application of the Town Planning Act to Salsette. I may mention in connection with this matter that before we received any intimation of that Resolution, Mr. KISSAN, the Officer in charge of the Salsette Building Sites, had submitted to Government a proposal suggesting that Ghat Kopar, one of the notified areas, should have a Municipality and the proposal is under consideration; so that my assurance that when Government say they are in sympathy they really are in sympathy is, I venture to think, verified.

With regard to this Resolution, I only suggest that the words "to consider the desirability of directing" should be substituted for the words "to direct".

I may, on behalf of Government, give this Council the assurance that with regard to the question of having elected Presidents—for all those Municipalities that have got Municipal Commissioners, the recommendation contained in this Resolution will be acted upon at once, but with regard to others inquiries will be made.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—May it please your Excellency, I have decided to move the Resolution on the agenda.

The following resolution stands in my name :—

"This Council recommends that the Governor in Council may, under sub-section 2 (c) of section 23 of the Bombay District Municipal Act, 1901, be pleased to direct that every President of a City Municipality in the Presidency shall be elected by such Municipality."

The history of the question forms a part of the history of the Local self-Government which I have already dealt with in connection with my first resolution. This question shares the same fate as the other.

Lord Ripon's local self-government Resolution of 1882 contemplated that Municipal Councils should usually elect their own Presidents or Chairmen. To give effect to the resolution, legislation was undertaken in almost all the Provinces of India and we find today that there is a large proportion of elected non-official presidents in Madras, United Provinces and Bengal.

* "This Council recommends to the Governor in Council to consider the desirability of constituting Municipal Districts out of such adjacent notified areas in the Salsette Táluka as the Governor in Council thinks fit or, in the alternative, to appoint a substantial proportion of a notified area committee in the Salsette Táluka on the recommendation of electorates to be constituted in such notified area."

In Bombay, the Bill, called the Bombay District Municipal Bill, was introduced into the Legistative Council in 1884. This Bill provided that every President shall be either—

(1) appointed by the Governor in Council by name,

(2) an *ex-officio* President,

(3) if the Governor in Council so directs, elected by the Municipality.

My Lord, this clause gave no right to any Municipality to elect its own President. It empowered the Governor in Council to authorize any Municipality to elect its President if and when Government liked. Naturally there was much agitation at the time over this question and some of the non-official members of the Council opposed this measure as they did the Local Board's Bill. Similar assurances were given by Government, on the strength of which the opposition was withdrawn and the Bill passed into law.

Thirty years passed in this case as in the other and the third clause referred to above remained a dead letter.

As I have already pointed out Lord Ripon's Government had distinctly desired that privilege should freely be conferred and the decentralisation Commission recommended the same. But the Bombay Government unlike other Provincial Governments refused to respond to the wishes of the Government of India. It was only very recently that the Government made a new departure and gave the privilege to some of the Municipalities in the Presidency. Even this half-hearted concession was hemmed in with conditions which would have been considered unjustified even in the last century. These conditions are the following :—

There should be a clear majority of two-thirds of the total number of the Councillors ; even then the election was of no use unless the Government chose to bestow its blessings on the elected candidate through a notification in the *Government Gazette.* Can anything be more invidious than this? Whatever justification there was for this hesitation before, it has altogether disappeared at least in the case of those Municipalities who have got a Chief Officer or a Municipal Commissioner as their executive officer. The President there, is virtually the head of a deliberative body and has nothing to do with the executive administration of the Municipality. What justification can there be, then, to perpetuate the out-of-date anamoly of nomination of the President in the case of these Municipalities at least ?

My Lord, with all the progress we have made in education, to say that in this Presidency, any town or city Municipality cannot be trusted to elect its own President is a proposition which does not require serious refutation. But yet having regard to the past history of the attitude of the Government towards popular institutions in the Country, I have limited my proposal only to the City Municipalities. It is for your Excellency and this Council to say whether even this moderate concession should be considered too large in the year of grace 1915. I beg to move the proposition read by me at the outset.

His Excellency the PRESIDENT :—I gather from my honourable friend's remarks that he wants Government to accept this resolution as it stands, and if it is so accepted, it binds Government to an approval that *every* City Municipality should have an elected Chairman. I should like to place before Honourable Members my opinion with regard to the general question of resolutions. They are brought forward by Honourable Members for the purpose of raising various matters of importance on which they wish to receive a definite expression of opinion from Government. But Honourable Members need only send in these resolutions 15 days before the Session of Council and it is obviously impossible that, in all cases within that time, Government can secure the information necessary to express a definite opinion. This is particularly so in the case of this resolution. We are prepared, as my honourable colleague has already informed the Council, to at once apply my honourable friend's suggestion to those Municipalities which have a Municipal Commissioner, and will make the necessary enquiries in order to decide whether it is possible still further to extend the elective principle to Presidents of other Municipalities. I would therefore urge my

honourable friend to accept the resolution in the amended form that we propose and if in the future he considers the action we have taken unsatisfactory, he has full power to raise the question at a future meeting of the Council.

The Honourable Mr. PATEL :—Your Excellency on a previous occasion told me not to rely too much on Government.

His Excellency the PRESIDENT :—I hope the Honourable Member is not referring to any private conversation.

The Honourable Mr. PATEL :—No. I refer to what Your Excellency told me in this Council.* I am asked to rely upon Government to accept the resolution in the amended form and I do accept the resolution in the amended§ form.

His Excellency the PRESIDENT :—The Honourable Member has put a great responsibility on me and I hope he will find his confidence justified.

The Resolution was then put to the vote and carried.

The Honourable Sir RICHARD LAMB :—Your Excellency, there is in existence a Select Committee regarding the Mysore Panchayat Regulation, and I have to request that the Council will be pleased to appoint on that Committee the Honourable Mr. LAWRENCE in place of Mr. R. P. BARROW who has vacated his seat ; and also to appoint on that Committee the Honourable Mr. CARMICHAEL.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT :—Resolution No. X. The Honourable Mr. LALUBHAI.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA :—May it please Your Excellency :—The resolution that I have the honour to place before Your Excellency's Council for its acceptance runs thus :

" That His Excellency the Governor in Counc may be pleased to convey to the Honourable Sir Richard Lamb on behalf of this Council an assurance of its full appreciation of his distinguished services as Revenue and Finance Member of the Bombay Government for five years."

My Lord, the object of submitting a motion of this nature is that the appreciative remarks that the members of this Council may have to make about the admirable work of Sir RICHARD as Finance Member might be concentrated in the discussion on a specific resolution rather than brought in incidentally in their Budget speeches as was done by some honourable members owing probably to the notice of this resolution not having reached them in time.

I have a vivid recollection, Sir, of the first time that I saw the Honourable Finance Member some seven years ago. I saw him at that time giving evidence before the Decentralization Commission in support of the view of the Bombay Government and he was being cross-examined on behalf of the Government of India by a civilian of the keenest intellect, now holding one of the highest posts in the Viceroy's Council. The most noticeable thing about Sir RICHARD LAMB'S evidence was his transparent sincerity and his desire to see the point of view of the Imperial Government. The Council will agree with me that these traits of his character have always distinguished the career of Sir RICHARD LAMB in this Council, in the Finance Committee and in Select Committees. My Lord, I have had the privilege of working with Sir RICHARD LAMB on the Finance Committee during the five years of his administration of the Financial Department and I have always been very much impressed by his mastery of the details of the Budget, his handling of figures, his capacity to immediately grasp new points brought forward at the Committee's meetings and his desire to meet with the demands of the members of the Finance Committee so far as he could do so. It would not be out of place to refer to the reform introduced by Sir RICHARD LAMB regarding

* *Vide* a remark of His Excellency the President recorded at page 363 of the Proceedings for 18th March 1914.

§ " This Council recommends that the Governor in Council may, under sub-section (2) (c) of section 23 of the Bombay District Municipal Act, 1901, be pleased to consider the desirability of directing that every President of a City Municipality in the Presidency shall be elected by such Municipality."

the submission of the Budget to the Finance Committee before it was sent up to the Government of India. As soon as his attention was drawn to the fact that under the rules then in force the consideration of the Budget was taken up in the Finance Committee after its approval by the Government of India and that consequently the discussion was more or less a matter of form, the honourable member made enquiries of other Local Governments and with the approval of the Government of India introduced the necessary reforms. I do not wish to dwell upon the increasing grants which Sir RICHARD has been able to give for the promotion of agriculture, education and sanitation. The figures for these have already been before the members of this Council. Nor do I wish to take up their time by referring to the reforms made in respect of the abolition of the toll bars which though they might have been suggested by Lord SYDENHAM as we were told by the honourable member the other day, were introduced owing to his having loyally and effectively carried out that suggestion.

In the Select Committee also Sir RICHARD showed the same mastery of the details of the Budget and the same desire to see the point of view of his opponents and if he was satisfied that their view was the correct one, he did not hesitate to alter his own opinion. In saying this I do not forget that he is a gentleman of strong convictions and tenaciously holds to his opinions unless it is clearly proved to his satisfaction that they are not justifiable. Under the circumstances there have been tough fights in the Committees and difficulties between some of us and Sir RICHARD but in spite of or perhaps owing to all this we recognize his genuine worth as an administrator and financier, and also as a man. I have no doubt, therefore, that I am voicing the feelings of this Council when I say that we all shall be very sorry to miss his genial personality in this Council. We, however, recognize that he has well earned that rest which we trust he will fully enjoy in the company of Lady LAMB and their boys and in his retirement will have a place in his heart for India in general and this Presidency in particular. Your Excellency I have much pleasure in adding that it is the desire of the members, of this Council to have a replica of Sir RICHARD'S portrait painted and with Your Excellency's permission to place it in this hall as a memento of his eminent services.

The Honourable Sardár DULABAWA RAISINGHJI, Thakor of Kerwada:—Your Excellency,—I beg leave to associate myself with the expressions of regret which have fallen from the honourable members in connection with the impending retirement of Sir RICHARD LAMB. I cordially endorse every word that has been said about the sterling qualities of our Finance Member.

I had the privilege of being first introduced to him about 8 or 9 years ago, and I can say that those who came in contact with him came away from him impressed with his magnetic personality and unfailing courtesy with which he treated all who came in contact with him.

I should not let go this opportunity of giving expression to my sense of gratitude for the very able and sympathetic manner in which he acquitted himself as a Chairman of the Select Committee appointed to consider the Talukdari Bill. The subject matter was of a very controversial nature. I was then recently elected, and was a new boy. Yet, I owe it to Sir RICHARD LAMB to say that in spite of the considerably long period which was taken up for its discussion, and the most controversial nature of certain clauses, my task was rendered pleasant because of his sincere desire to uplift and benefit the class which I have the honour to represent. Sir RICHARD LAMB leaves India, but he leaves behind many friends, and a splendid record of service to Government and people.

While wishing him a very pleasant retirement I hope he will not forget India and the Bombay Presidency.

The Honourable Moulvie RAFIUDDIN AHMED:—Your Excellency:—I beg very heartily to support this resolution, although I am a little sorry that this only confines to our consideration of the services of Sir RICHARD LAMB as Revenue and Finance Member and not as a public servant thoughout India. My Lord, I have a peculiar share in supporting this resolution, because Sir RICHARD LAMB happens to be born in my own City of Poona, and because I claim him as

my own citizen of this historical City of Poona. EDMUND BURKE has said somewhere that there was one side in the Company's service that was to be seen on this side of India and that was a grey headed Englishman. We have public servants of mature judgment, of sound voice, of grey heads now to direct us. The great and enviable service to which he belongs, the Indian Civil Service, no doubt distinguished for ability of its members but it is not so much ability as character that distinguishes a public servant in this country, and I have no hesitation to say that the upright character, the keenness and rightiousness of Sir RICHARD LAMB has done enormous good in this and wherever keenness comes keenness is spread. Wherever there is a sympathetic officer he brings hapiness to the people and Government. My Lord, I heartily support the resolution and I hope when he retires that he will always bear in mind the interest of this Presidency and also at times look to the interests of the City of Poona.

The Honourable Dr. D. A. D'MONTE:—Your Excellency:—The term of service of Sir RICHARD LAMB in and for this Presidency expires in the next few days.

My Lord, there have been many able servants of the Crown who have occupied with credit the high office, and I am sure, there will be many more with years to come to do so. But this I will say—and I am confident that I will have the concurrence of all classes of the people of this Presidency in what I say, that there has been no more straightforward, sincere and faithful steward of our finances than Sir RICHARD LAMB.

But for the war which has upset so many calculations he would have left our finances in an even more prosperous condition than he is doing.

The Honourable Ráo Bahádur SHRINIWAS KONNHER RODDA:—Your Excellency:—My feeling at this time will not allow me to recount the distinguished services which the Honourable Sir RICHARD LAMB has rendered to the Presidency generally and to this Council in particular. Though his connection with the Southern Division during these 10 years is very short, yet he has been connected with the administration especially at the head of this Government in many matters of Finance and Abkari and others and he has been as it were in direct communication or direct control of the Districts of the Southern Division so far as the finances are concerned. I have heard a good deal of Sir RICHARD LAMB and I have been directly connected with him for the last seven or eight years in this Council. On several occasions I had the proud privilege of serving on the Select Committees of the most contentious Bills as the Abkari Act which required thorough revision of the numerous cases of cocaine, etc. During that time the present father of the Civil Service in the Bombay Presidency has treated every one with parental affection. He has at times attempted to correct us as a parent when we have gone astray. The amiable qualities of his mind are such as would be a lesson for us to follow. His estimable character and exemplary conduct, his keenness towards people, his ability in dealing with intricate financial questions connected with the administration, are things which will never be obliterated from the memory of any one. I therefore earnestly and heartily support the resolution moved by the Honourable Mr. LALUBHAI SAMALDAS, and I sincerely and earnestly hope that the blessings of the Almighty may bring him long years of happy life which he will enjoy for many many years in his happy home.

The Honourable Mr. MALCOLM N. HOGG:—Your Excellency:—On behalf of the European Mercantile Community of Bombay, which I have the honour to represent on this Council, I desire most heartily to support this resolution. It is my personal misfortune that my association with Sir RICHARD LAMB on this Council has been of the briefest, but I have had the great privilege of a personal acquaintance with him extending over a much longer period and I can therefore fully share the feelings of warm regard and high esteem in which I know he is held by my community. It is therefore with particular pleasure, and with the assurance that I voice the unanimous feeling of those whom I represent, that I associate myself with this resolution and that I wish him godspeed, long life and prosperity in his retirement.

The Honourable SARDAR BHALCHANDRARAO ANNASAHEB, Chief of Kurundwad (Senior):—Your Excellency:—I had the honour of knowing Sir RICHARD LAMB for many years. I had also the honour of receiving him in my State as my guest. He has excellent qualities of heart and head and he is a thorough English gentleman and in according my hearty support to this resolution I wish him long life.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—As one who has been associated with the Honourable Sir RICHARD LAMB in this Council for a large number of years, I wish to add a few words of appreciation of the valuable services which he has rendered to this Presidency. Sir, it must be a matter of great gratification to Sir RICHARD to find that at the close of his long career his distinguished services are so widely appreciated. Nothing can be a matter of greater satisfaction to a public servant than to know that when he is handing over charge of his office to his successor that there is widespread appreciation of the manner in which he has discharged his duties. That such has been the case with regard to Sir RICHARD has been abundantly proved during recent days, and I trust that, on leaving the responsible duties of the post he has held with such distinction he may enjoy all the rest he has so well earned.

The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH:—Your Excellency:—I beg to associate myself with this resolution. The Honourable Sir RICHARD LAMB is on the eve of retirement at the end of a very distinguished career full of eminent public services. The members of this Council have had the privilege of acquaintance with the great abilities and thorough mastery of details which Sir RICHARD LAMB has brought to bear on all questions dealt with by him. It is therefore their duty to place on record their great esteem and their sincere admiration for his high character, his straightforwardness and his many good qualities of head and heart, and to assure him that they will always miss him and retain pleasant memories of their association with him.

His Excellency the PRESIDENT —I do not think it is necessary for me to add one word to what has been said by Honourable Members for I have already on two occasions had an opportunity of expressing my deep sense of the loss we shall sustain in the Council by Sir RICHARD LAMB'S retirement. Most fully I endorse the references to his valuable services and I am confident that this resolution will be passed by honourable members *nemine contradicente.*

The resolution was carried *nem con.*

The Honourable Sir RICHARD LAMB:—Your Excellency:—I beg very humbly and very appreciatively to thank Your Excellency and the members of this Council for the kind terms in which you have referred to me. I should like also to express at once my high appreciation of the compliment that is being paid me by the members of this Council in having a replica made of the portrait which Your Excellency and other old friends of mine have been good enough to give me, for the purpose of being hung up in this Council Hall. I do not know, Sir, that there is any precedent for such a compliment being paid to a retiring Member of the Executive Council, and I can assure Your Excellency and my friends in this Council that it is a compliment which I appreciate very highly. I am told that the portrait is a striking likeness, and I have been endeavouring to find some likeness of my character in the remarks regarding me which my friends have been so good as to make. I am afraid I cannot recognize a complete likeness, for while they have made out that I have many good qualities, I know that I have a good many defects which my honourable friends have been pleased to pass over without observation. In the course of my life I have endeavoured to practise the precept "Know thyself", and in the pursuit of that knowledge I have come to know that I have had to contend with a certain amount of impatience and petulance when opposed and a certain degree of want of control which might be called want of temper. I have learnt too that I am apt to show a somewhat distant and reserved demeanour, a quality which I share with many other Englishmen. I can only assure my friends that I have constantly tried to check and to control these defects; and that I am very glad to think that while helping me in my work they have appreciated what I have been enabled to do.

The Honourable Mr. LALUBHAI referred to what I have done as Finance Member. I may say that I began my work in the finance department in exceptionally favourable circumstances. I became Secretary in that Department at the time when Sir JAMES MONTEATH who was recognized as a very sound man, was Finance Member, and we had to discuss with the Government of India the terms of the Provincial Settlement which is now in force. The discussion of those terms entailed many strenuous hours of labour in working up the case of the Bombay Government, so that I might assist the Finance Member in the discussion. Hence I got at an early stage a thorough insight into our local finance and into the relations between provincial and imperial finance.

The Honourable Mr. RODDA referred to the work which we did together in the Select Committee on the Bill to amend the Bombay Abkári Act which I was glad to be able to carry through this Council. One branch of the administration in which I have been particularly interested is Excise. It is one of the most criticised. But looking back over the abkári administration since I have been connected with it, I say confidently that that administration has been sound and correct. Another Act which I have been able to assist in placing in the Statute Book is the Land Revenue Code Amendment Act. I consider that that has been a very beneficial enactment. I do not claim any credit to myself for that Act. It had been under consideration for a long time, and I was fortunate in that it fell to me to steer it through this Council. There are several measures which I should like to have helped to get enacted. I suppose that we English are, as a certain orator recently told us in another place that we are, pugnacious; and I am not sure that I should not have preferred to die fighting in seeing through the Council the Gujarat Tálukdárs Bill. That however, like other contentious measures, has to stand over. It will at some future date meet such fate as it deserves. There is also another Bill in which I took great interest, and which Lord SYDENHAM greatly desired to see carried, and that is the Village Punchayat Bill. That has had a very chequered course and at present it is not ready to come before the Council. There is yet another Bill, for the amendment of the Deccan Agriculturists' Relief Act, which I should have liked to see through the Council. It has taken shape and is now well advanced for presentation to the Council. I mention these matters as examples of what has been of special interest to me. May I assure my friends here that all matters concerning this Presidency and concerning the City of Bombay and the City of Poona will always continue to be of the greatest interest to me; and that if in any way it is possible for me in the years that are to come to render any assistance or to do any work in the interest of this Presidency, it will give me the greatest pleasure to do so. I am very much obliged to my friends here for the very great kindness they have shown me during the years of my service; I thank them from my heart, and I hope they will forgive what may have been found lacking in me; for, as Swinburne says, "for to give thanks is good and to forgive."

His Excellency the PRESIDENT:—Honourable Members will recollect that I expressed at the conclusion of our last session of Council, a confident hope that the general situation with regard to the war would be much more satisfactory for the allied Forces when next we met in session of the Council. In some respects that expectation has been realised. By the accession to the ranks of the allies of the great country of Italy, our growing strength both on sea and land, has been immensely increased. The British fleet has swept from the seas every ship whether of war or commerce flying the flag of our enemies whose efforts now can only find expression in numerous attacks by submarines on unarmed vessels which have brought them no military advantage to counterbalance the universal condemnation which their action has received from all civilized powers. The enemy offensive on the West has by the gallantry of the French, British, Indian and Belgian troops been thrown back, and slow but certain progress has been made on various parts of the line. It is true that our gallant Russian allies have after heroic resistance sustained considerable reverses on the Eastern front, but their line is still unbroken and I much hope that they will succeed in resisting the powerful attack of the enemy until they are in a position to take the offensive. But I must frankly admit that I was too hopeful when I last addressed you on

this matter and that we cannot claim any great improvement in the situation. The reason for this state of things is clear enough. England and Russia were neither of them prepared in equipment or munitions for a struggle of such a tremendous character and the wonderful preparation and organization of our enemy which have been going on for many years, and their methods of war both fair and foul have given them in some parts of the field a temporary advantage. But as has been well said, unreasoned despondency at the present time is in the private citizen as culpable as desertion in the soldier, and I am as confident as ever as to the ultimate result of this struggle, though it is certain that owing to these facts of which I have told you that the war may be considerably prolonged. We have got our teeth into this business and are not going to let go until we get our teeth through. And while thanking Honourable Members today, and through them every man, woman and child in the Presidency for their patriotic and practical support of Government during the past eleven months, I venture to express the confident belief as head of this Province that we shall bear together each in our several ways the strain, the anxiety and the hardships which must come upon us while this struggle lasts that we shall each and every one of us in a spirit of self-sacrifice and self-denial continue by every means in our power to support our gallant comrades at front in the confident belief in the justice of our cause, in full assurance of a complete victory, and in the profound hope that we may emerge from all its tragedies a better and more united Empire, and may have secured freedom, peace and good will for all the nations of the world.

The Council will now adjourn *sine die.*

Council then adjourned *sine die.*

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council of the Governor of Bombay.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The
Bombay Government Gazette

PUBLISHED BY AUTHORITY.

FRIDAY, 10TH SEPTEMBER 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

To be translated into Marathi, Gujarati and Kanarese and the translations to be published in the BOMBAY GOVERNMENT GAZETTE. To be translated also into Sindhi and the translation to be published in the SIND OFFICIAL GAZETTE. The dates of publication to be reported.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 28 (6) of the Rules for the conduct of business at Meetings of the Legislative Council of His Excellency the Governor of Bombay :—

Bill No. IV of 1915.

A Bill further to amend the Bombay Landing and Wharfage Fees Act, 1882.

Bom. VII of 1882.

WHEREAS it is expedient to amend the Bombay Landing and Wharfage Fees Act, 1882 (hereinafter called the said Act); It is hereby enacted as follows :—

Bom. VII of 1882.

1. This Act may be called the Bombay Landing and Wharfage Fees Amendment Act, 191 .

Short title.

2. (*a*) To the definition of the term "landing-place" in section 4 of the said Act the following words shall be added, namely :—

Amendment of section 4.

"or for the embarking or disembarking of passengers."

(*b*) To section 4 of the said Act the following definition shall be added, namely :—

"'passengers' includes any person of three years of age or upwards, carried in a vessel, other than the master and crew and the owner, his family and servants." [*Cf.* Act VII of 1884, s. 3 (4).]

Amendment of section 5.

3. (*a*) To section 5 of the said Act the following clause shall be added, namely :—

" , and

(4) for permitting passengers to embark or disembark at any such landing-place, whether in fact they do or do not so embark or disembark ".

(*b*) In the proviso to section 5 of the said Act after the word "goods", the word " passengers ", shall be inserted.

Amendment of section 7.

4. To section 7 of the said Act the following shall be added, namely :—

" In particular and without prejudice to the generality of the provisions of the foregoing paragraph, the penalty prescribed in the third column of Article I of section 167 of the Sea Customs Act, 1878, shall be leviable in respect of the contravention of any rule made under this Act ".

Act VIII of 1878.

Amendment of section 9.

5. After clause (*b*) of section 9 the following clauses shall be inserted namely :—

" (*bb*) regulating the collection and remittance of the fees leviable under all or any of the provisions of this Act ; and

(*bbb*) prescribing the forms in which the accounts of the receipts and expenditure of such fees shall be kept; and "

Amendment of section 10.

6. (*a*) In clause (*b*) of section 10 of the said Act after the words " of the " the words " passenger traffic and " shall be inserted.

(*b*) In clause (*c*) of section 10 of the said Act after the term " landing-place " the following words shall be inserted, namely :—

" and in constructing and maintaining waiting-rooms and other conveniences for passengers ".

(*c*) To section 10 of the said Act the following clause shall be added, namely :—

" and

(*d*) in payment of the charges connected with the establishing, maintaining and working of telegraphs and telephones between any such ports ".

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to raise a fund for the improvement of landing-places at minor ports in the Presidency by levying a small charge on each passenger travelling by vessels touching at those ports. The improvements contemplated are—

(1) the provision of piers, temporary landing-stages, etc., to facilitate landing and embarkation ;

(2) the dredging of the creeks to improve access to the landing-places ;

(3) the provision of telephonic or telegraphic communication between the ports by payment of the charges connected therewith ; and

(4) the construction and maintenance of waiting-rooms and other conveniences for passengers.

2. The rate to be charged will be fixed by the Governor in Council by notification in the *Bombay Government Gazette* [clause 3 (*a*)]. The rate is not likely to be less than six pies or more than one anna.

3. The Bill gives power to the Governor in Council to exempt any passengers from the fee to which they may be liable under the Act [clause 3 (*b*)]. The manner of collecting the fees and its remittance will be regulated by bye-laws made under section 9 of the Act (clause 5).

4. The reason why telephonic or telegraphic communication is included in the list of proposed improvements is that the coastal service being irregular passengers may have to wait for hours not knowing when their steamer may arrive, and when it arrives it may be found to be full.

5. The Bill will be of service primarily to the Ratnágiri District where there is no railway communication. The Collector of Ratnágiri in fact states that "hardly any other measure could do more to promote the prosperity and comfort of the people of the Konkan".

6. It has been considered that the easiest way to secure the desired result is to amend the Bombay Landing and Wharfage Fees Act, 1882, which has been a dead letter up to now, but which will be brought into use, as soon as this Bill is passed, by a notification under section 2 of that Act.

3rd May 1915. (Signed) R. A. LAMB.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

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

Bombay, 9th September 1915.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The
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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Gujarati and the translation to be published in the BOMBAY GOVERNMENT GAZETTE. The date of publication to be reported.)

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the City of Bombay Municipal Act, 1888, and the Bill as amended by the Select Committee, are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Legislative Council, published for general information :—

Report of the Select Committee appointed to consider Bill No. II of 1915.

(A Bill further to amend the City of Bombay Municipal Act, 1888.)

We, the Members of the Select Committee to whom the Bill further to amend the City of Bombay Municipal Act, 1888, has been referred, have examined the Bill and have the honour to report as follows :—

The principal alteration made in the Bill is in clause 4 (original clause 3). Section 301 (*1*) of the Act allows compensation both for the value of the land acquired for a set-back and also for any loss, damage or expense incurred by the owner. In the clause as worded in the Bill there was no separate mention of the value of the land, while it was laid down in the proviso that any increase or decrease in the value of the remainder of the property resulting from the set-back should be allowed for in assessing the compensation. The effect of this is that the owner would

receive compensation only for net loss. Although your Committee fully recognize the desirability of altering the existing section, the majority of the members are unable to adopt the principle embodied in the proposed clause and considerable difficulty has been experienced in framing a clause which meets the views of the Committee as a whole. The effect of the clause as now framed in the amended Bill will be to leave sub-section (1) of section 301 in its present form, by which compensation will be granted for the value of the land, while under the proviso as now drafted any permanent and substantial benefit derived from the set-back will be taken into account in computing the damage sustained.

Clause 3.—For reasons of administrative convenience provision has been made in this clause for delegation of the powers of the Commissioner under new sections 375A and 384A by inserting those sections in section 68. The succeeding clauses of the Bill have accordingly been renumbered, and the clauses are referred to below by their new numbers.

Clause 9 (new section 375A).—As the need for such a provision was experienced with reference to building materials and the like we have slightly altered the terms of the clause so as to confine its operation to such articles, for as the clause is framed in the Bill it would include many things for which the enactment has not been shown to be required.

Clause 10.—A proviso has been added to make it clear that the new sub-section will not cast upon the owners of premises fronting private streets the duty of carrying out the ordinary scavenging and cleansing which is laid upon the corporation by section 365.

Clause 11.—Clause 10 as drafted in the Bill absolutely prohibited the keeping of animals or opening of grain godowns in buildings, any portion of which were used for human habitation. We consider that these provisions are somewhat too sweeping and that there are many cases in which the conditions are such that interference is not necessary on sanitary grounds. The effect of new section 384A will be to leave it to the Commissioner to take the initiative and either to grant conditional permission or to issue a prohibition.

Clauses 14 and 15.—A penalty has been provided in sections 471 and 472 for the infringement of new section 384A.

Original clause 15.—As the overbridge referred to in the definition of the boundary has not yet been constructed, we are of opinion that it should not be referred to in a legislative enactment as a boundary mark. We have, moreover, ascertained that a further modification of the municipal boundaries will shortly be proposed, and we therefore consider that this clause may with advantage be omitted from the present Bill.

(Signed) P. D. PATTANI.
(„) J. P. ORR.
(„) J. A. D. McBAIN.
(„) F. L. SPROTT.
(„) LALUBHAI SAMALDAS MEHTA.
(„) JAMSETJEE JEEJEEBHOY.
(„) IBRAHIM RAHIMTOOLA
(subject to a minute).
(„) N. M. SAMARTH
(subject to my remarks below).
(„) MANMOHANDAS RAMJI
(subject to a minute of dissent).

Minute recorded by the Honourable Sir Ibrahim Rahimtoola.

I do not wish to raise any objection to clause 4 in its present form. I would have preferred if the amendment had taken the form of paying for the land acquired the average price of the whole holding.

(Signed) IBRAHIM RAHIMTOOLA.

Remarks made by the Honourable Mr. N. M. Samarth.

* * * * * *

(*b*) To be accurate, the expression "likely to accrue" should be substituted for the word "resulting" in the first paragraph of the report.

(*c*) I think the sentence "The effect of this is that the owner would receive compensation only for net loss", underlined by me in the draft report as to the effect of the *original clause 3* is open to objection. *I should drop it altogether.* But if the effect of the original clause 3 is to be mentioned at all, some more words have to be added to bring it out correctly, accurately and fully. I would, in that case, like to have the sentence worded thus:—

> "The effect of this is that the owner would receive compensation only for net loss, if any, calculated on speculative considerations of the injury or benefit *likely to accrue* to the remainder of the property and *irrespective of the value of the land acquired, for which he would get nothing at all*, with the result that in some cases the Corporation would be enabled to acquire the property without having to pay anything whatever for it to the owner."

Preferably, however, I should like the sentence in question in the draft report to be deleted.

(Signed) N. M. SAMARTH.

Bombay, 18th September 1915.

Minute of dissent recorded by the Honourable Mr. Manmohandas Ramji.

I think section 384-A should be modified as follows, in view of the fact that the section, as it is, would empower the Municipal Commissioner to apply it even to detached out-houses in compounds. This would create a great deal of hardship as the problem of keeping horses, cows, etc., would be a difficult one.

As matters stand at present these are kept in out-houses, on which, or under the same roof of which, accommodation is made for the housing of servants. Unless the section is modified, separate quarters will have to be built for these servants, which means additional space.

I propose therefore that the last paragraph of the section should be modified as follows:—

> The following words should be added after the proviso in the last paragraph: "and that sub-section A will not apply to out-houses".

(Signed) MANMOHANDAS RAMJI.

Bombay, 29th September 1915.

Bill No. II of 1915.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:

Bom. III of 1888.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 191 .

Short title.

2. To section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, the following definitions shall be added:—

Amendment of section 3.

"(*ee*) 'bakehouse' means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is derived.

(*ff*) 'eating-house' means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises.

(*gg*) 'premises' includes messuages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private."

3. In the list of sections in sub-section (2) of section 68 of the said Act, after sections "375" and "384, clause (a)," respectively, sections "375A" and "384A" shall be entered.

Amendment of section 68.

~~3.—For sub-section (1) of section 301 of the said Act, the following sub-section shall be substituted:—~~

~~Amendment of section 301.~~

~~"(1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for any loss which such owner may sustain in consequence of his building or land being so acquired, and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections provided that any increase or decrease in the value of the remainder of the property, of which the building or land so acquired formed part, likely to accrue from the set back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation.~~"

~~Compensation—to be paid—in cases under the three last sections.~~

4. To sub-section (1) of section 301 of the said Act, the following proviso shall be added:—

Amendment of section 301.

"*provided that any permanent and substantial benefit to such owner which it is clearly shown has been derived from the set-back to the regular line of the street shall be taken into consideration in determining the damage sustained by such owner.*"

5. For sub-section (2) of section 337 of the said Act, the following sub-section shall be substituted:—

Amendment of section 337.

"(2) In this chapter 'to erect a building' means

(*a*) newly to erect a building, or

(*b*) to re-erect

(i) any building of which more than three-quarters of the cubical contents of the building above the level of the plinth have been pulled down, or

(ii) any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame-building of which more than three-quarters of the number of posts have been pulled down, or

(*c*) to convert into a dwelling-house any building not originally constructed for human habitation, or

(*d*) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only;

and a dwelling so erected, re-erected or converted is called in this chapter 'a new building'."

6. (*1*) In clause (*a*) of sub-section (*1*) of section 338 of the said Act, after the word "appurtenances", the following words shall be inserted:—

Amendment of section 338.

"and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation".

(2) In clause (c) of sub-section (1) of section 338, for the words "a scale of not less than one inch to every forty feet" the following words shall be substituted:—

"the scale of the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be, situated".

Amendment of section 342.

7. (1) In clause (b) of section 342 of the said Act, for the words "ground level" the words "plinth level" shall be substituted.

(2) In clause (c) of section 342 after the word "aforesaid" the following words shall be inserted:—

"or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level".

(3) In the body of section 342 after the word "work", where it occurs on the second occasion, the following words shall be inserted:—

"the particular part or parts, if any, of such work which is or are intended to be used for human habitation".

New section 347A.

8. After section 347 of the said Act the following section shall be inserted:—

"347A. No person shall, without the written permission of the Commissioner—

Building not to be converted to other purposes without the permission of the Commissioner.

(a) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(b) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used."

New section 375A.

9. After section 375 of the said Act, the following section shall be inserted:—

Removal of building materials from any premises may be required.

"375A. If it shall appear to the Commissioner that any *tiles, stones, rafters, building materials or debris of* building materials ~~or other articles or things, not being articles of food or firewood for domestic consumption~~ are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of the materials *or debris* ~~articles or things~~ so stored or collected therein, to move or dispose of the *same* ~~said materials articles or things~~ or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate *the nuisance* or prevent a recurrence *thereof* " ~~of the nuisance~~.

Amendment of section 377.

10. In section 377 of the said Act,

(a) below sub-section (1) the following sub-section shall be added, namely:—

Neglected private streets.

"(1-A). If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, ~~or is in any other way a nuisance to the neighbouring inhabitants~~, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary: *provided that nothing herein contained shall affect the provisions of section 365.*"

(b) in sub-section (2) after the word "premises" wherever it occurs the words "or such street" shall be inserted.

Amendment of section 384 and of its heading.

(10)-(1)-For the heading of section 384 of the said Act, the following heading shall be substituted:—

"Regulations as to keeping of animals, wholesale storage of grain, etc., destruction of certain animals and disposal of carcasses."

(2)-To sub-section (1) of section 384 of the said Act, the following clauses shall be added:—

"(d) keep any horse, cow, buffalo, bullock, goat or donkey in any building, any portion of which is used or intended to be used for human habitation;

(e) open, establish or use, in any building, any portion of which is used or intended to be used for human habitation, any godown or place for the storage of grain or groceries for wholesale trade purposes."

New section 384A.

11. *After section 384 of the said Act, the following section shall be inserted:—*

"*384A. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,*

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(b) as a godown or place for the storage, in connection with wholesale trade, of grain, seed or groceries,

the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose: provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe."

Stabling animals or storing grain in dwelling house may be prohibited.

Amendment of section 390.

12. In section 390 of the said Act,

(*a*) in sub-section (*1*) after the word "Commissioner" the words "nor shall any person work, or allow to be worked, any such factory, workshop or work-place without such permission" shall be inserted;

(*b*) below sub-section (*2*) the following sub-section shall be added, namely:—

"(*3*) If any written permission for the establishment of a factory, workshop or work-place granted under sub-section (*1*) be revoked by the Commissioner in the exercise of his powers under sub-section (*3*) of section 479, no person shall continue or resume the working or use of such factory, workshop or work-place until such written permission is renewed or a fresh written permission is granted by the Commissioner."

Amendment of section 461.

13. To clause (*f*) of section 461 of the said Act, the following words shall be added, namely:—

"and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of any such premises."

Amendment of section 471.

14. In the table appended to section 471 of the said Act,

(*a*) below the entry relating to section 347, sub-section (*1*), the following shall be inserted:—

In column (1), "Section 347-A."

In column (2), "Building not to be converted to other purposes without the permission of the Commissioner."

In column (3), "Five hundred rupees."

(*b*) below the entry relating to section 375 the following shall be inserted:—

In column (1), "Section 375-A."

In column (2), "Requisition to remove building materials, etc., from any premises."

In column (3), "Fifty rupees."

(*c*) *below the entry relating to section 384, sub-section (1), the following shall be inserted:—*

In column (1), "Section 384-A."

In column (2), "Requisition to discontinue, etc., stabling animals or storing grain in dwelling house."

In column (3), "Fifty rupees."

(*d*) In column 2 of the entry relating to section 390, sub-section (*1*), after the word "established", the words "or worked" shall be inserted;

(*e*) below the entry relating to section 390, sub-section (*1*), the following entry shall be inserted, namely:—

In column (1), "Section 390, sub-section (*3*)."

In column (2), "Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment."

In column (3), "One thousand rupees."

Amendment of section 472.

15. In the table appended to section 472 of the said Act,

(*a*) below the entry relating to section 347, sub-section (*1*), the following shall be inserted :—

In column (1), "Section 347-A."

In column (2), "Building not to be converted to other purposes without the permission of the Commissioner."

In column (3), "One hundred rupees."

(*b*) below the entry relating to section 375 the following shall be inserted :—

In column (1), "Section 375-A."

In column (2), "Requisition to remove building materials, etc., from any premises."

In column (3), "Five rupees."

(*c*) below the entry relating to section 384, sub-section (*1*), the following entries shall be made, namely :—

In column (1), "Section 384-A."

In column (2), "Requisition to discontinue, etc., stabling animals in dwelling house."

In column (3), "Twenty rupees."

In column (1), "Section 390, sub-section (*1*)."

In column (2), "Prohibition of working of factory, etc., established without written permission."

In column (3), "Five hundred rupees."

In column (1), "Section 390, sub-section (*3*)."

In column (2), "Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment."

In column (3), "Five hundred rupees."

~~Amendment of Schedule B.~~

~~15. In Schedule B, appended to the said Act,~~

~~(a) for the northern and eastern boundaries of the Byculla Ward (consecutive No. 5) the following boundaries shall be substituted, namely :—~~

~~"On the North.—A line starting from the junction of Sewri Road at its meeting with the overbridge constructed by the Port Trust across the Harbour Branch Railway and extending along the south side of Sewri Road and the south side of Kalachowki Road as far as the Chinchpokli Station.~~

~~On the East.—The Harbour from the north wharf of the Clerk Basin to the south-west corner of the West Timber Pond along the west side of the West Timber bond and thence running northwards to the point of the junction of Sewri Road and the overbridge constructed by the Port Trust across the Harbour Branch Railway."~~

~~(b) for the southern and eastern boundaries of the Parel Ward (consecutive No. 6), the following shall be substituted :—~~

~~"On the South.—A line starting from the junction of Sewri Road at its meeting with the overbridge constructed by the Port Trust across the Harbour Branch Railway and extending along the north side of Sewri Road and north side of Kalachowki Road as far as the Chinchpokli Station level crossing on Arthur Road.~~

~~On the East.—A line starting from a point at the junction of Sewri Road at its meeting with the overbridge constructed by the Port Trust across the Harbour Branch Railway and running southwards along the west side of the West Timber Pond, to the south-west corner of the West Timber Pond, along the south of the West and East Timber Ponds and then along the east of the East Timber Pond and the harbour as far as the northern boundary of the City."~~

16. In Part IV of Schedule M of the said Act, after the entry "Dyeing cloth or yarn, in indigo or other colour" the following entry shall be inserted :—

Amendment of Schedule M.

"Keeping of eating-houses."

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,
Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 6th October 1915.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the Bombay Medical Act, 1912, is, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Legislative Council, published for general information :—

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL No. III* OF 1915.

(A Bill further to amend the Bombay Medical Act, 1912.)

We, the Members of the Select Committee appointed to report on the provisions of Bill No. III of 1915 (A Bill further to amend the Bombay Medical Act, 1912) have the honour to report as follows :—

After careful consideration, we have no alterations to suggest in the provisions of the Bill, and recommend that it be passed into law.

2. We have considered the three petitions laid before us on the subject of the medical officer at the Ayurvedic Dispensary at Poona, and find that an amendment of the Act to make provision for such cases would not only be outside the scope of the present Bill but must involve a serious question of principle that will require full discussion. We cannot therefore dispose of the question in Select Committee.

3. If however the desirability of amending section 11 of the Act, so as to enable Government to relax its provisions in the case of municipal dispensaries or other institutions supported partly by local funds, be made the subject of a

* Published at pages 268-269 of the *Bombay Government Gazette*, Part VII, dated the 18th May 1915. As the Bill has not been amended it has not been republished.

Resolution in the Legislative Council or be otherwise duly considered and approved, we have no doubt that Government will take the necessary steps to introduce such further legislation as may be needed.

(Signed) W. D. SHEPPARD.
(„) R. W. S. LYONS.
(„) J. JACKSON.
(„) D. A. D'MONTE.
(„) V. J. PATEL.
(„) J. H. KOTHARI.
(„) S. K. RODDA.
(„) RAFIUDDIN AHMAD.
(„) D. V. BELVI.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 23rd October 1915.

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PART VII.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay appointed to consider the proposal made by the Honourable Diwan Bahadur Káshinath Rámchandra Godbole for the formation of Irrigation Panchayats in connection with second class irrigation works in the Bombay Presidency is, in accordance with Rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information:—

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE PROPOSAL MADE BY THE HONOURABLE DIWAN BAHADUR KA'SHINATH RA'MCHANDRA GODBOLE FOR THE FORMATION OF IRRIGATION PANCHAYATS IN CONNECTION WITH SECOND CLASS IRRIGATION WORKS IN THE BOMBAY PRESIDENCY.

We the Members of the Select Committee appointed in accordance with the Resolution of the Honourable Diwan Bahadur Káshinath Rámchandra Godbole, at the meeting of the Legislative Council held in March 1914, to consider whether a Bill dealing with Second Class Irrigation Works should be drafted for the Bombay Presidency on lines similar to those of the Mysore Tank Punchayat Regulation No. I of 1911, have duly considered the proposal and have the honour to report as follows:

2. We were instructed to submit our report by the 15th November 1914; but at the first meeting held by us on the 16th June 1914, after much discussion, we accepted a suggestion made by the Honourable Diwan Bahadur K. R. Godbole that Government should consult certain selected officers specified by him on his proposals, namely, the Collectors of Násik, Kaira and Dhárwár, and the Executive Engineers, Násik and Ahmednagar Irrigation district, Gujarát Irrigation

district and the Dhárwár Irrigation district. The opinions of these officers are contained in Appendix A to this report. These opinions were also circulated to the Secretary to Government, Public Works Department, and the Superintending Engineer, Deccan Irrigation Division. The opinions of the latter officers are contained in Appendices B and C to this report.

3. After a careful review of the several opinions received, we have the honour to recommend that action may be taken as proposed in the minutes of the second meeting held on the 28th August 1915, hereto appended. (Appendix D.)

(Signed) G. CARMICHAEL.
(„) G. S. CURTIS.
(„) H. S. LAWRENCE.
(„) K. R. GODBOLE
(subject to a minute of dissent).
(„) GOKULDAS K. PAREKH.
(„) G. K. SATHE.
(„) VENKATESH SHRINIVAS NAIK
(subject to a note).

APPENDIX A.

Opinions of the officers consulted on the proposals of the Honourable Diwan Bahadur Káshinath Rámchandra Godbole regarding the formation of Irrigation Panchayats in connection with the second class Irrigation Works in the Bombay Presidency.

No. 56, dated the 21st July 1914.

From—The Honourable Diwan Bahadur K. R. Godbole, Additional Member of the Bombay Legislative Council;

To—The Secretary to the Bombay Legislative Council.

It was settled in the Irrigation Panchayat Committee meeting of the Bombay Legislative Council held on 16th ultimo that my proposals regarding the formation of Irrigation Panchayats in connection with the second class Irrigation Works in this Presidency should be sent to the following officers of Government for favour of report:—

(1) Collector of Nasik.

(2) Executive Engineer, Nasik and Ahmednagar Irrigation District.

(3) Collector of Kaira.

(4) Executive Engineer, Gujarat Irrigation District.

(5) Collector of Dharwar.

(6) Executive Engineer, Dharwar Irrigation District.

2. My proposals are contained in sufficient detail in my speech at the meeting of the Bombay Legislative Council held on 16th March 1914. I have made a small correction in sub-paragraph 4 of paragraph 10 of this speech, and have enclosed herewith 8 corrected printed copies of my speech and 8 copies of the Mysore Tank Panchayat Regulation, I of 1911.

3. My speech containing the panchayat proposals and the Mysore Regulation may be sent to the six officers noted in paragraph 1 above for favour of opinion, and the opinions, when received, may, with the permission of the chairman, be sent to the members of the Committee that met on the 16th ultimo.

No. 2088-L., dated the 1st August 1914.

From—J. Nissim, Esq., I.C.S., Secretary to the Bombay Legislative Council;

To—The Collector of { Nasik. / Kaira. / Dharwar.

The Executive Engineer { Nasik and Ahmednagar Irrigation District. / Gujarat Irrigation District. / Dharwar Irrigation District.

I have the honour to state that at a meeting of the Irrigation Panchayat Committee of the Legislative Council held on the 16th June 1914 it was decided that the proposals of the Honourable Diwan Bahadur K. R. Godbole regarding the formation of Irrigation Panchayats in connection with the second class Irrigation Works in the Presidency should be sent to certain selected officers for opinion. I am to send you herewith a copy of a speech made by the Honourable Diwan Bahadur Godbole at the meeting of the Legislative Council held on 16th March 1914, containing his proposals, and a copy of the Mysore Tank Panchayat Regulation, I of 1911.

2. I am to request you to be so good as to favour Government with an expression of your opinion on the subject at an early date.

No. 3781, dated the 8th August 1914.

From— The Executive Engineer, Nasik and Ahmednagar Irrigation District

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088, dated the 1st instant, I have the honour to state that I consider Irrigation Panchayats will be a suitable agency for the management and upkeep of second class Irrigation Works. Such a course if followed would in my opinion be preferable to making the provisions of the Bombay Irrigation Act of 1879 applicable to small Irrigation Works.

2. It will always be difficult, if not impossible, for the Public Works Department to maintain and repair such works efficiently except at a prohibitive cost owing to their scattered nature and any scheme which may possibly secure the desired end in a more satisfactory manner is well worthy of a trial.

3. Village Panchayats, if properly developed and given sufficient powers, should provide a solution for this difficult problem as it would really only be a development of what originally existed in the country and gave it all the fine works that are now being neglected.

4. The Village Panchayats, if formed, should be placed under the guidance of an Irrigation Engineer, who will have to be given special powers to deal with questions of distribution, design of important works, etc., actual execution being in every case entrusted to the Panchayat. It is felt that success would in this way be certain and the people would themselves take a pride in the works handed down to them by their ancestors and there would then be no need to apply the Irrigation Act of 1879 which can by no means be considered suitable, but just simply a last resource.

No. 6178, dated the 13th August 1914.

From—J. A. G. Wales, Esq., M.A., I. C. S., Collector of Dharwar;

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088 of 1st August 1914, I have the honour to state that I have little confidence in the efficiency of the Panchayat system for administrative purposes, whether Irrigation Panchayats or Panchayats for general purposes.

2. Mr. Godbole himself admits that "communal work has become almost impracticable", and this view certainly receives support from our experience in Local Board matters. Villagers will not even exert themselves to provide labour for necessary village works for which funds are provided by the Local Board. Our experience with Sanitary Committees is of the same character, though it must be admitted that sanitation is not a subject on which we can expect the ordinary villager to be enthusiastic.

3. The apportionment of "the work required for the maintainance and upkeep of the tank" (section 12 of the Mysore Regulation) is a task which few Panchayats can be trusted to carry out fairly; there will be continual complaints to the Revenue Officers of partiality and favouritism, and in the conditions of most of our villages there is every likelihood of such complaints being well founded. It will probably be much safer and speedier to trust in the first instance to the Revenue Officers.

4. No legislation, I am satisfied, can "revive and strengthen" the "old village communal spirit". Whether it ever existed to the extent that the present day *laudator temporis acti* supposes, I take leave to doubt: it was probably very little more than a well organised system of forced labour, which, under modern conditions, is no longer feasible.

No. 7764, dated the 10th August 1914.

From—J. McNeil, Esq., I. C. S., Collector of Nasik;

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088 of 1st August 1914, I think that it would be advantageous to introduce legislation which would empower Government to appoint Panchayats to manage small irrigation works with the help of funds contributed directly or indirectly by those who held land under the work.

I would deprecate a hard and fast rule as regards the constitution of Panchayats. They might be wholly elective or wholly nominated or composed of both elected and nominated members. Putting aside mere efficiency for the moment I think that a sense of public duty can be developed among the intelligent members of a village community through

the operations of a purely nominated committee, and that in many if not in most cases the introduction of elections may be a mischievous complication. The communal spirit or any other desirable spirit is not fostered by putting needless difficulties in the way of efficient communal management. I would have none but villagers on the Committee or Panchayat. The patel should ordinarily, though perhaps not invariably, be a member and also their executive officer. I think the Collector, whose powers would usually be exercised by the Assistant or Deputy Collector, should have extensive powers of control. He will be only too glad if he has no mistakes to correct or omissions to supply. The villagers will certainly at first prefer that he should have such powers. I would give no subordinate officer of the Revenue or Irrigation Department the official status of advisor or auditors during the experimental stage.

I can find no record of the results of the Mysore legislation, but I attach no great importance to the omission. If Irrigation Panchayats have worked well in Mysore the experiment here will be more hopeful. If they have not succeeded in Mysore they may nevertheless succeed here.

The discussions in the legislation Council suggest that some thousands of tanks might be possible fields for experiment. I hope that no attempt will be made to experiment simultaneously in more than a few villages in each sub-division during the first few years. If the experiment is to succeed, that is if small irrigation works are to be managed with reasonable efficiency by Panchayats, wholesale success will be more speedily attained by assisting a few committees to reach a satisfactory standard of efficiency than by trying to secure efficient maintenance of works in a large number of cases by the exercise of summary powers of intervention.

Funds contributed directly by landholders should be assessed with the approval of the Collector (*i. e.*, usually the Assistant or Deputy Collector) and should be recoverable under his orders as arrears of land revenue. A part of the water rate derived from the land irrigated should be assigned to the Committee.

No. R.—6850, dated the 22nd September 1914.

From—J. Ghosal, Esq., I. C. S., Collector of Kaira;

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088, dated 1st ultimo, I have the honour to make the following remarks regarding the proposed Irrigation Panchayats in this district.

2. I find from figures supplied to me by the Executive Engineer, Gujarat Irrigation District, that there are about 2,210 second class Irrigation tanks small and large in this district. Fully 50 per cent. of them are inefficient and apparently beyond reclamation. Of the rest (1,075) a very large majority (about 900) or 84 per cent. are very small tanks irrigating less than 25 acres each, the average area irrigated per tank being only 6—20 acres. Generally only a few survey numbers are irrigated from such tanks and not more than a dozen persons are probably interested in each. They can easily and often do look after the tanks and no Panchayats in such cases would be either necessary or desirable. As regards the larger tanks which in this district number only about 170, Panchayats would I think, be useful except in the case of those tanks on which Government have spent large amounts in improvements It may be mentioned here that the crop irrigated from these tanks in Gujarat is mainly rice and the irrigation season lasts for about two months (September—October). The rate of Himayat is only Rs. 2 to Rs. 4 and often less. No elaborate arrangements would therefore be required in these parts as in the Deccan where different crops such as wheat, rice, sugarcane are watered from the tank.

3. As regards the constitution of the Panchayats, the members should, I think be elected from among the irrigators only; others are not likely to take much interest in them. The police patel of the village should be *ex-officio* chairman of the Panchayat and the Mamlatdar and Awal Karkun of the taluka should have power, as in the case of the Sanitary Committees, to take part in the proceedings of the Panchayats. One appeal from the decision of the Panchayats may be allowed and that should lie with the Sub-Divisional Officer in charge of the taluka. The names of Panch elected need not be gazetted.

4. The question of funds to be placed at the disposal of the Panchayats is important and on this point I think the provisions in the Mysore Regulations are suitable. I would not, however, give the Panchayat the right to sell the fishing. For in this district the fishing would be purchased for a nominal sum by the villagers and all fishing disallowed, and the poorer classes will suffer. In fact I am of opinion that the powers under section 13 (1) of the Mysore Regulations should be vested in the Mamlatdar, the proceeds, however, being credited to the Panchayat's Funds.

5. In other respects I think the provisions of the Mysore Regulations may be adopted with minor modifications to suit this Presidency. For instance most of the powers of Government under the Mysore Rules can be delegated for these petty tanks to the Collector.

No. 3726, dated the 14th November 1914.

From—P. K. Chitale, Esq., L. C. E., Executive Engineer, Gujarat Irrigation District;

To—The Secretary to the Bombay Legislative Council.

With reference to your letter No. 2088, dated the 1st August 1914, and memorandum No. 2597, dated the 30th September 1914, I have the honour to inform you that there is some misunderstanding in regard to the number of old tanks in Gujarat. In the first place their number is not so great as has been asserted and in the second many of them are not efficient at all for irrigation.

2. With a view to make the matter quite clear therefore I have prepared three statements (one for each Collectorate, *viz.*, the Panch Mahâls, Kaira and Ahmedabad) and given all the particulars required therein; it would be seen therefrom that in the Panch Mahâls there is only one old tank, rather a large one in operation irrigating 173 acres and 34 gunthas and 36 have been lately repaired or improved in the famine time which are likely to irrigate 1,500 to 1,200 acres after some years, but there is no settled irrigation on them yet. In Kaira there are 2,211 old tanks of which about half the number are inefficient, *viz.*, 1,136 and 1,075 are efficient, but 903 of them are very small, irrigating less than 25 acres under each (on an average 6·20 acres) and 99 only are large irrigating more than 25 acres (on an average 68·25 acres) and there are 73 more which have been repaired or improved lately by the Irrigation Department, irrigating on an average 93·32 acres. In Ahmedabad there are 1,217 old tanks of which only 196 are inefficient, while 675 are very small, irrigating less than 25 acres under each (on an average 7·32 acres) and 103 only are large irrigating more than 25 acres (on an average 43·16 acres) and there are besides 243 which have been repaired or improved lately by Government irrigating on an average 62·83 acres.

3. From these figures it would be apparent that for inefficient tanks nothing requires to be done, and so also for very small tanks irrigating 6 to 7 acres (both in the Ahmedabad and the Kaira Collectorate) comprising only 4 or 5 survey numbers and which are owned by a few persons mostly related to each other, there is no necessity to do anything special except to see that they are not allowed to deteriorate as the owners of the fields dependent for their supply on the tanks can look after them easily and take care of their own interests best, and no Panchayats are wanted for them. For all large tanks 250 in number (10 in the Panch Mahâls, 90 in Kaira and 150 in Ahmedabad), my opinion is that Panchayats may be appointed, when wanted, *i. e.*, when disputes arise regarding the distribution of water or when it is found that petty repairs needed from time to time are not carried out by the people concerned though warned, which they are bound to execute. There is no immediate need of appointing them except in a few villages as the people are generally doing their best to safeguard their common interests under the guidance of the Irrigation Officers at present. The Panchayats should be small consisting of not more than 3 or 5 persons who should be elected from amongst the irrigators themselves by show of hands. All the cultivators in a village should have no voice in the election as those that are not concerned will not take any interest in the matter; and there might be unnecessary trouble caused by mischievous outsiders having little or no interest in the proper maintenance of the irrigation works. The Panchayats should have at their heads the Mamlatdar of the taluka for the large tanks and for the small ones the Aval Karkuns; the Circle Inspectors cannot have much influence and they would not be listened to. The Assistant or Deputy Collector in charge of the táluka should do the necessary supervision—

(*a*) The work to be done by the Panchayats should be no other than the distribution of water and the execution of petty repairs which are often neglected; the emergent work, such as the closing of the breaches, etc., is done by the irrigators themselves when occasion arises personally.

(*b*) As regards the funds to be provided, I think large amounts are not required at all, and, if required, contributions can be granted to meet the extraordinary expenditure and my suggestion is that the one anna cess that is now levied on the pure irrigation revenue when consolidated with the land assessment should be placed at the disposal of the Panchayats, that means 6·25 per cent. of the water rates, and besides that miscellaneous receipts such as the proceeds of sales of old or dead trees, babul-pods, shingodi plantations or grass may also be granted to them. Once the tanks are put in thorough repair by the Irrigation Department, nothing would be required to be done to them for years; such is my experience at least of the tanks and bunds in Gujarat. But to provide for future contingencies in cases of urgency the irrigators may be allowed to levy an additional rate not exceeding annas 2 to 4 per acre for a year or two for meeting the cost of extensive petty repairs, if at any time required, that are to be executed by the irrigators themselves personally and for which specially the water (Himayat) rate is reduced.

(*c*) The crop to be irrigated under the tanks in Gujarat is mainly rice and the irrigating season lasts for two months only from the middle of September to the middle of November. No elaborate arrangements are therefore wanted here as in the Deccan where there are different crops to irrigate, such as sugarcane, rice, wheat, etc., and the irrigation goes on almost the whole year; much more attention and frequent repairs are

therefore needed there to keep the works in order and maintain them in efficient condition than in Gujarat, and the cost of doing so is greater too and the water rates are proportionately higher varying from Rs. 5 to 10 per acre I believe, while here the Himayat water-rate is only Rs. 2 to 4 per acre, and sometimes it is even less than that as much as a rupee or half or quarter of a rupee in some upland talukas such as Kapadvanj and Thasra.

4. In conclusion I might state that it is very difficult to get free labour here at all times and it is not available at all at the time of the sowing or harvesting season; it would be therefore quite impossible to carry out the petty repairs needed to the large number of works and the responsibility for executing them should be placed on the irrigators themselves and not assumed by Government in any way. The people understand their interests well and when properly guided and instructed, they are willing to give the utmost assistance in the maintenance and repair of their own irrigation works on which their crops or rather their livelihood depends. Such at least has been my experience in Gujarat during the long period of 8 years in which an extraordinary development of irrigation has occurred on the old as well as new works.

Accompaniments:—

3 Statements.

P. S.—Bunds mean tanks on which there is rice cultivation outside, for the irrigation of which water is drawn off from the tank and then rabi cultivation is made inside on the moisture left in the soil.

Statement of old tanks repaired or improved lately in the Panch Mahals Collectorate.

Serial No.	Name of talukas.	Number of tanks.	Number of inefficient tanks.	Number of efficient tanks expected to irrigate less than 25 acres.	Number of efficient tanks expected to irrigate more than 25 acres.	Number of efficient tanks repaired or improved by this Department.	Total of efficient tanks.	Number of other tanks repaired or improved by this Department.	Area to be irrigated by tanks (*Nil*) as per column 5.	Area to be irrigated by tanks (*Nil*) as per column 6.	Area to be irrigated by tanks (1) as per column 7.	Total area to be irrigated by the tanks (1) as per column 8.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
											A. g.	A. g.	
1	Godhra	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*	14*	...	...	.....	.....	* Out of these 14 new tanks improved or repaired, 5 are not yet in operation and they require to be completed.
2	Kalol	1	...	...	...	1	1		...	...	173 34	173 34	
3	Halol Mahal	...	...	...	...	...	...	9	...	...	.....	.....	
4	Dohad	...	...	...	...	...	...	8†	...	...	.....	.....	† Out of 8 new tanks, one constructed in the famine of 1911-12 is yet incomplete.
5	Jhalod Mahal	...	...	...	...	...	...	2	...	...	.....	.....	
	Total ...	1	...	...	...	1	1	36‡	...	...	173 34	173 34	‡ 27 small, 9 large.

Note.—Besides these there are several other tanks improved by the Civil Agency in the famine of 1911-12, some of which are likely to be fit for irrigation and they are being gradually surveyed and brought into use.

Statement of old tanks repaired or improved lately in the Kaira Collectorate.

Serial No.	Name of taluka.	Number of tanks.	Number of efficient tanks.	Number of efficient tanks expected to irrigate less than 25 acres.	Number of efficient tanks expected to irrigate more than 25 acres.	Number of efficient tanks repaired or improved by this Department.	Total of efficient tanks.	Number of other tanks repaired or improved by this Department.	Area to be irrigated by tanks (903) as per column 5.	Area to be irrigated by tanks (99) as per column 6.	Area to be irrigated by tanks (73) as per column 7.	Total area to be irrigated by tanks (1,075) as per column 8.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
									A. g.	A. g.	A. g.	A. g.	
1	Mehemdabad	336	117	194	9	16	219	2	1,465 30	622 27	1,643 8	3,731 25	* 39 small. 60 large.
2	Nadiad	574	259	300	12	3	315	2	1,423 21	1,037 15	313 3	2,773 39	† This is the only area assessed to Himayat on all these tanks which are improved recently.
3	Anand	291	233	37	20	1	58	...	343 11	1,116 0	326 0	1,785 11	‡ Some of these are under the influence of the Khari Sluices.
4	Borsad	180	15	157	3	5	165	2	794 20	93 35	103 35	992 10	§ 43 small. 30 large.
5	Thasra	196	124	60	7	5	72	7	275 18	520 0	244 24	1,040 2	¶ Extra area irrigated not assessed to Himayat.
6	Kapadvanj	198	156	31	...	11†	42	10	127 23	...	†0 35 ¶150 0	128 18	‖ These figures do not include the Kalambandhi villages and the Goblaj and the Tranja Nagrama tanks.
7	Matar	436	232	124	48	32‡	204	1	1,168 3	3,366 21	4,180 27	‖ 8,715 11	
	Total ...	2,211	1,136	903	*99 (a)	73§	1,075	24 (b)	5,598 6	6,756 18	6,812 12	19,166 36	
											150 0		
									6·20	68·25	93·32	17·83	Average per tank.

(a) Some of these tanks are not found to irrigate as much area as is assessed to Himayat and some either belong to Inamdars or are situated in Wanta lands.

(b) These are new tanks brought into operation and for which no areas are given as they vary from year to year.

Statement of old tanks repaired or improved lately in the Ahmedabad Collectorate.

Serial No.	Name of talukas.	Number of tanks.	Number of inefficient tanks.	Number of efficient tanks expected to irrigate less than 25 acres.	Number of efficient tanks expected to irrigate more than 25 acres.	Number of efficient tanks repaired or improved by this Department.	Total of efficient tanks.	Number of other tanks repaired or improved by this Department.	Area to be irrigated by tanks (675) as per column 5.	Area to be irrigated by tanks (103) as per column 6.	Area to be irrigated by tanks (243) as per column 7.	Total area to be irrigated by tanks (1,021) as per column 8.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
									A. g.	A. g.	A. g.	A. g.	
1	North Daskroi	202	41	149	7	5 †	161	...	757 13	231 2	380 32	1,369 7	* 53 small. 50 large.
2	South Daskroi	375	45	227	28	75 †	330	...	1,790 30	1,078 16	2,705 16	5,574 22	† These are mostly under the influence of the Khari Cut Canal system.
3	Sanand Mahal	205	6	99	39	61	199	1	912 0	1,895 1	5,100 4	7,907 5	‡ 143 small. 100 large.
4	Viramgam	159	42	81	8	28	117	...	458 34	306 14	1,555 22	2,320 30	
5	Dholka	276	62	119	21	74	214	5	1,020 2	934 24	5,536 22	7,491 8	
	Total ...	1,217	196	675	*103 (a)	243‡	1,021	6	4,938 39	4,445 17	15,278 16	24,663 32	
									7·32	43·16	62·83	24·16	Average area per tank.

(a) Out of these some are not able to irrigate as much area as is assessed to Himayat on them and some tanks are in Inami or Wanta lands.

Note.—There are no old tanks in the Dhandhuka and Prantij talukas, as also in the Ghoga and Modasa Mahals, except those belonging to Talukdars.

No. 435, dated the 13th February 1915.

From—J. K. Williams, Esq., Executive Engineer, Dhárwár Irrigation;

To—The Secretary to the Bombay Legislative Council.

In reply to your No. 2088, dated August 1st, 1914, I have the honour to state that after having talked to many irrigators on this subject I agree with the proposals of the Honourable Diwán Bahádur K. R. Godbole as far as small tanks are concerned.

2. From what I could gather from the irrigators I talked to, I came to the opinion that they on the whole did not dislike the present system as far as it went, but they all complained that nothing was being done to many small tanks, which would often be of great value, but which were now being left to fall in disuse. They have apparently lost all idea of their own responsibility regarding tanks, whether small or large ones.

3. I am also often having petitions for repairs to small tanks which are not on my list of second class tanks in my charge which bears this out.

I think also that the village tanks are so closely bound up with the actual pecuniary interests of the rayats that there is a chance of their combining to keep them in repair if the Tank Panchayats were formed, and that they possibly would not go the usual way of such committees in India.

4. I am quite convinced too that the present system is not all that can be desired. The result of it is that only the major repairs for which the Irrigation Department are responsible are done and the small repairs supposed to be done by the rayats themselves are almost totally neglected.

5. There are many second class tanks, old works, which, though classified as second class tanks because they existed before the Irrigation Department was formed, are really first class works, and consist to a considerable extent of masonry works. These would, I consider, be quite beyond the scope of Village Tank Panchayats.

6. I am of the opinion therefore that the second class tanks should be carefully gone into by the Irrigation and Revenue Departments and reclassified. In one list should be included all tanks irrigating lands belonging to more than one village and all tanks irrigating above a certain number of acres. For all the repairs of these both large and petty ones the Irrigation Department should be responsible; the distribution of the water and the distributory channels remaining in the hands of the irrigators as at present. In the other list the remaining tanks should come and these should be managed entirely by the Village Tank Panchayats. The number of acres irrigated for the latter list could be at first well kept low. If the proposed Panchayats are found to work well the number can easily be increased at a later date after trial.

7. I regret the great delay in disposing of this call, but the question is an important one, and I did not feel competent to give my reply till I had talked personally with a considerable number of persons likely to be interested in the case on the spot.

APPENDIX B.

No. D—71, dated the 23rd July 1915.

From—H. F. Beale, Esq., M.Inst.C.E., Secretary to the Government of Bombay, Public Works Department;

To—The Secretary to the Legislative Council of the Governor of Bombay.

With reference to your letter No. 936-L., dated 20th April 1915, I am directed to communicate the following remarks on the proposals of the Honourable Diwán Bahádur K. R. Godbole regarding the formation of Irrigation Panchayats in connection with the second class irrigation works in the Bombay Presidency.

2. The Mysore Panchayat regulation was passed in January 1911.

Certain rules were sanctioned in connection with it in January 1914, enabling the Act to be brought into operation.

In March 1915 an order issued that progress should be reported half-yearly.

In May 1915, 42 Panchayats had been constituted and of these 15 were in working order. It is not possible yet to say whether the scheme is a success or otherwise.

3. The Mysore regulation does not apply to minor tanks, *i. e.*, those yielding a revenue of less than Rs. 300 (perhaps 50 to 100 acres irrigation). In December 1914 certain orders issued concerning the repairs to minor tanks in Mysore directing that the cost of the works should be defrayed by both Government and the villagers, the share of the latter being one-third of the whole. The construction of the work was to be entrusted to the villagers.

4. The question of the applicability of the Mysore Panchayat regulation to the Bombay Presidency has been very variously reported on by different officers.

More than one officer has pointed out that the 'old system' of construction and maintenance was not so much communal as one of forced labour under village officers duly empowered. "Free labour from villagers" as the Honourable Diwán Bahádur Godbole puts it in his speech (end of second period on page 4 of his speech) has been abolished now. But co-operation may be introduced by the Panchayat system.

5. Before proceeding further it is advisable to advert to another remark made in the Honourable Mr. Godbole's speech, *viz.*, that the irrigators are paying too high an assessment for water on second class irrigation works, as compared with the charges levied on first class works. As examples of the latter he has chosen the Girna Canal which is quite new and undeveloped, and the Palkhed Canal which is old but not well arranged. The Nira Left Bank Canal would yield a fairer comparison. On it the average net revenue is Rs. 8 per acre. But the fairest comparison is between the Nasik 'thal' irrigation and the 'block' irrigation on the Nira, and in this case the comparison is as follows:—

	Consolidated assessment.	Water-rate per acre.	Diwán Bahádur's figures.
	Rs.	Rs.	Rs.
Dabhadi, the heaviest rate	14·35	11·81	12·32
Sangameshwar	10·23	5·65	8·30
Bej	13·43	11·49	11·97
Munjwad	9·77	8·20	8·73
Nira Left Bank in blocks	.....	*13·33	.....

Thus the water charges on first class irrigation works are actually higher than on any second class works.

6. It is generally recognized (even in Mysore) that the Panchayat would not, as a rule, be capable of designing and carrying out masonry works, and it should be laid down that all designs and estimates for alterations and improvements must always be made by the Public Works Department for works figuring on the Public Works list.

A portion of the execution (earthwork, etc.) might be entrusted to the Panchayat, if constituted, but it would have to be under the control and direction of the Public Works Department.

* Revenue 16 Rs. – 2·67 Rs. working expenses = 13·33 net revenue.

7. The Superintending Engineer, Deccan Irrigation Division, Mr. Cadambi, has pointed out that the second class works are less numerous than has been imagined. Complete lists have now been prepared and printed for the following districts (north to south):—

Ahmedabad,
Kaira,
East Khándesh,
Násik and Ahmednagar Irrigation,
Ahmednagar,
Poona Irrigation, and
Belgaum.

and a copy of each is *attached.

8. Small tanks omitted from these lists need not be considered. They are generally properly managed by the owners in their own interests and they are under the supervision of the Revenue Department.

9. 'Inefficient' tanks are those, which cannot, with any reasonable expenditure, be made useful. These also need not be considered.

10. Many of the 'efficient' tanks are now well managed, and no disputes take place about distribution of supplies or repairs. These would therefore not be notified under the Act, as recently amended, so they need not be considered either.

11. There remain then the efficient tanks and bandharas to be notified under the Act on which either repairs or distribution are somewhat unsatisfactory. For these a suitably constituted Panchayat could be very usefully employed and the experiment may be made in one or two places to commence with.

12. The headman should be the Village Patel, and there may be three to five members, who should be owners and tenants in the irrigated area, elected by the same class of men. No outsiders (except the patel) should be either elected or electors.

13. The Panchayat's duties would be—

(i) to control the water-supply and distribution;

(ii) to see that petty repairs are carried out by the responsible individuals (the Panchayat will allot the correct share of this task to each) either by actual work, or by equivalent payment. Default of payment would be reported to the Collector and recovered as an arrear of land revenue;

(iii) to look after the maintenance with the necessary staff of patkaris, havildárs, etc.;

(iv) to carry out urgent repairs such as prevention or filling up of a breach, etc.; and

(v) (if called upon) to help in carrying out works of improvement or alteration under the control of the Executive Engineer.

These are the duties assigned to the Panchayat in the Mysore regulation which appear a reasonable provision.

In deciding cases about water rights, etc., the Panchayat should sit in public in the chowdi and deliver their verdict openly. An appeal will lie to the canal officer, and ultimately to the Collector.

14. The funds required would be mainly for the maintenance, establishment and for urgent repairs. A small irrigation cess may, if possible, be provided for this purpose.

If the Panchayat should fail at any time to carry out its duties satisfactorily, recourse can be had at once to the Irrigation Act, Part X, the provisions of which could be enforced.

* Not printed.

APPENDIX C.

No. 4268 of 1915.

Poona, 26th June 1915.

From—S. Cadambi, Esq., Superintending Enginneer, Deccan Irrigation Division;

To—The Secretary of the Legislative Council of the Governor of Bombay, Poona.

I have the honour to refer to your letter No. 937-L., dated the 20th April last, regarding the creation of irrigation Panchayats for the management of the second class irrigation works in the Bombay Presidency.

2. My competence to speak on this subject rests not only on my having administrative charge of these works contained in the Deccan Irrrigation Division. Some 20 years ago I was in charge of the Tank Sub-division in the Belgaum Collectorate for about three years. For five years I held executive charge of the old Khándesh Irrigation District and the West Khándesh District, containing an important group of bandharas in the Valleys of the Khándesh rivers rising in the Ghauts.

3. It is admitted on all sides that these small old irrigation works, where they exist, are valuable and useful, and serve their own purpose. At the same time, however, I wish to clear the ground when a somewhat misleading vague statement is made regarding the geographical extent and number of the second class irrigation works, namely, "that the works are situated in all the districts of the Bombay Presidency proper, except Sholápur, Thána and Kolába; and that their number, large and small, may be put down at 8,000".

4. These works are possible only under certain physical and climatic conditions. They are, for tanks, gently undulating *alluvial* plains as found in parts of Gujarát and Southern Marátha Country (Dhárwár and Belgaum); and for "pat-bandharas", certain rivers, with a steady perennial flow, and low-lying belt of land on either bank, as found in the upper parts of the Valleys of the Godávari and Khándesh rivers, rising in the Ghauts.

5. Hence, as a rule, the works are distributed as under:—

Tanks.—In Gujarát are found in certain tálukas of Panch Maháls, Kaira and Ahmedabad Districts only.

Karnátik.

In certain tálukas of Belgaum and Dhárwár Districts only.

Pat-Bandharas.

In certain tálukas of Násik and West Khándesh Districts only.

Besides these, there are a few isolated works, which can be counted on one's fingers, in Poona, Sátára and East Khándesh Collectorates.

NUMBER OF WORKS.

Gujarát Tanks.

6. Mr. Chitale, Executive Engineer (*vide* paragraphs 1 to 3 of his letter No. 3726,* dated the 14th November 1914, and statements accompanying), has removed the misunderstanding in regard to the number of old tanks in Gujarát and given correct numbers as follows:—

District.	Total number of tanks.	Number of efficient tanks.	Number of efficient tanks irrigating *less* than 25 acres.	Number of efficient tanks irrigating *more* than 25 acres.
Panch Maháls	1+36	37	.....	37
Kaira	2,211+24	1,075+24	903	196
Ahmedabad	1,217+ 6	1,021+ 6	675	352
Tota ...	3,495	2,163	1,578	585

* Page 4.

These figures may be contrasted with those assumed by the Honourable Diwán Bahádur Godbole, as 4,300 small tanks in Gujarát, in addition to those on the Public Works list.

Of the total number of 3,495 tanks *including those on the Public Works List*, 1,332 are inefficient and 2,163 are efficient.

Of the latter, 1,578 irrigate less than 25 acres; and may be let alone to the individual proprietors not hampered by interference of either Government agency or a Panchayat.

Thus the number of tanks of public importance in Gujarát is only 585, of which 250 are returned as large tanks.

7. A word of explanation is necessary with regard to the tanks classed as "inefficient".

In some cases they are relics of some earthwork or bund, which was undertaken for building a tank, but which was not completed or abandoned as not feasible. In other cases, an old tank existed, which is damaged or is beyond repairs.

In all the cases, an "inefficient tank" cannot be rendered efficient, except at a prohibitive cost, or without the results obtained being out of all proportion to the permanent interests destroyed, as, for instance, the area of lands submerged by a tank is much in excess of the area irrigated, etc., etc.

8. *Works in the Deccan and Karnátik.*—I have not ready at hand similar correct figures, showing for the Deccan and Karnátik—

(*a*) the total number of old works;

(*b*) the number of inefficient ones as explained above;

(*c*) the number of works irrigating a small area belonging to one or a few persons of one or allied families; and

(*d*) the number of works of really public importance.

It is not stated for what reasons the Honourable Member thinks that their number is over 3,000 in addition to those on the Government list.

During the periods I was directly in charge of those works in Belgaum, Khándesh and Násik Districts, I was concerned in the task of preparing or revising the returns of works to be brought on the Public Works list. At that time, we, with the assistance of the Revenue authorities, went round, examined and selected the works. All works, which are strictly inefficient in the sense explained above, and all others which are vested in a compact minority of individuals have been excluded. From the knowledge of the working methods adopted in preparing and revising the Public Works lists, I can confidently promise that the number of useful works omitted from the Government lists is neither large nor worth the price of Government interference or Panchayat *control*.

9. The above observations also rebut the Honourable Member's argument that his proposal will provide efficient machinery for 8,000 works instead of 1,344 only.

10. Now I come to the discussion of the vital question regarding the up-keep, maintenance and management of these works.

The repairs required for the up-keep, efficiency and maintenance of these works may be grouped under the four following heads:—

(1) Repairs to the existing masonry works and works of a special nature, such as outlets, waste-weir, regulators, escapes, lining wall, aqueducts, culverts and bridges, etc.

(2) Additions and alterations to ditto.

(3) Extensions and improvements of the existing works where demanded or found necessary.

(4) *Petty Repairs.*

These are as defined and enumerated under heads (1), (2), (3), (4) and (5) of section 84, Part X, of the Bombay Irrigation Act, 1879.

The first three classes of repairs require scientific knowledge and technical skill in designing, and trained and expert labour and supervision, and imported materials such as iron, cement, etc., in carrying them out.

11. Government, from very early times, have recognised the useful nature and value of the second class irrigation works, and pledged themselves to carry out the first three classes of (1) repairs, (2) additions and alterations, and (3) extensions and improvements. I know of one instance of the very early interest taken by Government, *viz.*, that, in the early forties of the last century, these operations, in behalf of the bandharas in the old "Province of Khándesh", were directed by the Territorial Department of the Government of the Honourable East India Company.

Since those days Government have continually watched the working and efficiency of these works and annually expended large sums of money on the first three classes of repairs enumerated in paragraph 10 above.

12. The expenditure in past ten years is given below:—

Year.	Expenditure. Rs.
1904-05	... 5,03,037
1905-06	... 4,46,116
1906-07	... 4,24,341
1907-08	... 4,01,568
1908-09	... 5,01,327
1909-10	... 4,28,584
1910-11	... 4,47,155
1911-12	... 4,37,344
1912-13	... 3,94,390
1913-14	... 3,63,392

N. B.—The figures include works in Gujarát, Deccan and the Karnátik.

These repairs in their own nature require a technical agency, and are beyond the scope of a village headman (as he now is), or a village community, or a Panchayat body.

13. Even supposing that a Panchayat is constituted for the fourth class of repairs called "petty repairs"; and that they are provided with a contribution of one-third of irrigation revenue, it is a pertinent question to ask whether the Panchayat will themselves find the technical agency or will demand Government Public Works to survey, design, estimate and carry out annually the first three classes of repairs to the numerous works under the Panchayats.

14. Reverting to the fourth class of repairs, defined and enumerated as *petty repairs*, Government, in the early days when they fixed their policy with regard to the second class irrigation works, have taken into account the then existing settlement of these works, the rights and privileges of the irrigators, and their responsibilities. They acknowledge their rights of taking water according to their wonted custom, and imposed upon them the obligation, handed down from the days of the previous rulers, to perform the "petty repairs", while Government, on their own part, pledged themselves to carry out "technical repairs".

15. Government have kept their pledge and spent large sums of money on the second class works as shown above, while the persons concerned have failed in their obligation to perform the "petty repairs".

16. It is not for me to traverse the old lines of argument whether the persons concerned should not be relieved of the burden of obligations for carrying out petty repairs, and whether Government should not undertake the same as they have done in the case of technical repairs.

17. The principle of the people's obligations has been accepted by the Legislative Council of the Governor of Bombay, and embodied in section 84, Part X, of the Bombay Irrigation Act. The question has thus been set at rest for ever.

18. The manner of enforcing this obligation has been enacted in sections 85, 86 and 87 of the said Act.

19. It is suggested that the above legislation will not avail, and that, instead, village Panchayats should be organised and established by legislative sanction.

20. Before proceeding further I recapitulate below the grounds on which the Panchayat agency is advocated:—

(1) That the works were first constructed by the people themselves.

(2) That the village autonomy (I should prefer to call village executive Government) and communal spirit which existed in old days were sufficient to keep these works in order.

(3) That the village officers lost their authority by the transference of higher powers to the more centralised and powerful authority.

(4) That the recently passed Bill does not adequately meet the requirements and that over 6,500 of the works will be left out.

(5) That the Public Works Department or a Government technical agency is quite unsuited to carry out the repairs, and that a local agency is alone capable of carrying out economically the petty repairs.

(6) That the Mysore Government have passed a similar regulation.

Answers to the above.

21. Very little is known regarding the origin of these works, or by whom they were constructed. In my opinion it is quite wide of the mark to say that the people themselves constructed these or any of these works.

Grounds (1) and (2) seem to imply that in the old days there was a sort of republican feeling and activity in the villages, and that they counselled together and projected, constructed and managed these works.

Far from it, however, from the meagre knowledge we possess of the past history, a village or a small group of villages, formed the chief unit of executive Government, bound to the adjoining units or to a distant territorial Lord by more or less loose political ties, such as paying a tribute, maintaining a contingent of troops for defence, etc.

The Village Chief or Governor, ruled his people, was their Chief Magistrate, and carried out public works by his own executive authority.

This is far different from saying that the people themselves constructed the works as it they formed a Joint Stock Company or Coporation apart from the Government agency of the day.

22. Nor was there any better and more communal spirit than paying implicit obedience to the village chief who might demand forced contribution or employ forced labour.

23. It must be said to their credit that these works were designed for the welfare and benefit of many persons, though some persons, by their influence and power, claimed a lion's share. If they successfully managed and maintained their works, it was by virtue of the orders of the village chief or "Government agency of those days".

24. If there were ever that much-talked-of 'communal spirit' really fostered and developed in those days, it is not understood why people born and bred in that spirit should neglect their own interest, and not carry out petty repairs in later days when the patels' superior influence is relegated to a more powerful and central authority.

25. From a people in whom no communal spirit has formerly existed in the sense in which we understand the term, or in whom it is yet to be fostered (it may be noted that there is no question of reviving the communal spirit), it is extremely doubtful whether an influential and efficient Panchayat could be formed for managing these works.

26. Next, it may be asked why Government have failed so far to exact from the people concerned the performance of the obligations imposed upon them in the matter of "petty repairs".

My answer to this question is that the "Bill further to amend the Bombay Irrigation Act, 1879", which has been passed in the Legislative Council last year ought to have been in the Statute Book 50 or 60 years ago.

27. Next, I take up the argument that a Government agency, is not so suited or effective as a local agency, keenly interested in affairs which they regard as their own.

I admit the force of this argument. Government agency cannot nowadays exercise the power which the village chiefs of old exercised in levying a forced contribution or employing forced labour.

In my opinion, however, the provisions of the new Act are adequate to meet the requirements in the altered circumstances of the modern times.

28. On the other hand the difficulty is to find and create a suitable, business-like and efficient Panchayat. Let us analyse this question fully.

If the Panchayat is to be entrusted with a certain proportion of the irrigation revenue as suggested, it must be fit and capable of carrying out both "technical" and "petty" repairs. This, I have already pointed out, is impossible in the present condition of the people.

29. If the Panchayat is held responsible only for "petty repairs", then no contribution from Government is admissible as the carrying out of "petty repairs" is an obligation imposed on the people from immemorial custom.

In that case the Panchayat shall have to do what is now required of the canal officer and patel under sections 76 to 88 of the new Act. It shall have to frame, revise and keep record-of-rights regularly and systematically, inspect the works and call upon the persons concerned to carry out the repairs. If the persons fail to do so, the Panchayat should carry out such repairs by levying a contribution, or it shall have to raise a common fund and account for the expenditure.

30. Such Panchayat is impossible in the present state of affairs. If at all formed, its work and operations will have to be supervised and controlled in the same manner and to the same extent as if Government directly undertake the task as laid down in the new Act.

31. With regard to the Mysore regulations, as far as my information goes, it was passed four years ago and it has not been found expedient to introduce the regulation in practice on any considerable scale yet.

A few Panchayats, I understand, have been constituted within the past year or so; and they have not been working for a sufficiently long time to give any practical proof of the work and efficiency.

32. In the Madras Presidency, where they have a numerous class of works corresponding to our second class irrigation works, they are yet contemplating a Panchayat system, and are now collecting the opinions of the Government officers and people concerned. On the other hand, for a long time, they have in force a "Kudi-Naramat Act", or an Act to enforce the obligations of ryots for "petty repairs" similar to our new Act.

33. Lastly, while I am opposed to the formation of irrigation Panchayats, as proposed by the Honourable Diwán Bahádur Godbole, I am in favour of the view that a step may be taken to foster public spirit and co-operative feeling among the persons interested in a second class work, so as to facilitate the work of the canal officer and the village patel under the new Act.

At present, on a large tank or pat-bandhara, there are many irrigators with varying shares of interest and holdings, who do not co-operate and work in harmony with regard to the distribution of water, or carrying out of "petty repairs".

In such cases the interests of the well-meaning majority suffer from the opposition or apathy of the recalcitrant few.

A representative body among the irrigators may be formed who, by their influence and disinterested action, will regularly inspect and watch the interests of the irrigation work. They may, by their probity and energy, bring round the erring co-sharers to their sense of responsibility. If they fail, they can immediately resort to the canal officer and village patel to put into motion the provisions of the new Act. When the canal officer orders the execution of repairs under section 86 of the Act, this representative body may be given such work to do as if they are Government contractors, and may be paid for at the usual rates paid for such repairs, the expense so incurred being recoverable as provided in the same section.

34. In this manner Government will have a ready-made agency of carrying out the petty repairs on cash payment and at the right moment, which is now pointed out to be a great difficulty, if Government agency under the new Act be employed. The representative body in turn will rise in importance and usefulness in the estimation of their co-sharers.

35. Thus, will be laid the beginnings of what may, in course of years, under favoured circumstances of public spirit and co-operation, grow and develope into a full Panchayat as contemplated by the Honourable Diwán Bahádur Godbole.

APPENDIX D.

Minutes of the Meeting of the Irrigation Panchayat Committee held on the 28th August 1915.

The Committee to consider the possibility of constituting irrigation Panchayats and to report if a Bill on the lines of the Mysore Tank Regulation No. I of 1911 cannot be framed to deal with second class irrigation works in this Presidency, met at the Council Hall, Poona, on Saturday, the 28th August 1915, at 11 A.M. The following members were present :—

The Honourable Mr. G. Carmichael, C.S.I., I.C.S., Chairman.
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. H. S. Lawrence, I.C.S.
The Honourable Diwán Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. G. K. Parekh.
The Honourable Ráo Bahádur G. K. Sathe.
The Honourable Ráo Sáheb V. S. Naik.

H. F. Beale, Esq., M.Inst.C.E., Secretary, Public Works Department, was also present.

2. In discussing the possibility of constituting irrigation Panchayats for the Northern Division, the Honourable Diwán Bahádur Godbole strongly advocated their formation and quoted in support of his opinion the authority of the Collector of Kaira that 170 Panchayats could be formed in his district.

3. The Honourable Mr. Curtis did not think that there was any demand for a Panchayat in the Northern Division and the Honourable Mr. Parekh agreed with this view.

4. Referring to the Central Division, the Honourable Mr. Curtis suggested that an experiment should be tried. It would be easy to constitute Panchayat by executive order and hand over to them for management certain selected works. Before doing so it would be necessary to draw up record-of-rights in irrigation Panchayat works under section 73 and thereafter for the Panchayat to work through and with the advice of the civil officer. The experience gained in this way would be valuable as showing whether additional legislation will be wanted or not. The idea was approved of and it was agreed that for the purposes of experiment, Panchayats should be constituted for the management of five bandharas on the Shiv river at Sinnar and five bandharas on the Banganga river at Dindori. This selection to be subject to the Collector's approval.

5. With regard to the Southern Division, the Honourable Mr. Curtis thought that an experiment could be started in Southern Division without legislation. The Honourable Ráo Sáheb Naik welcomed the idea and considered that an irrigation Panchayat would prove successful in Ranebennur.

6. Referring to maintenance, repairs and up-keep of these second class irrigation works, the Honourable Diwán Bahádur Godbole urged that in view of the fact that Government realise large irrigation revenue and do not contribute to the cost of improvements, repairs, etc., no contributions should be called for from the irrigators, as in that case the scheme would prove a failure and no Panchayats could be got to work on those lines.

7. The Honourable Mr. Curtis and Mr. Beale pointed out that Government were actually spending large sums on these works, and that it was necessary that the Panchayats should contribute. It was agreed that grants should be given by Government to Panchayats on the understanding that an equal amount be forthcoming in subscriptions. If, however, the Panchayats preferred to continue working under the present system under which Government undertake special repairs from time to time they could do so.

8. The Committee then resolved as follows :—

(i) That an experiment should be tried of handing over certain bandharas and tanks to Panchayats for management in the Central Division and the Southern Division. In the former division the *locale* should be the Nasik District. Five bandharas on the Shiv river in the Sinnar táluka and five on the Banganga river in Dindori táluka could probably be handed over. But on this point the Collector should be consulted before they are finally selected. In the Southern Division the Commissioner, S. D., should select six tanks for experiment.

(ii) *Constitution of the Panchayats.*—The Panchayats are to be constituted by the Collector by nomination. The members of the Panchayats are to be selected from amongst the irrigators and they are not to exceed seven in each case.

(iii) *Duties of the Panchayats.*—The duties of the Panchayats to be as described in Mr. Beale's Report,* paragraph 13, sub-paragraphs (i), (ii) and (iii), and section 84,† clauses (1) to (5) inclusive, of the Bombay Irrigation Act No. VII of 1879.

(iv) *Finances.*—For the purposes of this experiment, the Panchayats may either select to work under the present system under which Government undertakes to carry out special repairs and improvements from time to time; or they may collect funds by voluntary subscription, and Government will undertake to contribute an equal amount.

9. The following sums should also be placed at the disposal of the Panchayats:—

(1) The amounts accruing from the failure to fulfil the obligations imposed under section 86 of Bombay Act No. VII of 1879.

(2) The sum realised by the sale of grazing, fishing and the produce of trees, also from cultivation in tank beds, if sanctioned by the Collector.

(3) Any grant by Government for special repairs and improvements, provided that an equal amount is forthcoming by contribution from irrigators.

10. The Committee then adjourned *sine die.*

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* *See Appendix B (page 10) for Mr. Beale's Report.*—Sub-paragraphs (i), (ii) and (iii) of paragraph 13 of the report are as follows:—

(i) to control the water-supply and distribution;

(ii) to see that petty repairs are carried out by the responsible individuals (the Panchayat will allot the correct share of this task to each) either by actual work or by equivalent payment. Default of payment would be reported to the Collector and recovered as an arrear of land revenue; and

(iii) to look after the maintenance with the necessary staff of patkaris, havildárs, etc.

† *Section 84 of the Bombay Irrigation Act, 1879, runs as follows:—*

"84. In every second class irrigation work the following repairs shall be performed by the persons on whom the obligation to perform them is imposed by the next following section, that is to say—

Obligation to carry out petty repairs.

(1) The filling up of gullies, ruts and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds, of tanks, channel-banks or other portions of the said second class irrigation work.

(2) The prevention of the growth on such work of prickly pear, young trees and other vegetation endangering the safety or concealing the condition of such work.

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of such work.

(4) The clearance of silt from sluices, supply and distributing channels.

(5) The clearance of waste weirs and waste channels.

Minute of dissent by the Honourable Diwán Bahádur Káshinath Rámchandra Godbole.

At the Select Committee meeting on 28th August 1915, I pointed out that the proposed experimental Irrigation panchayats would be failures if some Government funds were not placed at their disposal irrespective of any subscriptions to be paid by the irrigators themselves. I advocated that $\frac{1}{3}$ (or some other suitable proportion) of the Irrigation Revenue of the works placed in charge of a panchayat should be placed at the disposal of that panchayat for the repairs and improvements of the works. This in my opinion is absolutely necessary if we wish the panchayats to succeed. With these funds at the disposal of the panchayats Government need not spend any additional funds for the upkeep and improvement of these most useful works. At present, Government spend money on the repairs and improvements of these works once in 15 or 20 years and probably do nothing for the next 15 or 20 years by which time whatever has been done previously goes to ruin and many of the previous repairs and improvements have then to be carried out *de-novo*. The institution of a panchayat will be a decided improvement on this wasteful method. There will be a machinery on the spot to efficiently maintain what has been done once.

The Honourable Mr. Curtis was however unable to accept my views in the matter of Government grants and Mr. Beale seemed to concur with him.

As regards Mr. Beale's and Mr. Cadambi's reports, both these officers seem to ignore the necessity of restoring and maintaining *all second class Irrigation Works large and small.* They are all very valuable works and some machinery has to be found out for their restoration and constant efficient maintenance. Irrigation panchayats is the machinery I have suggested and my views have been fully accepted by the Executive Engineers, Násik and Ahmednagar and Dhárwár Irrigation Districts who are at present managing and administering the bulk of the second class Irrigation Works in this Presidency. The Executive Engineer, Násik and Ahmednagar Irrigation District goes even further. He says "Irrigation panchayats are preferable to making the provisions of the Bombay Irrigation Act of 1879 applicable to small Irrigation Works." Messrs. Beale and Cadambi seem also to doubt the accuracy of some of my statements. I may state here that I have authority for every statement that I have been making.

10th October 1915. (Signed) K. R. GODBOLE.

Note by the Honourable Ráo Sáheb Venkatesh Shriniwas Naik.

The report proposes to form a few Panchayats as an experimental measure, and no legislation is to be undertaken unless the result of their working is seen. I do not like to raise a dissent regarding the funds to be made available for these Panchayats but only sign the report subject to the following note :—

In addition to the petty repairs covered by the obligations imposed by the Act upon the irrigators under section 84 of the Act the second class irrigation works may require certain repairs year after year. These being small may not attract the attention of Government, and after some time they may grow into serious disrepairs, requiring big sums of money. If these things are attended to in time, they save a good deal of Government money, which they are spending occasionally when necessity arises. For this purpose a portion of the Irrigational Revenue, say one anna in a rupee should be made available for these Panchayats every year, and they may be asked to keep a separate account of this fund. Whenever extraordinary repairs due to causes beyond the control of the Panchayats and the Irrigators are found necessary Government should do them as they now do, not asking for any contributions from the Irrigators.

Sub-paragraph IV of paragraph 8 of the minutes, proposes that the Panchayats may be asked to select one of the two alternatives, viz., (1) to work under the present system of Government undertaking to carry out special repairs and improvements from time to time or (11) the Panchayats collecting funds by voluntary subscription from the Irrigators Government contributing an equal amount. If the latter is selected and if the improvements or special repairs to be done become heavy, costing big sum, the Panchayats may not be able to collect half the cost of the estimates of such repairs from the Irrigators and they may remain unattended to. I therefore suggest that a certain limit should be fixed having regard to the size of an irrigational work and the revenue it yields and when the cost of such repairs exceeds such limit Government should pay fully, and when the cost is less than this limit the Panchayats should collect half the cost as contribution from the Irrigators and the other half should be paid by the Government. Defaults of such contributions should be reported to the Collector and recovered as land revenue.

Before second class irrigation works are entrusted to the Panchayats for management they should be thoroughly repaired or the Government should bear the cost of such repairs in the first instance.

(Signed) VENKATESH SHRINIWAS NAIK.

8th October 1915.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,

Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 29th October 1915.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The
Bombay Government Gazette

PUBLISHED BY AUTHORITY.

WEDNESDAY, 10TH NOVEMBER 1915.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Sindhi and the translation to be published in the SIND OFFICIAL GAZETTE. The date of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 28 (6) of the Rules for the conduct of business at Meetings of the Legislative Council of His Excellency the Governor of Bombay :—

Bill No. V of 191 .

A Bill further to amend the Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind.

WHEREAS it is expedient further to amend the Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind, in manner hereinafter appearing :

Bom. XII of 1866.

AND WHEREAS the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of the Act; it is hereby enacted as follows :—

55 and 56 Vict., c. 14.

1. This Act may be called the Sind Courts (Amendment) Act, 191 .

Short title.

2. For section 9-E. of the Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind, the following section shall be substituted, namely :—

Bom. XII o 1866.

Substitution of section for section 9-E.

"9-E. The Court of the Judicial Commissioner shall record evidence and judgments in such manner as it may by rule from time to time direct with the sanction of the Local Government, notwithstanding anything contained in the Code of Civil Procedure, 1908, or the Code of Criminal Procedure, 1898."

Recording evidence and judgments in the Court of the Judicial Commissioner.

V of 1908.

V of 1898.

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to extend to the Court of the Judicial Commissioner of Sind the powers possessed by Chartered High Courts with respect to the delivery of judgments and in particular to legalize the delivery of oral judgments in Criminal and Civil cases. The said Court is the highest Court of appeal in the Province of Sind, and it appears suitable that the procedure for passing judgment should be determined by rule framed with the sanction of the Local Government in the same manner as the procedure for recording evidence is already determined under section 9-E. of Bom. Act No. XII of 1866.

9th July 1915. (Signed) P. D. PATTANI.

By order of His Excellency the Right Honourable the Governor,

S. G. KHARKAR,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 9th November 1915.

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The
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THURSDAY, 23RD DECEMBER 1915.

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PART VII.

Proceedings of the Council of the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 7th December 1915 are published for general information:—

FINAL LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, BOMBAY, ON TUESDAY, THE 7TH DECEMBER 1915, AT 12 NOON.

I. NEW MEMBERS—

Before taking their seats, newly elected or nominated Additional Members will take the oath of office.

II. MOTIONS—

Motion by His Excellency the President:—

"That this Council wishes to place on record its deep sense of the heavy loss it has sustained by the death of one of its most distinguished Members, Sir Pherozeshah Mehta, and to express its keen appreciation of his career of long and brilliant service to his Presidency, his country, and the Empire.

That a copy of this resolution be forwarded to Lady Mehta."

III. QUESTIONS ASKED BY HONOURABLE MEMBERS AND ANSWERS THERETO.

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

IV. BILLS—

1. A Bill further to amend the City of Bombay Municipal Act, 1888—*Second Reading.*

   (i) For Notice of amendments from the Honourable Mr. W. D. Sheppard, C.I.E., I.C.S., vide *item (1) under Head V.*

   (ii) For Notice of amendments from the Honourable Mr. Manmohandas Ramji, vide *item (2) under Head V.*

LIST OF BUSINESS.

[7TH DECEMBER 1915.]

2. A Bill further to amend the Bombay Medical Act, 1912—*Second Reading.*

3. A Bill further to amend the Bombay Landing and Wharfage Fees Act, 1882—*First Reading.*

4. A Bill further to amend the Sind Courts Act, 1866—*First Reading.*

V. AMENDMENTS OF WHICH NOTICES HAVE BEEN RECEIVED—

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notices have been received of the following amendments to Bill No. II of 1915 (a Bill further to amend the City of Bombay Municipal Act, 1888), as amended by the Select Committee :—

Clause 4.

(1) From the Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.—

"That clause 4 be deleted and that the subsequent clauses be re-numbered."

Clause 11.

(2) From the Honourable Mr. Manmohandas Ramji—

To new section 384A, *add* the following proviso :—

"Provided further that the provisions of this section shall not apply to an out-house which is used or intended to be used for the habitation of servants and any portion of which is used for keeping any of the animals mentioned in clause (*a*)."

Rules for the conduct of Business at Meetings of the Legislative Council of the Governor of Bombay—

From the Honourable Mr. M. B. Chaubal, C.S.I.

(*a*) For sub-rule (2) of rule 28 of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay, the following shall be substituted :—

"(2) Any Member desiring to move for leave to introduce a Bill as aforesaid shall give the Secretary at least two months' previous notice of his intention and shall, together with the notice, send a copy of the Bill and a full Statement of Objects and Reasons, and any other necessary papers."

(*b*) Sub-rule (4) of rule 28 shall be deleted.

(*c*) Sub-rule (5) shall be re-numbered sub-rule (4), and in the said sub-rule for the words "On receipt of the same," the following words shall be substituted, namely :—

"If the motion is carried."

Sub-rule (6) shall be re-numbered sub-rule (5).

(*d*) The following sub-rule shall be added to rule 28 :—

"(6) Where the previous sanction of the Governor is required, by section 38 of the Indian Councils Act, 1861, to the introduction of any measure because it affects the public revenues, or imposes any charge on such revenues, a copy of such sanction shall be annexed to the notice prescribed in sub-rule (2)."

(*e*) In rule 29 (1), for the words "sub-rule (5) or sub-rule (6)" the words "sub-rule (4) or sub-rule (5)" shall be substituted.

VI. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by the Honourable Mr. V. J. Patel, Bar.-at-Law—

1. "This Council recommends to His Excellency the Governor in Council to consider the question of creating a Civil Court for the Town and Island of Bombay with jurisdiction to receive, try and

LIST OF BUSINESS.

[7TH DECEMBER 1915.]

dispose of all suits and other proceedings of a civil nature not exceeding Rs. 5,000 in value except suits or proceedings which are cognizable—

(*a*) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty, or as a Court having testamentary, intestate, or matrimonial jurisdiction, or

(*b*) by the Court for the relief of insolvent debtors, or

(*c*) by the Small Causes Court."

Resolution by the Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.—

2. "That this Council recommends the Governor in Council to be pleased to utilize the munificient donation of eight lakhs of rupees, given by Sir Mahomed Yusuf Sodagar, towards the foundation of a Moslem Residential College, to be named after the donor and established either in Salsette or in the suburbs of Poona City, with adequate provision for the teaching of Arabic and Persian; that the College should be open to students of all communities, provided that every Musalman student applying for admission shall have priority over students belonging to other religious denominations, and that a reasonable number of free studentships and scholarships should be provided for poor Musalman students attending the College."

Resolution by the Honourable Rao Saheb V. S. Naik—

3. "That this Council respectfully recommends to His Excellency the Governor in Council to consider the desirability of working out a scheme for the Dharwar District:—

(*a*) for the redistribution of the villages among the several Subordinate Judges and permanent Joint Subordinate Judges so that each Subordinate Judge may have separate jurisdiction over a compact group of villages, and

(*b*) for the more convenient location of the Subordinate Courts in the district."

Resolutions by the Honourable Dewan Bahadur K. R. Godbole—

4. "This Council recommends that His Excellency the Governor in Council will be pleased to consider the question of checking the minute sub-division of agricultural lands which is taking place in the Konkan and in the Patasthal lands of this Presidency and which is extending also to dry crop lands in Deccan and Guzerat."

5. "This Council recommends that His Excellency the Governor in Council will further consider the feasibility of starting a paper pulp factory in the Kanara District of the Bombay Presidency, so that the factory can be started by private enterprise after the close of the present war with a guarantee from public funds if necessary in the initial stages of the undertaking."

6. "This Council recommends that His Excellency the Governor in Council will, under the present stringent financial conditions, consider the advisability of entrusting the management of the proposed Karnatak College at Dharwar on the Grant-in-aid system to the Deccan Education Society if the Society will undertake it."

7. "This Council recommends that His Excellency the Governor in Council will consider the desirability of discontinuing the present rules which make distinctions between European and Indian Upper Subordinates in the Bombay Public Works Department, as regards salary on first appointment and promotions."

LIST OF BUSINESS.

[7TH DECEMBER 1915.]

Resolution by the Honourable Mr. Harchandrai Vishindas—

8. "That it be recommended to His Excellency the Governor in Council that, of the election rules in force in the various Municipalities of this Presidency, the rule, which provides for the apportionment of elective councillors in the proportion of the population in a particular ward, be abrogated and replaced by another, providing for such apportionment in the proportion of the voters in a ward."

Resolution by the Honourable Mr. S. B. Upasani—

9. "That this Council recommends that the instruction of the first three English standards be introduced into the higher vernacular schools."

Resolution by the Honourable Mr. B. S. Kamat—

10. "This Council recommends that Government may be pleased to consider the advisability of so amending section 11 of the Bombay Medical Act, 1912, as to enable persons practising indigenous systems of medicines to hold, with the sanction of Government, appointments as Medical Officers in Municipal Dispensaries or other public institutions supported by local funds and conducted according to Indian systems of medicines."

VII. PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. II of 1915 (A Bill further to amend the City of Bombay Municipal Act, 1888).

2. Report of the Select Committee appointed to consider Bill No. III of 1915 (A Bill further to amend the Bombay Medical Act, 1912).

3. Report of the Select Committee appointed to consider the proposal made by the Honourable Dewan Bahadur Káshinath Rámchandra Godbole for the formation of Irrigation Panchayats in connection with second class irrigation works in the Bombay Presidency.

4. Letter from the Government of India, Legislative Department, No. 3222, dated the 20th September 1915—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Bombay City Survey Act, 1915.

5. Letter from the Government of India, Legislative Department, No. 3242, dated the 22nd September 1915—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Bombay Protection of Pilgrims (Amendment) Act, 1915.

6. A statement relating to the question of the remuneration of the Official Assignee, Bombay, and the creation of an appointment of the Official Receiver.

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 4th December 1915.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. Dattatraya Venkatesh Belvi.*]

LIST OF QUESTIONS AND ANSWERS.

Questions.	*Answers.*
THE HONOURABLE MR. DATTATRAYA VENKATESH BELVI.	
1. Will Govenment be pleased to state :—	1
(*a*) * * * * *	* * * * * * * *
(*b*) The number of Táluka Local Boards of which the Vice-Presidents are non-officials at present.	(*b*) There are at present 24 Taluka Local Boards in the Bombay Presidency including Sind which have non-official Vice-Presidents.
	* The reply to this part of the question was given at the meeting held on the 12th July 1915.
2. (*a*) Is there at present a liquor shop in the proximity of the Sardars' High School, Belgaum ? Liquor shop at Belgaum.	2. (*a*) The Honourable Member presumably refers to the country spirit shop at Katki Ves.
(*b*) If so, will Government be pleased to state whether they propose to remove it ?	(*b*) Some difficulty has been experienced in obtaining a suitable house to which the shop could be removed. It is proposed to erect a new building in the Maharwada to accommodate it. Objections to this proposal have been invited and if none are received, the scheme will be proceeded with.
[*These questions were asked at the meeting held on the 12th July 1915, when* ad interim *replies were given.*]	
3. (*a*) Will Government be pleased to state the total number of candidates sent up for Matriculation from each of the Government High Schools in the Central and Southern Divisions in the years 1910, 1911, 1912, 1913, 1914 and 1915 and the number of candidates who passed successfully in each of these years ? Matriculation Examination and Government High Schools in C. D. and S. D.	3. The accompanying statement* gives the information required by the Honourable Member.
(*b*) What is the total number of teachers in all these High Schools together, and how many of them are permitted by their superiors to earn money as private tutors at present ?	*See* Appendix D.

QUESTIONS AND ANSWERS.

[*Mr. Dattatraya Venkatesh Belvi.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
(*c*) Was the terminal examination of each class in these High Schools held in all the prescribed subjects under the supervision of the Head Masters during the years noted above?	
4. Will Government be graciously pleased to state in a tabular form the total number— (*a*) of cases tried by jury in each one of the districts of Belgaum, Poona, Thána, Surat and Ahmedabad from the 1st January 1885 to the end of 1914? (*b*) of cases in which the Sessions Judge of each of these districts made a reference to the High Court under the provisions of section 307 of the Code of Criminal Procedure during the said period of time; and (*c*) of cases in which the High Court upheld wholly the opinion of the Sessions Judge in each one of the five districts during the same period? Statistics relating to trial by jury in 5 districts.	4. (*a*) (*b*) (*c*) The information will be obtained.
5. Will Government be pleased to state— (*a*) the total number of appeals filed in the High Court of Judicature at Bombay from the decisions of Sessions Judges in the Bombay Presidency in criminal cases tried with the aid of Assessors during each of the five years preceding the 1st August 1915? (*b*) the total number of criminal appeals of the kind in which the High Court set aside the conviction during each of the aforesaid five years? Statistics relating to appeals in cases tried with the aid of Assessors.	5. (*a*) (*b*) The information will be obtained.
6. Will Government be pleased either to lay on the Table of the Council the correspondence which resulted in the publication of Government Notification No. 7087, Government Notification regarding trial by jury at Belgaum.	6. The Honourable Member's attention is invited to the Press Note recently issued on the subject, in which Government's reasons for issuing the Notification are explained.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. Dattatarya Venkatesh Belvi.*]

Questions.	*Answers.*
dated the 19th October 1915 (Judicial Department), regarding the trial by jury at Belgaum from the 22nd December 1915, or to state briefly the reasons which led them to issue the aforesaid Notification?	
7. (*a*) Will Government be pleased to state the date on which platform tickets were first issued by the Madras and Southern Mahratta Railway Company at the Belgaum Station? Railway platform tickets at Belgaum.	7. (*a*) Government have no information as to the date. Inquiry will be made.
(*b*) What is the fee now levied on a platform ticket at Belgaum by the said Railway Company?	(*b*) One anna each.
(*c*) What is the fee now levied on a platform ticket by the G. I. P. and B. B. & C. I. Railway Companies?	(*c*) Six pies each.
(*d*) Is it a fact that even passengers in possession of their ordinary tickets are often compelled to purchase platform tickets in addition at the Belgaum Railway Station?	(*d*) and (*e*) Government have no information in the matter. Inquiry will be made.
(*e*) If so, under what circumstances are they so compelled?	
(*f*) What is the total number of platform tickets sold at the Belgaum Station from the date on which they were first issued to the 20th November 1915?	(*f*) The required information will be called for.
(*g*) Will Government be pleased to state if they have considered the legality of the fees levied on platform tickets at Belgaum?	(*g*) The reply is in the affirmative.
(*h*) Will Government be pleased to lay on the Table of the Council a copy of the rules regulating the levy of fees on platform tickets at the Belgaum Station?	(*h*) There is no set of rules regulating the price at which platform tickets are to be sold at Railway Stations generally or at Belgaum in particular; but a copy of the Government of India, Public Works Department, Circular No. XXXVII-Railway, dated 20th December 1883, bearing on the subject, is laid* on the Table.
	* See Appendix H.
(*i*) Will Government be pleased to state the names of other Stations if any, in the Bombay Presidency,	(*i*) Platform tickets at Hubli and Gadag Stations also, are charged at the same rate as at Belgaum.

QUESTIONS AND ANSWERS.

[*Mr. Dattatraya Venkatesh Belvi.*] [7TH DECEMBER 1915.]

Questions. *Answers.*

at which the Madras and Southern Mahratta Railway Company levies fees on platform tickets at the rate which is now in force at Belgaum?

8. Will Government be pleased to state if a feeder line linking the town of Nipani to some Station on the Madras and Southern Mahratta Railway is likely to be built in the course of the next four or five years?

Railway feeder line from Nipani.

8. As at present advised, Government fear that it will be impossible for the branch line to be constructed so long as the present stringency of funds continues, or for some time after normal conditions have been restored.

9. Will Government be pleased to state the probable date when the proposed construction of the Nesari-Daddi Irrigation Project in the Belgaum District is likely to be taken in hand?

Nesari-Daddi Irrigation Project.

9. No date can be given. The Government of India have directed that the Gokak Canal Extension Project should not be commenced until further orders.

10. (*a*) Is it a fact that in Sessions case No. 3 (Imperator *vs.* Appangauda and 4 others) in the Sessions Court at Bijápur the Crown was represented at first by an Assistant Prosecutor, a pleader of nearly four years' standing?

Retrial at Sholápur of a Sessions case tried at Bijápur.

10. (*a*) The prosecution in the Sessions Court was conducted by Mr. N. P. Desai, LL.B., who has been duly appointed an Assistant Public Prosecutor in the absence of the District Public Prosecutor.

(*b*) Is it true that the conviction in the said case was set aside by the High Court and that a retrial was ordered by the Sessions Judge at Sholápur?

(*b*) The answer is in the affirmative: the case was reported in the newspapers.

(*c*) Is it true that after the order for retrial Government retained Mr. H. C. Coyaji and Mr. Naik, Public Prosecutor, Bijápur, to conduct the prosecution at Sholápur?

(*c*) The answer is in the affirmative.

(*d*) Were there special circumstances justifying the retention of special counsel at the retrial?

(*d*) Government had in the usual way satisfied themselves that there were special circumstances requiring in the ends of justice the appointment of special counsel.

11. (*a*) Has the attention of Government been called to an article headed "A Police Comedy of Errors" and published in the issue of "The Mahratta" dated the 17th October 1915?

An article in "the Mahratta."

11. (*a*) Yes.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. Dattatraya Venkatesh Belvi; Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri.*]

Questions.	*Answers.*
(*b*) If so, will Government be pleased to state whether they propose to make an inquiry into the allegations made in the said article and publish the result of their enquiry?	(*b*) Enquiries are being made.
12. (*a*) Will Government be pleased to state if their attention has been called to an article headed "The Applicability of the Pensions Act to Devasthan Cash Allowances" published at page 25 *et seq.* of the Bombay Law Reporter Journal, No. 3 of Volume XVI (1914)? Certificates in respect of Devasthan Cash Allowances.	12. (*a*) Government have now read the article.
(*b*) And if so, will Government be pleased to state whether they propose to reconsider their Resolution No. 6733, dated 28th July 1910 (Revenue Department), with reference to the issue by Collectors of certificates under the Pensions Act (XXIII of 1871) in respect of Devasthan Cash Allowances?	(*b*) The answer is in the negative.
13. Will Government be pleased to state the total number of alienated villages in this Presidency into which the Record-of-Rights was introduced up to the 31st October 1915? Record-of-Rights in alienated villages.	13. The information will be called for
THE HONOURABLE MR. GHULAM MUHAMMAD walad KHAN BAHADUR WALI MUHAMMAD BHURGRI.	
1. (*a*) Will Government be pleased to state in how many Judicial districts in the Bombay Presidency including Sind the Jury system has been established? (The information may kindly be given separately for Sind and for the rest of the Presidency.) Jury System.	1. (*a*) and (*b*) A statement† containing the desired information has been laid on the table. † *See* Appendix G.
(*b*) and since when;	
(*c*) whether there has been any abolition in any district; if so, what	(*c*) The Jury system has not been abolished in any district, but certain

QUESTIONS AND ANSWERS.

[*Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
were the reasons of Government for this step?	changes have been made in the list of offences triable by Jury in the Belgaum District. The Honourable Member's attention is invited to the Press Note recently issued on the subject, in which the reasons for making these changes are explained.
* * * *	
2. Will Government be pleased to state if the experiment of appointing Benches of Honorary Magistrates in the Mofussil has been tried anywhere in the Presidency? (Benches of Honorary Magistrates.)	2. Yes, in nearly all districts of the Presidency. The results so far have not been unsatisfactory.
If so, with what results?	
3. Will Government be pleased to state if they have received the reports of the (1) Sind Settlement Committee; (2) Committee on Local Boards? (Reports of certain Committees.)	3. No.
4. Will Government be pleased to state how many Mukhtyarkars have been promoted to the post of Deputy Collector in Sind during the last five years, and how many of them have been Mahomedans and Hindus, respectively? (Deputy Collectors in Sind.)	4. During the five years ending 30th September 1915 eleven Mukhtyarkars were promoted to the post of Deputy Collector in Sind. Three of them were Mahomedans and seven were Hindus
5. Will Government be pleased to give the number of Indians appointed to the professorial chairs at Government Colleges (Arts) during the last ten years, and their respective qualifications and state whether the posts thus filled up were advertised for in the Press? (Indian Professors in Government Arts Colleges.)	5. The information has been called for.
6. Will Government be pleased to state how many non-official Sindhis have been nominated by Government as Fellows of the Bombay University during the last twenty years? (Sindhis on the Senate of the Bombay University.)	6. One. It may be pointed out that the nomination of Fellows is made by His Excellency the Chancellor and not by Government.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*D. A. D'Monte; Sardar Syed Ali El Edroos.*]

Questions.	*Answers.*
THE HONOURABLE DR. D. A. D'MONTE.	
1. Will Government be pleased to state how many Assistant Superintendents of Police have been changed in the Thána District in the year 1914? (Assistant Superintendents of Police in Thána District.)	1. Three Assistant Superintendents of Police were transferred from the Thána District in the year 1914.
2. Will Government be pleased to state how many Assistant Collectors have been changed in the Kalyan Sub-division during the year 1914? (Assistant Collectors in charge of Kalyan.)	2. Mr. H. F. Knight, I. C. S., was in charge of the Kalyan Sub-division for the whole of the year 1914.
THE HONOURABLE SARDAR SYED ALI EL EDROOS.	
1. With reference to the reply given by Government at the meeting of the Legislative Council held on the 13th March 1911, to question No. 3 put by me at the meeting of the Council held on the 26th January 1911, will Government be pleased to say under what circumstances a central school for Mahomedan teachers has not been opened in the Surat District? (Central School for Mahomedan teachers in Surat District.)	1. The Honourable Member has already been informed that the Surat District Local Board is not in a position to incur the expenditure which the proposal involves. The whole question of the establishment of central Urdu schools is, however, under consideration in connection with the recommendations of the Mahomedan Education Committee. But so long as the present financial situation continues it is unlikely that any definite action can be undertaken.
2. Will Government be pleased to lay on the Council Table a copy of the report, if any, from the Deputy Educational Inspector, Surat, regarding the opening of a Central School in Surat District for the Mahomedans, submitted during the past two years? (Report from the Deputy Educational Inspector, Surat, regarding the Central School.)	2. As no action can be taken until there is a prospect of funds being available, Government do not propose to place the report referred to on the Council Table.
3. Are Government aware that at the election of 1911 three Mahomedan gentlemen were nominated by Government and two were elected as members of the District Local Board, Kaira? (Mahomedan Members of the District Local Board, Kaira, in 1911,)	3. The answer is in the affirmative.
4. Will Government be pleased to state why the number of Mahomedans was reduced and only (and in 1914.)	4. At the election of 1914, one Mahomedan gentleman was elected. To give the community a share of the seats proportionate to

QUESTIONS AND ANSWERS.

[*Sardar Syed Ali El Edroos.*] [7TH DECEMBER 1915.]

Questions. *Answers.*

one was nominated on the Board at the election of 1914?

population, a second Mahomedan member was nominated. Government understand that the three Mahomedan gentlemen who were nominated in 1911 were nominated on personal grounds, and not because the number of elected Mahomedan members was thought to be inadequate.

5. Will Government be pleased to say what amount has been spent on the excavation of the Tank at "Kalavna" in the Táluka of "Amod" in the Broach District, and how far excavation works have been carried out?

Tank at Kalavna in the Broach District.

5. Some excavation was done in 1898-99, but none since.

The tank does not fill, so excavation would not improve it.

The cost of a feed channel, etc., to improve it would be Rs. 5,000, or over 100 years' irrigation revenue, so it is too expensive a scheme to undertake.

6. (*a*) Are there villages in Jambusar where crops and grass have failed through want of rain?

Tagái grant to villagers of the Jambusar Táluka in Broach District and to those of other Districts in the Northern Division.

(*b*) If so, have arrangements been made to distribute tagái in those villages?

(*c*) Are there other tracts in Northern Division where crops have failed?

(*d*) If so, will tagái be distributed there also?

6. (*a*) No report has been made to Government regarding the failure of crops through want of rains in the Jambusar táluka of the Broach District.

(*b*) No special arrangements have been made to distribute tagái in that táluka.

(*c*) Yes.

(*d*) A special additional grant of Rs. 3,50,000 has been made to the Commissioner, Northern Division, for the encouragement of well irrigation in the affected tracts of Ahmedabad, Kaira and the Panch Mahals.

7. Will Government be pleased to state whether it is proposed to arrange for boring wells at villages where scarcity of water is badly felt?

Boring wells in villages.

7. In view of the shortage of rain in the Kaira and Ahmedabad districts, Government have arranged for the purchase of four Musto boring plants at a cost of Rs. 5,000, and for the transfer of other boring plants from the Deccan to Upper Gujarat, and have sanctioned an expenditure of Rs. 15,000 to meet the cost of extra staff and material required for this work. It is expected that 30 boring plants will be at work in a short time.

8. Will Government be pleased to say whether a Brahmin boy, while crossing the line, was killed on the Tapti Valley Railway line by an engine?

Accidents on the Tapti Valley Railway.

8. A Patidar boy was run over by No. 24 Up train on the 5th April 1915 between Chalthan and Kankrakhari stations, and seriously injured. He died while being taken to Surat for medical treatment.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.]

[*Sardar Syed Ali El Edroos.*]

Questions.

Answers.

The Superintendent of Police, as a result of his enquiries, reports that the deceased was sent by his father to watch his field near the Railway lines. The fireman on the engine saw the deceased deliberately sit down between the rails when the engine was a short distance from him. The whistle was sounded and brakes were applied, but the deceased was run over before the train could be brought to a standstill. The Police Superintendent also expresses the opinion that nobody but the deceased is to blame for the accident.

9 Will Government be pleased to state whether there is any proposal under consideration to make wiref encing on the Tapti Valley Railway line?

Wire fencing along the Tapti Valley Railway.

9. No, there is no such proposal under consideration.

10. Will Government be pleased to state how many candidates in all appeared in the Urdu Vernacular Final Examination of last September in the Presidency Proper and how many passed, and how many of these can seek admittance into the Urdu Training Class at Ahmedabad at the most?

Urdu Final Examination.

10. Information has been called for.

11. Will Government be pleased to state the total number of students attending the Urdu Training Class this year; how many of these were rejected as incompetent, and how many were successful at the end of this year?

Urdu Training Class—Students at—

11. Information has been called for.

12. Will Government be pleased to state the conclusions which they have arrived at regarding the future of the Urdu Training Class at Ahmedabad?

Urdu Training Class—Future of—

12. It has been proposed that the class should be shifted to a more central position and that the course should be made one of two years. In view of the existing financial situation, however, these proposals cannot be carried out for the present, and the class will continue at Ahmedabad on the existing lines.

13. Do Government intend to publish the proposals made by the Mahomedan Educational Committee along with the resolution thereon?

Committee on Mahomedan Education.

13. As the report is still under consideration, Government do not propose to publish it at present.

QUESTIONS AND ANSWERS.

[*Sheikh Ghulam Hussein Hidayatallah.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
THE HONOURABLE SHEIKH GHULAM HUSSEIN HIDAYATALLAH.	
1. Is it a fact that there are no waiting rooms for the use of the travelling public at the stations of Shahdadpur and Oderolal, on the North-Western Railway, in Sind? North-Western Railway Waiting Rooms.	1. Government are informed that there is a large open shed at Shahdadpur Railway Station for the use of third class passengers only. Orders have, however, been issued to the Engineer-in-Chief of the North-Western Railway to prepare an estimate for the waiting room accommodation for 1st and 2nd class passengers at this station. As regards Oderolal station, the Agent, North-Western Railway, states that the traffic dealt with at that station does not justify the provision of waiting room for 1st and 2nd class passengers.
2. Will Government be pleased to give the figures for Sind for the last five years of— Statistics relating to punishments in criminal cases. (1) convictions under the substantive penal law; (2) convictions under section 110 of the Criminal Procedure Code; (3) persons who were discharged under the above section; (4) persons from whom security was demanded; (5) persons who offered security; (6) persons whose security was accepted; (7) persons sent to jail for failure to furnish security, or proper security; (8) persons sent to gaol, for the first time, for the above reason.	2. A statement containing the information has been placed* on the Council Table. *See Appendix A.
[*These questions were asked at the meeting held on the 12th July 1915, when* ad interim *replies were given.*]	
3. Will Government be pleased to state how many Indians have held the post of City Magistrate, Karachi, permanently, during the last 10 years? City Magistrate, Karachi.	3. During the period mentioned there have been two permanent incumbents of the post of City Magistrate, Karachi. The first of these was an Englishman. The second, who is the present incumbent, is a Statutory Native of India.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.]

[*Balkrishna Sitaram Kamat.*]

Questions.

Answers.

THE HONOURABLE MR. BALKRISHNA SITARAM KAMAT.

1. With reference to Government Order No. 8714, General Department, prohibiting the recent Kartiki Fair at Pandharpur, in connection with which Government had to issue orders stopping the booking of pilgrims by railway after the pilgrims had already begun arriving at Pandharpur, will Government be pleased to say under what circumstances the heavy rate of mortality at Pandharpur remained undetected by the Sanitary Authorities until only six days before the day of the Fair, and if Government have been pleased to take any steps to ensure in future a longer notice to pilgrims?

Fair at Pandharpur.

1. The words "rate of mortality" were wrongly transmitted by the telegraph office for "rat mortality."

The Honourable Member's attention is invited to the Sanitary Commissioner's report regarding the detection of rat mortality in Pandharpur issued with the Press Note No. 9235, dated the 30th November 1915.

2. Will Government be pleased to say how many applications from Mangs belonging to the Depressed Classes were received during 1915 by the Collectors of Satara and Ahmednagar for the grant of disforested lands for agricultural purposes, and were any such lands granted to them in accordance with the policy of Government in this behalf as conveyed in their reply to my Question No. 2 at the Council Meeting held in December 1914?

Treatment of Mangs in regard to grant of disforested land.

2. Information will be called for.

3. Have the registers of Mangs under the Criminal Tribes Act been now completed in the District of Satara, and if so, for which villages?

Register of Mangs in Satara District.

3. The information is being obtained.

4. (*i*) Will Government be pleased to say what has been the output of non-European trained school mistresses for the years 1912-13, 1913-14 and 1914-15, and what has been the increase in the number of primary schools for girls for the same years?

School Mistresses.

4. (*i*) The information desired in the first part of the clause has been called for. With regard to that desired in the second part, the Honourable Member is referred to the Report of the Director of Public Instruction for the respective years and to General Table I appended to it.

(*ii*) Have Government considered whether an arrangement in this Presidency similar to that in Madras,

(*ii*) The answer is in the negative.

QUESTIONS AND ANSWERS.

[*Balkrishna Sitaram Kamat; Sardar Dulabawa Raisinghji.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
where a hostel specially for Brahmin widows is attached to the Government Secondary and Training School for Indian Girls, would help to attract suitable candidates for the training of school mistresses?	
THE HONOURABLE SARDAR DULABAWA RAISINGHJI, THAKOR OF KERWADA.	
1. Will Government be pleased to state—	1
Recovery of expenses of survey of Talukdari lands.	
(1) Whether the expenses incurred in connection with the detailed survey of talukdari lands are to be borne by the Talukdars?	* * * *
(2) Did the Talukdars agree to bear the expenses of the survey and were they consulted?	* * * *
(3) Was there any demand for the detailed survey of their talukdari lands from the Talukdars?	* * * *
(4) Will Government be pleased to state the amount actually collected in this connection from them?	(4) The amount recovered up to 31st March 1915 under the provisions of sections 97 and 122 of the Land Revenue Code were as follows:—

		Rs.	a.	p.
Ahmedabad	...	61,329	10	9
Kaira	...	9,546	13	10
Broach	...	1,407	5	9
Panch Mahals	...	6,966	0	0
Total	...	79,249	14	4

* The answers to clauses (1), (2) and (3) of this question were given at the meeting held on the 12th July 1915.

2. Is it a fact that no waiting room is provided at the Railway Station at Jambusar?	2. There is no waiting room at the Jambusar Station, but one will be provided soon.
Waiting room at the Jambusar Railway Station.	
[*These questions were asked at the meeting held on the 12th July 1915 when* ad interim *replies were given.*]	
3. In reference to the reply to my question No. 2 put at the meeting of the Legislative Council, held on 12th July 1915, relating to Jama—	3. Government are not disposed to place these papers on the table.
Settlement of Jama in certain Talukdari Estates in Ahmedabad District.	

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Sardar Dulabawa Raisinghji.*]

Questions.	*Answers.*
Will Government be pleased to lay on the Council Table copy of the Report of the Settlement Officer who recommended the increase of Jama?	
4. What standard was adopted for each increase?	4. The standard prescribed at that time for the maximum jama was 60 per cent. of the survey assessment on all cultivated lands, plus 35 per cent. of the assessment on waste land; the enhancement to be taken at any settlement is limited to 50 per cent. of the existing jama. In the case of the estates mentioned by the Hon'ble Member, this standard was exceeded in three cases for special reasons.
5. Was the recommendation based on agricultural survey made by any agricultural expert?	5. It is understood that the Honourable Member refers to survey carried out with reference solely to agricultural conditions by an officer specially appointed for the purpose. The answer is in the negative.
6. Did the officer concerned collect necessary materials and statistics to test agricultural improvement?	6. Yes.
7. Is it a fact that since 1900 there has been failure of crops thrice owing to failure of rain in the district of Ahmedabad?	7. There has been partial or complete failure of crops on three occasions since 1900.
8. Is it a fact that for want of cultivators very large area is allowed to remain waste?	8. Government have no detailed information of the present area of waste lands. Where waste exists, the want of cultivators is a contributary cause.
9. Is it a fact that in case of big estates like Sanand, Gangad and Gamph more than 1/2 of area remains uncultivated due to the want of tenants?	9. Enquiry will be made.
10. Is it a fact that Mr. Robertson who made enquiries found very large reduction in the numbers of ploughs and agricultural live-stock in talukdari villages of Ahmedabad District?	10. The Honourable Member is referred to Mr. Robertson's report on the condition of the talukdars of Ahmedabad district, copies of which were placed on the table at the meeting held in July 1913.
11. Will Government be pleased to lay on the Council Table statement showing area of waste lands referred to in my Question No. 2,	11. The Honourable Member presumably refers to his Question No. 10 put at the meeting of July 1915. As the Honourable Member

QUESTIONS AND ANSWERS.

[*Sardar Dulabawa Raisinghji.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
which has been excluded from the calculation of jama ?	was then informed, Government do not consider that any useful purpose would be served by compiling the information asked for.
12. Will Government be pleased to state what standard has been adopted to calculate Local Fund Cess ?	12. The Local Fund Cess is calculated in the manner provided by Bombay Act III of 1869.
13. Will Government be pleased to state from what year the cess was levied on the Talukdari Estates ?	13. It began to be levied as soon as the provisions of that Act became applicable.
14. Did Talukdars agree to pay the Cess ?	14. The Talukdars were not asked whether they agreed to pay the Cess.
15. Will Government be pleased to lay on the table report of Mr. J. B. Peile in connection with the Local Fund Cess ?	15. Government are not aware that a report on the subject of the Local Fund Cess was made by Sir J. B. Peile.
16. In reference to my Question No. 8, asked at the Meeting of the Legislative Council held in July 1915, relating to the expenses of survey under sections 97 and 122 of the Land Revenue Code, will Government be pleased to state whether the recovery of expenses was made from the talukdars or their tenants who cultivate the lands ?	16. Of the sum of Rs. 79,249-14-4 mentioned in the final reply, which is now placed on the table in response to clause (4) of the Honourable Member's Question No. 8 referred to in his present question, about 25 per cent. was recovered from the talukdars for home farm and waste lands and the remainder was recovered from their tenants for other lands.
Recovery of survey expenses in certain Talukdari Estates.	
17. In reference to my Question No. 5 at the July Meeting of the Legislative Council, will Government be pleased to state what measures have been adopted to restore these Talukdars to their former position ?	17. The legislative measures adopted were the passing of Act VI of 1862 and Act VI of 1888. A record of the administrative measures taken in pursuance of the policy underlying these Acts is available in the Annual Administration Reports of the Talukdari Settlement Officer.
Talukdars and their former position.	
18. Is it a fact that there have been failure and uneven distribution of rain in the Districts of Ahmedabad and Kaira, and that scarcity prevails in certain Talukdars' Estates ?	18. The scanty rainfall in Ahmedabad and Kaira gave great cause for anxiety, but the situation was much improved by the rain which fell at the end of September and beginning of October.
Scarcity in Talukdars' Estates and measures of relief.	
19. Will Government be pleased to say whether any relief measures have been adopted to suspend Jama and preserve Talukdars' cattle in the affected areas ?	19. Suspension of part of the land revenue will be necessary. The local officers who have authority in the matter will doubtless bring under consideration the case of talukdari

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Sardar Dulabawa Raisinghji.*]

Questions.	*Answers.*
	villages. Extensive measures were planned for the relief of cattle, but the late rains rendered them unnecessary.
20. Have Government reduced the rate of interest in the case of any Talukdar of Gujarat?	20 and 21. It is presumed that these questions relate to the current year. The answer is in the negative.
21. Will Government be pleased to say whether they have written off any loans or parts thereof as bad debts?	
22. Will Government be pleased to state whether any difficulty is experienced in recovering loans?	22. As far as Government are aware, loans are as a rule recovered without difficulty.
Representation of Talukdars on District and Taluka Local Boards. 23. Are Government aware that Talukdars are not represented on the District or Taluka Local Boards?	23. Enquiries are being made.
24. Is it a fact that the Talukdari villages far outnumber Inam villages in Gujarat?	24. Yes.
25. Are Government aware that the privilege of returning a member on Taluka and District Local Board has been extended to Inamdars.	25. Yes.
26. Are Government aware that some of the Sardars of Gujarat are descendants of ancient ruling and noble families?	26. Government are aware of the genealogies of the Sardars of Gujarat.
Local Fund Cess on Talukdari Estates. 27. Will Government be pleased to place on the Council Table Government Resolutions Nos. 8920, dated 14th September 1909, and 937, dated 29th January 1914, relating to Local Fund Cess on the Talukdari Estates?	27. Government are not prepared to lay on the table the papers to which the Honourable Member refers.
Overbridge at Palej Station. 28. Are Government aware of the inconvenience to which passengers are put in the absence of an overbridge at Palej Station on the B. B. & C. I. Railway?	28. Government are unaware of the inconvenience alluded to in the question of the Honourable Member.

QUESTIONS AND ANSWERS.

[*Mr. Navroji Dorabji Khandalavala.*] [7TH DECEMBER 1915.]

Questions. *Answers.*

THE HONOURABLE MR. NAVROJI DORABJI KHANDALAVALA.

1. (*a*) Whether the sale of quinine in the Bombay Presidency, through the Post Offices, has been on the increase during the year 1914-15 as compared with the previous year?

Anti-malarial measures.

1. (*a*) Enquiry is being made.

(*b*) Whether the anti-malarial campaign that used to be carried on by sending hospital assistants to the villages where malaria was considered most to prevail, is still continued, or had been put a stop to and for what reason?

(*b*) The anti-malarial operations in the Presidency proper have been temporarily suspended for the reason stated in paragraph 3 of the Press Note No. 2380, dated the 18th March 1915, to which the Honourable Member's attention is invited. The operations are being continued in Sind, in which Province eight sub-assistant surgeons have been deputed on anti-malarial duty during the current year.

2. Do Government intend to accept the offer of a large sum by a Poona citizen, and raise the fifth standard Government Anglo-Vernacular School in the Poona Cantonment (which has been in existence for over fifty years) to the grade of a High School?

Anglo-Vernacular School in Poona Cantonment.

2. No offer such as that referred to in the question has recently been made to Government. A considerable sum towards the cost of converting the school into a High School was offered in 1910, but Government decided that the question could not be considered until the more pressing requirements of secondary education had been met, or until sufficient endowment had been provided by private charity to cover at least the full cost of both site and building.

3. (*a*) Is it a fact that the supply of drinking water in the Poona Cantonment and Suburban limits from the settling tanks contains chlorate of lime or other chemicals?

Chemicals in water in Poona Cantonment an Suburban limits.

3. (*a*) The water is being purified by the addition of small quantities of solution of bleaching powder used for sterilisation.

(*b*) Whether the experiments in dissolving such chemicals in drinking water are to be continued for any length of time?

(*b*) The necessary treatment will be continued until a suitable filter has been installed.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.]

[*Rao Saheb Venkatesh Shrinivas Naik.*]

Questions.

Answers.

THE HONOURABLE RAO SAHEB VENKATESH SHRINIVAS NAIK.

1. Will Government be pleased to say—

(*a*) * * *

(*b*) In what municipal towns where medical aid is not provided by the municipalities, private or Mission hospitals or dispensaries exist?

Hospitals or dispensaries in municipal districts.

1. (*a*)† * * *

(*b*) The information required by the Honourable Member is contained in the appended statement.‡

‡ See Appendix B.

† The reply to this part of the question was given at the meeting held on the 12th July 1915.

2. Out of 323 private non-aided and 16 aided dispensaries shown in column 5 of statement A attached to appendix I to the annual report on the civil hospitals and dispensaries under the Government of Bombay for the year 1913, will Government be pleased to say how many are in British Districts and how many in Native States?

Private dispensaries in this Presidency and adjoining Native States.

2. Out of the 323 private non-aided institutions 45 are in British districts and 278 in Native States. The 16 aided institutions are all in British Districts.

3. Will Government be pleased to furnish the following information for the Dhárwár District relating to the services rendered and the remuneration received by Mahars :—

Mahars in the Dhárwár District.

(*a*) The number and the names of the villages in which remuneration (*aya*) for the services of Mahars is collected either in kind or cash from the rayats and paid to the Mahars through the Village Officers?

3. (*a*) There are only three such villages in this District, *viz.*, (1) Hangal, (2) Haveri and (3) Halligudi.

(*b*) The extent of their lands, if any, in such villages and the income from the same?

(*b*) No land in Hangal and Halligudi is assigned to the Mahars. For Haveri there is land measuring 14 acres and 2 gunthas, income from which is about Rs. 80.

(*c*) Whether the scale for the collection of this remuneration is based upon the area or the number of the holdings?

(*c*) It is based on each survey number.

(*d*) The services which these Mahars render to the community and to the Government?

(*d*) The following services are rendered :—

(*i*) To the community—

1. Removing dead cattle.

QUESTIONS AND ANSWERS.

[*Rao Saheb Venkatesh Shrinivas Naik.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
	2. Supplying leather goods to rayats for agricultural purposes. 3. Watching reaped crops at the harvest time. (*ii*) To the Government— 1. Carrying office kit from one village to another. 2. Keeping village roads clean. 3. Guarding Government officer's kit at camps. 4. Interring dead bodies of heirless persons. 5. Escorting Government remittances.
(*e*) Whether these Mahars take independently of the Revenue Officers remuneration from individual rayats for different services rendered by them ?	(*e*) Not in the three villages mentioned.
4. For what other Baluti services in the Dhárwár District is remuneration supplemented by collections in cash or kind from the rayats ?	4. For none other. Only Mahars receive *aya*.
Contribution from landholders for other village servants in Dharwar District.	
5. Is it a fact that at Haveri in the Dhárwár District during the recent revenue collections some amount was collected from the rayats for the first time as remuneration (*aya*) for Mahárs and paid to them through the village officers ?	5. Yes.
Contributions collected for Mahars at Haveri.	
6. Will Government be pleased to supply the following information about the contributions collected at Haveri, referred to in question No. 5 ?	
Contributions collected for Mahars at Haveri.	
(*a*) Whether any owners of lands or holdings were exempted from making such contributions ?	6. (*a*) The holders of Devasthan and service inam lands and owners of lands assessed below Re. 1 were exempted.
(*b*) Whether these contributions were calculated with reference to the area of the lands or the number of the holdings ?	(*b*) On each survey number, the area making no difference.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Rao Saheb Venkatesh Shrinivas Naik; Mr. Raghunath Purushotam Paranjpye.*]

Questions.	*Answers.*
(*c*) What was the amount settled to be paid to the Mahárs and the amount collected during the last revenue collections at Haveri?	(*c*) Eight "Hers" of jawari or its value at Rs. 112 was settled to be paid. Rs. 103-6-0 were collected at the last harvest time.
(*d*) If the amount collected during the year is more than what was settled to be paid to the Mahárs, how is the excess amount proposed to be disposed of?	(*d*) No excess was collected.

[*These questions were asked at the meeting held on the 12th July 1915, when* ad interim *replies were given.*]

THE HONOURABLE MR. RAGHUNATH PURUSHOTAM PARANJPYE.

1. Will Government be pleased to state whether, according to the assurance given about two years ago in the discussion of the Honourable Mr. Upasani's motion, any action has been taken to start, as an experimental measure, the teaching of English in some selected Primary Schools?

English in some Primary Schools.

1. In pursuance of the undertaking referred to by the Honourable Member the Honourable Ráo Bahádur Shrinivas Konher Rodda was informed in a letter, dated the 27th January 1914, that Government would await the receipt from him of concrete proposals on the subject in regard to one village, the village selected being required to give a guarantee of the full pay of one competent teacher of English on Rs. 25 per mensem. The reply of the Honourable Ráo Bahádur Rodda to this letter was not received until July last. It contained a list of villages in the Southern Division in which the proposed experiment might, in his opinion, be tried but did not state whether the villages in question had expressed their willingness to give the guarantee required. The Honourable Member was accordingly requested in a letter, dated the 14th August last, to say definitely whether the desired guarantee was forthcoming in respect of anyone of the villages mentioned in the list contained in his letter. Government are still awaiting the receipt of a reply to this letter.

2. Will Government be pleased to lay on the Council Table the names of the Members of the Committee which sanctions, or advises on the sanctioning of text-books for use in

Committee which advises on text-books.

2. The information has been called for.

QUESTIONS AND ANSWERS.

[*Mr. Raghunath Purushotam Paranjpye; Mr. Gokuldas Kahandas Parekh.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
Government, aided or recognised schools and also a copy of the detailed instructions given to such Members?	
3. Will Government be pleased to state if any experiments are being conducted by the Agricultural Department on cocoanut and betelnut cultivation in Kolába, Ratnágiri and Kárwár Districts? Experiments in cocoanut and betelnut.	3. Information will be called for.
THE HONOURABLE MR. GOKULDAS KAHANDAS PAREKH.	
1. Will Government be pleased to say—	
(1) Whether Mr. Jamsetji Rustomji Vakharia of Palej has been vested with the powers of a Third Class Magistrate to be exercised within the limits of the Palej Notified Area? Notified Area of Palej—Exercise of magisterial powers in.	* * *
(2) Whether the said Mr. Vakharia is a member of the Palej Notified Area Committee?	
(3) Whether as such Magistrate cases in which the prosecutions are ordered by the Notified Area Committee come before him for trial and disposal?	(3) Yes.
	* The answers to parts (1) and (2) of this question were given at the meeting held on the 12th July 1915.
2. Will Government be pleased to say—	
(1) Whether Pransukhram Himat, deceased, stamp vendor of Jambusar in the Broach District, had, at the time of his death, some stamp papers unsold out of what had been issued to him for sale on prepayment? Allowance for stamps of a deceased stamp vendor.	2. (1) Yes.
(2) Whether the authorities of Government decline to return to his heirs the full value of the stamp papers unsold but insist on the deduction of one anna for each rupee in accordance with the provisions of section 54 of the Stamp Act?	(2) Under No. XXII (2) (*a*) (iii) of the rules made under section 74 of the Indian Stamp Act, and published under Government Notification, Revenue Department, No. 758, dated 27th January 1910, the value of the unsold stamps of the aggregate amount of Rs. 877 was refunded to the heirs

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.]

Questions.

[*Mr. Gokuldas Kahandas Parekh.*]

Answers.

of the deceased vendor after deducting one anna in the rupee of the value of stamps returned.

3. Will Government be pleased to say—

Stamp vendor at Hansot.

(1) Whether there was a licensed stamp vendor at Hansot in the Broach District for selling stamp paper, who used to sit to sell stamp paper in a part of the Mahalkari's Kacheri?

3. (1) Yes.

(2) Whether this stamp vendor has been dispensed with and the work of selling stamps has been transferred to the Deputy Post-Master at Hansot?

[*These questions were asked at the meeting held on the 12th July 1915, when* ad interim *replies were given.*]

(2) The services of the stamp vendor were dispensed with as his conduct was unsatisfactory and the work of selling stamps has been transferred to the Sub-Post-Master at Hansot.

4. Will Government be pleased to say whether

Suspension of Land Revenue.

suspension in the collection of Revenue owing to failure of crops due to the scantiness of rainfall and its unseasonable distribution during the last monsoon has been sanctioned for any localities and if so which?

4. The local officers have authority under the rules to grant suspensions of land revenue and the orders require that these should be announced before the date of the first instalment. It is anticipated that suspensions will be necessary in the Ahmedabad and Kaira districts.

5. Will Government be pleased to say why the

Single liquor shop system.

Madras system for the separate sales of single liquor shops has not been extended to portions of the Districts of Thana, Kolaba and to the Ratnagiri District?

5. Orders have been issued for the extension of the single shop system to the whole of Kolaba, with effect from April the 1st, 1916; also to the whole of Thana from the same date, with the exception of Wada, Shahapur and Murbad Talukas and Mokhada Peta. The delay in introducing this system has been due to the ruggedness of the country, the facilities for illicit distillation, the high rate of consumption of liquor, and the consequent necessity of giving the preventive staff sufficient time to become thoroughly acquainted with their duties and generally to complete their arrangements.

As regards Ratnagiri, the extension of the single shop system has been postponed until the completion of arrangements for the discontinuance of distillation of spirits from toddy and the supply of mhowra spirit for general consumption.

QUESTIONS AND ANSWERS.

[*Mr. Vithalbhai Jhaverbhai Patel.*] [7TH DECEMBER 1915.]

Questions. *Answers.*

THE HONOURABLE MR. VITHALBHAI JHAVERBHAI PATEL.

1. (*a*) Is it true that there is only one Secretary and one Inspector for all Notified Area Committees in the Salsette Táluka?

Notified Area Committees in Salsette Táluka.

* * *

1. (*a*) There is one Secretary and one Chief Inspector for the Notified Area Committees of Borivli, Ghatkopar-Kirol, Malad, Andheri, Santa Cruz and Ville Padle. Each of the first mentioned three Committees entertains in addition the services of a separate Inspector, while the latter three entertain the services of an Inspector jointly. There are, besides the above, six Notified Areas in which no taxes are levied and for which no special staff is maintained.

* * * * * * * *

(*c*) Will Government be pleased to publish a statement showing—

(i) the number of meetings held by each of the Notified Area Committees in the Salsette Táluka during the two years ending April, 1915;

(ii) the place where each such meeting was held; and

(iii) the number of members present at each such meeting?

(*c*) The desired statement is appended.*

* See Appendix E.

(*d*) Will Government be pleased to say what is the place of the head office of each of the Notified Area Committees for the purposes of sub-section (*4*) of section 9 of the Bombay Town Planning Act, 1915?

(*d*) The head office of each of the Notified Area Committees is at Bandra.

2. (*a*) Is it true that the Honourable Dr. D. A. D'Monte and several other Councillors of the Bandra Municipality wrote a letter, dated the 7th April, 1915, asking the President to call a special general meeting of the Bandra Municipality to consider the following propositions:—

"That a Committee consisting of the Honourable Dr. D. A. D'Monte, Mr. Balkrishna Wasudev Pandurang, Khan Bahadur Dr. Dadina, Mr. W. D. Hall and Mr. Makba be formed, to be called the Water Works Committee, with full powers to deal

Water supply in Bandra.

2. (*a*) Yes.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.	*Answers.*
with the water supply of Bandra and having full power to deal with the water establishment which is to be solely under the control of the Water Committee in future ". " That the sum of Rs. 500 be placed at the disposal of the Water Works Committee with a request to utilise the same for improving the quality of the water supplied to the town which is at present very bad and is likely to seriously affect the public health " ?	
(*b*) Is it true that, in pursuance of this requisition, a special general meeting was held at the Town Hall of Bandra on Tuesday, the 13th of April, at 6-30 p.m. ?	(*b*) Yes.
(*c*) Is it true that the Honourable Dr. D. A. D'Monte asked permission to withdraw, and did, as a matter of fact, withdraw his propositions at that meeting ?	(*c*) The propositions before the meeting were put forward and withdrawn by other members and not by the Honourable Dr. D'Monte.
(*d*) Will Government be pleased to state the reasons which the Honourable Dr. D. A. D'Monte gave the meeting for withdrawing his propositions ?	(*d*) The Honourable Dr. D'Monte explained that he did not intend to support the proposition because he was satisfied that his original impression that the municipal executive had omitted to take proper steps to improve the water supply was erroneous.
(*e*) Is it true that the letter of requisition mentioned in question (*a*) was signed by five medical men who are also members of the Bandra Municipality ?	(*e*) Six medical men who were councillors of the Municipality signed the letter of requisition.
(*f*) Will Government be pleased to say whether the Bandra Municipality sent to the Chemical Analyser for examination any sample of water after the said requisition, and, if so, will Government be pleased to state the result of such examination ?	(*f*) The answer is in the negative.
(*g*) Is it true that for the last three years the water supplied in Bandra is frequently getting dirty and unpleasant ?	(*g*) Since September, 1913, the water supplied through pipes has on two or three occasions in each year become dirty and unpleasant.
(*h*) Will Government be pleased to say whether during recent years in Bandra, the Municipality has expended any money in obtaining expert advice on this question, and, if so, what amount ?	(*h*) The answer is in the negative.

QUESTIONS AND ANSWERS.

[*Mr. Vithalbhai Jhaverbhai Patel.*] [7TH DECEMBER 1915.]

Questions.

Answers.

3. (*a*) Will Government be pleased to state whether it is true that in the Batai Estate in the Viramgam Táluka the total revenue of the estate for the years 1902 and 1903 was Rs. 654 whereas the jama and local fund cess charged to the estate was Rs. 633 and the administrative and village charges were Rs. 136 for that year?

Batai Estate in Viramgam Táluka.

3. (*a*) The revenue of the Batai Estate was in 1901-02 Rs. 470, in 1902-03 Rs. 654 and 1903-04 Rs. 945. The jama and local fund cess were respectively Rs. 442 and Rs. 33. The administrative charges were Rs. 136 inclusive of village police charges.

An increment of jama of the estate amounting to Rs. 110, which was due in the years 1899-1900, 1900-01 and 1901-02, was not levied; and out of Rs. 1,440 leviable as jama for these three years, a sum of Rs. 1,040 was remitted.

(*b*) Is it true that the average annual revenue of the said estate for the following five years was Rs. 694 as shown below:—

Revenue in Rs.		Years.
470	...	1901-02
654	...	1902-03
945	...	1903-04
700	...	1909-10
700	...	1910-11

Total 3,469, annual average 694?

(*b*) The revenue for the first three years as given by the Honourable Member is correct, but not for the years 1909-10 and 1910-11 when only $77\frac{1}{3}$ per cent. of the whole village was under management. The income of the whole estate for these years would be about Rs. 1,200 and not Rs. 700 as stated by the Honourable Member.

(*c*) Is it true that the said estate has now to pay Rs. 623 as jama and local fund cess?

(*c*) Already answered.

(*d*) Is it true that the decree in suit No. 430 of 1887 of the Court of the First Class Sub-Judge, Ahmedabad, against one-half of the Batai Estate was sent to the Talukdari Settlement Officer for execution in the year 1889 and that the decree-holder has not received anything towards the satisfaction of the decree until now?

(*d*) Already answered.

(*e*) Is it true that the said decree-holder twice applied for the satisfaction of the decree by sale of the estate, and that on the Talukdari Settlement Officer offering on both these occasions to satisfy the decree out of the receipts of the estate, Government upheld the proposal of the Talukdari Settlement Officer, and that the decree still remains unsatisfied?

(*e*) Already answered.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.]

Questions.

4. (*a*) Will Government be pleased to lay on the Council Table vernacular yadi No. 114, dated the 4th October 1909, from the Talukdari Settlement Officer to the First Class Judge at Ahmedabad containing a statement of the account of the receipts and expenditure for seven years of the four-anna share of the Makhiav estate for which the Talukdari Settlement Officer was appointed receiver by the said Court in execution of the decree in suit No. 159 of 1903 of the said Court ?

The Talukdari Settlement Officer as receiver of the Makhiav Estate.

(*b*) Will Government be pleased to state the total amount—

(*a*) paid to the decree-holder towards the satisfaction of the decree,

(*b*) of jama due to Government,

(*c*) of jama paid to Government and

(*d*) paid to the Thakore for maintenance for those seven years ?

5. Will Government be pleased to say at how many places in the Presidency Criminal Justice is administered through Resident Magistrates and since when ?

Resident Magistrates.

[*Mr. Vithalbhai Jhaverbhai Patel.*]

Answers.

4. (*a*) Already answered.

(*b*)

(*a*) Nil.

(*b*) Rs. 3,080.

(*c*) Rs. 1,666-14-8.

(*d*) Rs. 1,350.

5. In 5 places in the Presidency proper, and 14 places in the Province of Sind. They are as follows :—

Name of the place.	Date of appointment.	Remarks.
Presidency proper.		
Nadiad	... 11th May 1911.	
Bandra	... 6th April 1903.	
Borsad	... 6th April 1903.	
Hubli and Dharwar (combined)	... 8th April 1903.	
Sind.		
Rohri	.. 1st March 1904.	
Matli (Talukaı Dero Mohbat)	... Do.	
Jacobabad	... Do.	
Dadu	... Do.	
Mirpurkhas	... Do.	
Mehar	... Do.	
Larkana	... Do.	
Tando Adam	... Do.	
Naushahro	... Do.	
Sujawal*	... Do.	
Tatta	... Do.	... The Resident Magistrate was originally located at Mirpur Sakro, but was transferred to Tatta on 7th April 1913.
Hala	... 2nd November 1912.	
Kandhkot	... 1st April 1913.	
Nawabshah	... 6th April 1914.	

* Sujawal was omitted by mistake from the number and list of places in Sind given in the interim answer to this question on the 12th July.

QUESTIONS AND ANSWERS.

[*Mr. Vithalbhai Jhaverbhai Patel.*] [7TH DECEMBER 1915.]

Questions.

6. (*a*) Has the attention of Government been drawn to a letter headed "Bad Water at Bandra" in the issue of the *Bombay Chronicle*, dated the 28th June 1915?

(*b*) Is the statement in that letter, that "for several weeks passed the tap water in Bandra has been full of large quantities of suspended impurities besides having a filthy colour and smell", true?

Water supply in Bandra.

(*c*) Is the statement in that letter, that "some months back there was this kind of dirty supply as a result of which a few boarders from the St. Stanislaus School succumbed to enteric fever", true?

[*These questions were asked at the meeting held on the 12th July 1915, when* ad interim *replies were given.*]

7. Will Government be pleased to say:—

(*a*) Whether their attention has been drawn to the criticisms in the *Bombay Chronicle* Newspaper on Mr. Y. G. Pandit's Report on the Oil Pressing Industry of the Presidency?

Report on the Oil Pressing Industry.

(*b*) Whether, when they appointed Mr. Pandit for making enquiries and reporting on the Oil Pressing Industry, they were aware that he was sole Agent for the whole of India of the manufacturers of the Expeller Machine?

(*c*) Whether Government have independently verified Mr. Pandit's conclusions about the cheapness of the process of extracting oil by means of the Expeller Machine?

8. (*a*) Will Government be pleased to say whether it is permissible to officers of Government to attend meetings of the Indian National Congress either as visitors or delegates?

Officials and the Indian National Congress.

Answers.

6. (*a*) * * *

(*b*) From about the middle of March, 1915, the tap water assumed a brown colour and contained suspended impurities. At some times and places it had an unpleasant smell.

(*c*) There is no ground for believing that any cases of enteric fever which may have occurred at St. Stanislaus School were due to the impurity of the water.

For the information of the Honourable Member an extract from the report of the Special Officer, Salsette Building Sites, dealing with the subject is appended.*

* See Appendix F.

7. (*a*) Government have seen the correspondence referred to.

(*b*) Government understand that Mr. Pandit is the sole Agent in India for the manufacturers of the "Oil and Moisture Expellers". They were not aware of this fact when they appointed Mr. Pandit to make the enquiry referred to.

(*c*) As is evident from the review of the report no such verification was undertaken.

8. (*a*) No.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.]

[*Mr. Vithalbhai Jhaverbhai Patel.*]

Questions.

Answers.

(*b*) Will Government be pleased to lay on the Table any standing rules or orders that may now be in force in this respect?

(*b*) The standing orders on the subject are contained in rule 20 of the Government Servants' Conduct Rules.

Elected Presidents for City Municipalities.

9. (*a*) Will Government be pleased to say whether, since they accepted my Resolution on the question of elected Presidents for City Municipalities at the last sitting of the Council, they have made any inquiries in order to decide whether it is possible to extend the principle of elected President to all or any of the City Municipalities in the Presidency, and, if so, with what result?

(*b*) To whom such inquiries were entrusted?

9. (*a*) and (*b*) Government have issued orders under section 23 (*2*) (*c*) of the Bombay District Municipal Act, 1901, that in future the President of any Municipality for which a Municipal Commissioner has been appointed shall be elected by such Municipality. Accordingly, the Municipalities of Ahmedabad and Surat will in future elect their Presidents. The question whether the privilege should be granted to other City Municipalities, except that of Poona, which already enjoys it, was referred to the Revenue Commissioners for their opinion. They have consulted the Collectors in their respective charges.

(*c*) Whether the Municipalities concerned were consulted by the inquiring Officer?

(*c*) Government have no information on the subject.

(*d*) Whether the inquiring Officer has submitted his report to Government?

(*d*) Yes.

(*e*) Whether they have any objection to lay that report on the Council Table?

(*e*) As the question is still under consideration, Government are not prepared to lay the papers on the Table.

Constitution of Municipal Districts out of Notified Areas in Salsette.

10. With regard to my Resolution on the question of constituting Municipal Districts out of Notified Areas in the Salsette Táluka moved at the last meeting of this Council, will Government be pleased to say what action they have since taken to give effect to my Resolution in respect of each Notified Area in the Salsette Táluka, and with what result?

10. The local officers have been consulted on the proposal, and the question is now under the consideration of Government.

Official Assignee, Receiver and Liquidator.

11. Will Government be pleased to say whether the question raised in the Resolution asking Government to consider the desirability of certain matters in regard to the Official Assignee, Receiver and Liquidator, which was accepted by Government at the March meeting of this Council, has been finally settled, and, if so, how?

11. The Honourable Member's attention is invited to the statement placed on the Council Table with reference to the Resolution in question.

QUESTIONS AND ANSWERS.

[*Mr. Vithalbhai Jhaverbhai Patel; Mr. Manmohandas Ramji.*] [7TH DECEMBER 1915.]

Questions. *Answers.*

Supplementary Question by the Honourable Mr. Patel.

The Honourable Mr. PATEL:—Will Government be pleased to say whether under the new arrangement it is still open to the Official Assignee to accept a receivership or a liquidatorship and thus earn more than the minimum or maximum fixed under the new arrangement.

The Honourable Mr. CHAUBAL:—On the spur of the moment what I am able to tell the honourable member is that so far as I believe I do not think that the Official Assignee at present makes any additional fees; but if the honourable member will see me later on I shall verify my statement and let him know exactly how the matter stands. My impression is that the High Court has told us that under the new arrangement the Official Assignee does not make any additional revenue from receivership or liquidatorship, but I shall let the honourable member know definitely if he sees me later on.

The Honourable Mr. PATEL:—May I draw the attention of Government to paragraph 10 of the statement placed before this Council, and the last three lines of the statement.

His Excellency the PRESIDENT:—Is the honourable member going to ask a question?

The Honourable Mr. PATEL:—I have to ask one question, Your Excellency. Does not paragraph 10 of the statement placed before this Council give an idea that it is open to —?

His Excellency the PRESIDENT:—Order, order. I really cannot allow the honourable member to make a speech on the paragraph. He must ask a definite question at question time.

THE HONOURABLE MR. MANMOHANDAS RAMJI.

1. Will Government be pleased to state—

Qualifications of the Registrar of Companies.

(*a*) The nature of qualifications required of the Registrar of Companies in the advertisement given by them some time back?

1. (*a*) The one qualification specified in the advertisement was that the candidate should be a Chartered Accountant.

(*b*) The number of applications received in answer to this advertisement and qualifications of different applicants?

(*b*) Nine applications were received within the date prescribed. None of the applicants were Chartered Accountants.

(*c*) The reasons for not appointing any of those applicants?

(*c*) Government did not consider that any of the applicants were suitable for the appointment.

(*d*) Qualifications of the present incumbent of the post?

(*d*) As there was no suitable candidate, Government decided to ask the Secretary of State to select a Solicitor or Barrister with special experience of Company Law. The present incumbent of the post is a Solicitor with this experience.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. Manmohandas Ramji; Rao Bahadur Shrinivas Konher Rodda.*]

Questions.	*Answers.*
2. Will Government be pleased to lay on the Table a statement of the number of thefts in Salsette during the last quinquennium with names of places and amounts of thefts, giving the number of those in which culprits were found out? (Thefts in Salsette.)	2. The information is being obtained.
3. Will Government be pleased to state whether they have come to any decision regarding the advisability of reducing the rate of commission received by the Official Assignee in his capacities of Official Assignee, Official Liquidator and Official Receiver? (Official Assignee—the rate of his commission.)	3. The Honourable Member's attention is invited to the statement placed on the Council Table with reference to the Resolution moved on the same subject by the Honourable Mr. V. J. Patel at the Council meeting of the 16th March 1915.
4. Will Government be pleased to give the amount of the realization of the Customs revenue at Viramgam during the last quinquennium? (Customs Revenue at Viramgam.)	4. The receipts at the Custom Houses on the entire Káthiáwár Frontier Line for the past five years have been as follows :—

	Rs.
1910-11	96,728
1911-12	94,835
1912-13	99,898
1913-14	1,44,264
1914-15	1,33,369

Government have no information as to the exact proportion of the revenue which was realized at Viramgam.

THE HONOURABLE RAO BAHADUR SHRINIVAS KONHER RODDA.

1. Will Government be pleased to state the reasons for the small percentage of successful candidates in the Matriculation Examination in the Southern Division? (Matriculation Examination.)	1 and 2. These questions relate to matters which fall entirely within the purview of the University. Government have therefore no direct information on the subject.
2. Is it a fact that there are different examiners for each Centre for the University Examination. (Matriculation Examination.)	
3. (*a*) Is it a fact that a Women's Hospital has been opened by Mrs. Emanuel at Hubli? (Hospital for women at Hubli.)	3. (*a*) Yes.

QUESTIONS AND ANSWERS.

[*Rao Bahadur Shrinivas Konher Rodda*; *Mr. N. M. Samarth.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
(*b*) Do Government intend to aid the Hospital and to what extent?	(*b*) No application for a grant for the hospital has yet been received by Government.
(*c*) Is it a fact that the daily attendance at the Hospital is nearly 150 per diem?	(*c*) The daily average attendance at the hospital for the month of June, 1915, was 171.
4. Is it a fact that the authorities of the M. and S. M. Railway impose fees on Dhumanis and Tongas for standing in the compound of the Railway Station which has been notified by Government as a Carriage Stand? (Tonga stands at stations on the M. and S. M. Railway.)	4. Government are unaware of the fact referred to by the Honourable Member. Inquiry will, however, be made.
5. Is it a fact that trains between Gadag and Hubli are invariably overcrowded? (Trains between Gadag and Hubli.)	5. Government have not received any complaints on the subject. A report will, however, be called for.
6. Will Government be pleased to say whether there are rules for the levy of platform tickets at Railway Stations? (Railway platform tickets.)	6. The Honourable Member is referred to the answer given to question No. 7 (*h*) put by the Honourable Mr. Dattatraya Venkatesh Belvi.
7. (*a*) Will Government be pleased to state the effect of rural standards being introduced in places where there were primary Upper Schools? (Rural and full primary schools.) (*b*) How many villages are affected by the change? (*c*) What is the number of scholars learning in the 5th, 6th and 7th standards before and after the conversion of primary schools into rural schools?	7. The Director of Public Instruction will be consulted as to whether the information desired can be obtained with reasonable facility.

THE HONOURABLE MR. N. M. SAMARTH.

1. Will Government be pleased to state— (*a*) Whether they have taken any steps in the matter of restricting the conversion of full primary schools into rural schools? (Primary and rural schools.) (*b*) If so, what?	1. Government have taken no steps.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. N. M. Samarth.*]

Questions.

Answers.

2. (*a*) Are Government aware that the Bombay Grain Dealers' Association have recently introduced in the City of Bombay a new Paylee smaller than the standard Paylee authorised by the Municipal Commissioner under section 418 of the City of Bombay Municipal Act, 1888?

("Paylee" measure in Bombay.)

2. (*a*) Yes.

(*b*) If so, will Government be pleased to state if they have directed the authorities concerned to take the requisite action under section 54 of the Bombay City Police Act, 1902, in regard to the said new Paylee?

(*b*) As the new measures of capacity adopted by the Bombay Grain Dealers' Association do not purport to be of the same denomination as those the standards of which are provided by the Municipal Commissioner under section 418 of the City of Bombay Municipal Act, 1888, and as no element of fraud enters into their use, no action can be taken under section 54 of the City of Bombay Police Act, 1902.

(*c*) If not, will Government be pleased to state whether they propose to take any steps to prevent the said new Paylee from being used in the City of Bombay?

(*c*) The Weights and Measures Committee appointed by the Government of India, whose report has recently been published, have recommended the adoption throughout India of a prescribed scale of weights and measures and the prohibition of the use of any weights and measures differing from the prescribed ones. The Government of India have invited the opinion of the local Government on the recommendations of the Committee, and the report has accordingly been referred to the more important local bodies and mercantile and industrial associations of the Presidency for an expression of their views. Having regard to the fact that the question is at present under consideration with a view to legislation for the whole of India, the Government of Bombay are not prepared to take action in the direction suggested by the Honourable Member. Such action, it may be pointed out, could not be taken without the introduction of special legislation.

QUESTIONS AND ANSWERS.

[*Rao Bahadur Ganesh Krishna Sathe.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
THE HONOURABLE RAO BAHADUR GANESH KRISHNA SATHE.	
1. Will Government be pleased to give information on the following points :— Memorial building at Islampur.	
(*a*) Is it true that a building "Edward Hall and Coronation Library" was built at Islampur in Sátára District by public subscriptions as a memorial to His Majesty Edward VII ?	1. (*a*), (*b*), (*c*), (*d*) Information will be called for.
(*b*) Is it a fact that the land was given by the Collector of Sátára for the erection of this building either free or on any favourable terms ?	
(*c*) Is it true that the then Collector of Sátára, Mr. L. J. Mountford, laid the foundation stone of this building on 13th February 1913 and declared that the building was to be called "Edward Hall and Coronation Library" ?	
(*d*) Is it true that this building is now intended to be used for Veterinary Dispensary ?	
2. Will Government be pleased to state—	2.
(*a*) Whether under new Account Manual prepared by Mr. Anderson, I. C. S., vernacular outward and inward registers (Awak and Jawak Barnishes) are intended to be abolished in táluka and district offices of the Revenue Department ? Vernacular outward and inward registers.	(*a*) The answer is in the affirmative. The title of Mr. Anderson's Manual is "The Indexed Slip System of Conducting, Registering, Titling and Indexing Official Correspondence."
(*b*) If so, what reasons led Government to depart from long established practice of keeping such registers ?	(*b*) To secure greater efficiency and despatch in district and táluka offices.
(*c*) Whether Officials were consulted on this point and with what result ?	(*c*) Officials were consulted and have expressed the opinion that the new system is a great improvement on the old.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Rao Bahadur Ganesh Krishna Sathe; Mr. Shridhar Balkrishna Upasani.*]

Questions.	*Answers.*
3. Will Government be pleased to give the following information :—	
(*a*) When was the second class subsidiary jail at Sholápur reduced to the status of a third class subsidiary jail? (Jail at Sholápur.)	3. (*a*), (*b*) The information will be called for.
(*b*) Is it not true that convicts ordered to be released on trial are required to wait at times for 4 or 5 hours after order is handed over to the Jailor, before they are released, on account of the Jailor of such third class subsidiary jail being a clerk from the establishment of the Mámlatdár of Sholápur?	
4. (*a*) Is it true that the new Board of Sangola Municipality in the District of Sholápur was constituted from 1st October 1914? (Municipality of Sangola.)	4. (*a*), (*b*), (*c*), (*a*) Enquiries are being made.
(*b*) Was the meeting of the Members of the newly formed Board held on 30th September 1914 in pursuance of a notice issued on 26th September 1914?	
(*c*) Is it true that six general meetings were held from 30th September 1914 to 11th September 1915?	
(*d*) Is it true that no notice of any of these meetings either personally or through post was given to one Councillor, Mr. K. B. Dhadphali?	
5. Will Government be pleased to state whether the composition of several educational texts and other books is left entirely to Government Officers and, if so, what are the reasons of this monopoly and whether Government intends to keep them open for public competition? (Tex-books.)	5. Enquiries are being made.

THE HONOURABLE MR. SHRIDHAR BALKRISHNA UPASANI.

1. (*a*) Will Government be pleased to state what action it contemplates tak- (Income-Tax Assessment and Advisory Boards.)	1. (*a*) The Honourable Member is referred to the Resolution of the Government of India, Finance Department, No. 1287 F., dated

QUESTIONS AND ANSWERS.

[*Mr. Shridhar Balkrishna Upasani.*] [7TH DECEMBER 1915.]

Questions.

ing in connection with the Resolution adopted in the Imperial Legislative Council on the subject of Advisory Boards for Income-Tax Assessment.

[*This question was asked at the meeting held on the 13th March 1914, when an* ad interim *reply was given.*]

2. (*e*)* How many kulkarnis in the several districts in the Southern Division have given their consent to the proposed commutation and how many refused?

[*This question was asked at the meeting held on the 13th March 1915, when an* ad interim *reply was given.*]

3. (*a*) Is it true that orders have recently been issued requiring that the charges to be paid as remuneration to the village officers for collecting local fund in Dumala villages should be recovered from the Dumaldars of the village? If so, will Government be pleased to lay on the Table a copy of the orders which may have been issued by them on this point?

Local Fund Cess collections in alienated villages.

(*b*) (i) Is it a fact that in Government villages this charge is recovered from the Local Boards out of the Local Fund revenue collected for their benefit and is not paid by Government out of the land revenue?

(ii) If the answer to (*b*) (i) is in the affirmative, will Government be pleased to state the reasons for requiring the Dumaldars to pay the charge?

4. (*a*) Is it true that under recent orders of Government all cash allowances, including those to be received from Dumala villages, are now paid through Government treasuries and

Payment of cash allowances.

Answers.

11th August 1915, republished in Government Notification, Revenue Department, No. 8850, dated 18th August 1915, at pages 2070—2072 of the *Bombay Government Gazette, Part I.*

2. (*e*)* The information required by the Honourable Member is contained in the accompanying statement.†

† See Appendix C.

* The answers to clauses (*a*) to (*d*) of this question were given at the meeting held on the 13th March 1915.

3. (*a*) No alteration has been made in the orders on the subject which were passed many years ago.

(*b*) (i) & (ii). In all villages the net proceeds (after deducting the expenses of assessment and collection) have to be credited to the Local Fund. In Dumala villages the expenses of assessment and collection are nil, because the Dumaldar is bound to pay the Local Fund Cess in full. The Honourable Member is referred to the reply to question No. 6 put by Meherban Narayan Ráo Ghorpade at the meeting of the Legislative Council held on February 17th, 1906.

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. Shridhar Balkrishna Upasani*].

Questions.	*Answers.*
the payment is made only to the sharer whose name may be registered in the treasury list ? (*b*) Is it a fact that it was at one time the practice that sub-sharers whose shares were not disputed or were proved to the satisfaction of the Collector or by a decree of Court were entitled to have their names entered in the Peta Khate Vahi and to separate payments of their shares ?	4. (*a*) (*b*) The Honourable Member is referred to the reply to question No. 5 put by the Honourable Mr. R. P. Karandikar at the meeting of this Council held on 26th September 1912.
(*c*) Is it also true that in case of cash allowances to be received from Dumala villages they used to be paid by the Dumaldars to all the sub-sharers according to their shares ?	(*c*) The only information Government have on the point is that in some instances the Dumaldars either did not pay the allowances at all or did not pay them in full or paid them to persons in no way connected with the original grantees. No regular accounts appear to have been kept.
5. (*a*) Is it true that the students in the Dhulia Training School do not get any nourishment beyond their morning and evening meals and is it true that an experiment made to give them a quarter seer of milk daily had to be given up after only two months' trial because the cost could not be covered with the present scale of stipend sanctioned for them ? Dhulia Training School. (*b*) Is it true that for the same reason wheat bread had to be stopped and bajri bread substituted instead both for the morning and evening meal for the boys since January last.	5. The facts are as suggested by the Honourable Member. The experiment of giving the students milk daily was abandoned after a month because the cost was beyond the present scale of stipend. The question of increasing the scale is under consideration.
6. Will Government be pleased to state what Indian and European firms had submitted tenders for the printing of the vernacular text-books and will they be pleased to lay those tenders on the Council Table ? Printing of vernacular text-books.	6. Tenders were at first received from the following firms :— (1) Messrs. Macmillan and Company. (2) Messrs. Longmans Green and Company. (3) Messrs. Blackie and Son. (4) Oxford University Press. (5) Nava Kitabkhana Publishing House, Poona City. (6) Fr. Schleicher, Ravi Varma Fine Art Litho-Works, Karla. (7) Chitra Shala Steam Press, Poona.

QUESTIONS AND ANSWERS.

[*Mr. Shridhar Balkrishna Upasani.*] [7TH DECEMBER 1915.]

Questions.	*Answers.*
	After the outbreak of the war Messrs. Blackie and Son withdrew their tender. Government do not propose to lay the tenders on the Council Table.
7. Will Government be pleased to state what amount of fine and enhanced assessment is received during each of the last five years from agricultural lands allowed to be used for non-agricultural purpose within the limits of each Municipal District in the three divisions of the Presidency proper? Non-agricultural assessment in municipal districts.	7. Inquiry will be made.
8. (*a*) Will Government be pleased to state the details of the marks system under which promotion of assistant teachers in Secondary Schools is regulated by the number of marks for qualifications and for the opinion of the Head Master and the Educational Inspector? Assistant teachers in Secondary Schools.	
(*b*) Is it true that under this system a graduate is given three marks for each year of his standing in the service while undergraduates are allowed only one?	
(*c*) Is any distinction made in the marks system between Matriculates and those who have passed the Previous Examination or between Matriculates and such P. E.'s as have passed from the Secondary Training College?	8. Information has been called for.
(*d*) Is this system given retrospective effect so as to affect the promotion of teachers who joined the service before the system was introduced in the Department?	
(*e*) How many senior teachers have been passed over under the operation of this system by their juniors during the last five years?	
9. (*a*) Will Government be pleased to state what action has been taken in the case of the 390 Kulkarnis who Commutation of right of service of Kulkarnis.	

QUESTIONS AND ANSWERS.

[7TH DECEMBER 1915.] [*Mr. Shridhar Balkrishna Upasani; Mr. Harchandrai Vishindas.*]

Questions.	*Answers.*
have withdrawn their consent to the commutation, as stated in reply to question No. 7 put at the last Council Meeting by the Honourable Mr. Manmohandas Ramji?	9. (*a*) and (*b*) No action has been taken.
(*b*) What action has been taken also in the case of the other Kulkarnis who have submitted petitions complaining as to their consent not having been given voluntary?	
(*c*) Is it true that a number of these petitioners prayed to be allowed an opportunity to place their views before Government personally or by a deputation and that their prayer has not yet been granted?	(*c*) Some of the petitioners referred to asked for a personal interview with His Excellency the Governor. They were referred to the Commissioner, Central Division.

THE HONOURABLE MR. HARCHANDRAI VISHINDAS.

1. Will Government be pleased to state whether they have sanctioned the revision of salaries, designations, travelling allowances and promotions in the Upper Subordinate Establishment of the Public Works Department for which a memorial was submitted to Government about five years ago and which revision Government said was under consideration?	1. The scheme for improving the position of the Upper Subordinates in the Public Works Department is still under consideration.
Upper Subordinate Establishment of the Public Works Department;	
2. Will Government be pleased to state whether they have considered the advisability of discontinuing the grant of extensions of service beyond the age of 55 to members of the above establishment?	2. In the matter of tne grant of extension of service beyond the age of 55, Government have not considered the advisability of applying special rules to the establishment of the Upper Subordinates in the Public Works Department. The question of modifying the general rules on the subject, which apply to all establishments, including the establishment of Upper Subordinates in the Public Works Department, is under the consideration of the Government of India.
and extensions of service beyond 55.	

APPENDIX A.

Year.	1910.	1911.	1912.	1913.	1914.	Total.
Convictions under the substantive penal law.	12,103	12,537	14,183	14,622	9,718	63,163
Number of cases in which orders demanding security were passed under section 110 of Criminal Procedure Code.	1,311	1,153	961	1,003	984	5,412
Persons who were discharged under the above section.	275	251	368	309	226	1,429
Persons from whom security was demanded.	1,586	1,404	1,329	1,312	1,210	6,841
Persons who offered security ...	773	731	570	552	485	3,111
Persons whose security was accepted.	312	265	198	193	178	1,146
Persons sent to jail for failure to furnish security, or proper security.	999	888	763	810	806	4,266
Persons sent to gaol, for the first time, for the above reason.	669	733	602	679	590	3,273

APPENDIX B.

Statement showing the Municipal towns where medical aid is not provided by the Municipalities but where private or Mission hospitals and dispensaries exist.

Name of the Municipal town.	Remarks.
Sind.	
Jacobabad	Has three private dispensaries besides the Civil Hospital.
Nasarpur	Has a private dispensary.
Central Division.	
Bhusawal	Has a Railway dispensary to which the Municipality contributes Rs. 300 a year. Sanction has, however, been accorded for the establishment of a grant-in-aid dispensary.
Betawad	There is a private dispensary.
Vita	Has a Mission dispensary.
Ashta	Do. do.
Southern Division.	
Nipani	Has one Mission and two private dispensaries.

APPENDIX C.

Statement showing the number of kulkarnis who have agreed to the commutation of their right of service in the Southern Division.

Serial No.	District.	Number of kulkarnis in the district who have given their consent to the commutation of service.	Number of kulkarnis who have not given their consent.
1	2	3	4
1	Belgaum	119	1,509
2	Dhárwár	20	734
3	Bijápur ...	38	1,493
4	Kolába	10	16
5	Ratnágiri	Inquiry is proceeding.	

APPENDIX D.

No.	Government High School at	Number sent up in the year.							Number passed in the year.							Total number of teachers (excluding the Head Master).	Number of teachers permitted to accept private tuition.	Number of teachers actually earning money now by tuition.	Was the terminal examination of each class held in all the prescribed subjects under the supervision of the Head Master during the years 1910-1915 (both inclusive).
		1910.	1911.	1912.	1913.	1914.	1915.	Total No. sent up.	1910.	1911.	1912.	1913.	1914.	1915.	Total No. passed.				
	Boys.																		
1	Bombay ...	95	125	109	104	139	102	674	50	72	58	73	52	30	335	40	1	1	No.*
2	Poona ...	27	28	27	39	38	30	189	15	19	15	28	9	8	94	16	3	3	Yes.†
3	Satara ...	28	28	19	26	26	21	148	9	18	10	14	13	6	70	18	3	3	Yes
4	Sholapur ..	22	24	29	36	44	33	188	7	9	9	23	15	7	70	22	6	6	Yes.
5	Nasik ...	33	44	18	27	43	...	165	10	14	7	19	12	...	62	18	3	1	Yes.
6	Jalgaon ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15	4	1	Yes.‡
7	Dhulia ...	35	34	36	39	47	24	215	21	18	22	33	27	9	130	21	11	5	Yes.§
8	Belgaum ...	44	46	59	78	70	74¶	371	11	24	18	41	9	13‖	116	21	8	4	In 1910 only.
9	Dharwar ...	98	94	110	81	79	71	533	23	31	15	45	14	6	134	21	2	2	Yes.‖
10	Bijapur ...	48	23	32	29	55	46	233	12	6	23	14	11	11	77	20	4	4	Yes.
11	Karwar ...	24	38	30	45	30	**20	187	15	11	12	28	12	2	80	16	...	...	Yes.
12	Ratnagiri ...	47	29	31	25	21	6	159	18	23	15	25	19	...	100	13	5	3	Yes.
	Girls.																		
13	Poona ...	8	11	10	18	15	15	77	8	10	4	11	7	3	43	14	1	1	Yes.
	Total ...	509	524	510	547	607	442	3,139	199	255	208	354	200	95	1,311	255	51	34	

* The terminal examinations have been dispensed with since 1908, but weekly and annual examinations are held.
† Except in the year 1912 as the school was closed on account of plague.
‡ Opened in June 1914.
§ Except in the year 1912 as the school was closed on account of plague.
¶ Only 3 were sent up from the school and two passed. All the others having failed in November 1914 appeared as ex-students.
‖ Terminal Examinations were stopped from 1911 apparently as the weekly examinations were thought sufficient.
** 19 were ex-students.

APPENDIX E.

Notified Area.	Number of meetings during the two years ending April, 1915.	Place of meeting.	Number of members present.	Remarks.
Andheri	9	7 meetings at Bandra ... ... 2 meetings at Andheri	3 members at four meetings. 2 members at five meetings.	
Vile Padle	8	5 meetings at Bandra ... .. 1 meeting at Vile Padle ... ... 2 meetings at Santa Cruz	3 members at four meetings. 2 members at three meetings. 1 member at one meeting.	
Santa Cruz	7	5 meetings at Bandra ... ... 2 meetings at Santa Cruz	3 members at four meetings. 2 members at three meetings.	
Ghatkopar-Kirol ...	7	5 meetings at Bandra ... ... 2 meetings at Ghatkopar	5 members* at one meeting ... 3 members at two meetings. 2 members at four meetings.	* The number of members of the Committee has been raised from 3 to 5 since September, 1914.
Malad	7	6 meetings at Bandra ... ... 1 meeting at Borivli	3 members at three meetings. 2 members at four meetings.	
Borivli	7	6 meetings at Bandra ... ... 1 meeting at Borivli	3 members at four meetings. 2 members at three meetings.	
Goregaon	1	Bandra	3 members.	
Bhaynder	1	Bandra	3 members.	
Vikhroli ...	1	Bandra	3 members.	
Mulund	1	Bandra	3 members.	
Kandivli	1	Bandra	2 members.	
Bhandup	1	Bandra	2 members.	

APPENDIX F.

Extract from the report of the Special Officer, Salsette Building Sites.

"Until June, 1912, Bandra was supplied by the Bombay Municipality with water from the Vehar Lake. The pressure received was, however, very low and the Bombay Municipality in that month transferred the connection to the Tulsi Main, which gave a better pressure. When this water first became impure in 1913 some of the worst samples which could be found were sent to the Chemical Analyser to Government. He reported that the sediment consisted of vegetable debris and clay, and declared that the samples were "fair samples of potable water". The Municipality also at the very outset had the opinion of the Bombay Water Department that the trouble was caused by insufficient flushing of the Bandra mains. Further, the services of the Engineer, Salsette Building Sites, were given free to the Municipality for putting the water right. He recommended a system of flushings and himself saw these carried out on several occasions. The Engineer also pointed out that the system of mains in Bandra was not properly devised. He further recommended that extra hydrants should be fixed on the mains. The flushing was carried out, a reversion to Vehar water was obtained for a few days, and eventually the water was purified.

"The trouble recurred in March 1914 and was removed by flushing.

"In October 1914 the impurities appeared again and the Engineer, Salsette Building Sites, again was asked to assist the Municipality. He took over the work, flushed the mains extensively, and fixed two scour valves, and advised the fixing of two others. The water was on this occasion cleansed in considerably less time than in 1913.

"In March 1915 there was again trouble and the impurity was more persistent than in March 1914. The Engineer, Salsette Building Sites, again helped. He had the mains flushed and superintended the fixing of four scour valves and four hydrants. The water had practically been put right by the time of the meeting of April 13th.

"But in spite of all these measures and of the Municipality's complying with the requirements of the Engineer, Salsette Building Sites, the water has since been bad again. The Municipal Commissioner has now been told by the Bandra Municipality that we have exhausted all the possibilities of improvement by taking action locally in Bandra, and has been asked whether he cannot supply Bandra with pure water in view of the considerable sum paid to the Bombay Municipality every year.

"The Municipal Commissioner's reply is awaited. The Bandra Municipality naturally hesitates to spend the considerable sums necessary for revising its system of mains, in view of the fact that there is hope of participation before many years in the independent water scheme for Salsette. The exact form of that scheme is not yet finally settled, in spite of continuous correspondence with the Sanitary Engineer during the past two or three years. Until the final form of the scheme is known, it is impossible to tell whether any alterations made in the Bandra mains would suit that scheme. The impurity in the water is no doubt unpleasant, but there is no danger to health involved. Cholera and typhoid cannot come to Bandra through the pipes unless the water in the Tulsi Lake is also infected, and the Bombay Municipality may be trusted to ensure the prevention of such infection.

"As regards the suggestion about enteric at St. Stanislaus's School, I may say that Dr. Turner, Health Officer, Bombay Municipality, in writing in connection with another matter on April 21st, 1915, said that at the request of the Prefect of the School, the "recent" outbreak of enteric fever was inquired into by one of his Assistants, and that samples of water were taken from St. Stanislaus's School and analysed by the Municipal Analyst both chemically and bacteriologically but that nothing abnormal was found in them."

APPENDIX G.

Statement showing the districts in the Bombay Presidency in which the system of trial by jury has been established and the dates from which the system is in force in each district.

Name of district.	Date from which the system is in force.	Remarks.
Ahmedabad	16th September 1884.	
Surat	1st March 1885.	
Thána	1st April 1885.	
Poona	1st January 1867.	
Belgaum	1st March 1885.	
Karáchi	16th September 1884 ...	Restricted to the City of Karáchi.

APPENDIX H.

CIRCULAR No. XXXVII-RAILWAY.

GOVERNMENT OF INDIA

PUBLIC WORKS DEPARTMENT.

Railway Traffic.

Simla, December 20th, 1883.

Sale of Platform Tickets at Railway Stations.

Read again—

Public Works Department letter to the Consulting Engineer for Guaranteed Railways Lahore, No. 448-R. T., dated 26th April 1883, and enclosure.

Letter from the Consulting Engineer for Guaranteed Railways, Lahore, No. 1065-G., dated 2nd May 1883, and enclosure.

Public Works Department letter to the Consulting Engineer for Guaranteed Railways, Lahore, No. 558-R. T., dated 15th May 1883.

Letter from the Consulting Engineer for Guaranteed Railways, Lahore, No. 1233-G., dated 18th May 1883.

Public Works Department letter to the Consulting Engineer for Guaranteed Railways, Lahore, No. 920-R. T., dated 20th August 1883, and enclosure.

Public Works Department letter to the Consulting Engineer for Guaranteed Railways, Calcutta, No. 1157-R. T., dated 20th October 1883, and enclosure.

Read also—

Letter from the Consulting Engineer for Guaranteed Railways, Lahore, No. 2542-G., dated 22nd October 1883.

RESOLUTION.—The overcrowding of the platforms of important Railway Stations at train times by persons who are non-travellers has frequently been found to interfere with the proper working of such stations, and in view to lessening the inconvenience, both to the public and to the station staff, the railway authorities have in some cases introduced a system of issuing platform tickets, on payment of a nominal fee, by means of which persons desiring to see their friends off, or to meet them on arrival, can obtain admission to the railway platform.

2. The experiment has been tried with success at the Lahore Station of the Sind, Punjab and Delhi Railway and it is believed that the system is being adopted at certain large stations on other railways; but as doubts have been raised as to the legal right of the Railway authorities to issue such passes, His Excellency the Governor General in Council is pleased to rule that, in future, when the Railway authorities desire to exclude all but ticket-holders from railway platforms, the intention shall be duly notified in the railway time tables, and a printed notice to that effect, specifying the place where such tickets are obtainable and their cost shall be drawn up with reference to sections 3 (c) and 41 of the Indian Railways Act No. IV of 1879, and posted up in a conspicuous place outside the station.

3. Such a notice, His Excellency the Governor General in Council is advised would be a sufficient "warning off" to justify the officers of a railway in preventing any person from entering a railway platform without a ticket, and in proceeding against him, if necessary, under section 41 of the Act above quoted.

4. It will be distinctly understood that the Government *of India* considers a restriction of the nature herein referred to as undesirable, excepting where there is well established and absolute necessity for it, and that every facility should be given for obtaining tickets of admission, not only before the departure but also before the arrival of a train.

ORDER.—Ordered that this Resolution be communicated to the Governments, Administrations and Officers noted in the margin for information and guidance; also that it be published in the Supplement to the Gazette of India.

The Governments of Madras, Bombay, Bengal, the North-West Provinces and Oudh and the Punjab.
The Chief Commissioners of the Central Provinces, Assam and British Burma.
The Residents, Hyderabad and Mysore.
The Agents to the Governor-General for Rajputana, Central India and Baluchistan.
The Consulting Engineers to the Government of India for Guaranteed Railways.
The Director General of Railways.
The Accountant General, Public Works Department.

(Signed) W. S. TREVOR, Colonel, R.E.,
Secretary.

(Signed) (ILLEGIBLE),
In charge of the Public Works Department at Simla.

Report of the Select Committee appointed to consider Bill No. II of 1915.

(A Bill further to amend the City of Bombay Municipal Act, 1888.)

We, the Members of the Select Committee to whom the Bill further to amend the City of Bombay Municipal Act, 1888, has been referred, have examined the Bill and have the honour to report as follows:—

The principal alteration made in the Bill is in clause 4 (original clause 3). Section 301 (*1*) of the Act allows compensation both for the value of the land acquired for a set-back and also for any loss, damage or expense incurred by the owner. In the clause as worded in the Bill there was no separate mention of the value of the land, while it was laid down in the proviso that any increase or decrease in the value of the remainder of the property resulting from the set-back should be allowed for in assessing the compensation. The effect of this is that the owner would receive compensation only for net loss. Although your Committee fully recognize the desirability of altering the existing section, the majority of the members are unable to adopt the principle embodied in the proposed clause and considerable difficulty has been experienced in framing a clause which meets the

views of the Committee as a whole. The effect of the clause as now framed in the amended Bill will be to leave sub-section (1) of section 301 in its present form, by which compensation will be granted for the value of the land, while under the proviso as now drafted any permanent and substantial benefit derived from the set-back will be taken into account in computing the damage sustained.

Clause 3.—For reasons of administrative convenience provision has been made in this clause for delegation of the powers of the Commissioner under new sections 375A and 384A by inserting those sections in section 68. The succeeding clauses of the Bill have accordingly been renumbered, and the clauses are referred to below by their new numbers.

Clause 9 (new section 375A).—As the need for such a provision was experienced with reference to building materials and the like we have slightly altered the terms of the clause so as to confine its operation to such articles, for as the clause is framed in the Bill it would include many things for which the enactment has not been shown to be required.

Clause 10.—A proviso has been added to make it clear that the new sub-section will not cast upon the owners of premises fronting private streets the duty of carrying out the ordinary scavenging and cleansing which is laid upon the corporation by section 365.

Clause 11.—Clause 10 as drafted in the Bill absolutely prohibited the keeping of animals or opening of grain godowns in buildings, any portion of which were used for human habitation. We consider that these provisions are somewhat too sweeping and that there are many cases in which the conditions are such that interference is not necessary on sanitary grounds. The effect of new section 384A will be to leave it to the Commissioner to take the initiative and either to grant conditional permission or to issue a prohibition.

Clauses 14 and 15.—A penalty has been provided in sections 471 and 472 for the infringement of new section 384A.

Original clause 15.—As the overbridge referred to in the definition of the boundary has not yet been constructed, we are of opinion that it should not be referred to in a legislative enactment as a boundary mark. We have, moreover, ascertained that a further modification of the municipal boundaries will shortly be proposed, and we therefore consider that this clause may with advantage be omitted from the present Bill.

(Signed) P. D. PATTANI.
(„) J. P. ORR.
(„) J. A. D. McBAIN.
(„) F. L. SPROTT.
(„) LALUBHAI SAMALDAS MEHTA.
(„) JAMSETJEE JEEJEEBHOY.
(„) IBRAHIM RAHIMTOOLA
(subject to a minute).
(„) N. M. SAMARTH
(subject to my remarks below).
(„) MANMOHANDAS RAMJI
(subject to a minute of dissent).

Minute recorded by the Honourable Sir Ibrahim Rahimtoola.

I do not wish to raise any objection to clause 4 in its present form. I would have preferred if the amendment had taken the form of paying for the land acquired the average price of the whole holding.

(Signed) IBRAHIM RAHIMTOOLA.

Remarks made by the Honourable Mr. N. M. Samarth.

* * * * * *

(*b*) To be accurate, the expression "likely to accrue" should be substituted for the word "resulting" in the first paragraph of the report.

(*c*) I think the sentence "The effect of this is that the owner would receive compensation only for net loss", underlined by me in the draft report as to the effect of the *original clause 3* is open to objection. *I should drop it altogether.* But if the effect of the original clause 3 is to be mentioned at all, some more words have to be added to bring it out correctly, accurately and fully. I would, in that case, like to have the sentence worded thus :—

> "The effect of this is that the owner would receive compensation only for net loss, if any, calculated on speculative considerations of the injury or benefit *likely to accrue* to the remainder of the property and *irrespective of the value of the land acquired, for which he would get nothing at all,* with the result that in some cases the Corporation would be enabled to acquire the property without having to pay anything whatever for it to the owner."

Preferably, however, I should like the sentence in question in the draft report to be deleted.

(Signed) N. M. SAMARTH.

Bombay, 18th September 1915.

Minute of dissent recorded by the Honourable Mr. Manmohandas Ramji.

I think section 384A should be modified as follows, in view of the fact that the section, as it is, would empower the Municipal Commissioner to apply it even to detached out-houses in compounds. This would create a great deal of hardship as the problem of keeping horses, cows, etc., would be a difficult one.

As matters stand at present these are kept in out-houses, on which, or under the same roof of which, accommodation is made for the housing of servants. Unless the section is modified, separate quarters will have to be built for these servants, which means additional space.

I propose therefore that the last paragraph of the section should be modified as follows :—

> The following words should be added after the proviso in the last paragraph : " and that sub-section A will not apply to out-houses ".

(Signed) MANMOHANDAS RAMJI.

Bombay, 29th September 1915.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER BILL NO. III* OF 1915.

(A Bill further to amend the Bombay Medical Act, 1912.)

We, the Members of the Select Committee appointed to report on the provisions of Bill No. III of 1915 (A Bill further to amend the Bombay Medical Act, 1912) have the honour to report as follows :—

After careful consideration, we have no alterations to suggest in the provisions of the Bill, and recommend that it be passed into law.

2. We have considered the three petitions laid before us on the subject of the medical officer at the Ayurvedic Dispensary at Poona, and find that an amendment of the Act to make provision for such cases would not only be outside the scope of the present Bill but must involve a serious question of

* Published at pages 268-269 of the *Bombay Government Gazette*, Part VII, dated the 18th May 1915. As the Bill has not been amended it has not been republished.

principle that will require full discussion. We cannot therefore dispose of the question in Select Committee.

3. If however the desirability of amending section 11 of the Act, so as to enable Government to relax its provisions in the case of municipal dispensaries or other institutions supported partly by local funds, be made the subject of a Resolution in the Legislative Council or be otherwise duly considered and approved, we have no doubt that Government will take the necessary steps to introduce such further legislation as may be needed.

(Signed) W. D. SHEPPARD.
(„) R. W. S. LYONS.
(„) J. JACKSON.
(„) D. A. D'MONTE.
(„) V. J. PATEL.
(„) J. H. KOTHARI.
(„) S. K. RODDA.
(„) RAFIUDDIN AHMAD.
(„) D. V. BELVI.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE PROPOSAL MADE BY THE HONOURABLE DIWAN BAHADUR KA'SHINATH RA'MCHANDRA GODBOLE FOR THE FORMATION OF IRRIGATION PANCHAYATS IN CONNECTION WITH SECOND CLASS IRRIGATION WORKS IN THE BOMBAY PRESIDENCY.

We the Members of the Select Committee appointed in accordance with the Resolution of the Honourable Diwan Bahadur Káshinath Rámchandra Godbole, at the meeting of the Legislative Council held in March 1914, to consider whether a Bill dealing with Second Class Irrigation Works should be drafted for the Bombay Presidency on lines similar to those of the Mysore Tank Panchayat Regulation No. I of 1911, have duly considered the proposal and have the honour to report as follows :

2. We were instructed to submit our report by the 15th November 1914; but at the first meeting held by us on the 16th June 1914, after much discussion, we accepted a suggestion made by the Honourable Diwan Bahadur K. R. Godbole that Government should consult certain selected officers specified by him on his proposals, namely, the Collectors of Násik, Kaira and Dhárwár, and the Executive Engineers, Násik and Ahmednagar Irrigation district, Gujarát Irrigation district and the Dhárwár Irrigation district. The opinions of these officers are contained in Appendix A to this report. These opinions were also circulated to the Secretary to Government, Public Works Department, and the Superintending Engineer, Deccan Irrigation Division. The opinions of the latter officers are contained in Appendices B and C to this report.

3. After a careful review of the several opinions received, we have the honour to recommend that action may be taken as proposed in the minutes of the second meeting held on the 28th August 1915, hereto appended. (Appendix D.)

(Signed) G. CARMICHAEL.
(„) G. S. CURTIS.
(„) H. S. LAWRENCE.
(„) K. R. GODBOLE
(subject to a minute of dissent).
(„) GOKULDAS K. PAREKH.
(„) G. K. SATHE.
(„) VENKATESH SHRINIVAS NAIK
(subject to a note).

APPENDIX A.

Opinions of the officers consulted on the proposals of the Honourable Diwan Bahaaur Káshinath Rámchandra Godbole regarding the formation of Irrigation Panchayats in connection with the second class Irrigation Works in the Bombay Presidency.

No. 56, dated the 21st July 1914.

From—The Honourable Diwan Bahadur K. R. Godbole, Additional Member of the Bombay Legislative Council;

To—The Secretary to the Bombay Legislative Council.

It was settled in the Irrigation Panchayat Committee meeting of the Bombay Legislative Council held on 16th ultimo that my proposals regarding the formation of Irrigation Panchayats in connection with the second class Irrigation Works in this Presidency should be sent to the following officers of Government for favour of report:—

(1) Collector of Nasik.
(2) Executive Engineer, Nasik and Ahmednagar Irrigation District.
(3) Collector of Kaira.
(4) Executive Engineer, Gujarat Irrigation District.
(5) Collector of Dharwar.
(6) Executive Engineer, Dharwar Irrigation District.

2 My proposals are contained in sufficient detail in my speech at the meeting of the Bombay Legislative Council held on 16th March 1914. I have made a small correction in sub-paragraph 4 of paragraph 10 of this speech, and have enclosed herewith 8 corrected printed copies of my speech and 8 copies of the Mysore Tank Panchayat Regulation, I of 1911.

3. My speech containing the panchayat proposals and the Mysore Regulation may be sent to the six officers noted in paragraph 1 above for favour of opinion, and the opinions, when received, may, with the permission of the chairman, be sent to the members of the Committee that met on the 16th ultimo.

No. 2088-L., dated the 1st August 1914.

From—J. Nissim, Esq., I.C.S., Secretary to the Bombay Legislative Council;

To—The Collector of { Nasik. / Kaira. / Dharwar.

The Executive Engineer { Nasik and Ahmednagar Irrigation District. / Gujarat Irrigation District. / Dharwar Irrigation District.

I have the honour to state that at a meeting of the Irrigation Panchayat Committee of the Legislative Council held on the 16th June 1914 it was decided that the proposals of the Honourable Diwan Bahadur K. R. Godbole regarding the formation of Irrigation Panchayats in connection with the second class Irrigation Works in the Presidency should be sent to certain selected officers for opinion. I am to send you herewith a copy of a speech made by the Honourable Diwan Bahadur Godbole at the meeting of the Legislative Council held on 16th March 1914, containing his proposals, and a copy of the Mysore Tank Panchayat Regulation, I of 1911.

2. I am to request you to be so good as to favour Government with an expression of your opinion on the subject at an early date.

No. 3781, dated the 8th August 1914.

From— The Executive Engineer, Nasik and Ahmednagar Irrigation District;

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088, dated the 1st instant, I have the honour to state that I consider Irrigation Panchayats will be a suitable agency for the management and upkeep

of second class Irrigation Works. Such a course if followed would in my opinion be preferable to making the provisions of the Bombay Irrigation Act of 1879 applicable to small Irrigation Works.

2. It will always be difficult, if not impossible, for the Public Works Department to maintain and repair such works efficiently except at a prohibitive cost owing to their scattered nature and any scheme which may possibly secure the desired end in a more satisfactory manner is well worthy of a trial.

3. Village Panchayats, if properly developed and given sufficient powers, should provide a solution for this difficult problem as it would really only be a development of what originally existed in the country and gave it all the fine works that are now being neglected.

4. The Village Panchayats, if formed, should be placed under the guidance of an Irrigation Engineer, who will have to be given special powers to deal with questions of distribution, design of important works, etc., actual execution being in every case entrusted to the Panchayat. It is felt that success would in this way be certain and the people would themselves take a pride in the works handed down to them by their ancestors and there would then be no need to apply the Irrigation Act of 1879 which can by no means be considered suitable, but just simply a last resource.

No. 6178, dated the 13th August 1914.

From—J. A. G. Wales, Esq., M.A., I. C. S., Collector of Dharwar;

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088 of 1st August 1914, I have the honour to state that I have little confidence in the efficiency of the Panchayat system for administrative purposes, whether Irrigation Panchayats or Panchayats for general purposes.

2. Mr. Godbole himself admits that "communal work has become almost impracticable", and this view certainly receives support from our experience in Local Board matters. Villagers will not even exert themselves to provide labour for necessary village works for which funds are provided by the Local Board. Our experience with Sanitary Committees is of the same character, though it must be admitted that sanitation is not a subject on which we can expect the ordinary villager to be enthusiastic.

3. The apportionment of "the work required for the maintainance and upkeep of the tank" (section 12 of the Mysore Regulation) is a task which few Panchayats can be trusted to carry out fairly; there will be continual complaints to the Revenue Officers of partiality and favouritism, and in the conditions of most of our villages there is every likelihood of such complaints being well founded. It will probably be much safer and speedier to trust in the first instance to the Revenue Officers.

4. No legislation, I am satisfied, can "revive and strengthen" the "old village communal spirit". Whether it ever existed to the extent that the present day *laudator temporis acti* supposes, I take leave to doubt: it was probably very little more than a well organised system of forced labour, which, under modern conditions, is no longer feasible.

No. 7764, dated the 10th August 1914.

From—J. McNeil, Esq., I. C. S., Collector of Nasik;

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088 of 1st August 1914, I think that it would be advantageous to introduce legislation which would empower Government to appoint Panchayats to manage small irrigation works with the help of funds contributed directly or indirectly by those who held land under the work.

I would deprecate a hard and fast rule as regards the constitution of Panchayats They might be wholly elective or wholly nominated or composed of both elected and nominated members. Putting aside mere efficiency for the moment I think that a sense of public duty can be developed among the intelligent members of a village community through the operations of a purely nominated committee, and that in many if not in most cases the introduction of elections may be a mischievous complication. The communal spirit or any other desirable spirit is not fostered by putting needless difficulties in the way of efficient communal management. I would have none but villagers on the Committee or Panchayat. The patel should ordinarily, though perhaps not invariably, be a member and also their executive officer. I think the Collector, whose powers would usually be exercised by the Assistant or Deputy Collector, should have extensive powers of control. He will be only too

glad if he has no mistakes to correct or omissions to supply. The villagers will certainly at first prefer that he should have such powers. I would give no subordinate officer of the Revenue or Irrigation Department the official status of advisor or auditors during the experimental stage.

I can find no record of the results of the Mysore legislation, but I attach no great importance to the omission. If Irrigation Panchayats have worked well in Mysore the experiment here will be more hopeful. If they have not succeeded in Mysore they may nevertheless succeed here.

The discussions in the Legislative Council suggest that some thousands of tanks might be possible fields for experiment. I hope that no attempt will be made to experiment simultaneously in more than a few villages in each sub-division during the first few years. If the experiment is to succeed, that is if small irrigation works are to be managed with reasonable efficiency by Panchayats, wholesale success will be more speedily attained by assisting a few committees to reach a satisfactory standard of efficiency than by trying to secure efficient maintenance of works in a large number of cases by the exercise of summary powers of intervention.

Funds contributed directly by landholders should be assessed with the approval of the Collector (*i. e.*, usually the Assistant or Deputy Collector) and should be recoverable under his orders as arrears of land revenue. A part of the water rate derived from the land irrigated should be assigned to the Committee.

No. R.—6850, dated the 22nd September 1914.

From—J. Ghosal, Esq., I. C. S., Collector of Kaira;

To—The Secretary to the Bombay Legislative Council.

With reference to your No. 2088, dated 1st ultimo, I have the honour to make the following remarks regarding the proposed Irrigation Panchayats in this district.

2. I find from figures supplied to me by the Executive Engineer, Gujarat Irrigation District, that there are about 2,210 second class Irrigation tanks small and large in this district. Fully 50 per cent. of them are inefficient and apparently beyond reclamation. Of the rest (1,075) a very large majority (about 900) or 84 per cent. are very small tanks irrigating less than 25 acres each, the average area irrigated per tank being only 6—20 acres. Generally only a few survey numbers are irrigated from such tanks and not more than a dozen persons are probably interested in each. They can easily and often do look after the tanks and no Panchayats in such cases would be either necessary or desirable. As regards the larger tanks which in this district number only about 170, Panchayats would I think, be useful except in the case of those tanks on which Government have spent large amounts in improvements It may be mentioned here that the crop irrigated from these tanks in Gujarat is mainly rice and the irrigation season lasts for about two months (September—October). The rate of Himayat is only Rs. 2 to Rs. 4 and often less. No elaborate arrangements would therefore be required in these parts as in the Deccan where different crops such as wheat, rice, sugarcane are watered from the tank.

3. As regards the constitution of the Panchayats, the members should, I think be elected from among the irrigators only; others are not likely to take much interest in them. The police patel of the village should be *ex-officio* chairman of the Panchayat and the Mamlatdar and Awal Karkun of the taluka should have power, as in the case of the Sanitary Committees, to take part in the proceedings of the Panchayats. One appeal from the decision of the Panchayats may be allowed and that should lie with the Sub-Divisional Officer in charge of the taluka. The names of Panch elected need not be gazetted.

4. The question of funds to be placed at the disposal of the Panchayats is important and on this point I think the provisions in the Mysore Regulations are suitable. I would not, however, give the Panchayat the right to sell the fishing. For in this district the fishing would be purchased for a nominal sum by the villagers and all fishing disallowed, and the poorer classes will suffer. In fact I am of opinion that the powers under section 13 (1) of the Mysore Regulations should be vested in the Mamlatdar, the proceeds, however, being credited to the Panchayat's Funds.

5. In other respects I think the provisions of the Mysore Regulations may be adopted with minor modifications to suit this Presidency. For instance most of the powers of Government under the Mysore Rules can be delegated for these petty tanks to the Collector.

No. 3726, dated the 14th November 1914.

From—P. K. Chitale, Esq., L.C.E., Executive Engineer, Gujarat Irrigation District;

To—The Secretary to the Bombay Legislative Council.

With reference to your letter No. 2088, dated the 1st August 1914, and memorandum No. 2597, dated the 30th September 1914, I have the honour to inform you that there is some misunderstanding in regard to the number of old tanks in Gujarat. In the first place their number is not so great as has been asserted and in the second many of them are not efficient at all for irrigation.

2. With a view to make the matter quite clear therefore I have prepared three statements (one for each Collectorate, *viz.*, the Panch Mahâls, Kaira and Ahmedabad) and given all the particulars required therein; it would be seen therefrom that in the Panch Mahâls there is only one old tank, rather a large one in operation irrigating 173 acres and 34 gunthas and 36 have been lately repaired or improved in the famine time which are likely to irrigate 1,500 to 1,200 acres after some years, but there is no settled irrigation on them yet. In Kaira there are 2,211 old tanks of which about half the number are inefficient, *viz.*, 1,136 and 1,075 are efficient, but 903 of them are very small, irrigating less than 25 acres under each (on an average 6·20 acres) and 99 only are large irrigating more than 25 acres (on an average 68·25 acres) and there are 73 more which have been repaired or improved lately by the Irrigation Department, irrigating on an average 93·32 acres. In Ahmedabad there are 1,217 old tanks of which only 196 are inefficient, while 675 are very small, irrigating less than 25 acres under each (on an average 7·32 acres) and 103 only are large irrigating more than 25 acres (on an average 43·16 acres) and there are besides 243 which have been repaired or improved lately by Government irrigating on an average 62·83 acres.

3. From these figures it would be apparent that for inefficient tanks nothing requires to be done, and so also for very small tanks irrigating 6 to 7 acres (both in the Ahmedabad and the Kaira Collectorate) comprising only 4 or 5 survey numbers and which are owned by a few persons mostly related to each other, there is no necessity to do anything special except to see that they are not allowed to deteriorate as the owners of the fields dependent for their supply on the tanks can look after them easily and take care of their own interests best, and no Panchayats are wanted for them. For all large tanks 250 in number (10 in the Panch Mahâls, 90 in Kaira and 150 in Ahmedabad), my opinion is that Panchayats may be appointed, when wanted, *i. e.*, when disputes arise regarding the distribution of water or when it is found that petty repairs needed from time to time are not carried out by the people concerned though warned, which they are bound to execute. There is no immediate need of appointing them except in a few villages as the people are generally doing their best to safeguard their common interests under the guidance of the Irrigation Officers at present. The Panchayats should be small consisting of not more than 3 or 5 persons who should be elected from amongst the irrigators themselves by show of hands. All the cultivators in a village should have no voice in the election as those that are not concerned will not take any interest in the matter; and there might be unnecessary trouble caused by mischievous outsiders having little or no interest in the proper maintenance of the irrigation works. The Panchayats should have at their heads the Mamlatdar of the taluka for the large tanks and for the small ones the Aval Karkuns; the Circle Inspectors cannot have much influence and they would not be listened to. The Assistant or Deputy Collector in charge of the táluka should do the necessary supervision—

(*a*) The work to be done by the Panchayats should be no other than the distribution of water and the execution of petty repairs which are often neglected; the emergent work, such as the closing of the breaches, etc., is done by the irrigators themselves when occasion arises personally.

(*b*) As regards the funds to be provided, I think large amounts are not required at all, and, if required, contributions can be granted to meet the extraordinary expenditure and my suggestion is that the one anna cess that is now levied on the pure irrigation revenue when consolidated with the land assessment should be placed at the disposal of the Panchayats, that means 6·25 per cent. of the water rates, and besides that miscellaneous receipts such as the proceeds of sales of old or dead trees, babul-pods, shingodi plantations or grass may also be granted to them. Once the tanks are put in thorough repair by the Irrigation Department, nothing would be required to be done to them for years; such is my experience at least of the tanks and bunds in Gujarat. But to provide for future contingencies in cases of urgency the irrigators may be allowed to levy an additional rate not exceeding annas 2 to 4 per acre for a year or two for meeting the cost of extensive petty repairs, if at any time required, that are to be executed by the irrigators themselves personally and for which specially the water (Himayat) rate is reduced.

(*c*) The crop to be irrigated under the tanks in Gujarat is mainly rice and the irrigating season lasts for two months only from the middle of September to the middle of November. No elaborate arrangements are therefore wanted here as in the Deccan

where there are different crops to irrigate, such as sugarcane, rice, wheat, etc., and the irrigation goes on almost the whole year; much more attention and frequent repairs are therefore needed there to keep the works in order and maintain them in efficient condition than in Gujarat, and the cost of doing so is greater too and the water rates are proportionately higher varying from Rs. 5 to 10 per acre I believe, while here the Himayat water-rate is only Rs. 2 to 4 per acre, and sometimes it is even less than that as much as a rupee or half or quarter of a rupee in some upland talukas such as Kapadvanj and Thasra.

4. In conclusion I might state that it is very difficult to get free labour here at all times and it is not available at all at the time of the sowing or harvesting season; it would be therefore quite impossible to carry out the petty repairs needed to the large number of works and the responsibility for executing them should be placed on the irrigators themselves and not assumed by Government in any way. The people understand their interests well and when properly guided and instructed, they are willing to give the utmost assistance in the maintenance and repair of their own irrigation works on which their crops or rather their livelihood depends. Such at least has been my experience in Gujarat during the long period of 8 years in which an extraordinary development of irrigation has occurred on the old as well as new works.

Accompaniments:—

3 Statements.

P. S.—Bunds mean tanks on which there is rice cultivation outside, for the irrigation of which water is drawn off from the tank and then rabi cultivation is made inside on the moisture left in the soil.

Statement of old tanks repaired or improved lately in the Panch Mahals Collectorate.

Serial No.	Name of taluka.	Number of tanks.	Number of inefficient tanks.	Number of efficient tanks expected to irrigate less than 25 acres.	Number of efficient tanks expected to irrigate more than 25 acres.	Number of efficient tanks repaired or improved by this Department.	Total of efficient tanks.	Number of other tanks repaired or improved by this Department.	Area to be irrigated by tanks (*Nil*) as per column 5.	Area to be irrigated by tanks (*Nil*) as per column 6.	Area to be irrigated by tanks (1) as per column 7.	Total area to be irrigated by the tanks (1) as per column 8.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
											A. g.	A. g.	
1	Godhra	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*	14*	...	...	.....	.....	* Out of these 14 new tanks improved or repaired, 5 are not yet in operation and they require to be completed.
2	Kalol	1	...	...	...	1	1	3	...	...	173 34	173 34	
3	Halol Mahal	...	...	...	...	...	...	9	...	...	.....	.....	
4	Dohad	...	...	...	...	...	...	8†	...	...	.....	.....	† Out of 8 new tanks, one constructed in the famine of 1911-12 is yet incomplete.
5	Jhalod Mahal	...	...	...	...	...	...	2	...	...	.....	.....	
	Total ...	1	...	...	...	1	1	36‡	...	...	173 34	173 34	‡ 27 small. 9 large.

Note.—Besides these there are several other tanks improved by the Civil Agency in the famine of 1911-12, some of which are likely to be fit for irrigation and they are being gradually surveyed and brought into use.

Statement of old tanks repaired or improved lately in the Kaira Collectorate.

Serial No.	Name of taluka	Number of tanks.	Number of efficient tanks.	Number of efficient tanks expected to irrigate less than 25 acres.	Number of efficient tanks expected to irrigate more than 25 acres.	Number of efficient tanks repaired or improved by this Department.	Total of efficient tanks.	Number of other tanks repaired or improved by this Department.	Area to be irrigated by tanks (903) as per column 5.	Area to be irrigated by tanks (99) as per column 6.	Area to be irrigated by tanks (73) as per column 7.	Total area to be irrigated by tanks (1,075) as per column 8.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14
									A. g.	A. g.	A. g.	A. g.	
1	Mehemdabad	336	117	194	9	16	219	2	1,465 30	622 27	1,643 8	3,731 25	* 39 small. 60 large.
2	Nadiad	574	259	300	12	3	315	2	1,423 21	1,037 15	313 3	2,773 39	† This is the only area assessed to Himayat on all these tanks which are improved recently.
3	Anand	291	233	37	20	1	58	...	343 11	1,116 0	326 0	1,785 11	‡ Some of these are under the influence of the Khari Sluices.
4	Borsad	180	15	157	3	5	165	2	794 20	93 35	103 35	992 10	§ 43 small. 30 large.
5	Thasra	196	124	60	7	5	72	7	275 18	520 0	244 24	1,040 2	¶ Extra area irrigated not assessed to Himayat.
6	Kapadvanj	198	156	31	...	11†	42	10	127 23	...	†0 35 ¶150 0	128 18	‖ These figures do not include the Kalambandhi villages and the Goblaj and the Tranja Nagrama tanks.
7	Matar	436	232	124	48	32‡	204	1	1,168 3	3,366 21	4,180 27	‖ 8,715 11	
	Total ...	2,211	1,136	903	*99 (a)	73§	1,075	24 (b)	5,598 6	6,756 18	6,812 12	19,166 36	
											150 0		
									6·20	68·25	93·32	17·83	Average per tank.

(a) Some of these tanks are not found to irrigate as much area as is assessed to Himayat and some either belong to Inamdars or are situated in Wanta lands.

(b) These are new tanks brought into operation and for which no areas are given as they vary from year to year.

Statement of old tanks repaired or improved lately in the Ahmedabad Collectorate.

Serial No.	Name of taluka.	Number of tanks.	Number of inefficient tanks.	Number of efficient tanks expected to irrigate less than 25 acres.	Number of efficient tanks expected to irrigate more than 25 acres.	Number of efficient tanks repaired or improved by this Department.	Total of efficient tanks.	Number of other tanks repaired or improved by this Department.	Area to be irrigated by tanks (675) as per column 5.	Area to be irrigated by tanks (103) as per column 6.	Area to be irrigated by tanks (243) as per column 7.	Total area to be irrigated by tanks (1,021) as per column 8.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
									A. g.	A. g.	A. g.	A. g.	
1	North Daskroi	202	41	149	7	5 †	161	...	757 13	231 2	380 32	1,369 7	* 53 small. 50 large.
2	South Daskroi	375	45	227	28	75 †	330	...	1,790 30	1,078 16	2,705 16	5,574 22	† These are mostly under the influence of the Khari Cut Canal system.
3	Sanand Mahal	205	6	99	39	61	199	1	912 0	1,895 1	5,100 4	7,907 5	‡ 143 small. 100 large.
4	Viramgam	159	42	81	8	28	117	...	458 34	306 14	1,555 22	2,320 30	
5	Dholka	276	62	119	21	74	214	5	1,020 2	934 24	5,536 22	7,491 8	
	Total ...	1,217	196	675	*103 (a)	243‡	* 1,021	6	4,938 39	4,445 17	15,278 16	24,663 32	
									7·32	43·16	62·83	24·16	Average area per tank.

(a) Out of these some are not able to irrigate as much area as is assessed to Himayat on them and some tanks are in Inami or Wanta lands.

Note.—There are no old tanks in the Dhandhuka and Prantij talukas, as also in the Ghoga and Modasa Mahals, except those belonging to Talukdars.

No. 435, dated the 13th February 1915.

From—J. K. Williams, Esq., Executive Engineer, Dhárwár Irrigation;

To—The Secretary to the Bombay Legislative Council.

In reply to your No. 2088, dated August 1st, 1914, I have the honour to state that after having talked to many irrigators on this subject I agree with the proposals of the Honourable Diwán Bahádur K. R. Godbole as far as small tanks are concerned.

2. From what I could gather from the irrigators I talked to, I came to the opinion that they on the whole did not dislike the present system as far as it went, but they all complained that nothing was being done to many small tanks, which would often be of great value, but which were now being left to fall in disuse. They have apparently lost all idea of their own responsibility regarding tanks, whether small or large ones.

3. I am also often having petitions for repairs to small tanks which are not on my list of second class tanks in my charge which bears this out.

I think also that the village tanks are so closely bound up with the actual pecuniary interests of the rayats that there is a chance of their combining to keep them in repair if the Tank Panchayats were formed, and that they possibly would not go the usual way of such committees in India.

4. I am quite convinced too that the present system is not all that can be desired. The result of it is that only the major repairs for which the Irrigation Department are responsible are done and the small repairs supposed to be done by the rayats themselves are almost totally neglected.

5. There are many second class tanks, old works, which, though classified as second class tanks because they existed before the Irrigation Department was formed, are really first class works, and consist to a considerable extent of masonry works. These would, I consider, be quite beyond the scope of Village Tank Panchayats.

6. I am of the opinion therefore that the second class tanks should be carefully gone into by the Irrigation and Revenue Departments and reclassified. In one list should be included all tanks irrigating lands belonging to more than one village and all tanks irrigating above a certain number of acres. For all the repairs of these both large and petty ones the Irrigation Department should be responsible; the distribution of the water and the distributory channels remaining in the hands of the irrigators as at present. In the other list the remaining tanks should come and these should be managed entirely by the Village Tank Panchayats. The number of acres irrigated for the latter list could be at first well kept low. If the proposed Panchayats are found to work well the number can easily be increased at a later date after trial.

7. I regret the great delay in disposing of this call, but the question is an important one, and I did not feel competent to give my reply till I had talked personally with a considerable number of persons likely to be interested in the case on the spot.

APPENDIX B.

No. D—71, dated the 23rd July 1915.

From—H. F. Beale, Esq., M.Inst.C.E., Secretary to the Government of Bombay, Public Works Department;

To—The Secretary to the Legislative Council of the Governor of Bombay.

With reference to your letter No. 936-L., dated 20th April 1915, I am directed to communicate the following remarks on the proposals of the Honourable Diwán Bahádur K. R. Godbole regarding the formation of Irrigation Panchayats in connection with the second class irrigation works in the Bombay Presidency.

2. The Mysore Panchayat regulation was passed in January 1911.

Certain rules were sanctioned in connection with it in January 1914, enabling the Act to be brought into operation.

In March 1915 an order issued that progress should be reported half-yearly.

In May 1915, 42 Panchayats had been constituted and of these 15 were in working order. It is not possible yet to say whether the scheme is a success or otherwise.

3. The Mysore regulation does not apply to minor tanks, *i. e.*, those yielding a revenue of less than Rs. 300 (perhaps 50 to 100 acres irrigation). In December 1914 certain orders issued concerning the repairs to minor tanks in Mysore directing that the cost of the works

should be defrayed by both Government and the villagers, the share of the latter being one-third of the whole. The construction of the work was to be entrusted to the villagers.

4. The question of the applicability of the Mysore Panchayat regulation to the Bombay Presidency has been very variously reported on by different officers.

More than one officer has pointed out that the 'old system' of construction and maintenance was not so much communal as one of forced labour under village officers duly empowered. "Free labour from villagers" as the Honourable Diwán Bahádur Godbole puts it in his speech (end of second period on page 4 of his speech) has been abolished now. But co-operation may be introduced by the Panchayat system.

5. Before proceeding further it is advisable to advert to another remark made in the Honourable Mr. Godbole's speech, *viz.*, that the irrigators are paying too high an assessment for water on second class irrigation works, as compared with the charges levied on first class works. As examples of the latter he has chosen the Girna Canal which is quite new and undeveloped, and the Palkhed Canal which is old but not well arranged. The Nira Left Bank Canal would yield a fairer comparison. On it the average net revenue is Rs. 8 per acre. But the fairest comparison is between the Nasik 'thal' irrigation and the 'block' irrigation on the Nira, and in this case the comparison is as follows:—

	Consolidated assessment.	Water-rate per acre.	Diwán Bahádur's figures.
	Rs.	Rs.	Rs.
Dabhadi, the heaviest rate	14·35	11·81	12·32
Sangameshwar	10·23	5·65	8·30
Bej	13·43	11·49	11·97
Munjwad	9·77	8·20	8·73
Nira Left Bank in blocks	.....	*13·33	.....

Thus the water charges on first class irrigation works are actually higher than on any second class works.

6. It is generally recognized (even in Mysore) that the Panchayat would not, as a rule, be capable of designing and carrying out masonry works, and it should be laid down that all designs and estimates for alterations and improvements must always be made by the Public Works Department for works figuring on the Public Works list.

A portion of the execution (earthwork, etc.) might be entrusted to the Panchayat, if constituted, but it would have to be under the control and direction of the Public Works Department.

7. The Superintending Engineer, Deccan Irrigation Division, Mr. Cadambi, has pointed out that the second class works are less numerous than has been imagined. Complete lists have now been prepared and printed for the following districts (north to south):—

Ahmedabad,
Kaira,
East Khándesh,
Násik and Ahmednagar Irrigation,
Ahmednagar,
Poona Irrigation, and
Belgaum.

and a copy of each is †attached.

8. Small tanks omitted from these lists need not be considered. They are generally properly managed by the owners in their own interests and they are under the supervision of the Revenue Department.

9. 'Inefficient' tanks are those, which cannot, with any reasonable expenditure, be made useful. These also need not be considered.

10. Many of the 'efficient' tanks are now well managed, and no disputes take place about distribution of supplies or repairs. These would therefore not be notified under the Act, as recently amended, so they need not be considered either.

11. There remain then the efficient tanks and bandharas to be notified under the Act on which either repairs or distribution are somewhat unsatisfactory. For these a suitably

* Revenue 16 Rs. – 2·67 Rs. working expenses = 13·33 net revenue.

† Not printed

constituted Panchayat could be very usefully employed and the experiment may be made in one or two places to commence with.

12. The headman should be the Village Patel, and there may be three to five members, who should be owners and tenants in the irrigated area, elected by the same class of men. No outsiders (except the patel) should be either elected or electors.

13. The Panchayat's duties would be—

(i) to control the water-supply and distribution;

(ii) to see that petty repairs are carried out by the responsible individuals (the Panchayat will allot the correct share of this task to each) either by actual work, or by equivalent payment. Default of payment would be reported to the Collector and recovered as an arrear of land revenue;

(iii) to look after the maintenance with the necessary staff of patkaris, havildárs, etc.;

(iv) to carry out urgent repairs such as prevention or filling up of a breach, etc.; and

(v) (if called upon) to help in carrying out works of improvement or alteration under the control of the Executive Engineer.

These are the duties assigned to the Panchayat in the Mysore regulation which appear a reasonable provision.

In deciding cases about water rights, etc., the Panchayat should sit in public in the chowdi and deliver their verdict openly. An appeal will lie to the canal officer, and ultimately to the Collector.

14. The funds required would be mainly for the maintenance, establishment and for urgent repairs. A small irrigation cess may, if possible, be provided for this purpose.

If the Panchayat should fail at any time to carry out its duties satisfactorily, recourse can be had at once to the Irrigation Act, Part X, the provisions of which could be enforced.

APPENDIX C.

No. 4268 of 1915.

Poona, 26th June 1915.

From—S. Cadambi, Esq., Superintending Enginneer, Deccan Irrigation Division;

To—The Secretary of the Legislative Council of the Governor of Bombay, Poona.

I have the honour to refer to your letter No. 937-L., dated the 20th April last, regarding the creation of irrigation Panchayats for the management of the second class irrigation works in the Bombay Presidency.

2. My competence to speak on this subject rests not only on my having administrative charge of these works contained in the Deccan Irrigation Division. Some 20 years ago I was in charge of the Tank Sub-division in the Belgaum Collectorate for about three years. For five years I held executive charge of the old Khándesh Irrigation District and the West Khándesh District, containing an important group of bandharas in the Valleys of the Khándesh rivers rising in the Ghauts.

3. It is admitted on all sides that these small old irrigation works, where they exist, are valuable and useful, and serve their own purpose. At the same time, however, I wish to clear the ground when a somewhat misleading vague statement is made regarding the geographical extent and number of the second class irrigation works, namely, "that the works are situated in all the districts of the Bombay Presidency proper, except Sholápur, Thána and Kolába; and that their number, large and small, may be put down at 8,000".

4. These works are possible only under certain physical and climatic conditions. They are, for tanks, gently undulating *alluvial* plains as found in parts of Gujarát and Southern Marátha Country (Dhárwár and Belgaum); and for "pat-bandharas", certain rivers, with a steady perennial flow, and low-lying belt of land on either bank, as found in the upper parts of the Valleys of the Godávari and Khándesh rivers, rising in the Ghauts.

5. Hence, as a rule, the works are distributed as under:—

Tanks.—In Gujarát are found in certain tálukas of Panch Maháls, Kaira and Ahmedabad Districts only.

Karnátik.

In certain tálukas of Belgaum and Dhárwár Districts only.

Pat-Bandharas.

In certain tálukas of Násik and West Khándesh Districts only.

Besides these, there are a few isolated works, which can be counted on one's fingers, in Poona, Sátára and East Khándesh Collectorates.

NUMBER OF WORKS.

Gujarát Tanks.

6. Mr. Chitale, Executive Engineer (*vide* paragraphs 1 to 3 of his letter No. 3726, dated the 14th November 1914, and statements accompanying), has removed the misunderstanding in regard to the number of old tanks in Gujarát and given correct numbers as follows:—

District.	Total number of tanks.	Number of efficient tanks.	Number of efficient tanks irrigating *less* than 25 acres.	Number of efficient tanks irrigating *more* than 25 acres.
Panch Mahals	1+36	37	.....	37
Kaira	2,211+24	1,075+24	903	196
Ahmedabad	1,217+ 6	1,021+ 6	675	352
Total ...	3,495	2,163	1,578	585

These figures may be contrasted with those assumed by the Honourable Diwán Bahádur Godbole, as 4,300 small tanks in Gujarát, in addition to those on the Public Works list.

Of the total number of 3,495 tanks *including those on the Public Works List*, 1,332 are inefficient and 2,163 are efficient.

Of the latter, 1,578 irrigate less than 25 acres; and may be let alone to the individual proprietors not hampered by interference of either Government agency or a Panchayat.

Thus the number of tanks of public importance in Gujarát is only 585, of which 250 are returned as large tanks.

7. A word of explanation is necessary with regard to the tanks classed as "inefficient".

In some cases they re relics of some earthwork or bund, which was undertaken for building a tank, but which was not completed or abandoned as not feasible. In other cases, an old tank existed, which is damaged or is beyond repairs.

In all the cases, an "inefficient tank" cannot be rendered efficient, except at a prohibitive cost, or without the results obtained being out of all proportion to the permanent interests destroyed, as, for instance, the area of lands submerged by a tank is much in excess of the area irrigated, etc., etc.

8. *Works in the Deccan and Karnátik.*—I have not ready at hand similar correct figures, showing for the Deccan and Karnátik—

(*a*) the total number of old works;

(*b*) the number of inefficient ones as explained above;

(*c*) the number of works irrigating a small area belonging to one or a few persons of one or allied families; and

(*d*) the number of works of really public importance.

It is not stated for what reasons the Honourable Member thinks that their number is over 3,000 in addition to those on the Government list.

During the periods I was directly in charge of those works in Belgaum, Khándesh and Násik Districts, I was concerned in the task of preparing or revising the returns of works to be brought on the Public Works list. At that time, we, with the assistance of the Revenue authorities, went round, examined and selected the works. All works, which are strictly inefficient in the sense explained above, and all others which are vested in a compact minority of individuals have been excluded. From the knowledge of the working methods adopted in preparing and revising the Public Works lists, I can confidently promise that the number of useful works omitted from the Government lists is neither large nor worth the price of Government interference or Panchayat *control*.

9. The above observations also rebut the Honourable Member's argument that his proposal will provide efficient machinery for 8,000 works instead of 1,344 only.

10. Now I come to the discussion of the vital question regarding the upkeep, maintenance and management of these works.

The repairs required for the upkeep, efficiency and maintenance of these works may be grouped under the four following heads:—

(1) Repairs to the existing masonry works and works of a special nature, such as outlets, waste-weir, regulators, escapes, lining wall, aqueducts, culverts and bridges, etc.

(2) Additions and alterations to ditto.

(3) Extensions and improvements of the existing works where demanded or found necessary.

(4) *Petty Repairs.*

These are as defined and enumerated under heads (1), (2), (3), (4) and (5) of section 84, Part X, of the Bombay Irrigation Act, 1879.

The first three classes of repairs require scientific knowledge and technical skill in designing, and trained and expert labour and supervision, and imported materials such as iron, cement, etc., in carrying them out.

11. Government, from very early times, have recognised the useful nature and value of the second class irrigation works, and pledged themselves to carry out the first three classes of (1) repairs, (2) additions and alterations, and (3) extensions and improvements. I know of one instance of the very early interest taken by Government, *viz.*, that, in the early forties of the last century, these operations, in behalf of the bandharas in the old "Province of Khándesh", were directed by the Territorial Department of the Government of the Honourable East India Company.

Since those days Government have continually watched the working and efficiency of these works and annually expended large sums of money on the first three classes of repairs enumerated in paragraph 10 above.

12. The expenditure in past ten years is given below:—

Year.	Expenditure. Rs.
1904-05	5,03,037
1905-06	4,46,116
1906-07	4,24,341
1907-08	4,01,568
1908-09	5,01,327
1909-10	4,28,584
1910-11	4,47,155
1911-12	4,37,344
1912-13	3,94,390
1913-14	3,63,392

N.B.—The figures include works in Gujarát, Deccan and the Karnátik.

These repairs in their own nature require a technical agency, and are beyond the scope of a village headman (as he now is), or a village community, or a Panchayat body.

13. Even supposing that a Panchayat is constituted for the fourth class of repairs called "petty repairs"; and that they are provided with a contribution of one-third of irrigation revenue, it is a pertinent question to ask whether the Panchayat will themselves find the technical agency or will demand Government Public Works to survey, design, estimate and carry out annually the first three classes of repairs to the numerous works under the Panchayats.

14. Reverting to the fourth class of repairs, defined and enumerated as *petty repairs*, Government, in the early days when they fixed their policy with regard to the second class irrigation works, have taken into account the then existing settlement of these works, the rights and privileges of the irrigators, and their responsibilities. They acknowledge their rights of taking water according to their wonted custom, and imposed upon them the obligation, handed down from the days of the previous rulers, to perform the "petty repairs", while Government, on their own part, pledged themselves to carry out "technical repairs".

15. Government have kept their pledge and spent large sums of money on the second class works as shown above, while the persons concerned have failed in their obligation to perform the "petty repairs".

16. It is not for me to traverse the old lines of argument whether the persons concerned should not be relieved of the burden of obligations for carrying out petty repairs, and whether Government should not undertake the same as they have done in the case of technical repairs.

17. The principle of the people's obligations has been accepted by the Legislative Council of the Governor of Bombay, and embodied in section 84, Part X, of the Bombay Irrigation Act. The question has thus been set at rest for ever.

18. The manner of enforcing this obligation has been enacted in sections 85, 86 and 87 of the said Act.

19. It is suggested that the above legislation will not avail, and that, instead, village Panchayats should be organised and established by legislative sanction.

20. Before proceeding further I recapitulate below the grounds on which the Panchayat agency is advocated:—

(1) That the works were first constructed by the people themselves.

(2) That the village autonomy (I should prefer to call village executive Government) and communal spirit which existed in old days were sufficient to keep these works in order.

(3) That the village officers lost their authority by the transference of higher powers to the more centralised and powerful authority.

(4) That the recently passed Bill does not adequately meet the requirements and that over 6,500 of the works will be left out.

(5) That the Public Works Department or a Government technical agency is quite unsuited to carry out the repairs, and that a local agency is alone capable of carrying out economically the petty repairs.

(6) That the Mysore Government have passed a similar regulation.

Answers to the above.

21. Very little is known regarding the origin of these works, or by whom they were constructed. In my opinion it is quite wide of the mark to say that the people themselves constructed these or any of these works.

Grounds (1) and (2) seem to imply that in the old days there was a sort of republican feeling and activity in the villages, and that they counselled together and projected, constructed and managed these works.

Far from it, however, from the meagre knowledge we possess of the past history, a village or a small group of villages, formed the chief unit of executive Government, bound to the adjoining units or to a distant territorial Lord by more or less loose political ties, such as paying a tribute, maintaining a contingent of troops for defence, etc.

The Village Chief or Governor, ruled his people, was their Chief Magistrate, and carried out public works by his own executive authority.

This is far different from saying that the people themselves constructed the works as if they formed a Joint Stock Company or Coporation apart from the Government agency of the day.

22. Nor was there any better and more communal spirit than paying implicit obedience to the village chief who might demand forced contribution or employ forced labour.

23. It must be said to their credit that these works were designed for the welfare and benefit of many persons, though some persons, by their influence and power, claimed a lion's share. If they successfully managed and maintained their works, it was by virtue of the orders of the village chief or "Government agency of those days".

24. If there were ever that much-talked-of 'communal spirit' really fostered and developed in those days, it is not understood why people born and bred in that spirit should neglect their own interest, and not carry out petty repairs in later days when the patels' superior influence is relegated to a more powerful and central authority.

25. From a people in whom no communal spirit has formerly existed in the sense in which we understand the term, or in whom it is yet to be fostered (it may be noted that there is no question of reviving the communal spirit), it is extremely doubtful whether an influential and efficient Panchayat could be formed for managing these works.

26. Next, it may be asked why Government have failed so far to exact from the people concerned the performance of the obligations imposed upon them in the matter of "petty repairs".

My answer to this question is that the "Bill further to amend the Bombay Irrigation Act, 1879", which has been passed in the Legislative Council last year ought to have been in the Statute Book 50 or 60 years ago.

27. Next, I take up the argument that a Government agency, is not so suited or effective as a local agency, keenly interested in affairs which they regard as their own.

I admit the force of this argument. Government agency cannot nowadays exercise the power which the village chiefs of old exercised in levying a forced contribution or employing forced labour.

In my opinion, however, the provisions of the new Act are adequate to meet the requirements in the altered circumstances of the modern times.

28. On the other hand the difficulty is to find and create a suitable, business-like and efficient Panchayat. Let us analyse this question fully.

If the Panchayat is to be entrusted with a certain proportion of the irrigation revenue as suggested, it must be fit and capable of carrying out both "technical" and "petty" repairs. This, I have already pointed out, is impossible in the present condition of the people.

29. If the Panchayat is held responsible only for "petty repairs", then no contribution from Government is admissible as the carrying out of "petty repairs" is an obligation imposed on the people from immemorial custom.

In that case the Panchayat shall have to do what is now required of the canal officer and patel under sections 76 to 88 of the new Act. It shall have to frame, revise and keep record-of-rights regularly and systematically, inspect the works and call upon the persons concerned to carry out the repairs. If the persons fail to do so, the Panchayat should carry out such repairs by levying a contribution, or it shall have to raise a common fund and account for the expenditure.

30. Such Panchayat is impossible in the present state of affairs. If at all formed, its work and operations will have to be supervised and controlled in the same manner and to the same extent as if Government directly undertake the task as laid down in the new Act.

31. With regard to the Mysore regulations, as far as my information goes, it was passed four years ago and it has not been found expedient to introduce the regulation in practice on any considerable scale yet.

A few Panchayats, I understand, have been constituted within the past year or so; and they have not been working for a sufficiently long time to give any practical proof of the work and efficiency.

32. In the Madras Presidency, where they have a numerous class of works corresponding to our second class irrigation works, they are yet contemplating a Panchayat system, and are now collecting the opinions of the Government officers and people concerned. On the other hand, for a long time, they have in force a "Kudi-Naramat Act", or an Act to enforce the obligations of ryots for "petty repairs" similar to our new Act.

33. Lastly, while I am opposed to the formation of irrigation Panchayats, as proposed by the Honourable Diwán Bahádur Godbole, I am in favour of the view that a step may be taken to foster public spirit and co-operative feeling among the persons interested in a second class work, so as to facilitate the work of the canal officer and the village patel under the new Act.

At present, on a large tank or pat-bandhara, there are many irrigators with varying shares of interest and holdings, who do not co-operate and work in harmony with regard to the distribution of water, or carrying out of "petty repairs".

In such cases the interests of the well-meaning majority suffer from the opposition or apathy of the recalcitrant few.

A representative body among the irrigators may be formed who, by their influence and disinterested action, will regularly inspect and watch the interests of the irrigation work. They may, by their probity and energy, bring round the erring co-sharers to their sense of responsibility. If they fail, they can immediately resort to the canal officer and village patel to put into motion the provisions of the new Act. When the canal officer orders the execution of repairs under section 86 of the Act, this representative body may be given such work to do as if they are Government contractors, and may be paid for at the usual rates paid for such repairs, the expense so incurred being recoverable as provided in the same section.

34. In this manner Government will have a ready-made agency of carrying out the petty repairs on cash payment and at the right moment, which is now pointed out to be a great difficulty, if Government agency under the new Act be employed. The representative body in turn will rise in importance and usefulness in the estimation of their co-sharers.

35. Thus, will be laid the beginnings of what may, in course of years, under favoured circumstances of public spirit and co-operation, grow and develop into a full Panchayat as contemplated by the Honourable Diwán Bahádur Godbole.

APPENDIX D.

Minutes of the Meeting of the Irrigation Panchayat Committee held on the 28th August 1915.

The Committee to consider the possibility of constituting irrigation Panchayats and to report if a Bill on the lines of the Mysore Tank Regulation No. I of 1911 cannot be framed to deal with second class irrigation works in this Presidency, met at the Council Hall, Poona, on Saturday, the 28th August 1915, at 11 A.M. The following members were present:—

The Honourable Mr. G. Carmichael, C.S.I., I.C.S., Chairman.
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. H. S. Lawrence, I.C.S.
The Honourable Diwán Bahádur Kashinath Ramchandra Godbole.
The Honourable Mr. G. K. Parekh.
The Honourable Ráo Bahádur G. K. Sathe.
The Honourable Ráo Sáheb V. S. Naik.

H. F. Beale, Esq., M.Inst.C.E., Secretary, Public Works Department, was also present.

2. In discussing the possibility of constituting irrigation Panchayats for the Northern Division, the Honourable Diwán Bahádur Godbole strongly advocated their formation and quoted in support of his opinion the authority of the Collector of Kaira that 170 Panchayats could be formed in his district.

3. The Honourable Mr. Curtis did not think that there was any demand for a Panchayat in the Northern Division and the Honourable Mr. Parekh agreed with this view.

4. Referring to the Central Division, the Honourable Mr. Curtis suggested that an experiment should be tried. It would be easy to constitute Panchayat by executive order and hand over to them for management certain selected works. Before doing so it would be necessary to draw up record-of-rights in irrigation Panchayat works under section 73 and thereafter for the Panchayat to work through and with the advice of the civil officer. The experience gained in this way would be valuable as showing whether additional legislation will be wanted or not. The idea was approved of and it was agreed that for the purposes of experiment, Panchayats should be constituted for the management of five bandharas on the Shiv river at Sinnar and five bandharas on the Banganga river at Dindori. This selection to be subject to the Collector's approval.

5. With regard to the Southern Division, the Honourable Mr. Curtis thought that an experiment could be started in Southern Division without legislation. The Honourable Ráo Sáheb Naik welcomed the idea and considered that an irrigation Panchayat would prove successful in Ranebennur.

6. Referring to maintenance, repairs and upkeep of these second class irrigation works, the Honourable Diwán Bahádur Godbole urged that in view of the fact that Government realise large irrigation revenue and do not contribute to the cost of improvements, repairs, etc., no contributions should be called for from the irrigators, as in that case the scheme would prove a failure and no Panchayats could be got to work on those lines.

7. The Honourable Mr. Curtis and Mr. Beale pointed out that Government were actually spending large sums on these works, and that it was necessary that the Panchayats should contribute. It was agreed that grants should be given by Government to Panchayats on the understanding that an equal amount be forthcoming in subscriptions. If, however, the Panchayats preferred to continue working under the present system under which Government undertake special repairs from time to time they could do so.

8. The Committee then resolved as follows:—

(i) That an experiment should be tried of handing over certain bandharas and tanks to Panchayats for management in the Central Division and the Southern Division. In the former division the *locale* should be the Nasik District. Five bandhâras on the Shiv river in the Sinnar táluka and five on the Banganga river in Dindori táluka could probably be handed over. But on this point the Collector should be consulted before they are finally selected. In the Southern Division the Commissioner, S. D., should select six tanks for experiment.

(ii) *Constitution of the Panchayats.*—The Panchayats are to be constituted by the Collector by nomination. The members of the Panchayats are to be selected from amongst the irrigators and they are not to exceed seven in each case.

(iii) *Duties of the Panchayats.*—The duties of the Panchayats to be as described in Mr. Beale's Report,* paragraph 13, sub-paragraphs (i), (ii) and (iii), and section 84,† clauses (1) to (5) inclusive, of the Bombay Irrigation Act No. VII of 1879.

(iv) *Finances.*—For the purposes of this experiment, the Panchayats may either select to work under the present system under which Government undertakes to carry out special repairs and improvements from time to time; or they may collect funds by voluntary subscription, and Government will undertake to contribute an equal amount.

9. The following sums should also be placed at the disposal of the Panchayats:—

(1) The amounts accruing from the failure to fulfil the obligations imposed under section 86 of Bombay Act No. VII of 1879.

(2) The sum realised by the sale of grazing, fishing and the produce of trees, also from cultivation in tank beds, if sanctioned by the Collector.

(3) Any grant by Government for special repairs and improvements, provided that an equal amount is forthcoming by contribution from irrigators.

10. The Committee then adjourned *sine die*.

Minute of dissent by the Honourable Diwán Bahádur Káshinath Rámchandra Godbole.

At the Select Committee meeting on 28th August 1915, I pointed out that the proposed experimental Irrigation panchayats would be failures if some Government funds were not placed at their disposal irrespective of any subscriptions to be paid by the irrigators themselves. I advocated that $\frac{1}{3}$ (or some other suitable proportion) of the Irrigation Revenue of the works placed in charge of a panchayat should be placed at the disposal of that panchayat for the repairs and improvements of the works. This in my opinion is absolutely necessary if we wish the panchayats to succeed. With these funds at the disposal of the panchayats Government need not spend any additional funds for the upkeep and improvement of these most useful works. At present, Government spend money on the repairs and improvements of these works once in 15 or 20 years and probably do nothing for the next 15 or 20 years by which time whatever has been done previously goes to ruin and many of the previous repairs and improvements have then to be carried out *de novo*. The institution of a panchayat will be a decided improvement on this wasteful method. There will be a machinery on the spot to efficiently maintain what has been done once.

The Honourable Mr. Curtis was however unable to accept my views in the matter of Government grants and Mr. Beale seemed to concur with him.

As regards Mr. Beale's and Mr. Cadambi's reports, both these officers seem to ignore the necessity of restoring and maintaining *all second class Irrigation Works, large and small.* They are all very valuable works and some machinery

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* *See Appendix B for Mr. Beale's Report.*—Sub-paragraphs (i), (ii) and (iii) of paragraph 13 of the report are as follows:—

(i) to control the water-supply and distribution;

(ii) to see that petty repairs are carried out by the responsible individuals (the Panchayat will allot the correct share of this task to each) either by actual work or by equivalent payment. Default of payment would be reported to the Collector and recovered as an arrear of land revenue; and

(iii) to look after the maintenance with the necessary staff of patkaris, havildárs, etc.

† *Section 84 of the Bombay Irrigation Act, 1879, runs as follows:—*

"84. In every second class irrigation work the following repairs shall be performed by the persons on whom the obligation to perform them is imposed by the next following section, that is to say—

Obligation to carry out petty repairs.

(1) The filling up of gullies, ruts and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds, of tanks, channel-banks or other portions of the said second class irrigation work.

(2) The prevention of the growth on such work of prickly pear, young trees and other vegetation endangering the safety or concealing the condition of such work.

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of such work.

(4) The clearance of silt from sluices, supply and distributing channels.

(5) The clearance of waste weirs and waste channels.

has to be found out for their restoration and constant efficient maintenance. Irrigation panchayats is the machinery I have suggested and my views have been fully accepted by the Executive Engineers, Násik and Ahmednagar and Dhárwár Irrigation Districts who are at present managing and administering the bulk of the second class Irrigation Works in this Presidency. The Executive Engineer, Násik and Ahmednagar Irrigation District, goes even further. He says "Irrigation panchayats are preferable to making the provisions of the Bombay Irrigation Act of 1879 applicable to small Irrigation Works." Messrs. Beale and Cadambi seem also to doubt the accuracy of some of my statements. I may state here that I have authority for every statement that I have been making.

10th October 1915. (Signed) K. R. GODBOLE.

Note by the Honourable Ráo Sáheb Venkatesh Shriniwas Naik.

The report proposes to form a few Panchayats as an experimental measure, and no legislation is to be undertaken unless the result of their working is seen. I do not like to raise a dissent regarding the funds to be made available for these Panchayats but only sign the report subject to the following note :—

In addition to the petty repairs covered by the obligations imposed by the Act upon the irrigators under section 84 of the Act the second class irrigation works may require certain repairs year after year. These being small may not attract the attention of Government, and after some time they may grow into serious disrepairs, requiring big sums of money. If these things are attended to in time, they save a good deal of Government money, which they are spending occasionally when necessity arises. For this purpose a portion of the Irrigational Revenue, say one anna in a rupee, should be made available for these Panchayats every year, and they may be asked to keep a separate account of this fund. Whenever extraordinary repairs due to causes beyond the control of the Panchayats and the Irrigators are found necessary Government should do them as they now do, not asking for any contributions from the Irrigators.

Sub-paragraph IV of paragraph 8 of the minutes, proposes that the Panchayats may be asked to select one of the two alternatives, viz., (I) to work under the present system of Government undertaking to carry out special repairs and improvements from time to time or (II) the Panchayats collecting funds by voluntary subscription from the Irrigators Government contributing an equal amount. If the latter is selected and if the improvements or special repairs to be done become heavy, costing big sum, the Panchayats may not be able to collect half the cost of the estimates of such repairs from the Irrigators and they may remain unattended to. I therefore suggest that a certain limit should be fixed having regard to the size of an irrigational work and the revenue it yields and when the cost of such repairs exceeds such limit Government should pay fully, and when the cost is less than this limit the Panchayats should collect half the cost as contribution from the Irrigators and the other half should be paid by the Government. Defaults of such contributions should be reported to the Collector and recovered as land revenue.

Before second class irrigation works are entrusted to the Panchayats for management they should be thoroughly repaired or the Government should bear the cost of such repairs in the first instance.

(Signed) VENKATESH SHRINIWAS NAIK.

8th October 1915.

No. 3222.

GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE Sir W. H. H. VINCENT, Kt.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legislative Department.

Simla, the 20th September, 1915.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 868, dated the 30th August, 1915.

The Bombay City Survey Law, 1915.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. H. VINCENT,
Secretary to the Government of India.

No. 3242.

GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE Sir W. H. H. VINCENT, Kt.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 22nd September, 1915.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 869, dated the 30th August, 1915.

The Bombay Protection of Pilgrims (Amendment) Law.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. H. VINCENT,
Secretary to the Government of India.

(To be placed on the Council Table.)

Memorandum No. 7925, dated the 29th November 1915, from the Under Secretary to Government, Judicial Department, to the Secretary to the Legislative Council, Bombay.

The undersigned presents compliments to the Secretary to the Bombay Legislative Council and is directed to request, with reference to the Resolution moved by the Honourable Mr. V. J. Patel at the Council meeting of the 16th March 1915, that the accompanying statement, relating to the question of the remuneration of the Official Assignee, Bombay, and the creation of an appointment of Official Receiver, may be placed on the Council Table at the next meeting of the Council.

A statement relating to the question of the remuneration of the Official Assignee Bombay, and the creation of an appointment of Official Receiver.

The following Resolution was moved in this Council by the Honourable Mr. V. J. Patel on the 16th March 1915:—

"That this Council recommends to His Excellency the Governor in Council to consider the desirability of—

(*a*) putting the Official Assignee, Bombay, on a suitable fixed salary and crediting to Government the fees at present charged by him; and

(*b*) creating the office of Official Receiver on a suitable fixed salary, such officer to be thenceforth the official receiver-in-suits and the official liquidator of joint stock companies instead of the Official Assignee as at present."

2. The Resolution was accepted by Government, as it only conveyed a recommendation and did not commit them to any definite line of action. Government have now again discussed with the High Court the questions of the remuneration of the Official Assignee and of the appointment of an Official Receiver. The following is a statement of the facts that have been elicited and of proposals that have been made in the course of the discussion.

3. The question of the method of remuneration of the Official Assignee has attracted attention ever since 1893 and more particularly of late in consequence of the large sum of the commissions earned by the holder of that appointment during recent years. In the year 1912 Government entered into a discussion with the High Court on the subject. As a result the High Court proposed, and Government approved, a reduction of the rate of commission from 5 per cent. to 4 per cent. But the high remuneration earned by the Official Assignee of that time was mainly due to the fact that he was allowed to act also as Receiver in suits and liquidator of companies. In the latter capacity the commission due to him reached a high figure owing to the exceptional events of recent years brought about by failures and general trade depression.

4. The system of entrusting almost all receiverships to the Official Assignee came into vogue in the year 1904. Before that time many receiverships, where the parties did not agree as to the appointment of a receiver by mutual consent, were given to junior officers of the High Court Orginal Side establishment, while in the more important cases, where the amount to be collected might be large, the Official Assignee was usually appointed receiver in his personal capacity as being experienced in the collection of assets and a substantial person by whom losses through default might be made good. In some instances, however, important receiverships fell to inferior officers, and two such officers committed serious defalcations. The result naturally was that

more receiverships were put upon the Official Assignee. Although the system of entrusting almost all receiverships to the Official Assignee tended to increase his remuneration considerably, still the results of that system were wholly beneficial to litigants. There were no more defalcations. The system gave complete satisfaction to Solicitors and their clients. It secured efficiency and safety to litigants whose property had to be entrusted to a receiver; for there is in Bombay no professional class of substantial chartered accountant or land agent to whom receiverships could be conveniently entrusted.

5. After the year 1909, however, experience proved that the duties of the Official Assignee under the new Presidency-Towns Insolvency Act were multiplied and that his work had increased to such and extent that it was not desirable that he should ordinarily be allowed to undertake work outside his official duties. A suitable opportunity was therefore awaited to effect a change of system. Such an opportunity occurred on the retirement of Mr. R. D. Sethna from his post of Official Assignee in April 1915. His successor was informed that he would have to confine himself to the duties of Official Assignee and to undertake no other work.

6. The average monthly income of the Official Assignee as such amounted to Rs. 3,545 for the 5 years ending in December 1910 and to Rs. 4,904-9-2 for the 6 years ending in December 1914. The higher average during the latter period, in spite of the reduction of the rate of commission from 5 to 4 per cent. was due to exceptional circumstances such as the heavy insolvencies consequent on the general trade depression. Some indication of the average monthly income which the Official Assignee may draw in normal times may be had by a comparison with the commission and fees earned by the holder of the combined appointments of Official Trustee and Official Assignee in Calcutta. Last year that officer earned Rs. 63,000 of which not less than a sum of Rs. 26,000 is believed to be attributable to the office of the Official Trustee. Thus, although the commission of the Official Assignee in Calcutta is 5 per cent. against 4 per cent. in Bombay, in the larger city of Calcutta the commission averaged less than Rs. 4,000 per mensem. That the average monthly remuneration earned by the Official Assignee in Bombay will not exceed the figure of Rs. 4,000 in normal times is already indicated by the commission drawn by him at the present time. It is estimated that, while there were probably 6,000 insolvencies proceeding in his office, his remuneration, if it had not been for substantial recoveries in two large insolvencies, would probably have amounted to Rs. 300 only for the month of May 1915. Moreover, the rate of his commission has lately been further reduced to 3 per cent. in certain cases, namely, in cases in which a composition scheme is in operation.

7. In considering the maximum remuneration which the Official Assignee should be entitled to receive, it must be borne in mind that the holder of an office of such importance as that of the Official Assignee should be a gentleman of some standing at the Bar, to whom the income of the office may be a substantial inducement to abandon the possibility of a larger income at the Bar. In practice the offices of Administrator General, Chief Judge of the Court of Small Causes, Bombay, and Official Assignee are held by men of much the same position in the legal profession. The appointments of Administrator General and of the Chief Judge carry a monthly salary of Rs. 2,000—100—2,500 and Rs. 2,000, respectively, and a yearly pension of £750 after 11½ years. service. No pensionary rights are attached to the office of Official Assignee The holder of the appointment has no vacations such as the Chief Judge of the Small Causes Court enjoys, and his work, if anything, is more strenuous than that which falls to the Administrator General. Morever, he has from time to time to incur personal liability for costs in suits relating to the suits of insolvents. It may therefore be considered reasonable that he should not be prevented from earning by industry an income which will enable him to make substantial savings which would serve him in lieu of pension. In these circumstances an income limited to Rs. 48,000 per annum as a maximum, and which may fall below that amount, is not considered to be excessive. The High Court has offered to meet the wishes of Government by limiting the fees

to be drawn by the Official Assignee to Rs. 48,000 per annum at the most. A minimum of Rs. 1,500 a month has already been fixed by rule.

8. It has been repeatedly urged that the Official Assignee should be remunerated by a fixed salary. So long ago as 1887 the High Court pronounced against this system. The question was further exhaustively discussed by the Government of India at the time of the Select Committee on the Insolvency Bill, which became law as Act III of 1909. The Committee decided that there should be no change in the method of remuneration. Accordingly under sections 81 and 112 of the Act it is the High Court which is empowered to prescribe and regulate the remuner tion to be paid to the Official Assignee, and the fees and percentages to be charged for the purpose. It might be possible for the High Court under these sections, provided the investments in the hands of the Official Assignee were sufficient for the purpose, to pay him a fixed salary instead of assuring him, as at present, a minimum wage with the right to take commission on sums recovered. But the consistent view of the High Court for many years has been that in the case of the Official Assignee remuneration by commission is calculated to produce the best results for creditors. Concealment or attempted concealment of assets by the insolvent being the rule rather than the exception, a special incentive is considered to be required to stimulate the Official Assignee to the highest degree of activity in recovering assets.

9. The next proposal urged was the creation of an appointment of Official Receiver. It must, however, be pointed out that the appointment of receivers and their remuneration is under Order 40 of the Code of Civil Procedure a matter for the Judges, whose duty it is to pass such orders as may seem best to serve the interests of the parties concerned, and that Government have no right to demand any profit in the matter. Government are informed that the High Court has commenced tentatively to reduce the maximum remuneration for receivers, and they cannot ask the Honourable the Chief Justice and Judges to waive their right to deal with the question as circumstances may from time to time demand.

10. It was also proposed that the Official Receiver should also be the official liquidator for the liquidation of companies. It has been shown that the appointment of an Official Receiver is not a practical proposition, and it remains to examine whether the appointment of an official liquidator of companies is feasible. In ordinary times liquidation of companies are infrequent. In times of crisis special arrangements have to be made. It would not be an economical arrangement to have a permanent high salaried official whose sole duty would be to deal with company liquidations, since on occasions the amount of work falling within his sphere would be exiguous in comparison with the remuneration required. These liquidations have necessarily to be left, as elsewhere, to the discretion of the Judges dealing with the cases before them. Ordinary small liquidations can be given to persons (other than the Official Assignee) most accustomed to handling receiverships. Special heavy liquidations can be dealt with as they arise.

11. In these circumstances Government do not intend to proceed further with the Honourable Mr. Patel's Resolution. They have, however, accepted the offer of the High Court to fix the maximum remuneration to be drawn by the Official Assignee in any one year by rule to Rs. 48,000, the excess of fees levied, if any, being applied for the benefit of the Provident Fund of the Official Assignee's office, in which the Official Assignee himself does not participate. This arrangement will give the Official Assignee an income, depending partly on chance and partly on his exertions, of anything between the minimum of Rs. 1,500 and the maximum of Rs. 4,000 per mensem, and will at the same time tend to better safeguard the interests of creditors.

NOTICE OF MOTIONS OF AMENDMENTS TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL TO BE HELD ON TUESDAY, THE 7TH DECEMBER 1915.

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendments to Bill No. II of 1915 (a Bill further to amend the City of Bombay Municipal Act, 1888), as amended by the Select Committee :—

From the Honourable Mr. W. D. Sheppard, C.I.E., I. C. S.—

Clause 4.

"That clause 4 be deleted and that the subsequent clauses be re-numbered."

J. NISSIM,
Secretary to the Legislative Council of the
Governor of Bombay.

Bombay, 29th November 1915.

NOTICE OF MOTIONS OF AMENDMENTS TO BE ENTERED IN THE LIST OF BUSINESS AT A MEETING OF THE LEGISLATIVE COUNCIL TO BE HELD ON TUESDAY, THE 7TH DECEMBER 1915.

Under sub-rule (4) of rule 35 of the Rules for the Conduct of Business, notice has been received of the following amendment to Bill No. II of 1915 (a Bill further to amend the City of Bombay Municipal Act, 1888), as amended by the Select Committee :—

From the Honourable Mr. Manmohandas Ramji—

Clause 11.

To new section 384A, *add* the following proviso :—

"Provided further that the provisions of this section shall not apply to an out-house which is used or intended to be used for the habitation of servants and any portion of which is used for keeping any of the animals mentioned in clause (*a*)."

J. NISSIM,
Secretary to the Legislative Council of the
Governor of Bombay.

Bombay, 29th November 1915.

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

The Council met at the Council Hall, Bombay, on Tuesday, the 7th December 1915, at 12 o'clock noon.

PRESENT:

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

The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S., *Vice-President*.
The Honourable Mr. M. B. CHAUBAL, C.S.I.
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P (LOND.), L.M. & S.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. M. N. HOGG.
The Honourable Lieut.-Col. J. JACKSON, I. M. S.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Mr. J. A. D. MCBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Mr. J. S. WARDLAW MILNE.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.
The Honourable Mr. NARAYAN MADHAV SAMARTH, LL.B.

[*The President.*] [7TH DECEMBER 1915.]

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.

The Honourable Mr. W. H. SHARP.

The Honourable Sir FREDERICK L. SPROTT, Kt.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable Mr. DINSHAW EDULJI WACHA.

The Honourable Mr. HAJI SULEMAN ABDUL WAHED.

The Honourable Mr. M. DEP. WEBB, C.I.E.

His Excellency the PRESIDENT :—Order, order. New Honourable Members who wish to take their seats might do so.

New Members.

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

The Honourable Mr. GEORGE SEYMOUR CURTIS, C.S.I., I. C. S.

The Honourable the Advocate General (Mr. MALCOLM ROBERT JARDINE).

The Honourable Mr. JOHN SYDNEY WARDLAW MILNE.

The Honourable Mr. DINSHAW EDULJEE WACHA.

The Honourable Mr. HAJI SULEMAN ABDUL WAHED.

His Excellency the PRESIDENT :—I rise to suspend the business of the Council for a few moments while I move the Resolution that stands in my name.

So much has been said and written during the past few weeks about the merits and qualities of the character and life of Sir PHEROZESHAH MEHTA that I feel it would be entirely superfluous for me to add more than a very few words in bringing the Resolution to the notice of the Council, but I know that I am carrying out the wishes of every Honourable Member in desiring to place on the records of our Council our sense of the heavy loss we have sustained by the death of this great citizen.

The hand of death has been heavy indeed on our Presidency of late, for within the short space of one year it has taken from us a leading Member of each of our great communities—Mr. GOKHALE, Mr. CHINOY, Mr. GRAHAM and now Sir PHEROZESHAH MEHTA—all of them trusted and distinguished servants of this country and the Empire. But it is for three special reasons that I feel Sir PHEROZESHAH MEHTA'S death is so great a loss to us as Members of the Legislative Council of Bombay.

In the first place, we all have lost a true and loyal personal friend, and for myself I can sincerely say that I have lost a friend whose advice and counsel I often sought and received, one for whom I have always held a deep feeling of personal affection and regard. In the second place, it is impossible to exaggerate the loss we sustain by his absence from our debates in this chamber. His forceful eloquence, his strong personality, his keen parliamentary instinct and readiness in debate, made him an outstanding figure amongst us in our work on this Council.

And in the third place, in these anxious and moving times, it is hard to lose the guiding hand of one who, trusted and relied upon by his fellow countrymen, ever eager for the sound advice and progress of his country, always held that that advance should be made on constitutional lines under the British Government until India should become a daughter state under the British Crown.

The old warrior has laid down his arms, he has fought a good fight, he has gone to his rest, and he has left us an example to follow of fearless courage and of strenuous and unselfish service to his native land which I hope will always be remembered by his fellow countrymen.

[7TH DECEMBER 1915.] [*The President; Sir Jamsetjee Jejeebhoy.*]

Now before I conclude these few observations, I want to make one or two remarks with regard to a matter that has been brought to my notice this morning. I understand that it is the wish of a considerable number of Members of this Council that, as a mark of respect to the memory of Sir PHEROZESHAH MEHTA, the Council should adjourn after we pass this Resolution. I fully appreciate the reasons that I am given for Honourable Members wishing to do this. Honourable Members lay particular stress on the fact that the Council did adjourn in the case of the late Mr. GOKHALE. I freely admit that I agreed at the time to that adjournment and Government wish to leave this matter entirely to the sense of the Council. But at the same time I should like to say that, after full consideration and careful reference to the precedents, I think that we were wrong with regard to the adjournment in the case of Mr. GOKHALE. I find that other Councils in India do not adjourn when there is a Resolution moved with regard to the death of a distinguished Member and, in the House of Commons, as probably most Honourable Members are aware, the custom is ordinarily to make no reference to the death of a Member, however excellent a Member he may have been; it is only in the case of the death of the most distinguished Members of the House of Commons that the Leader of the House and the Leader of the Opposition make a reference to the subject and the House then goes on with the business of the day. When I say this, I am quite certain that no Honourable Member will think that either I or any other Member of the Government wish to show any disrespect to the late Sir PHEROZESHAH MEHTA, and, as I have said, I wish to leave this question entirely to the sense of the House. But I sincerely trust that, if the sense of the House is, under the circumstances, that we should adjourn on this particular occasion, it will not be taken as a precedent for future occasions. I beg to move the Resolution.

The Honourable Sir JAMSETJEE JEJEEBHOY, Bart.:—Your Excellency,—I consider it a privilege—though a melancholy one—to support the Resolution which has been moved in such feeling and eloquent terms by Your Excellency. During the last few days much has been said about the immensity of the loss the country has suffered by the death of Sir PHEROZESHAH, and within this week the sense of profound sorrow of the citizens of Bombay will be given adequate expression at the public meeting which has been called to do honour to the memory of the illustrious dead. Under the circumstances, the best thing I can do is to associate myself as briefly as possible with the sentiments which have been expressed on all hands, and which I am sure are fully shared by my Honourable friends here.

My Lord, it is not easy to attempt a survey of the remarkable political career of the late Sir PHEROZESHAH and to estimate the magnitude of his services in various spheres of public activity. For an adequate appreciation of his life and life-work, it is necessary to possess a close acquaintance with the history of this country right up from the days of the epoch-making Viceroyalty of Lord Ripon, when the first beginnings of a political life began to manifest themselves. I think I am right in saying that there has not been since those days any movement of any importance which did not derive strength and impetus from the driving force which was the dominant characteristic of Sir PHEROZESHAH. In an era not barren of eminent politicians, he stood out as a great leader of men and the most commanding personality of his time. What he achieved is writ large in the history of those stressful days and will be realized more and more adequately as the years roll on. But great as was Sir PHEROZESHAH as an Indian, my Lord, it will be agreed on all hands, that he was greater still as a citizen of Bombay, to which he devoted up to the last the best of his powers and energies. The Corporation, the University, the Legislative Council were but a few among the many fields in which he laboured for the good of the city and the Presidency, and it may truly be said that the reputation which Bombay public life enjoys has been largely of his making. While the loss to India may some day be repaired, it is increasingly evident that the void created by his death in the public life of Bombay will never be adequately filled.

[*Sir Jamsetjee Jejeebhoy; the President; Sir Ibrahim Rahimtoola.*] [7TH DECEMBER 1915.]

My Lord, of Sir PHEROZESHAH'S work on this Council not much need be said. All of us here, and many others who were at one time or another his colleagues on this or the Imperial Legislative Council, can bear witness to the forensic skill, the eloquence, the readiness of argument and the quick appreciation of facts, of which and of other rare qualities he showed himself a master, and which made him such a formidable antagonist. He has left the impress of his sagacity and statesmanship upon various enactments of the Legislature, and the Bombay Municipal Act of 1888 is but one among his many achievements in this direction. This was the field in which he achieved some of his greatest triumphs, and now that death has removed him from our midst, we feel that a force which elevated and dignified our debates and deliberations is gone. My Lord, I will not say more, though much remains to be said. The more one expatiates upon the character, career and personality of the man, the more it is to realize that a great leader of men has passed away and has left the country much poorer by his death.

His Excellency the PRESIDENT:—I think it would be suitable if Honourable Members will pass this Resolution standing in their seats.

His Excellency then moved the following Resolution:—

"That this Council wishes to place on record its deep sense of the heavy loss it has sustained by the death of one of its most distinguished Members, Sir Pherozeshah Mehta, and to express its keen appreciation of his career of long and brilliant service to his Presidency, his country, and the Empire.

That a copy of this Resolution be forwarded to Lady Mehta."

The Resolution was then carried, the House standing.

His Excellency the PRESIDENT:—I have not heard any expression of views from any Honourable Member with regard to the matter of adjournment, but I should be glad if some Honourable Member could state whether there is any general desire that the Council should adjourn at the present moment.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency,—As far as I have been able to ascertain, the general feeling amongst non-official Members is that, as a mark of respect to the memory of the late Sir PHEROZESHAH MEHTA, this Council should adjourn. In support of that view, Sir, I only wish to make a few remarks, and that would be in connection with the precedent established in the Imperial Legislative Council. What the Honourable Mr. GOKHALE was to the Imperial Legislative Council, I think, it can be said without any fear of contradiction, the Honourable Sir PHEROZESHAH was to this Council. It is not usual, as Your Excellency has pointed out, for Councils to adjourn on similar occasions, but I think that just as the Imperial Council regarded the loss of Mr. GOKHALE as a sufficient warrant for making a new departure, I think this Council will be equally well-advised if they accepted that precedent and, as a mark of respect towards the recognized leader of the non-official Members of this Council, and also in view of the eminent services which Sir PHEROZESHAH has rendered ever since the year 1893 when this Council was first enlarged, it is but meet that this Council should now adjourn without proceeding to further business.

The motion for the adjournment was then put to the vote and carried.

The Council adjourned till 11-30 a. m. on Wednesday, the 8th December 1915.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council of the Governor of Bombay.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VII.

Proceedings of the Council of the Governor of Bombay.

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

The Council met at the Council Hall, Bombay, on Wednesday, the 8th December 1915, at 11-30 a.m.

PRESENT.

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *presiding.*
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable Mr. M. B. CHAUBAL, C.S.I.
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (LOND.), L.M. & S.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. M. N. HOGG.
The Honourable Lieut.-Col. J. JACKSON, I. M. S.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.

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[*Mr. W. D. Sheppard.*] [8TH DECEMBER 1915.]

The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
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The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
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The Honourable Mr. DINSHAW EDULJI WACHA.
The Honourable Mr. HAJI SULLEMAN ABDUL WAHED.
The Honourable Mr. M. DEP. WEBB, C.I.E.

BILL No. II OF 1915 (BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

His Excellency the PRESIDENT :—Order, order. Bill No. II of 1915, second reading, the Honourable Mr. SHEPPARD.

The Honourable Mr. SHEPPARD moves the Second Reading of the Bill.

The Honourable Mr. W. D. SHEPPARD :—May it please Your Excellency :—I rise to propose the second reading of Bill No. II of 1915. It will be within the recollection of the Council that this Bill was introduced at our last Sessions and at that time was in charge of our late Honourable colleague, Sir PRABHASHANKAR PATTANI. Since he has gone the Bill has been entrusted to me, and before it came to me it had been fully discussed in Select Committee with the results that you see before you in the Report of the Select Committee.

I am glad to say that the changes that have been made by the Select Committee are, with one exception, few and useful, and Government entirely concur in the conclusions at which they have arrived, with the sole exception of

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[8TH DECEMBER 1915.] [*Mr. W. D. Sheppard.*]

clause 4. That this is appreciated by the Council is evident from the fact that no amendments have been moved at this stage except one by myself with reference to clause 4, and another by the Honourable Mr. MANMOHANDAS RAMJI with reference to a later clause, clause 11.

Under these circumstances, Your Excellency, I think it is hardly necessary that I should go into any detailed discussion of this Bill, the full particulars of which were given at the last meeting. I merely ask you to pass the second reading, and let us discuss the amendments when we come to discuss the Bill clause by clause. I therefore propose to say no more but to ask your Excellency and the Council to allow the Bill to be read a second time.

Bill read a second time. The motion for the second reading of the Bill was then put to the vote and carried.

Bill read clause by clause. Clauses 1 to 3 were then put to the vote and carried.

His Excellency the PRESIDENT :—Clause 4, the Honourable Mr. SHEPPARD.

The Honourable Mr. W. D. SHEPPARD :—I rise, Sir, to propose that clause 4 be deleted from this Bill. The Council will see from the wording of the original clause, which was originally clause 3 when the Bill went up to the Select Committee, that it dealt with compensation payable for land to people whose houses were set back along the streets of the City of Bombay, and the object with which this section was proposed was that the Municipality should not have to pay more than a fair amount of compensation for the land that they put into the street at the expense of the private owner.

As the section of the Municipal Act now stands, section 301, the amount that a man may claim as compensation is classed under four heads. He gets first of all the value of the land, and then he may get other sums of money under the headings of loss, damage and expense ; and the idea with which this clause was put into the Bill—the Bill that was brought before the Council at the last meeting when we passed the first reading—was that compensation should be claimable for only the net loss the private owner would suffer or had suffered from his land having been set back. Well, when this came to be discussed in the Select Committee, I of course was not present because the Bill was in charge of Sir PRABHASHANKAR PATTANI. I am not therefore able to speak at first hand as to what exactly occurred in the Select Committee. But the Select Committee did me the kindness to meet me although they were *functus officio*, in order to discuss this particular clause and in order that I might see whether I would have the approval of the whole Committee or the approval at least of the majority towards restoring the wording which they had altered.

I found that they had good ground for the view that they had taken and that the wording was not one that could be hastily replaced without discussion or without agreement. I have, therefore, on this occasion refrained from putting up the old wording of the Bill and have contented myself by merely asking the Council to delete the clause as now amended by the Select Committee.

My reasons for asking this Council to delete this clause are, first, that the new wording does not seem to me to carry out the wishes of the Municipal Corporation. As you know all these clauses were put into the Bill at the request of the Corporation. My second reason is that I consider that it is ineffective for any purpose whatever; and that it has three very serious faults which arise from the wording which has been adopted. The benefit which is to be taken into consideration is to be such as is clearly shown *has been* derived from the set-back, that is to say, when the set-back is made you have to show that the man has then obtained some benefit. It is clear that if he does not then get any benefit, it is not to be taken into consideration. That is the first defect in the wording of the clause as suggested by the Select Committee ; the second is that the benefit has

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[*Mr. W. D. Sheppard; Sir Ibrahim Rahimtoola.*] [8TH DECEMBER 1915.]

to be both permanent and substantial. We are of opinion that these two words are such as to render it extremely difficult to decide what benefit, if any, the man has received. If it is to be permanent, to be substantial and to be derived at the time the set-back is taken, it appears to us that there will be practically nothing to set off against the damage sustained by the owner, because he will not necessarily get any immediate benefit. Under these circumstances, I may say that I have had the concurrence of the Select Committee for the withdrawal of their amendment, and I, therefore, ask, Sir, that this clause may be deleted.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—I do not wish to raise any objection to the course that the Honourable Member asks the Council to adopt. He proposes in his amendment that the clause as it originally stood in the Bill and as it was subsequently amended by the Select Committee should be deleted. The effect of his amendment will therefore be that section 301 will stand in the Municipal Act as it is at present. I quite recognize that there is a considerable body of opinion in the Municipal Corporation which desires that the compensation payable under the existing law should, in some equitable manner, be re-arranged, but the special form submitted to Government was adopted only by the casting vote of the President. If therefore the clause remains as it is at present, the evil about which there is a consensus of opinion will continue. I understand that it is the intention of Government to reconsider the whole question, to formulate some amendment of this section, and to place it before the Council later on. In view of the difference of opinion which prevails as to the manner in which this section should be amended, I think it is due to the Municipal Corporation that the form of amendment which Government may decide to adopt should be first communicated to the Corporation and their views ascertained. I do not think it would be right, in view of the fact, that this clause was embodied in the Bill, was considered by the Select Committee, has been recommended for amendment in their report which is now before the Council, and is being withdrawn at the instance of Government, that any new form which may be given to the proposed amendment of section 301 should be brought before this Council without previously ascertaining the views of the Corporation thereon. Sir, as regards the objections that have been urged to the clause as amended by the Select Committee, I leave my honourable friend Mr. SAMARTH to explain to the Council why it was adopted. He studied the principle of betterment as applied in English Statutes and brought to bear on the discussion of the Select Committee various authorities for consideration. As a result of such consideration the Committee reached the decision which is embodied in their report. The principle which Mr. SAMARTH brought forward was the principle, which, on the authorities he quoted, is now prevalent in England. The question is not such a simple one as it may appear on the surface. Under the Act as it stands at present, as the Honourable Member in charge of the Bill has explained, there are four things provided in assessing compensation payable to the owner in consequence of the acquisition of a portion of his property for purposes of road widening, *viz.*, value of land, loss, damage and expense. Before I state what my own view has been as regards the most equitable arrangement to be adopted, I will explain, in a few words, how the question has arisen. In consequence of a judicial decision confirmed by the High Court in appeal compensation was awarded in an important cause on a basis which the Municipality felt was excessive and it was held that there was a case for an amendment of the section under which such excessive compensation was required to be paid for the acquisition of property for road improvement. The question remained under consideration for a long time and differences of opinion arose as to the manner in which this evil should be remedied. I always held the view that the simplest solution would be to enact that the value of the land payable under the section should be based on the average price of the whole holding and that view is embodied in the short minute which I have attached to the Report of the Select Committee. I think that if some means were found by which that principle could be embodied

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[8TH DECEMBER 1915.] [*Sir Ibrahim Rahimtoola ; Mr. Narayan Madhav Samarth ; Mr. Dinshaw Eduljee Wacha ; Mr. W. D. Sheppard.*]

in the amending section all the objections against it will be removed. On the present occasion I do not wish to detain the Council any further and will therefore conclude my remarks by renewing the hope that no amendment of this section will be placed before the Legislative Council without previously ascertaining the views of the Corporation thereon.

The Honourable Mr. NARAYAN MADHAV SAMARTH :—Your Excellency :—I had no intention of making any remarks on this Bill, but as the Honourable Sir IBRAHIM RAHIMTOOLA has asked me to explain to the Council what passed in the Select Committee before the proviso found place in the Bill as it stands at present before the Council, I wish only to mention that the proviso was framed on the lines of some of the recent English Statutes. The betterment principle has no doubt been accepted in England latterly, but to a very limited extent and only in a certain form. We pointed out to the Select Committee that there were two London County Councils Acts, the one passed in 1895 and the other in 1897, which had adopted the betterment principle, and that was in a very restricted form and with due safeguards and the way in which they had adopted it was this : that if a neighbouring or adjoining property had increased in value on account of a set-back or improvement which had been effected by the Corporation, then an improvement charge was placed upon the remaining or adjoining property calculated at 3 per cent. per annum upon half the amount of the increased value making all fair and proper deductions for the additional rates, taxes, assessments and impositions which would be levied on the said property on account of the increased value, and section 36 of the London County Council Act, 1895, clause (2) makes the said property liable to an improvement charge,—I am quoting the *ipsissima verba*—in respect or in consideration of any substantial or permanent increase in value which it is clearly shewn has been derived from the improvement. It is this very wording which the Select Committee has adopted. The so-called flaws, therefore, which the Honourable Member in charge of the Bill has mentioned are not due to any wording which the Select Committee have invented. And if the wording to which objection has been taken is found to be good in principle and workable in practice in England, I fail to see why it should not be found equally so here. However, I do not object to the amendment which the Honourable Member in charge of the Bill now proposes. I hope that when any amendment of sub-section (1) of section 301 is next contemplated, due attention will be paid to the limits within which this betterment principle has been recognized in analogous English Statutes dealing with the powers of the London County Council in this matter. I trust that nothing will be done which will introduce in the Bombay Municipal law a provision transgressing the limits and restrictions which it has been deemed advisable to place upon the betterment principle in England.

The Honourable Mr. DINSHAW EDULJEE WACHA :—Your Excellency :—No doubt, as my honourable friend Sir IBRAHIM has said, this is a controversial matter, and without going into the merits of the amendment itself, I support his recommendation that any new amendment which the Council may adopt should in the first place be referred back to the Municipal Corporation which is the body most interested in the whole question of the betterment principle about which so much has been said for years past. It is a very difficult question, and I myself know that is so, having sat on many committees that discussed this amendment, and I therefore, Sir, support my honourable friend's view that any new amendment which this Council may adopt should in the first place be referred back to the Corporation, which is the proper body to which it should be sent. We all wish for co-operation ; let the Government co-operate with the Municipality and the Municipality would certainly be ready and willing to co-operate with the Government.

The Honourable Mr. W. D. SHEPPARD :—Your Excellency :—I do not think that there is anything in the remarks of the gentlemen who spoke on this Bill,

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[*Mr. W. D. Sheppard; Mr. Manmohandas Ramji; Sir Ibrahim Rahimtoola.*] [8TH DECEMBER 1915.]

that requires a long reply. But as regards the remarks of my honourable friend Mr. SAMARTH regarding the wording in the clause "permanent and substantial", to which I took exception, it seems to me that the reference that he has made applies to an entirely different set of circumstances. His case refers to an instance of the application of the betterment principle to properties that have been improved. Naturally you will not be able to take any betterment until you have been able to show that there has been a marked improvement in value.

Now as regards the remarks made by my honourable friends Mr. WACHA and Sir IBRAHIM, I think, Sir, that I may give them the assurance they ask for, that if any further amendment has to be made in this section, it will be submitted in the first instance to the Corporation.

The proposition "that clause 4 be deleted and that the subsequent clauses be renumbered" was then put to the vote and carried.

Clauses 5 to 10 were then put to the vote and carried.

Clause 11.

The Honourable Mr. MANMOHANDAS RAMJI:—Your Excellency:—My object in moving this amendment is that in the amended clause it is provided that horses, bullocks, etc., may not be stabled in a dwelling house, and when this amendment was considered by the Corporation, it was thought desirable that these animals should not be stabled in a dwelling house. But the question of out-houses is quite a different thing from a dwelling house. Out-houses are generally built in compounds and they are for housing grooms, domestic servants and so forth, and also for stabling horses, coaches, etc. It is a building by itself, and if this clause is meant to apply to such a building, it will cause very great hardship. The first thing that is necessary is that a separate building will have to be built for servants and for stabling horses and so on, which will entail great expense, and it will also require more space. I therefore submit, Your Excellency, that if this clause is allowed to remain as it is, it will mean that all the out-houses in A, B, E and G wards will be brought under the provisions of this section and it will cause great hardship. We know, Sir, that the matter is left to the discretion of the Municipal Commissioner, but generally it is the discretion of the subordinates that holds good. The Municipal Commissioner is so over-worked that he cannot afford time to look into every case and use his discretion, and as matters stand at present, it is the subordinates who will say that on sanitary grounds such and such an out-house should not be used for human habitation or for stabling horses, etc., and therefore it will entail great hardship. With these remarks, I beg to move the amendment that stands in my name.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency:—The point raised by my honourable friend Mr. MANMOHANDAS was considered carefully by the Select Committee and I must admit that it appeared at one time rather difficult of solution. The wording of the amendment as proposed by Mr. MANMOHANDAS does not solve the point, which I understand he wishes to make. There are many cases of bungalows with out-houses, in which, technically speaking, one building accommodates horses, carriages and servants, but there can be no sanitary objections to the same. I refer to the class of cases in which that part of the out-house which accommodates animals has no upper storey and no human habitation, while the other part of it which accommodates on the ground floor only carriages and motors has rooms constructed thereon for the servants. The Select Committee recognized that it would hardly be right to raise objections to the living accommodation provided over that part of the out-house which had underneath accommodation for carriages only and they also recognized that a general application of the principle underlying the provision as embodied in the amending Bill was likely to cause hardship. They therefore changed the original wording of the section and introduced the amended clause which I think adequately safeguards the point which Mr. MANMOHANDAS makes. The difficulty really

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arises in consequence of the wording at the commencement of section 384 (*a*) which reads:—

> "Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes"

is rightly construed to mean that the whole of the structure will be considered as one building under this section, and, therefore, if a part of it is used for stabling of horses or other animals the whole of it would be prohibited for use as residential quarters. The point was safeguarded, the Committee thought, by the subsequent paragraph which runs as follows:—

> "The Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose: provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe."

In the Bill as submitted to the Council it was provided that no owner or occupier shall use a building for the purpose of stabling animals any part of which was used for human habitation. That was a wholesale condemnation of all classes of buildings in any part of which stabling accommodation was provided. The Select Committee has altered that. They have transferred the responsibility of taking action to the Municipal Commissioner and have provided that as a result of inquiries he has first to satisfy himself that for sanitary reasons it is necessary that a particular building which is partly used as a stable and partly used for residential purposes should no longer be so used. After satisfying himself on this point he is required to give notice for the discontinuance of such use. The section further provides that the Commissioner may even after giving notice allow the use of it on such conditions as he may think fit to prescribe. This clause was specially drafted to meet the class of cases which Mr. MANMOHANDAS refers to. I do not think that under these circumstances it would be desirable to accept the amendment which my honourable friend has moved. There is a further objection to the wording in which the amendment is couched. The amendment reads:—

> "Provided further that the provisions of this section shall not apply to an out-house which is used or intended to be used for the habitation of servants and any portion of which is used for keeping any of the animals mentioned in clause (*a*)."

I know the intention which my honourable friend has in bringing forward his amendment and I have my sympathy with him, but the wording adopted by him appears to go much further. As I understand the amendment, it means that those out-houses in which housing accommodation for servants is provided over the space used for stabling horses and other animals should still be allowed to be so used in spite of the fact that there may be serious sanitary objections against it. I do not think that my honourable friend can possibly mean that because some buildings are used as out-houses that they should therefore be excluded from the application of sanitary principles provided for all other buildings in the City. It appears to me that the safeguards which the Select Committee has provided are adequate and that the clause should stand part of the Bill.

The Honourable Mr. W. D. SHEPPARD:—Your Excellency:—After what the Council has heard from the Honourable Sir IBRAHIM RAHIMTOOLA it seems to me that there is very little left for me to say. I think the Council will agree to the principle that it is undesirable as a general rule that human beings and animals should inhabit the same buildings even though they are out-houses, and they will also agree with the principle underlying the clause that houses that are used as godowns for the storage of goods in connection with the wholesale trade

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in grain and so forth, are not suitable places for human beings to live in. I think that the wording that has been adopted by the Select Committee is distinctly preferable to the old wording that was put in on the suggestion of the Municipal Corporation. It requires, as the Honourable Sir IBRAHIM has said, notice to the owner in the first instance, and it is only after cause is shown to the Commissioner that any action is necessary on the part of the Commissioner. I therefore hope that this amendment of the Honourable Mr. MANMOHANDAS RAMJI will not be accepted by the Council.

The Honourable Mr. MANMOHANDAS RAMJI :—After hearing the Honourable Member in charge of the Bill and my honourable friend Sir IBRAHIM'S arguments, I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Clause 11 of the Bill was then put to the vote and carried.

Clauses 12, 13, 14, 15 and 16 were put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. SHEPPARD moves the Third Reading of the Bill.

The Honourable Mr. SHEPPARD :—I ask now, Sir, that the Bill be read a third time.

The motion for the third reading of the Bill was put to the vote and carried.

BILL No. III OF 1915 (AN ACT FURTHER TO AMEND THE BOMBAY MEDICAL ACT, 1912).

His Excellency the PRESIDENT :—Order, order. A Bill further to amend the Bombay Medical Act, 1912, second reading—the Honourable Mr. SHEPPARD.

The Honourable Mr. SHEPPARD moves the Second Reading of the Bill.

The Honourable Mr. W. D. SHEPPARD :—Your Excellency :—This Bill, it will be within the recollection of the Council, was read for the first time the last time that the Council met. It was referred to a Select Committee and the meeting of that Select Committee was deferred until September so as to give the members of that Committee every opportunity of considering whether any amendments were desirable in this Bill. The result of the consideration of the Select Committee that met was to decide that no amendments were necessary. It therefore seems to me that any long speech from me on this occasion is uncalled for. But there is one point, and it is a point which is strictly irrelevant to this Bill, but which arises out of it, and that is the question which has arisen in connection with the Ayurvedic Dispensary in Poona City. Seeing that an amendment to the Medical Act was before the Council the citizens of Poona have represented that they have had for many years an Ayurvedic Dispensary in that city, the officer in charge of which is partly or wholly paid from local funds, that is, from the funds of the local Municipality. They were anxious that the penalties imposed by this Bill on local bodies which support local institutions on the Ayurvedic system should be removed. Well, that could not be done in this Bill as it stands, because this Bill deals only with somewhat different subjects, but we have considered that question in the Select Committee, and Government have considered it also, and I am able to inform the Council that we have drafted an amendment to section 11 which will permit of the continuance, according to law, of the Ayurvedic Dispensary in Poona. I do not, therefore, propose to make any further remarks, but ask this Council to pass this Bill, and I would ask them to do so without making any reference to the Ayurvedic system because, as I said, it is irrelevant to this particular Bill and an opportunity will arise for discussion on the Ayurvedic system, if such is considered desirable, when the Honourable Mr. KAMAT brings forward his motion with reference to section 11. I move, Sir, that this Bill be read a second time.

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The motion for the second reading of the Bill was then put to the vote and carried.

Clauses 1, 2, 3 and 4 and the preamble were then put to the vote and carried.

The Honourable Mr. SHEPPARD moves the Third Reading of the Bill.

The Honourable Mr. SHEPPARD:—I should like to move now, Sir, that the Bill be read a third time.

Bill read a third time.

The motion for the third reading was put to the vote and carried.

BILL No. IV OF 1915 (A BILL FURTHER TO AMEND THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882).

The Honourable Mr. CARMICHAEL moves the First Reading of the Bill.

The Honourable Mr. G. CARMICHAEL:—Your Excellency:—I rise to move the first reading of the Bill further to amend the Bombay Landing and Wharfage Fees Act of 1882. The object of the legislation proposed will, I am sure, command the full sympathy of this Council. The measure is designed to provide funds for carrying out a programme of improvements for providing facilities for the embarking and disembarking of passengers at the ports of the southern parts of this Presidency. I need hardly dilate on the necessity for these improvements. Many of us have been passengers down the coast and know from actual personal experience how the case stands, and quite recently in this Council we had a discussion on the question of a railway for the Konkan. In the course of that discussion the hardships these passengers have to undergo were depicted in very vivid colours. The suggestion then made was that the Konkan should be provided with a railway, but the natural features of the country are not very favourable for the construction of a railway. They are, on the other hand, very favourable for communication by sea, and even if a railway were constructed, I think, at any rate for the longer journeys, a railway would be very severely handicapped by competition with a good steamer service. The sea route will always be an important one, and I think it is incumbent on us to do what we can to improve the natural facilities and to maintain the improvements once they have been carried out. The problem is really one of finance. The programme of works which are required include such works as the erection of landing piers, dredging, construction of pontoons. In dealing with works of this class it will be readily understood that the bill of costs soon mounts to a very high figure. I may take the instance of the pier at Rewas Bunder, which was undertaken and has been completed. The final estimate for that work alone ran up to nearly three lákhs of rupees, and at many other ports expenditure on a similar scale is necessary. Now there are three possible sources at present. One is the Local Funds, but the Local Boards concerned are not wealthy bodies and they cannot afford to spend any appreciable amount on objects of this kind. Then we have the Southern Ports Fund which is managed by the Commissioner of Customs. The money for this fund is raised from port dues. The income is comparatively small, it is already fully utilised, and another circumstance is that the income is mainly derived from the goods traffic and it would not be very appropriate to carry out improvements which are designed solely for the benefit of passenger traffic, as many of these improvements will be, at the cost of funds raised mainly from the goods traffic. Lastly, it is not possible, without detriment to the seaborne trade of the ports, to increase the port dues. Then there are the Provincial Revenues to be considered. The pier at Rewas was constructed mainly from Provincial funds. A contribution was given by the Local Board of Kolába and a larger contribution came from the Southern Ports Fund. The bulk, of course, fell on Government—on the provincial revenues. Now if we were to carry out the programme of works required from provincial

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revenues alone, the rate of the progress made would be slow and fitful, because there are many other demands on provincial revenues. Therefore the proposal in this Bill is to impose a small tax on passengers. The tax will be relatively a small amount compared with the cost of the passenger's ticket. The limits proposed in the Statement of Objects and Reasons are six pies to one anna; and the idea is that the amount will be collected—at any rate the bulk of it—with very little extra expense, because the payment will be made at the time the ticket is taken out. In order to minimise any possible cases of hardship that may arise and also to exempt unimportant traffic such as the traffic in the smaller creeks, it is proposed in the Bill to take power to exempt classes of passengers. In the case of country craft traffic the exemption clause may be useful at ports, where country craft traffic is unimportant and may safely be disregarded. With the money to be raised from the tax a regular programme of improvements will be carried out. The nature of these has been described in the Statement of Objects and Reasons. I need hardly refer to them except with regard to one small item, that is, the provision of telephonic or telegraphic communication between the ports. The steamer service—the ordinary passenger service—as Honourable Members know, is wonderfully regular, but passengers travelling by what are called Cargo Boats, the timings of which are not so regular as the ordinary passenger service, are often inconvenienced for want of intimation of when the steamer may be expected. It also happens that a steamer travels with its full complement and passengers come down to a port, wait there until the steamer comes in only to find that there is no accommodation for them on board and they have to go back. So in these cases it would be very useful for the passengers if messages could be sent from one port to another indicating the movements of the steamer, etc. It is not intended to construct the telegraph line out of the funds, but merely to give a guarantee, which the Telegraph Department ordinarily requires when a new line is constructed, that the income will not amount to less than a fixed figure. With these remarks I beg to move the first reading of this Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please your Excellency:—It should be conceded that so far as certain provisions of this Bill are concerned, such as the construction of landing stages, resting houses, etc., in a district like Ratnágiri, which is intersected by creeks and rivers, where travelling is difficult, where the passengers for steamers have to come from considerable distances, and frequently get belated on arrival long before time and require shelter from sun during day and cold blasts at night, this Bill will supply a want which I should think is of an urgent character; but at the same time I may say that there are some questions of principle involved in it in respect of which I submit there are serious objections to it. In the first instance, I submit that though it appears that the object of the Bill is to levy fees from passengers travelling by steamers only, the Bill has been so framed that it would be open for fees to be chargeable on all people who travel by sea, whether by fishing boats or small country crafts, I think it would be a great hardship and cause great inconvenience if agriculturists are required to pay fees when they go from one village to a neighbouring one for agricultural or social business merely because they have to use a boat. The word "vessel" has not been defined, and therefore I submit that either the definition of a vessel should be given or some other provision should be inserted which would restrict the operations of this Bill by exempting people who approach from short distances by small sailing boats from the payment of fees. It is no doubt true that the executive Government has been authorized by the Bill to grant remissions to any person or class of persons, but I submit, as it very often happens in cases of this kind, where matters are to be provided for by rules, in course of time the original object is forgotten and what often happens is that a thing that was never intended to be done is done; and therefore I submit that it would not be proper in the case of this Bill to leave the question of exemption to rules but express words which would restrict its

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operation to only those people who are travelling long distances by coasting steamers.

Another objection which I think ought to be considered is in reference to the mode of the collection of fees. Where there are small fees to be collected from a number of persons the collection generally causes considerable administrative difficulty. A large number of people have to be employed and it is a matter of common knowledge that considerable leakage takes place; if therefore the Council is agreeable that the provisions of the Bill should apply only to passengers who travel by steamers, I think the best arrangement would be to come to some sort of understanding, or to require even by law, that the fees which are to be levied should be collected through the ship agencies. This could be done with the least cost and the risk of leakage would also be minimised and I should therefore think that the Bill should provide for the fees being collected by the Agents of steamships through their officers for which some small remuneration may be paid.

A third matter upon which I propose to invite consideration by the Council is in connection with the appropriation of the proceeds of these fees. Amongst the objects to which the fees are to be applied are the dredging of the creeks and repairs and construction of piers. I should think that in reference to the water high-ways the same policy which has been adopted for the land high-ways should be applied. In the case of land high-ways Government, with the approval of this Council, have laid down a policy under which tolls which used to be collected all over the country have been abolished at a considerable sacrifice of revenue, because they were a hindrance to traffic, and I should submit that fees to be levied from individual passengers can not be regarded otherwise than as tolls. I submit that these wants should be met in some other way, either by means of provincial grants or otherwise, but the cost of either dredging of the creeks or the construction and repairs of piers should not come from fees which are collected in this way from the travelling public.

Another matter to which I should also wish to draw the Council's attention is in connection with the provision about the penalty for doing anything in contravention of the rules made under this Bill. The fees levied vary from 2 pice to 1 anna, and for contravention of the rules in connection with the collection of such small fees a penalty which may rise up to Rs. 500 I should consider to be disproportionately heavy. I submit that this is an important matter which requires consideration, and I would therefore suggest that the Bill be referred to a Select Committee where all these questions may be fully and carefully considered.

The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA:—Your Excellency:—The hardship of passengers now who travel by sea, especially in the Ratnágiri District, is so great that a Bill of this sort would add to the convenience and prosperity, as has been rightly remarked, of the people in such districts. At present the grievance of passengers travelling by vessels is so great that there are no proper piers, there are no rest-houses at the bunders, and anything that can be done for the sake of their comforts is welcome. Even in crossing rivers a ferry tax is collected at the rate of half anna or one anna, and a very large number of travellers are people who travel on the coast. So small a fee as half anna or one anna will not be felt by the passengers. From whom to collect and how to collect are matters of detail to be provided by rules and Government will frame rules and then they will invite objections to them. Therefore the measure as now introduced will have a very salutary effect and it has my fullest support. I strongly support that the Bill be read a first time and be referred to a Select Committee.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency:—The Bill as it stands is welcome in so far as it makes provisions for

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improving the water-ways and for the comforts of passengers, but, my Lord, I am opposed on principle to the provision which it is contemplated to make to levy fees to meet these expenses. We have on our side land tax. We have abolished our road-tolls though we have to spend large amounts on their construction and maintenance. We have spent large sums of money on railways but not imposed any cess on the passengers to meet that expenditure. Now the water-ways are used not only for passenger traffic but also for goods traffic and large income is earned by Government from the latter branch of the traffic and the provision for the facilities proposed ought properly to come from the provincial revenues. So far as piers and landing stages are concerned, I think the revenue from posts and telegraphs is sufficient to cover any surplus or extra cost that might be required for these ports. Subject to these remarks I have no objection to the first reading of the Bill, but I think it is very important on principle that no fee ought to be charged to passengers, however small it may be.

The Honourable Dewan Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency :—I want to make a few remarks on the first reading of this Bill. The main reason which seems to have induced Government to undertake this measure of legislation seems to be the provision of funds for improvement of landing stages, constructing piers, etc., in the ports of our west coast. On account of the many hills and rivers by which the country is traversed, railways will be very difficult to construct in the Konkan Districts of this Presidency, but I am sure that after 30 years or 40 years these railways will come in and that will be the only satisfactory solution of the problem of means of communication in our Konkan tracts. Pending the construction of these railways we have to consider the question of our coast traffic. What I would do would be to give a guarantee for 20 years or 25 years for coasting traffic between Bombay and Vingurla and Bombay and Southern ports of Kánara to certain steamship companies. Give this guarantee for 20 or 25 years or other specified period and let the traffic be under control as regards tariff of fares, times of sailing, etc., and then impose upon the steamship companies the responsibility of providing the conveniences that are required for the passengers for whom they ply. Take the analogy of railways; we give guarantees to railway companies and prevent other competitors from working within the sphere of their areas and then make these railway companies provide all conveniences that are required for the passengers that they carry. Taking the same analogy, we should give certain reliable steamship companies the monopoly of the coast trade for 20 or 25 years, and ask them to provide all the conveniences that are required for the passengers carried. If the problem is looked at in this light and steamship companies are given guarantees and their interests are safeguarded, we can throw the responsibility of providing conveniences for passengers on them. It is but fair that when these carrying companies have received a monopoly from the State, they should be made to give a portion of their profits towards improving the country they tap. I think this solution of the problem and this aspect of the question should be looked to before this Bill is further considered.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency :—My friend the Honourable Mr. UPASANI has objected to the levy of a small fee on the principle that Government ought to maintain or ought to spend on communications and other conveniences. Another solution has been suggested by my honourable friend Dewan Bahadur GODBOLE. Coming from the Ratnágiri District and knowing personally the great hardships and inconveniences to which passengers are put in the Ratnagiri District, I can say that since we would really have to wait for years together until Government can find the funds to give us all the conveniences now proposed to be given, I think the general sense of passengers going along Ratnagiri coast is that they would prefer to tax themselves ½ an anna rather than wait for years and years before railways are constructed. Regarding the suggestion of my honourable friend Dewan Bahadur

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GODBOLE, he proposed to give a monopoly to a carrying company for a certain number of years and expect them to provide these conveniences. The idea seems to be good enough, but we must remember that those carriers who give certain conveniences would naturally expect to increase the rates of passengers' fares. Now it is only a question which would be the better way. To tax passengers either half an anna or one anna at the most or leave passengers to the mercy of carriers just as they like? If the carriers or shipping companies are going to charge more than one anna, I think it would be far better to leave the matter in the hands of Government. I believe it would be much better to give the money to Government in the shape of a surtax on tickets rather than submit to shipping companies who have the monopoly and who may give the conveniences as they choose. I therefore think that although the scheme proposed by Dewán Bahádur GODBOLE is suitable enough as a commercial undertaking, still looking to the matter of convenience, it would be much better to confine ourselves to the proposal of Government. The Honourable Member in charge of the Bill has just now told us that as a matter of principle all these conveniences and other things would be provided out of the new funds which would be created by the levy of half an anna or one anna. I think that if we have to wait until we find our piers, etc., out of this one anna fund we should have to wait for a very long time indeed. I therefore think that it would be better to have contributions from Provincial funds, or Local funds if possible, instead of depending only on the nucleus of a fund which would be built up by the levy of a small fee. Government provide for other purposes in the Presidency. They provide, for instance, Travellers' Bungalows and dharamshalas in other parts of the Presidency. When they provide these, I do not see why they should not provide similar conveniences, which are much more badly needed in the Ratnágiri District than anywhere else. This is the aspect of the case to which my honourable friend Mr. PAREKH has just now referred. The piers and landing stages would help not only passengers, but it would help also the handling and transport of goods, and it would facilitate the inspection of Government Customs Department. If, therefore, Government could keep a better eye on the transport of heavy goods, which, perhaps, these landing stages would facilitate, then I don't see any reason why Government should grudge to allot from Provincial funds for these passengers' conveniences. It would also in an indirect manner benefit the Customs Department of Government I therefore submit by way of an amendment of the principle underlying the Bill that instead of depending merely on the funds provided by a surtax on passengers' tickets, I think all facilities should be provided jointly from Provincial funds, as well as the levy of fees.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—I gather from what has been said in the discussion that the feeling of this Council is distinctly in favour of the principle of the Bill. The Honourable Mr. PAREKH raised the question of the taxation of passengers going to and fro in country craft. His view is that this point is a matter of principle, but I must say I can hardly agree with him in this. It is a point that may be left to the Select Committee. The passengers by country craft will obtain the same advantages for which it is proposed to tax the passengers travelling by steamers. They start from the same landing places, they go to the same landing places, and they will have the benefit of other conveniences, for instance, of the dharamshalas, and of the improvement of the water-ways. I do not see why they should not pay, but, as I have said, that is a matter which can be discussed in the Select Committee.

With regard to the method of collecting the fees, the Honourable Mr. PAREKH said that the collection would probably be a costly business. I am sorry I did not make it clear in moving the Bill the arrangement which is contemplated. It is intended to collect the fees through the agency of the steamship companies and the steamship companies have indicated their readiness to help us in the matter. At ports where the traffic by country craft is large, as, for example, at the ports

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near Bombay, if it is decided to tax passengers by country craft, then special arrangements would have to be made, but I do not think that there will be any difficulty in the matter or that the cost of collection will be high.

The Honourable Mr. PAREKH also compared the tax with the road tolls. It is hardly a proper comparison, but he did not press the matter, and I think he used it as an argument for the continuance of the expenditure out of provincial revenues on these objects. As far as the provincial revenues can afford it, I have not the slightest doubt that grants will be made to help in the case of the larger and more costly works, as has been the case in the past.

The Honourable Mr. KAMAT referred to the fact that the improvement of the water-ways and of the landing places would improve the customs revenue, but I may point out with regard to that remark, that the customs revenue is imperial; provincial revenues will not benefit in the matter. Perhaps I went too far when I said that there was no objection taken on principle. I think I must except the objection taken by the Honourable Mr. UPASANI. I understand his position to be that he is in favour of the improvement being carried out but not of spending any money or raising any money for the purpose.

The Honourable Dewán Bahádur GODBOLE proposed that the responsibility for carrying out these improvements should be thrown on the steamship companies by a special arrangement made with them. That, I do not think, is at all a feasible proposal; in any case it will greatly delay the carrying out of these works.

Bill read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

Bill referred to a Select Committee.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—I beg to move that this Bill be referred to a Select Committee consisting of—

The Honourable Mr. LAWRENCE,
The Honourable Mr. BELVI,
The Honourable Mr. M. N. HOGG,
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY,
The Honourable Ráo Bahádur RODDA, and
myself,

with instructions to report within two months.

The motion for referring the Bill to a Select Committee was then put to the vote and carried.

A BILL FURTHER TO AMEND THE SIND COURTS' ACT (BOM. ACT XII OF 1866).

His Excellency the PRESIDENT:—A Bill further to amend the Sind Courts' Act—The Honourable Mr. CHAUBAL.

The Honourable Mr. CHAUBAL moves the First Reading of the Bill.

The Honourable Mr. M. B. CHAUBAL:—Your Excellency,—I beg to move for the first reading of the Bill further to amend the Sind Courts' Act (Bom. Act XII of 1866).

Honourable Members of this Council must have seen from the Statement of Objects and Reasons published along with the Bill, that this is a small and I believe non-contentious measure intended to give the Court of the Judicial

SIND COURTS' BILL.

[8TH DECEMBER 1915.] [*Mr. M. B. Chaubal; Mr. Harchandrai Vishindas.*]

Commissioner in Sind, which is the highest Court of Appeal in the province of Sind, the same powers with respect to the delivery of oral judgments as are now possessed by Chartered High Courts in Civil and Criminal cases. The extension of such powers is expected to greatly economise the time of the Judicial Commissioners.

Partially this power already exists in the law as it stands at present, for in Sessions cases tried by the Judicial Commissioner's Court charges to the Jury can be delivered orally and recorded subsequently by the presiding judge in the exercise of Sessions Court jurisdiction under the proviso to Section 367, Criminal Procedure Code. Similarly, in so far as the Court of the Judicial Commissioner in Sind exercises High Court Criminal jurisdiction, there would seem to be no legal objection to oral judgments being delivered, and the shorthand writer's transcript being subsequently recorded and signed by the judges, in the spirit of the express exemption relating to High Courts in Section 424 of the Code. There is, however, a possible doubt by reason of the general provisions of that section about the legality of oral judgments in Sessions Appeals heard by the Court in the exercise of Sessions Court jurisdiction and of similar judgments in original suits or appeals heard by the same Court in the exercise of District Court jurisdiction as also in appeals and revisions heard in the exercise of its High Court Civil jurisdiction by reason of the general provision of Rules 1 to 3 of Order XX and of Rule 31 of Order XLI of the 1st Schedule to the Code of Civil Procedure, 1908.

It would of course be possible to comply substantially with the said provisions by pronouncing the judgment and signing the shorthand writers' transcript subsequently in open Court, but this course would naturally cause delay.

For these reasons it is considered desirable that the law governing the constitution and providing for the due administration of justice by the Courts of Civil and Criminal Judicature in the Province of Sind should provide for extending to the Court of the Judicial Commissioner in Sind the powers possessed by Chartered High Courts with respect to the delivery of judgments under Rule 2 of Order XLIX of the 1st Schedule of the Code of Civil Procedure, with the previous sanction of the Local Government.

It may be added that as the Bill would have the effect of indirectly amending, however slightly, the Codes of Civil and Criminal Procedure, the previous sanction of the Governor General as required by Section 5 of the Indian Councils Act, 1892 (55 and 56 Vict. c. 14), has been duly obtained.

It is, therefore, hoped that this Council will recognise the utility and convenience of this small legal measure: and I therefore formally move that this Bill be read a first time.

I leave this matter to the sense of the Council. I do not see any point of contention in this small Bill, but of course, if anybody thinks that there is any question of principle involved in this, the Council will consider, and then I propose that the Bill be referred to a Select Committee. But so far as I have been able to look into the matter, I do not think that there is any question of principle involved. It is a small measure practically to legalise the powers which they are already exercising and which the High Court exercises here, and therefore I hope it will not be necessary to refer it to a Select Committee, but if any Honourable Member rises up and says that there is any point of principle involved, I have no objection to take the sense of the Council and refer the Bill to a Select Committee.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—This Bill has my entire support, and I recommend to the Council to pass it unanimously. As a matter of fact, as the Honourable Member in charge of the Bill has pointed out at the conclusion of his remarks, the judgments are delivered orally

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[*Mr. Harchandrai Vishindas; Mr. Mahadev Bhaskar Chaubal; Mr. Shridhar Balkrishna Upasani; the President.*] [8TH DECEMBER 1915.]

by the Judges of the Judicial Commissioner's Court, and to save any illegality, they afterwards formally deliver them after the shorthand writer's transcript is reduced to manuscript, and these oral judgments have got certain advantages. In the first place, the judges get accustomed to take notes as they get on with their cases, and at the termination of the case, they are fully prepared to come to their conclusions. The facts and arguments being fresh in their minds, they are quite competent to deliver their judgments at once. In the next place, they save the parties a good deal of suspense which is a necessary concomitant of the delays which would be necessary if judgments were not delivered at once, but the parties had to wait for the judges to go home and deliver their judgments at some later times. There is no disadvantage in the system at all. Perhaps it will be said that judgments delivered at once would not receive that mature consideration which they would otherwise receive if the judges were allowed some days to think over. But I think that judges of the calibre and standard of the Judicial Commissioner's Court, who oftentimes act as High Court Judges, can be trusted to do their work efficiently in this behalf, just as the Judges of High Courts deliver oral judgments without any disadvantage. Therefore, this measure has my entire support, and I do not think that this Bill should be referred to a Select Committee at all.

Bill read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL:—Your Excellency,—As I believe it is the sense of the Council that they agree with me in thinking that this Bill is non-contentious and is convenient and likely to economise the time of the Court of the Judicial Commissioner in Sind, I propose to move at this sitting of the Council the second reading of this small Bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency,—For my part I support the first reading of this Bill, but as regards the second reading, considering the principle involved, I think it would be better to observe the usual procedure that is adopted in the case of all Bills which are not of a very urgent character, *i.e.*, to refer them to a Select Committee and then bring them on for second reading. The exceptional procedure is meant for emergencies and to my mind there does not appear to be any emergency in the present case. The law as it stands requires that judgments should be recorded in writing and then delivered orally, and the proposed departure from it is certainly not a very urgent matter and it could be sanctioned in the usual course. I should, therefore, suggest that the second reading of the Bill be taken up after the Bill is considered by a Select Committee.

His Excellency the PRESIDENT:—Before I put the motion, that the Bill be read a second time, to the Council, I should like to point out to the Honourable Member that my Honourable Colleague gave him full opportunity of objecting to the passage of the Bill if he wished to do so, and my Honourable Colleague was anxious to leave the whole matter to the sense of the Council. But it was not until the second reading was proposed by my Honourable Colleague that the Honourable Mr. UPASANI got up and proposed a motion for referring it to a Select Committee, without giving any reasons for doing so. I should like to suggest that this is really a small and non-contentious Bill and has been supported by the Honourable Member from Sind, and it seems that it is really a waste of time to refer it to a Select Committee and not go on with it straight away. Honourable Members are perfectly aware that Government are most anxious that, if there is any matter which is in the least contentious in a Bill, it should not go through without a reference to a Select Committee.

SIND COURTS' BILL; RULES FOR THE CONDUCT OF BUSINESS AT MEETINGS OF THE LEGISLATIVE COUNCIL.

[8TH DECEMBER 1915.] [*The President; Mr. Mahadev Bhaskar Chaubal.*]

Bill read a second time.

The motion for the second reading was then put to the vote and carried.

Clauses 1 and 2 were then put to the vote and carried.

The preamble was then put to the vote and carried.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL :—Your Excellency,—As this Bill has passed through the first and second readings, I now formally move that it be read a third time.

Bill read a third time.

The motion for the third reading was then put to the vote and carried.

His Excellency the PRESIDENT :—Rules for the conduct of business at Meetings of the Legislative Council of the Governor of Bombay. The Honourable Mr. CHAUBAL.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL.—Your Excellency,—I beg leave to move the amendments in the Rules for the conduct of business at Meetings of the Legislative Council of the Governor of Bombay, which stand against my name in item V of the Agenda paper.

The necessity for amendments in the direction of those that I am moving was brought home to us, as I believe to other provinces, with the first experience of a Bill introduced by an unofficial member of the Council. Honourable Members are aware that in the case of Bills initiated by Government, the instructions to Local Governments regarding legislation in Local Councils prescribe that ordinarily no measure shall be introduced until a communication has been received from the Government of India intimating that the Secretary of State and the Government of India have no present intention of interfering with the measure, or until two months have elapsed from the date on which the Bill has been despatched to the Secretary of State (*vide* Instruction 4, p. 182 of the Legislative Council Manual. This rule provides an opportunity for the Examination of the Bill by the Government of India and the Secretary of State.

In addition to this, Instruction 1, (3) ensures that where any legislation proposed involves substantial questions of principle, leave to introduce a Bill should not be asked for until such questions have been settled in communication with the executive department of the Government of India to which the subject belongs: and ordinarily all correspondence before the stage is reached at which leave to introduce a Bill is asked has to be conducted with such executive department of the Government of India.

These provisions ensure that preliminary inquiry, examination and deliberation which is necessary before a legislative measure is solemnly introduced in the Legislative Council.

But as the rules stand these instructions are difficult to apply in the case of Bills promoted by non-official members as under Rule 28, clause (2), the minimum notice prescribed is only 7 clear days. The result is that a Bill might at any time be introduced in the Local Council and sometimes even discussed there, without either the Local Government, the Government of India or the Secretary of State having had sufficient time to examine and decide the attitude which these authorities should take in regard to the measure proposed. Honourable Members are probably aware that in practice the consideration of such Bills is frequently postponed or held up until the Local Government have had the requisite opportunity of considering the proposed legislation and of communicating with the Government of India, but the inconvenience thus caused owing to the lack of definite rules on the subject is considerable and affects both the Government and the non-official members of Council.

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[*Mr. Mahadev Bhaskar Chaubal; Sir Ibrahim Rahimtoola; the President.*] [8TH DECEMBER 1915.]

The main amendment which I propose for adoption by the Council to meet these difficulties is to substitute a minimum of 2 months' notice previous to the asking for leave to introduce a Bill, the notice as usual being accompanied by a copy of the Bill, a full statement of Objects and Reasons, and all other necessary papers. This is the amendment I propose instead of the present clause (2) of Rule 28; amendments (*b*) and (*c*) on the Agenda paper, it will be seen, are merely consequential.

Amendment (*d*) relates to the proviso to Section 38 of the Indian Councils Act, 1861 (24 and 25 Vict. c. 67), under which no measure affecting the public revenues of the Presidency or seeking to impose a charge on such revenues shall be introduced without the previous sanction of the Governor; and this amendment provides that if such previous sanction is necessary in the case of any legislative measure proposed to be introduced by an unofficial member, such sanction should accompany the notice now prescribed by clause (2) amended as proposed above.

The amendments proposed in Rule 29 are, as will be seen, merely verbal and consequential on those proposed in Rule 28.

I trust the Council will readily see the necessity of the amendments proposed and give their sanction to the changes proposed.

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency,—It was not my intention to address the Council on the proposed amendments if the reasons advanced in favour had merely been that the Local Government required more time to consider the provisions of the Bills introduced by non-official members. It appears, however, that one of the reasons underlying the proposed alteration of these regulations is to enable the Government of India and their executive departments to be consulted in regard to those measures. So far as Government Bills are concerned, this Council has no authority to interfere, but it is different in regard to legislation which non-official members wish to bring forward. My reading of the Indian Councils Act is that the Provincial Councils enjoy legislative autonomy and have enjoyed it ever since the passing of the Act of 1861. If, therefore, by any tacit submission to a statement made on behalf of Government, this Council did not take the opportunity of pointing out that the legal right of legislating under certain reservations and limitations to which I will refer a little later vests absolutely in this Council—

His Excellency the PRESIDENT:—Can the Honourable Member give me the reference?

The Honourable Sir IBRAHIM:—Yes, Your Excellency, page 14 of the Indian Councils Act, section 42. It reads: "The Governor of each of the said Presidencies, in Council shall have power, at meetings for the purpose of making laws and regulations as aforesaid, and subject to the provisions herein contained, to make laws and regulations for the peace and good government of such Presidency, and for that purpose to repeal and amend any laws and regulations made prior to the coming into operation of this Act by any authority in India, so far as they affect such Presidency: Provided always, that such Governor in Council shall not have the power of making any laws or regulations which shall in any way affect any of the provisions of this Act, or of any other Act of Parliament in force or hereafter to be in force in such Presidency": Your Excellency will observe that with the exception of parliamentary enactments which are specifically barred, the Governor of this Presidency with the sanction of the Legislative Council is authorised not only to make new laws and regulations but also to repeal and amend existing laws inclusive of laws made prior to the Act of 1861.

Then, Sir, clause 43 provides:—"It shall not be lawful for the Governor in Council of either of the aforesaid Presidencies, except with the sanction of the

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Governor General, previously communicated to him, to make regulations or take into consideration any law or regulation for any of the purposes next hereinafter mentioned; that is to say,

(1) affecting the public debt of India, or the customs duties, or any other tax or duty now in force and imposed by the authority of the Government of India for the general purposes of such Government;

(2) regulating any of the current coin, or the issue of any bills, notes, or other paper currency;

(3) regulating the conveyance of letters by the post office or messages by the electric telegraph within the Presidency;

(4) altering in any way the Penal Code of India, as established by Act of the Governor General in Council, No. 42 (1) of 1860;

(5) affecting the religion or religious rites and usages of any class of Her Majesty's subjects in India;

(6) affecting the discipline or maintenance of any part of Her Majesty's Military or Naval Forces;

(7) regulating patents or copyright;

(8) affecting the relations of the Government with foreign princes or states:

Provided always, that no law or provision of any law or regulation which shall have been made by any such Governor in Council and assented to by the Governor General as aforesaid, shall be deemed invalid only by reason of its relating to any of the purposes comprised in the above list."

Sir, I do not wish to weary the Council by reading more sections, but I think I have been able to show that this Council along with the other Provincial Councils has enjoyed the right of legislative autonomy ever since the passing of this Act in 1861. I should like to draw Your Excellency's attention to the fact that Section 43 which restricts the power of this Legislative Council in regard to eight matters specially specified implies freedom of action with reference to all other matters. It should also be borne in mind that legislation in regard to these eight matters could also be undertaken by this Council but in that case the previous sanction of the Governor General must be obtained. I should like to point out that the words here used are "His Excellency the Governor General" and not "the Governor General in Council," and therefore the question of the executive departments of the Government of India, cannot, I think, arise even in regard to the eight subjects specifically barred by the Act. There is one thing more which I should like to point out, *viz.*, that each and everyone of the eight exceptions is of such a character as directly comes within what we regard as purely imperial heads. This again clearly proves to my mind that so far as provincial matters are concerned this Council enjoys absolute legislative autonomy. Sir, I have discussed this question with some leading officials—

The Honourable Mr. MAHADEV BHASKAR CHAUBAL:—Your Excellency,—I hope the Honourable Member will pardon me for interrupting him: but I do not think I said anything relating to the powers of this Council or touched the question whether legislation can be introduced here without the previous sanction of the Governor General in Council. My motion is for amending the rules of business; these rules are made under Section 37, and the proviso to that section enables us to make any necessary amendments. The amendments that I propose were shown to be convenient and necessary for the reasons I gave. It may be that a private Bill may be introduced into this Council without the previous consent of the Government; I do not think I committed myself to any expression of opinion on that point. But the Honourable Member will remember that, after

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a Bill has been passed here, the Governor's assent is required, and the assent of the Governor General is also requisite. Unless those consents have been given, the Bill, even if it is passed in this Council, has no validity. I believe every one will agree that it is far more advisable to ensure that no objections from these directions are received afterwards, and no one would risk that Bills which are passed here should subsequently be refused sanction. To effect this object a certain period must be allowed to Government for a consideration and examination of a private Bill, for the introduction of which leave may be sought. Now at present Rule 28 (the second clause), provides only 7 days' notice and the object of the amendment proposed is simply that instead of the 7 days' notice, there should be at least 2 months' notice, before the motion for leave is made. I do not think I entered into any disquisition about the previous necessity or otherwise of taking anybody's consent before a Bill is brought up before this Council. The mention of what the practice has been in the case of Bills introduced by Government was only incidental and meant to emphasize the desirability of the amendments proposed.

The Honourable Sir IBRAHIM (continuing):—Your Excellency,—As I understood the Honourable Member to tell the Council that one of the reasons for the extension of the time from 7 days to 2 months was to enable a reference being made to the executive departments of the Government of India, I felt it my duty to point out that in my opinion no such reference was necessary in regard to provincial legislation as this Council enjoyed legislative autonomy under the Act of 1861. I take the interruption which the Honourable Member has made to mean that the contention which I have put forward that this Council does enjoy legislative autonomy is accepted.

Then, Sir, I will deal with the amendments that are now under consideration. As I have already said, I do not wish to object to the period of notice being increased to 2 months. I feel bound to point out, however, that the suggested alterations go considerably beyond the mere extension of the period. Rule 28 which is proposed to be amended lays down that—

"(1) Subject to the provisions of the Indian Councils Acts, 1861 and 1892, any Member may move at a meeting of the Council for leave to introduce a Bill.

(2) Seven clear days' notice of the title and subject of the Bill shall be given to the Secretary.

(3) In speaking to the motion the Member introducing the Bill may state concisely the scope of the Bill and the reasons in support of it, but, unless the motion is opposed, such explanation may be deferred to the first reading.

(4) If the motion is carried the Bill with a full Statement of Objects and Reasons and any other necessary papers shall be sent to the Secretary.

(5) On receipt of the same the Secretary shall publish the Bill with the Statement of Objects and Reasons in the *Bombay Government Gazette.*

(6) Provided that the Governor may order the publication in the *Bombay Government Gazette* of any Bill although no motion has been made for leave to introduce it. In such case the Statement of Objects and Reasons shall be published with the Bill."

Your Excellency will observe that under the existing regulations an Additional Member of the Legislative Council is empowered to bring forward a motion for leave to introduce a Bill,—which is the preliminary stage,—by supplying to the Secretary merely the title of the Bill and the subject of it. The alteration which is proposed is that he will have in future not only to give 2 months' notice but will have also to send to the Secretary a copy of the complete Bill with a full statement of Objects and Reasons and any other necessary papers. He will have further to obtain the sanction of Your Excellency laid down in Section 38 of the

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Indian Councils Act if the measure in any way affects the public revenues. It appears to me, Sir, that by making all these alterations the powers which non-official members have enjoyed for the last 50 years, and which they have very sparingly exercised I believe on one or two occasions only, are being substantially minimised. I do not think that that is the intention, and I do not for that reason wish to object to the alterations recommended. It is within the power of non-official members to bring the subject again before this Council, if any difficulty is experienced in promoting non-official legislation in consequence of the amendment of the regulations.

The Honourable Moulvie RAFIUDDIN AHMAD:—Your Excellency,—I rise to support the objections that have been made by the Honourable Sir IBRAHIM to the motion that has been brought forward by the Honourable Mr. CHAUBAL. Sir, as a matter of fact, it is greatly to be regretted that the non-official members of this Council have not taken advantage of the facilities that have been offered them by the Legislature.

As far as I remember there has been only one solitary Bill introduced by my honourable friend Sir IBRAHIM, and that has been wrecked; so that I do not know what necessity has arisen now by experience for the Honourable Member to bring in all these restrictions. Experience has shown that there was only one Bill that was not read in this House, that was read I do not know by whom. It has not yet been brought to us back. I was a member of the Committee that considered it twice or three times. First the Honourable Mover himself was the President of the Committee; then Sir RICHARD LAMB became the President, and I do not think that there was anything in the nature of the Bill or in the manner in which it was introduced that required any restriction. Sir, the official members enjoy so many facilities that I do not know why they should grudge the little facilities that have been offered to the non-official members in the system of bringing in these Bills. Seven days' notice is necessary for giving the title and subject of the Bill. Well, as my honourable friend has pointed out, that has not caused any inconvenience. What the Honourable Mover of the amendment has seriously brought forward is that it is possible that a Bill might be passed from here and our own President might veto it or bring forward certain objections to it, and then it might go again to His Excellency the Governor General who might veto it; and in order to avoid that it is better to give 2 months' time so that the Bill might be seen by those high personages beforehand.

But, Sir, I think the present system will have a great advantage, because this Bill will go to them after being debated in this House, and then the Governor General will know all the objections and the answers to those objections after reading the debate. If 2 months' time beforehand is given, then I do not think the Governor General has the time to know the objections and the answers to the objections, so that as a matter of fact the present system enjoys more advantages than what will be given to it by the Honourable Mover of the amendment. And besides, as I have pointed out, in practice and experience there has been no difficulty. So simply to try to harmonise the rules for the sake of making them uniform by bringing in the present amendment, I do not think it is wise. As it is, more facilities should be given, I think, than are afforded to the non-official members to bring private legislation. I think as far as this Council is concerned it is perhaps most backward of all the Legislative Councils in India, at any rate, in matters of bringing forward private legislation.

Besides I do not know that any very great advantage has been pointed out, as has been specially mentioned by my honourable friend Sir IBRAHIM that this Council and all the Indian Legislative Councils have enjoyed for the last 25 or 50 years legislative autonomy. If there has been no serious difficulty in the past, I do not think that this particular restriction should be raised at the present time. Although, as my friend Sir IBRAHIM has pointed out, it would not be a very serious

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[*Moulvie Rafiuddin Ahmad; the President.*] [8TH DECEMBER 1915.]

obstacle, but still it would be restricting the facility already enjoyed by the non-official members of the Legislative Council, and I think any such measure will certainly be opposed by them. At present I understand there is some such subject before the Madras Legislative Council, and we should wait and see what other provinces do in the matter and what experience teaches us before introducing these amendments.

His Excellency the PRESIDENT:—Perhaps I might be able to shorten what appears to be, or is likely to be, a very long discussion on what is really a simple matter, if I make a few remarks on this particular point.

I am rather afraid that my honourable friend Sir IBRAHIM has an idea in his mind that Government wishes to restrict the facilities afforded to non-official members, but I can assure him that Government are absolutely without reproach in this matter. The position of Government, with regard to the alteration in this particular rule, is this. We have come to the conclusion, and I think that it is a very just and proper conclusion, that 7 days' notice does not give sufficient time for the consideration by Government of the provisions of a private Bill and its Objects and Reasons, or for the reading of the necessary papers. Therefore we propose that a sufficient interval should be allowed to enable us to consider the terms of a private Bill in somewhat the same manner as we do in the case of our own Bills.

But, I would further add this. Honourable Members will see that in the instructions regarding legislation in local Councils, on page 181 of the Legislative Council Manual, clause 1, sub-clause 3, there are the following directions: "Where the legislation proposed involves a substantial question of principle leave to introduce a Bill should not be asked for under this rule until such questions have been settled in communication with the executive department of the Government of India to which the subject belongs." Well, we wish to have 2 months' notice because we may or we may not be quite sure whether any private Bill involves a question of principle. We therefore wish to have time to refer to the executive department of the Government of India and to ask their opinion whether we may or may not give leave to introduce the Bill. I suggest to Honourable Members that the extension of a period of notice, which is already required, is an entirely harmless alteration of the rule, and I do not think that there is any necessity for a long debate merely upon the question of substituting 2 months for 7 days.

I hope I have satisfactorily explained the situation to Honourable Members.

The amendment was then put to the vote and carried.

His Excellency the PRESIDENT:—I think it will probably be to the convenience of Honourable Members if we adjourn now till 2-30.

The Council then adjourned for lunch.

The Council re-assembled at 2-30 p.m.

His Excellency the PRESIDENT:—Order, order. Resolution No. I. The Honourable Mr. PATEL.

"This Council recommends to His Excellency the Governor in Council to consider the question of creating a Civil Court for the Town and Island of Bombay with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature not exceeding Rs. 5,000 in value except suits or proceedings which are cognizable—

(a) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty, or as a Court having testamentary, intestate, or matrimonial jurisdiction, or

(b) by the Court for the relief of insolvent debtors, or

(c) by the Small Causes Court."

RESOLUTIONS NOS. 1, 2, 3 AND 4.

[8TH DECEMBER 1915.] [*Mr. Vithalbhai Jhaverbhai Patel; the President; Sir Ibrahim Rahimtoola; Ráo Sáheb Venkatesh Shrinivas Naik.*]

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I beg leave to defer the consideration of this matter to the March meeting of this Council. Recently a similar measure has been passed in the Legislative Council of the Governor of Bengal, and I am in communication with my friends there, and, with the permission of Your Excellency and the Council, I beg leave to request that the consideration of the Resolution may be postponed.

The Resolution was then by leave postponed.

His Excellency the PRESIDENT:—Resolution No. II. The Honourable Sir IBRAHIM RAHIMTOOLA.

"That this Council recommends the Governor in Council to be pleased to utilize the munificent donation of eight lakhs of rupees, given by Sir Mahomed Yusuf Sodagar, towards the foundation of a Moslem Residential College, to be named after the donor and established either in Salsette or in the suburbs of Poona City, with adequate provision for the teaching of Arabic and Persian; that the College should be open to Students of all communities, provided that every Musalman student applying for admission shall have priority over students belonging to other religious denominations, and that a reasonable number of free studentships and scholarships should be provided for poor Musalman students attending the College."

The Honourable Sir IBRAHIM RAHIMTOOLA:—Your Excellency,—I also beg to ask that the consideration of this Resolution which stands in my name may be postponed to the next meeting as the matter is still under consideration.

The Resolution was then by leave postponed.

His Excellency the PRESIDENT:—Resolution No. III. The Honourable Ráo Sáheb NAIK.

"That this Council respectfully recommends to His Excellency the Governor in Council to consider the desirability of working out a scheme for the Dharwar District:—

(a) for the redistribution of the villages among the several Subordinate Judges and permanent Joint Subordinate Judges so that each Subordinate Judge may have separate jurisdiction over a compact group of villages, and

(b) for the more convenient location of the Subordinate Courts in the district."

The Honourable Ráo Sáheb VENKATESH SHRINIVAS NAIK:—Your Excellency,—I learn from the Honourable Member in charge of the portfolio that both the High Court and District Officers have passed certain orders and pointed out certain definite objections to the suggestion made in the Resolution, and also that it involves additional expenditure to the Local Government. I therefore ask Your Excellency kindly to permit me to withdraw the Resolution standing in my name.

The Resolution was by leave withdrawn.

His Excellency the PRESIDENT:—Resolution No. IV. The Honourable Dewán Bahádur GODBOLE.

"This Council recommends that His Excellency the Governor in Council will be pleased to consider the question of checking the minute

RESOLUTIONS NOS. 4 AND 5.

[*The President; Dewán Bahádur Kashinath Ramchandra Godbole.*] [8TH DECEMBER 1915.]

sub-division of agricultural lands which is taking place in the Konkan and in the Patasthal lands of this Presidency and which is extending also to dry crop lands in Deccan and Gujarat."

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency,—There are four resolutions standing in my name, and with Your Excellency's permission I wish that the consideration of Resolution Nos. IV and VI should be postponed to the next session of the Council.

His Excellency the PRESIDENT :—I think it would be convenient if we take the Resolutions of my honourable friend in the order in which they appear. Resolution No. IV.

Resolution No. IV was then by leave postponed.

His Excellency the PRESIDENT :—Resolution No. V. The Honourable Dewán Bahádur GODBOLE.

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency,—The Resolution which stands in my name reads thus :

"This Council recommends that His Excellency the Governor in Council will further consider the feasibility of starting a Paper Pulp Factory in the Kanara District of the Bombay Presidency so that the factory can be started by private enterprise after the close of the present war with a guarantee from public funds if necessary in the initial stages of the undertaking."

There is a reason for my putting down the word "further" in this Resolution. The question has already been considered before. Enquiries have already been made by Mr. Pearson, Economist of the Imperial Forest Research Institute at Dehra Dun, and he has submitted to the Government of India an exhaustive note upon the subject of the manufacture of paper pulp from bamboos. Mr. Pearson has investigated the financial feasibility of introducing the paper pulp industry from bamboos in 12 places in India, out of which 6 are in Burma, 3 in Madras and 3 in Bombay. The Bombay sites are situated in the Kanára District and these sites are intended to be supplied with bamboos as raw material from the forests of Kanára. The sites are situated at Gundbal, Balemani near Kadra and Bomanhalli or Hubli. The Gundbal site is situated on the Gangavali River in the Ankola táluka of the Kanára District. Mr. Pearson has estimated from the available statistics that the amount of raw material at this site will be 40,321 tons in the year. In the case of Balemani site near Kárwár he has stated that the amount of raw material available will be 32,107 tons in a year and in the case of the Bomanhalli or Hubli site where the bamboo supplies will be received from Mundgod forests, the supply is put down as 55,028 tons in a year. Of these three sites, two are, in my opinion, very favourable. One is at Gundbal and the other at Balemani; because both these sites are situated on tidal rivers and one of the required paper materials, namely lime in the shape of shell lime, is available at very cheap rates at these sites. The rate of shell lime at these sites will be about 12 annas per cwt., which is a very moderate rate. Cheap fuel also is available at these sites in any quantity for the purpose of digesting of the bamboos. Mr. Pearson, Economic Expert, Imperial Forest Research Institute of Dehra Dun, has stated however in his report that the species of bamboos that are locally available in the Kanára forests, namely Dangi bamboos, are very difficult to digest and the experiments that have been made as regards their boiling were not successful. The exact wording used in the report is this :—"This species (Dangi bamboos of Kanára) we boiled for twelve hours with 24 per cent. of caustic and it came out much underdigested. This bamboo is a failure so far as our experiments have gone, but this does not mean that the species is useless for paper pulp, but that further investigation is necessary in order to find out the proper

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method of treatment." So far as the experiments have gone, the methods adopted were not successful. Further investigation is necessary in order to find out the proper method of treatment for boiling Dangi bamboos. It is this further investigation that has to be made that I am going to press for. I think that the Local Government should take up this question and make the further investigation that is needed and prove that it is quite practicable to utilise the Dangi bamboos of Kanára for the manufacture of paper pulp. I want further investigation made also as regards the local production of certain costly chemicals that are used in the manufacture of paper pulp. These costly chemicals are caustic soda and bleaching powder. These are required in large quantities, and if we could devise means of manufacturing these locally, it will be a great point gained. The Kalinadi and Gangavali Rivers on which the proposed paper pulp factory sites of Gundbal and Balemani are situated both take their rise in the Dhárwár District and come down to the seaboard portion of the Kanára District and in coming down they have to get down a declivity of from 1,200 to 1,500 feet. In their courses, these rivers have many falls and rapids. The principal falls are I think known as Lalguli and Lushington Falls. The question is whether these falls and rapids cannot be harnessed for the construction of installations for the production of electric power and whether the electric power so generated can not be transmitted to the mouths of these rivers for manufacturing caustic soda and bleaching powder from sea salt for use in the proposed paper pulp industry. If this be accomplished, the paper pulp factories of the Kanára District will not only be highly remunerative but in my opinion with the cheap chemicals available they will be able to compete with European and American markets. What I wish the Local Government to do is that they should examine these two rivers and find out whether there are possibilities of having electric installations on them, and if these electric installations are feasible whether it is practicable to utilize the electricity in the manufacture of the two costly chemicals of caustic soda and bleaching powder from sea salt. If the suggested investigations prove successful, then I believe we will have solved a very important problem. Private capital will then be ready to come in to start what promises to be a very remunerative industry. My request to the Local Government is two-fold. First, I ask them to arrange to continue investigations as regards digesting and boiling of the Dangi bamboos of Kanára on a commercial scale and to place this matter beyond reasonable doubt. Then I would further ask them to investigate and prove the feasibility of establishing a local factory for the manufacture of caustic soda and bleaching powder from sea salt by means of electric installations on the two tidal rivers that I have mentioned. If the Kanára rivers do not give the electric power we want, I would go to the Ratnágiri District where we have several rivers rising in the western ghats and going to the sea. It is possible that a suitable site for a large reservoir for generating electricity can be secured in the Ratnágiri District. The electricity generated can be transmitted to the sea coast for the manufacture of the chemicals referred to from sea salt. The caustic soda and bleaching powder produced will not only be useful in the manufacture of paper pulp but they will be an important industry by themselves. If we succeed in producing bleaching powder and caustic soda on the lines that I have suggested, they will command very remunerative prices in the Bombay and other markets of the world. With these remarks I beg that this Council will give favourable consideration to the Resolution that I have placed before them.

The Honourable Mr. CARMICHAEL :—Your Excellency,—I think it will save time if I inform this Council at once what has been done in the matter. Government are quite prepared to accept the Honourable Dewán Bahádur GODBOLE'S Resolution. In fact they have already taken action on the lines he recommends. As this Council is aware, an arrangement has lately been devised whereby Government will have the advice in such matters and in matters connected with the development of industries, of an Advisory Committee. One of

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the matters referred to this Committee is the very question which the Honourable Dewán Bahádur has now raised, *viz.*, the feasibility of developing the paper pulp industry. They have taken the matter into consideration and I understand that they have already arranged to have a meeting with Mr. Pearson, the Economist from the Imperial Research Institute at Dehra Dun. With regard to the points of detail which the Honourable Diwán Bahádur has raised, I think the best way of dealing with suggestions of that nature is to refer them to the Secretary of the Advisory Committee. All suggestions of this kind will be welcomed by the Committee. As the Honourable Dewán Bahádur has already made these suggestions in detail in this Council, namely, that further investigation be made (1) with regard to the chemicals used for the digestive process and (2) with regard to the possibility of developing electric power in Kánara with the object of extracting bleaching chemicals and caustic soda from sea water, I undertake that these two suggestions will be communicated to the Secretary of the Advisory Committee for being brought under the consideration of that Committee.

The Resolution was then put to the vote and carried.

Resolution No. 6:—

"This Council recommends that His Excellency the Governor in Council will, under the present stringent financial conditions, consider the advisability of entrusting the management of the proposed Karnátak College at Dhárwár on the Grant-in-aid system to the Deccan Education Society if the Society will undertake it."

The Honourable Dewán Bahádur K. R. GODBOLE:—Your Excellency,—In deference to the wishes of my Karnátic friends I beg leave to postpone the consideration of this Resolution to the next meeting of the Council.

The Resolution was by leave postponed.

His Excellency the PRESIDENT:—Resolution No. 7. The Honourable Dewán Bahádur GODBOLE:—

The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE:—Your Excellency,—The Resolution which I wish to move this day runs as follows:—

"This Council recommends that His Excellency the Governor in Council will consider the desirability of discontinuing the present rules which make distinctions between European and Indian Upper Subordinates in the Bombay Public Works Department, as regards salary on first appointment and promotions."

At the outset, I would like to give a short account of the Bombay Public Works Department Upper Subordinate Service, for the benefit of those Honourable Members who are not in touch with the department. The Upper Subordinates are recruited from:—

(1) Non-commissioned Officers and Soldiers of His Majesty's army in India.

(2) Civil Europeans and Anglo-Indians.

(3) Graduates of the College of Engineering, Poona.

(4) Experienced Sub-overseers who are considered fit to be promoted to the Upper Subordinate ranks.

As regards salaries, the Upper Subordinate service is divided into three main classes, *viz.*, Overseers, Supervisors and Sub-engineers. There are three grades in the Overseer class with salaries of Rs. 60, 80 and 100 per mensem; two

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grades in the Supervisor class with salaries of Rs. 150 and 200 per mensem; and three grades in the Sub-engineer class with salaries of Rs. 250, 300 and 400 per mensem. The distribution in the several classes is that $\frac{3}{16}$ths of the total number of subordinates are Sub-engineers, $\frac{5}{16}$ths are Supervisors, and $\frac{1}{2}$ are Overseers.

I now come to the Resolution itself, and shall briefly narrate the history of the case, showing how the present rules, which make racial distinctions between European and Indian Subordinates, came into existence. In the fifties of the last century, there seems to have been no racial distinction. In the sixties, the European Subordinates seem to have complained that their starting salary of Rs. 60 per mensem was too low. It was, thereupon, ordered that the European Military Subordinates should start as Overseers 1st grade on Rs. 100 per mensem, and that those Europeans who were already in service should be promoted to the rank of Overseers 1st grade at once. The supercessions by Europeans effected by this order gave rise to much discontent amongst the Indian Subordinates, and an appeal was submitted to Government on the subject. Government apparently considered the whole question then, and seem to have come to the conclusions :—

First.—That it was necessary to give some extra facilities to Europeans for their expensive living.

Second.—That an initial appointment to a higher grade, and a system of rapid promotions in the case of Europeans, were preferable to an extra personal allowance.

To secure rapidity in promotions, it was ordered that the proportions of Europeans to Indians amongst Sub-engineers should be 1 : 1, amongst Supervisors 3 : 4, and amongst Overseers 1 : 2. Owing to the separation of the Military Works Services and various other causes, the number of European Subordinates in the Civil Public Works Department got very greatly decreased. In spite of this decrease, the total number of Subordinates in the Service has been gradually increasing, the European deficiencies being more than made up by the Indians. Thus in 1896, Government, finding that the fixed proportion of Europeans and Indians could not be maintained in all the classes, decided to maintain it in the highest class only ; and to secure this, Europeans with very short service were pushed on to the highest class. To avoid the too rapid promotions of European Subordinates and sudden rushes and blocks in promotions, Government decided in 1910 that the promotions of European Subordinates should be so regulated that they will serve four years in each of the grades of Overseer 1st grade, Supervisor 2nd grade, Supervisor 1st grade and Sub-engineer 3rd grade.

It will be seen, from the circumstances explained, that the special facilities given to Europeans are two-fold :—

1st—that they are appointed as Overseers 1st grade on Rs. 100 per mensem at the commencement of their service, while the Indians start as Overseers 3rd grade on Rs. 60 per mensem, and are required to put in eight years' approved service before they reach the 1st grade of Overseers on Rs. 100 per mensem;

2nd—that the proportion of Europeans to Indians in the highest grades, *i. e.*, those of the Sub-engineer class, is fixed at 1 : 1, while the proportion of Europeans to Indians in the service is 1 : 7, according to the latest classified list.

I submit, Sir, that, whatever may have been the reasons fifty years ago for making special rules for European Subordinates, those reasons do not exist now. The ruling principle in the case of all Government appointments should generally be, that they should be given to the best qualified men, irrespective of their race and nationality, and that all State servants performing the same duties should receive the same treatment as regards salaries and promotions. Indian Sub-

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ordinates do their work equally well at present with their European compeers; and it is therefore only just that they should receive the same treatment. The employment of European Subordinates with special inducements is not now a necessity; firstly, because the bulk of the Military works in this Presidency is now looked after by the Military Works Department; secondly because, Indian officers and subordinates have shown themselves quite capable of designing and managing residences for Europeans; and thirdly because, the service being a subordinate service, the question of European element for the purpose of prestige or direction does not come in. It is therefore in the interest of Government not to continue giving extra facilities to Europeans to induce them to come in. I hope I shall not be misunderstood. I do not aim at the exclusion of all the European Subordinates, but only at the exclusion of those Europeans who want additional facilities and are not willing to join the service on. the same conditions as their Indian brethren.

I may point out here that in other provinces Civil European Subordinates are appointed as 2nd grade Overseers on Rs. 80 per mensem, to start with. Thus, at present, there are nine Europeans serving as 2nd grade Overseers in the Punjab, United Provinces, Madras, Burma and Bihar and Orissa. There seems to be no reason, therefore, why the Bombay Government should adhere any longer to the rule that Europeans are to be admitted as 1st grade Overseers.

As regards the equal proportions of Europeans and Indians in the highest grades, there is no doubt that this rule is causing a great hardship to Indian Subordinates. In 1865, when the several proportions were fixed, the proportion of Europeans to Indians was 5 : 7. This proportion works out to 1 : 7 at present. Still the old proportion of 1 : 1 in the Sub-engineer class has been maintained. The present actual strength of the Upper Subordinates in the Bombay Public Works Department is 244, of which. only 31 are Europeans. Out of the 47 places of Sub-engineers, 23 are reserved for these 31 Europeans, while the remaining 24 places are available to 213 Indians, according to the present rules. Had there been separate lists for European and Indian Subordinates, 40 places in the Sub-engineer class would have been reserved for the Indians. Out of these 40, 16 places are at present taken away from the Indians and given to Europeans. The effect of the existing rules is, that the European Subordinates get Rs. 100 per month when they enter into the department, and they might become Sub-engineers 1st grade on Rs. 400 per month after a service of about 16 years; while the Indian Subordinates have to start on Rs. 60 per mensem and it takes over 25 years before they get the chance of becoming Sub-engineers 1st grade on Rs. 400 per month. The Special rules for Europeans are thus causing a great hardship to Indian Subordinates, and as they are not necessary in the interests of the State, I think Government should take an early opportunity to see if they cannot be abolished altogether.

I understand that there are no separate rules for the promotions of Europeans and Indians in the Public Works Department of other provinces, and I do not see why we should have them in this province only. I beg to move, therefore, that the invidious distinctions based on racial differences, referred to in the Resolution, should be removed at an early date, and that the Indian and European Upper Subordinates should serve under the same conditions in the Bombay Public Works Department in future.

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—I may state at once that Government are quite prepared to accept this Resolution. The Honourable Dewán Bahádur GODBOLE has stated the case with moderation, and I am not at all sorry that he has raised it in this Council. He has explained to some extent what the origin of these rules was. He has told us that there are special rules in this Presidency which do not apply in other Presidencies. It is not perhaps realised fully that these rules really originated in the desire of the Government to hold the balance evenly between the Europeans and the Indians

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in the Upper Subordinate Establishment of the Public Works. The case arose in this way. In the middle of the last century when the Roorkee College was opened, it was decided in connection with the College to offer encouragement to military men to come forward and be trained as Engineers, and one of the rules was that they should be given a start in the higher grade of Overseers on Rs. 100 instead of their having to pass through the two lower grades. This applied to the Military Subordinates who passed out of Roorkee. At that time and afterwards there were other Subordinates; both Europeans and Anglo-Indians, who had not passed through the Roorkee College, were being recruited. About 1864, the Government of India laid down that all military candidates recruited from the army should begin on the highest grade of Overseer. The Government of Bombay, on looking into the matter, saw that this would injuriously affect the interests of the Indian section, because, as the Honourable Dewán Bahádur GODBOLE has pointed out, the European obtained an initial advantage at the beginning of his service over the Indian. As a matter of fact it is not quite so great as the Dewán Bahádur thinks;—the period is not eight years,—because the military men, who go to Roorkee for training, are not admitted there until after they have put in three years' service in the army. The Indians had their period of training at one of our Colleges either in Sind or at Poona. So in 1865, in order to make the rules fair to the Indians, the Government of Bombay devised the scheme of providing a proportionate number of appointments in the various grades—Overseers, Supervisors and Sub-engineers,—for Europeans and Indians, but as time went on, the number of Europeans decreased. I think it reached its lowest point some time after the Military Works were separated entirely from the Civil Works, in 1888, when it was found that there were altogether 16 Europeans in the department. With this small number, the basis of the scheme of proportionate appointments was upset and among the Europeans some got very fast promotion while others found their promotion blocked. In 1910, as the Honourable Dewán Bahádur has said, it was ruled that the Europeans should serve four years in each grade up to and including the 3rd grade of Sub-engineer, while the Indians were given the advantage of the European vacancies thus caused, not by substantive appointments, but by substantive *pro tempore* appointments. Last year the question came up again. It was found that under the orders of 1910 the Indians were passing up through the grades more quickly than the European members of the service, and a further modification of the rules was made, under which the grant of substantive *pro tempore* promotions was restricted in some degree, and subject to these restrictions was opened to the European members of the service whom the orders of 1910 had excluded from substantive *pro tempore* promotion altogether. Thus, I think, I have made it clear that the Government have all along been very anxious to hold the balance evenly between the Europeans and the Indians in this establishment. Still I am prepared to admit that the machinery devised might be improved, and the matter will be taken into consideration. I have not had a very long time to study the papers, but from the study I have made, I think the defect which, to my mind, appears to be a serious one, is, as the Honourable Dewán Bahádur GODBOLE has pointed out, that in the two upper grades of Sub-engineer, the proportion reserved for Europeans is one European and one Indian, while the number of Europeans in the department now is 31 as against 244 Indians. The proportion fixed in 1864 may be causing injustice to a deserving body of Government servants. I can assure my honourable friend that the matter will be fully gone into.

The Resolution was then put to the vote and carried.

His Excellency the PRESIDENT:—Resolution No. 8. The Honourable Mr. HARCHANDRAI VISHINDAS.

The Honourable Mr. HARCHANDRAI VISHINDAS:—May it please Your Excellency,—The Resolution which I am going to move is now before the Council and I am of opinion that very few words from me will convince Your Excellency's

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[*Mr. Harchandrai Vishindas.*] [8TH DECEMBER 1915.]

Governnment and the Council of the soundness of my suggestion and the unsoundness of the rule which I propose to abrogate. My Resolution runs thus :—

"That it be recommended to His Excellency the Governor in Council that, of the election rules in force in the various Municipalities of this Presidency, the rule, which provides for the apportionment of elective councillors in the proportion of the population in a particular ward, be abrogated and replaced by another, providing for such apportionment in the proportion of the voters in a ward."

I do not think any explanation is necessary as to what I mean, but the rule which I wish to be repealed appears to be in force in certain Municipalities but not in others in the Presidency. I find it in force in the Karáchi Municipality, in the Surat Municipality and in the Broach Municipality. It runs thus :—

"The Collector may divide municipal districts for electoral purposes into two or more wards, the boundaries of which have been clearly defined, and when such a division has been made, shall apportion the number of elective councillors for the seats in a ward in the proportion as nearly as may be of the population or estimated population thereof."

Now, I submit, Your Excellency, that this is a very anomalous rule and works out with extraordinarily anomalous results. I submit, Your Excellency, that my attention or the attention of the public of Karáchi was drawn to it in the year 1912 when the wards of the Karáchi City were being re-distributed. Now, I might tell Your Excellency that I find this rule in the rule-book from the year 1892, when election rules were elaborated and revised by Sir EVAN JAMES. I believe it remained on the Statute Book ever since as a dead letter, being as they say more honoured in the breach. It seems to have been dug out by a very vigilant Collector of Karáchi who now adorns this hall as an Honourable Member, but even he, before his sight fell on this rule, was re-distributing in the proportion of the number of voters in the ward and not the number of people. I myself pointed out to him the disparity, but as a loyal servant of the Government he had to carry out the rule and defended it on the ground that the proportion of population must be taken as the basis because it was the people who paid the octroi. But I replied that as it was not the octroi-payers who got the franchise but only the voters possessing certain qualifications, the principle could not be carried to its logical conclusion. As a matter of fact it is only the voters who get the whole franchise, and, therefore, it is merely an illusory and misleading supposition that the people are getting the votes. Now to illustrate my point that this rule leads to most anomalous and extraordinary results, I will simply give the figures for Karáchi. Now the Karáchi Municipal District is divided into 8 wards :—

Ward No. 1	has been allotted	3 seats.
Ward No. 2	"	3 "
Ward No. 3	"	3 "
Ward No. 4	"	3 "
Ward No. 5	"	5 "
Ward No. 6	"	4 "
Ward No. 7	"	2 "
Ward No. 8	"	1 "

The population of the first ward is 14,000, second ward 13,000, the third ward 19,000, fourth ward 20,000, and each of them has got three seats. Ward No. 5 gets five seats because the population is 31,000; ward No. 6 gets four seats because the population is 16,000; ward No. 7 two seats for 17,000 and ward No. 8 one seat for 6,000. Now, when you examine the number of voters you at once find the absurdity of the whole situation ; ward No. 5 is given five seats by

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reason of its having the largest population, but it has the smallest number of voters, *viz.*, only 133.

The number of voters for ward	1	is	930
" "	2	is	1,008
" "	3	is	2,055
" "	4	is	646
" "	5	is	133
" "	6	is	1,121
" "	7	is	675
" "	8	is	276

If you divide the number of voters by the number of seats it works out thus. In ward No. 1 each candidate requires 310 votes before he gets a seat, in ward No. 2, 336, in ward No. 3, 685, in ward No. 4, 215, in ward No. 5, 26, in ward No. 6, 280, in ward No. 7, 337 and in ward No. 8, 276. I am afraid the figures are so numerous that Honourable Members have not been able to follow me exactly, but I can put the whole point in a nutshell and clearly show what the result is. Whereas in the one case 26 votes entitle a man to become a Municipal Councillor, in another case it is 685. I am justified in thinking, until I hear anything to the contrary from the Honourable Members, that an anomaly like this should not be allowed to exist. As a matter of fact, I find that this rule does not exist in several of the Municipalities who, through the courtesy of their officers, have supplied me with copies of their rules. I find that in Sind it is not in force in the Hyderabad Municipality. Nor in the Ahmedabad, Broach or Ahmednagar Municipalities. I think this is all I need say. All that I wish to add is that if the present practice is allowed to continue we shall have the same state of things as we had in England in the county and pocked and rotten boroughs in old days before the Reform Bill of 1832 was introduced.

The Honourable Moulvie RAFIUDDIN AHMAD :—Your Excellency,—I am rather surprised that my honourable friend has brought such a controversial Resolution before this Council. We have been trying our best to avoid controversial matters of late, but of all occasions——

His Excellency the PRESIDENT :—Order, order. I think it is a matter for the President to decide whether a Resolution is controversial or not.

The Honourable Moulvie RAFIUDDIN :—Well Sir, what I want to say is that the Honourable Member has pointed out great disparity in principles and in votes but he has entirely failed to point out the important point which was brought to the notice of this Council some years ago by one of the Members of the Executive Council on a similar motion. Then Sir CHARLES OLLIVANT pointed out, I might tell the Council, that in the 4 large Municipalities in Sind the population of Hindus and Mahomedans was 53½ per cent. and 46½ per cent., respectively, while the representation in the case of the Hindus is 90½ per cent. and Mahomedans 9½ per cent., so that if there is anything which has brought this state of affairs it is the injustice of the rules laid down by means of the ward system, which is not at all necessary as the rules now stand, and therefore, Your Excellency, if in order to do justice to the Mahomedan Community, if wise and judicious Collectors have come forward to revise this rule for the readjustment of wards in a manner by which if the ward system is to be continued the Mahomedans might be done some justice, I say they have done the wisest thing in their discretion in the interests of the administration, and unless this ward system is abolished these anomalies are bound to exist. Then again, Sir, this is a retrograde motion, for this reason that we want as far as possible to extend the franchise to make it more equitable to all communities. Now, if we were to go back again, the same injustice will continue, and if the Honourable Member is in a position to do fair justice to the Mahomedan Community by allowing them separate representation, I have no objection to

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it at all. You may point out the case of Councils where the Mahomedans enjoy separate representation, but here the qualification necessary is quite different from what it is in the case of electorates of Municipalities or Local Boards. But, inasmuch as you would stick to the ward system, these anomalies must exist, and in order to do justice to the minorities I think it is right that the Executive Officers should come forward, and in the case of certain districts, where the rules are found deficient, it is necessary to make such changes as would properly safeguard their rights. The Honourable Mr. HARCHANDRAI has cited the cases of Surat, Broach, Ahmedabad and Karáchi, and he says that in all these cases this rule exists. That just points out that there is necessity and wherever there is necessity these rules are devised. Where in some cases these rules will be necessary later on probably other Collectors will come forward and do the same thing. This is doing no injustice to any particular community. On the contrary, these rules are devised to do justice to the minority, and therefore, for the Honourable Member to come forward and say that the little justice that is done to the minorities should be removed, and also blame the Executive Officers who have been good enough, and who have had the courage, to frame these rules is most extraordinary. Well, my Lord, I do not want to say more. Unless the Honourable Member points out some other grave reasons this Council should not consent to pass this Resolution.

The Honourable SHAIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—This Resolution, I consider, is neither equitable nor fair. I request the Council that the existing rule should be extended to all Municipalities where it does not apply because this is a rule which protects the interests of the poor who contribute to the Municipal revenue just as the lettered and the rich who have the franchise. Now, in most of the mofussil Municipalities the main source of income is octroi. Octroi is levied from grain and other necessaries of life to which the rich and the poor equally contribute. Sometimes poor people with a very large family contribute more to the octroi than the rich and the lettered, and this clause is introduced to protect this class of people who contribute to Municipal revenue and yet they are not represented. Under section 12, who has the vote? Every Honorary Magistrate and every assessor has a vote, but he does not directly contribute a single pie to the Municipal revenue, yet he has a vote. How does he stand on a different footing from the poor person who pays as much indirect taxation as any Honorary Magistrate? I really cannot understand why the latter should have a vote. Similarly, the same thing applies in the case of the rich and the lettered. It may be said that they are educated, but there are others, for instance assessors, why should they have a vote? There is no special qualification required for them. Again, under the Municipal rules a man getting a pension of Rs. 15 has a vote, but a carpenter having Rs. 50 income has no vote. This rule, I submit, is specially meant to protect the interests of those poople who pay as much taxes as the other people who have a vote. Now, those who complain that this is a bad rule ought to ask the Municipality to abolish all indirect taxation, such as octroi, or if they do not want to do this they ought to give each head of the family a vote, because each family contributes to the revenue of the Municipality as much as the lettered and the rich who have votes. With these remarks I oppose the Resolution of my honourable friend.

The Honourable Ráo Bahádur GANESH KRISHNA SATHE:—Your Excellency,—It will not probably look graceful for me to advise an experienced Councillor like the Honourable Mr. HARCHANDRAI for selecting a wrong forum to ventilate his grievance.

Under Act III of 1901 the Governor in Council has got a right to frame election rules for each Municipality, and I think that during recent years certain Municipalities since 1909 have approached Government with the recommendation of the Collectors of the district to have the rules amended according to the needs and requirements of the particular municipal district, and if there is a real grievance

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which has been felt by the Karáchi Municipality in relation to the rules which are existing in that Municipality, the proper forum would be the Municipal Corporation itself where they can consider this question and approach Government to modify the rules so far as they apply to that Municipality. I think it will not be prudent for us to accept the Resolution which will have the effect of making that recommendation applicable to all the Municipalities, where different circumstances might exist. I do not want to enter into the merits of this case because I do not profess to know anything of Karáchi, but I am bound to say this that the Honourable Members who have preceded me have practically missed the point, because nobody was here considering the question of giving the power of votes to those who are not eligible to vote, nor was the question of Mahomedan representation relevant to the discussion of the present Resolution. Those are questions outside the purview of the wording of this Resolution, and I think, if my honourable friend would consider my suggestion, he will find the solution in withdrawing this Resolution and he should work it out satisfactorily through the medium of his own Corporation.

With these remarks I beg to oppose the Resolution.

The Honourable Ráo Bahádur SHRINIVAS KONHER RODDA :—My Lord,—The Resolution before the Council is of a general nature. The Honourable Mr. HARCHANDRAI has moved a Resolution and wishes it to be made applicable to all Municipalities. The Municipalities in question, namely, those who are represented according to the present rules, have increased the number of wards in order to give the franchise to the minorities by dividing it in such a way as to give electoral franchise to those minorities. For the purposes of this kind of representation a town is always divided into separate electorates. There is a Mahomedan Moholla, there is a Hindu Moholla, and there are many other electorates, and if the division is left to the Municipality with the assistance of the Collector, they would divide the wards in such a way as to give the population their due representation, so that, I think, no general rules are necessary. Each Municipality has power to make its own rules, and the Collectors know well the situation of each Municipality, and before Government sanction is obtained the matter is discussed by the Municipality and each makes its own proposals through the Collector, and then it goes to the Commissioner and the Commissioner approves the whole case before submission to Government. Such being the case why this Council should interfere I do not at all see. If, as pointed out by my honourable friend Mr. SATHE, Karáchi has a grievance, let Karáchi rules be amended. If any Municipality wants it, let them go and amend their own rule. Now, as regards direct and indirect representation, why should the Honorary Magistrates have a vote? But this is a different question. All these Honorary Magistrates and assessors, although they do not pay a single pie to Municipal taxation, I generally find, so far as I know, pay Municipal taxation by way of octroi and other taxes. My honourable friend therefore, Sir, cannot raise the subject of taxation, and, I submit, there is nothing of much importance in the Resolution before the Council.

The Honourable Dr. D. A. DE MONTE :—Your Excellency,—The effect of this Resolution would be that localities inhabited by the poorer classes of the population will have proportionately fewer representatives than at present, while fashionable parts of a town inhabited by the well-to-do classes will have proportionately more representatives. It seems to proceed on the maxim that to him who has much more shall be given, while from him who has little, even the little he has, shall be taken away from him. I think the present principle is the sounder one, and that the Honourable Mr. HARCHANDRAI'S proposal is detrimental to the interest of the poorer classes. I, therefore, think that the proposal is a retrograde one, entirely at variance with the spirit of the times. The true policy is to extend as far as possible the suffrage

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amongst the population in our towns, so that the number of votes may approximate closely to the number of residents in a given ward. I cannot support my honourable friend's Resolution.

The Honourable Mr. JEHANGIR H. KOTHARI:—Your Excellency,—I am surprised that the Honourable Mr. HARCHANDRAI should have put forward such an extraordinary Resolution, more particularly when he assumes to have great experience of municipal matters. Perhaps Your Excellency's Council and the Honourable Members here may not be aware that the Syasi Quarter, which has over 30,000 souls, had only one representative, and when the Honourable Mr. LAWRENCE, the then Collector, saw the injustice of this inadequate representation of this and other wards, he re-distributed the wards, and the result is most satisfactory, and the rate-payers are most grateful to him for the re-distribution of the wards.

The Honourable Mr. WILLIAM DIDSBURY SHEPPARD:—Your Excellency,—The question that has been raised by the Honourable Mr. HARCHANDRAI is one which has been before Government for many years from the beginning of the system of local self-government, and the policy of Government has been disclosed in the rules that have been framed for the representation of wards in each town. In the first rules, *i. e.*, the rules of 1890, there was no basis for the apportionment of Councillors, and seats were awarded by arrangement after due consideration of the interests of all classes of people and of the population of the town. Then in the rules of 1910, the population basis was introduced and for several years that was followed as the correct way of dividing up a town. But in the year 1906 it was again removed and from that time up to now it has been open to a Municipality to make its proposals to the Collector, and it has been the duty of the Collector to consider them and to get the approval of the Commissioner. There is nothing to prevent any local body from getting such a division of the wards as it may approve, provided that it gets the consent of the officer of Government who is responsible for that district. Taking the question on its own merits, I think it might be said that if the whole of the population of a district were reasonably well-educated and reasonably rich,—and therefore, most of them had votes—I think the Honourable Mr. HARCHANDRAI would agree that it would be right to divide on the basis of population. As matters are, people are not in this fortunate position with regard to Municipalities and you have large areas in the Municipalities in which there may be quite a large proportion of the population who have no votes at all. What I understand from the Honourable Mr. HARCHANDRAI'S Resolution is that those who are uneducated, the majority, would have no representation. They would have no one coming from their local areas. You might have as many as a hundred thousand of these people with but one voter but that one voter would be the only person who would be eligible to vote for the ward. On the basis of dividing by voters surely that portion of the town will have no representation at all. I would suggest to the Honourable Mr. HARCHANDRAI that all sections of the population have rights just as much as the voters. But, however that may be, Government have always had an open mind on this matter and have always been willing to leave it and are leaving it to the local authorities, and, therefore, I think for this Council to suggest that we should adopt one single method of re-arranging the representation of the seats in respect of wards would be a retrograde and very undesirable step to take. It would be far better to leave it to the Municipalities one by one to bring up their grievances if they have any on this subject, have them examined by a Committee of themselves, refer them to the Collector, and finally obtain the approval of the Commissioner to their proposals. I cannot on behalf of Government accept as a desirable policy the Resolution as moved by the Honourable Mr. HARCHANDRAI.

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The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—Considering that member after member has spoken against my Resolution, I can very easily anticipate its ultimate fate. But I am very disappointed that there should be so much misunderstanding on this subject, and had it not been to avoid the use of a strong expression I would have had to say something which would not sound very pleasant. Now first of all, I was very much pained to see two Honourable Members—Moulvie RAFIUDDIN and Mr. GHULAM HUSSEIN—my own Sindhi—misapprehending the whole situation and my attitude on the point. It was for the first time that I was told that I was raising a Hindu-Mahomedan question. Nothing is more distasteful to me and I never do that. So far as the Hindus and Mahomedans of Karáchi are concerned, they get on together very well indeed, and I may tell my honourable friend Moulvie RAFIUDDIN, as he does not seem to be acquainted with the people of Karáchi, that a ward which was thickly populated with Hindus actually returned a Mahomedan candidate, and a Mahomedan ward No. 5, about which I was complaining, actually returned two Hindus out of 5. As a matter of fact, if I had thought that there would be any question of Hindus *versus* Mahomedans involved in this case, I would never have brought forward this Resolution. My honourable friends Moulvie RAFIUDDIN and GHULAM HUSSEIN do not understand that it is in the interests of Mahomedans themselves that I moved this Resolution. Now, they entirely missed the point that I was making, *viz.*, when you are giving representation in proportion to the population you are really giving representation to an illusory number of persons who do not exercise the vote, and now, what would my honourable friend Moulvie RAFIUDDIN think if I inform him that in a ward having a population of 31,000 souls, there is a good number of Hindu voters also although the population is largely Mahomedan, so that Hindu voters can be returned? I quite agree with the Honourable Member in charge that if this ward whose population is so enormous had a reasonable proportion of voters, the basis laid down in the rule would have been sound. But because it is not so I consider that the existing proportion is not sound. As I said, you give a seat only to 26 people by giving 5 candidates to 133 voters simply because the population of the ward is 31,000, although the population itself does not get a proportionate vote.

Then there were one or two remarks which some other Honourable Members made which it is necessary for me to take notice of. Mr. SATHE says that I have not selected a proper forum. Although he is mistaken there, he is not to blame because he is ignorant of the history connected with this question. When the Honourable Mr. LAWRENCE in 1912 worked out this proportion—as I said this proportion was never worked out before—the matter came up before the Municipality and the Municipality opposed it, but the Municipal view was not accepted by the Government, and my honourable friend Moulvie RAFIUDDIN will be surprised to know that even the Mahomedan councillors opposed it, because, they said, that if it is the intention of Government to give the Mahomedans a chance, that intention was not likely to be carried out in this manner, because as a matter of fact if you have a small number of voters in a particular ward, what is the result? The result can be more easily understood than spoken. The Honourable Mr. LAWRENCE, the then Collector of Karáchi, to whom the Honourable Mr. KOTHARI refers, gave as his reply that that ward which consisted mostly of the labouring population was not properly taken care of and that the more the Municipal councillors were returned by it the more care would be taken of it. Whether he was justified in those anticipations, only those persons who live in Karáchi know. Those members who were returned by that ward do not think that their voters have returned them in order that they should look after their wards. Well, as a matter of fact, therefore, so far as the Municipality itself is concerned, it has taken action in the matter and I say almost all the Mahomedans who were on the Municipal Corporation were united in opposing this proportion; because not only it would not work out and carry out the object in contemplation but it would, they believed, actually result in the reverse, as events have now proved. But whatever my honourable friends

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Moulvie RAFIUDDIN and GHULAM HUSSEIN might have said, I would not blame them so much as I would blame the Honourable Mr. KOTHARI for the remarks he has made. Being a local man, for him to say that the system has worked out very well and that the people have expressed their gratitude and satisfaction, is a matter which causes me intense surprise. I do not think that the coolie population of the Syasi Ward ever came before the Honourable Mr. KOTHARI and laid their devotions before him for the great benefaction he did them in obtaining this reform. Nobody has ever heard of that or of Mr. KOTHARI'S efforts in this behalf. Therefore, I say that nothing has surprised me more than the remarks of the Honourable Mr. KOTHARI.

However, I saw a good deal of reasonableness in the remarks that were made by the Honourable Member in charge, and, as I said at the beginning of my remarks, it would be futile to expect any support from the Council when member after member has spoken against my small Resolution, and I therefore beg to withdraw my Resolution.

The Resolution was by leave withdrawn.

His Excellency the PRESIDENT:—I think that a good many Honourable Members have another engagement to-day, and I think it will probably be to the convenience of the Council if we adjourn now till 11-30 a.m. to-morrow.

The Council then adjourned till 11-30 a.m. on Thursday, the 9th December 1915.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

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

The Council met at the Council Hall, Bombay, on Thursday, the 9th December 1915, at 11-30 a.m.

PRESENT:

His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *presiding*.
The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.
The Honourable Mr. M. B. CHAUBAL, C.S.I.
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable the ADVOCATE GENERAL.
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
The Honourable Dr. D. A. D'MONTE, M.D., L.R.C.P. (LOND.), L.M. & S.
The Honourable Sardár SYED ALI EL EDROOS.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. M. N. HOGG.
The Honourable Lieut.-Col. J. JACKSON, I. M. S.
The Honourable Sir JAMSETJEE JEEJEEBHOY, Bart.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
The Honourable Mr. NAVROJI DORABJI KHANDALAVALA, LL.B.
The Honourable Mr. JEHANGIR H. KOTHARI.
The Honourable Sardár BHALCHANDRARAO ANNASAHEB PATWARDHAN, Chief of Kurundwad (Senior).
The Honourable Mr. H. S. LAWRENCE, I. C. S.
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
The Honourable Mr. J. A. D. MCBAIN.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Mr. J. S. WARDLAW MILNE.
The Honourable Ráo Sáheb VENKATESH SHRINIWAS NAIK.
The Honourable Mr. E. FERRERS NICHOLSON.
The Honourable Ráo Bahádur RAMANBHAI MAHIPATRAM NILKANTH, LL.B.
The Honourable Mr. J. P. ORR, C.S.I., I. C. S.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
The Honourable Mr. ABDUL HUSSEIN ADAMJEE PEERBHOY.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. MANMOHANDAS RAMJI.
The Honourable Ráo Bahádur SHRINIWAS KONHER RODDA.

RESOLUTION No. 9.

[*Mr. Shridhar Balkrishna Upasani.*] [9TH DECEMBER 1915.]

The Honourable Mr. NARAYAN MADHAV SAMARTH, LL.B.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE.
The Honourable Mr. W. H. SHARP.
The Honourable Sir FREDERICK L. SPROTT, Kt.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI, LL.B.
The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.
The Honourable Mr. DINSHAW EDULJI WACHA.
The Honourable Mr. HAJI SULLEMAN ABDUL WAHED.
The Honourable Mr. M. deP. WEBB, C.I.E.

His Excellency the PRESIDENT:—Order, order. Resolution No. IX. The Honourable Mr. UPASANI.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.—May it please Your Excellency:—The Resolution which I propose to move runs as follows:—

"That this Council recommends that the instruction of the first three English standards be introduced into the higher Vernacular schools."

Your Excellency, it will be in the recollection of this Council that this Resolution was moved by me at the sitting of December 1913. We had then a full discussion on the subject, and I do not wish to detain the Council by going over the same ground again. I may, however, briefly state that I then drew attention to the fact that the provision at present existing for instruction in High Schools and Middle Schools was not adequate enough to meet the growing demands for English education. I also pointed out the inconvenience experienced by parents in the matter of sending their children out at a very early age to distant places from their homes, and also to the hardship caused to parents of middle classes in the matter of expenses required for their maintenance and education away from home. My Resolution was supported by several Honourable Members. The Honourable Mr. SHARP himself recognized the necessity for the provision I proposed and the Council went on to consider an amendment proposed by our Honourable friend Mr. RODDA to the effect that provision might be made in one or two places in each táluka where the people might come forward to subscribe Rs. 200 to meet the additional cost. With a view to make the Resolution acceptable to Government I consented to accept the amendment. The Honourable Mr. HILL, however, in winding up the debate, thought that the amended Resolution was not sufficiently definite, and he remarked that if the Resolution were in the form of a request to Government to try the experiment in selected places, it would have received full support. I myself had no objection to my Resolution being put in the form desired by the Honourable Mr. HILL. But, then, my Honourable friend Mr. RODDA withdrew his amendment which was treated to be the substantive proposition before the Council and I was put out of Court. So I had to wait for one year more, and I stand again to place this Resolution before Your Excellency's Council. There is now a greater necessity for my doing it, because, under the present circumstances, there are less chances of Government providing additional accommodation in High Schools or Middle Schools to meet the growing demands for English education. I think that under existing financial stress neither Government nor private agency can be expected to open new schools for this purpose. I therefore have no objection to put my Resolution in the form Government desire. I do not mind if my proposal is introduced by way of experiment in selected places, and for the present on a self-supporting basis. I, therefore, propose to move my Resolution, with Your Excellency's permission, in an amended form.

RESOLUTION No. 9.

[9TH DECEMBER 1915.] [*Mr. Shridhar Balkrishna Upasani; Mr. Mahadev Bhaskar Chaubal.*]

His Excellency the PRESIDENT.—Order, order. Do I understand that my Honourable friend wishes to move his Resolution in an amended form? Then I think he must get the approval of the Council before he does so.

The Honourable Mr. UPASANI.—Yes, my Lord.

The motion for moving the resolution in an amended form was then put to the vote and carried.

The Honourable Mr. UPASANI.—I now beg to move—

"That this Council respectfully recommends to His Excellency the Governor in Council that the instruction of the first three English standards be introduced in selected higher Vernacular schools by way of experiment and, for the present, on a self-supporting basis."

If this be acceptable to Your Excellency, I need not trouble the Council by dealing further with this matter.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL.—At one time I thought that the Honourable Mr. UPASANI was going to move his resolution as it stands, but I am very glad to see that he recognizes the force of the discussion of the Resolution at the last meeting to which he referred, and in view of what took place then, and of the remarks and observations made by the then Honourable Member in charge of Education, the Honourable Mr. UPASANI proposes to move the Resolution in an amended form, which practically was the form in which a suggestion was then thrown out, namely, that Government would be prepared to try the experiment if the Honourable Mr. RODDA approached Government with a concrete scheme for doing so in any one place on the self-supporting principle admitted in his proposed amendment. If, therefore, my Honourable friend would admit a slight alteration in the wording of the Resolution as it stands in the amended form, Government would be prepared to accept it. The Resolution as proposed to be amended by him is as follows:—

"That this Council respectfully recommends to His Excellency the Governor in Council that the instruction of the first three English standards be introduced in selected higher Vernacular schools by way of experiment and for the present on a self-supporting basis."

Well, I propose to suggest to my Honourable friend, if he is agreeable, to word his Resolution in this way:

"That this Council respectfully recommends to His Excellency the Governor in Council that he should consider the feasibility of trying, as an experiment, the introduction of the first three English standards in selected higher Vernacular schools and for the present on a self-supporting basis."

If the Honourable Member will accept the amendment, then, I think, I can assure him that Government will try the experiment. In fact an attempt was made, as my Honourable friend knows, on the last occasion, but that remained without action because we did not get concrete proposals from the Honourable Mr. RODDA which he promised to send us, and if my Honourable friend, in consultation with the Director of Public Instruction, would formulate a concrete scheme, I think we will have no objection to accept the Resolution in the amended form in which it now stands.

The Honourable Mr. UPASANI:—Your Excellency,—I beg to take this opportunity of thanking the Honourable Member in charge of Education for his favourable reply. I have no objection to accept his amendment.

The Resolution as amended was then put to the vote and carried.

RESOLUTION No. 10.

Mr. Balkrishna Sitaram Kamat.] [9TH DECEMBER 1915.]

His Excellency the President.—Resolution No. X. The Honourable Mr. KAMAT.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.—Your Excellency :—The Resolution of which I have given notice is this :—

"This Council recommends that Government may be pleased to consider the advisability of so amending section 11 of the Bombay Medical Act, 1912, as to enable persons practising indigenous systems of medicines to hold, with the sanction of Government, appointments as Medical Officers in Municipal Dispensaries or other public institutions supported by Local Funds and conducted according to Indian systems of medicines."

My task has been made simpler by the remarks made yesterday by the Honourable Mr. SHEPPARD while we were discussing the Bombay Medical Act Amending Bill. It is made still further simple by the fact, as I understand, that Government have not only allowed the Poona Ayurvedic Dispensary to continue, but they are disposed to go a step further and are ready to amend section 11 of the Bombay Medical Act to some extent. It remains for me, therefore, while acknowledging this fact with thankfulness, only to discuss what form the proposed amendment of section 11 should take. I should not have troubled the Council with any remarks at all, except for the fact that I think it would perhaps be useful to give an opportunity to this Council to consider the manner or the form which the proposed amendment of section 11 should take. But before I do so, I think I should supplement the information given by the Honourable Mr. SHEPPARD about the Poona Dispensary yesterday by a few facts. The Ayurvedic Dispensary at Poona has been in existence for a long time—for over 22 years. It is purely a charitable dispensary, to which the Municipality contributes some funds. The advantage of this dispensary is that it treats about 150 out-door patients on an average every day, which is supposed to be a very large attendance indeed. Last year the Collector of Poona pointed out to the Municipality that under section 11 of the Act, as it stands now, the man in charge of the dispensary must be a registered practitioner. Now under the Medical Act there is no separate register kept for Ayurvedic Vaids or Unani Hakims; in fact, there is no such category of persons as registered Vaids or Hakims. The difficulty therefore was to find out such a man. The other alternative given by the Collector was that, if such a man was not found, the dispensary would have to be closed. Thereupon on a representation being made by the Poona Municipality to Government, they were pleased to allow the dispensary to be continued, as I have just said. But what concerns the public now is to see that the proposed amendment of section 11 takes the right form, and I shall make a few observations as regards this point. I am not going into the controversy regarding the comparative merits of the Western and the Eastern or Indian systems of medicine; in the first place, because I am not a medical man and in the second place, even supposing I were one, I think that that controversy is such that it might almost be called interminable and perhaps it might be carried on till the end of time. I would look at this question only from the point of view of the public, and I would rather ask each and every member of this Council to keep an open mind on the subject, even if he happens to be a practitioner of the Western system of medicine, and look at it from that point of view. I think the real object in view should be this: if it is found after experience that a certain dispensary, no matter whether it is conducted on this or that system of medicine, gives medical relief to a large number of the public and if the ordinary mass of population can have an easy access to it, then I think it should be the duty of the members of this Council to recommend that section 11, or for that matter any other section in this Act, should not be allowed to stand in the way of that medical relief. If this is the object kept in view, and I think this should be the only object,—I for one, at any rate, do not hold any brief either for the Ayurvedic or the Western doctors, I look at it only from the public

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point of view,—then I think it is proper to consider whether such Ayurvedic dispensaries, supported by Municipal funds, if they are really giving medical relief, should or should not continue to exist for the benefit of the public. I shall trouble the Council here with a few facts relating to the attendance at the Ayurvedic Dispensary at Poona. As I have just told you, the total number of out-patients last year or in the current year works out at the rate of 150 on an average per day or something over 50,000 patients every year. On comparing this figure with, for instance, the Sassoon Hospital in Poona, I find that the total number of out-patients treated by the Sassoon Hospital last year was something like 18,000, as compared with 50,000 treated by the Ayurvedic Dispensary during the year. Coming to Bombay and taking the number of out-door patients treated at the J. J. Hospital, which is, I believe, supposed to be the biggest hospital here, I find that it is something like 28,920 for 1914, which again is far below the total number of the Poona Ayurvedic Dispensary. I do not wish to maintain that there is any charm in numbers, but I only want to point out to the Council that the fact that such a large number as 50,000 patients are treated in this dispensary, which is a charitable dispensary, goes to show that it affords medical relief to a very large section of the public. It is on this ground that I think that the provisions of section 11 of the Medical Act should be amended in such manner that the relief which is now given by the Ayurvedic Dispensary may be continued not only in Poona, but perhaps everywhere, with certain safeguards, if Municipalities are coming forward to bring into existence Ayurvedic dispensaries.

I should now mention in what form the amendment should be made. The Poona Municipality in their representation to Government pointed out one or two alternatives. The first was that in section 11 such words should be introduced as to make it perfectly clear that that section does not apply, as it originally perhaps was not intended to apply, to Ayurvedic dispensaries. In other words, by the introduction after the words "lying-in-hospital," of a few words, namely, "conducted according to the Western system". The whole section should be made to read like this:—"That no person shall hold any appointment as a Physician, Surgeon or other Medical Officer in any dispensary, hospital, etc., conducted according to the western system". That was the addition proposed by the Poona Municipality, thereby exempting all Ayurvedic dispensaries from the operation of this section. If that is the form which the Council would approve of and which the Council would suggest to Government, perhaps I might preferably leave the Council to do so. Another alternative which the Poona Municipality proposed, and which I believe is worth considering, was this:—At present there is no register kept of Ayurvedic Vaids or Unani Hakims. I believe the time has come, looking to the fact that a large number of people are taking advantage of the Ayurvedic and Unani systems, to consider if it is worth while to keep a register of qualified or trained Ayurvedic or Unani practitioners. I might draw the attention of this Council to the fact that at the time of passing the Bombay Medical Act in 1912 hopes were held out by the then Member in charge of the Bill, that, if at any time the question arose or if the Ayurvedic schools could show that they had a course of studies which was efficient enough for the practice of their system, then Government, under section 20, might consider the advisability or feasibility of keeping a register or a schedule wherein the names of the Ayurvedic and the Unani registered practitioners would be kept. If, therefore, the Act is so amended as to create a register of Ayurvedic practitioners and if Municipalities are allowed a free hand to make their own selection out of those registered practitioners, the difficulty would be got over. That is one alternative which the Municipality has suggested. Probably Government are thinking, as I understand from the Honourable Member in charge of the Bombay Medical Bill, of amending the section in a different manner, *viz.*, by adding such words to section 11 as to make it compulsory for each and every Municipality to come to Government and ask for special sanction in each and every individual case. Now, I do admit that in making such appointments

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Government sanction or advice is necessary for the purpose of ensuring that the public should be safeguarded in a proper manner from Ayurvedic quacks or from persons who are not properly trained. But I think that there should be a certain amount of latitude given to the Municipalities, and a certain amount of control on behalf of Government, in the matter of selecting such practitioners. It stands to reason that the Municipalities will see that the men they select would be trained men. I think, however, that the preferable way would be to have a separate ragister kept of Ayurvedic practitioners ; as there is one already in the case of doctors practising Western medicine, so also separate registers should be kept of practitioners of the Ayurvedic system or the Unani system who have had any training or qualification, which Government recognise as a good qualification, and out of such a list Municipalities or Ayurvedic dispensaries conducted by local bodies should be allowed to select any person they choose. That would meet the case much better than to recommend the name of some practitioner to act as medical officer to be approved of and sanctioned by Government on each occasion.

There is only one observation which I would make in connection with this. It might happen that in Ayurvedic dispensaries conducted by Municipalities a time might arrive when, either due to illness or long absence of the Ayurvedic medical officer, it might be found necessary for the Municipality to ask the Health Officer of such Municipality to keep a general control for administrative purposes—a sort of general supervision—over the Ayurvedic dispensary. I think it would be worth while for Government to consider this, namely, the question whether Municipalities could, under the Act, provide for the supervision over Ayurvedic dispensaries and also the Unani dispensaries through Health Officers. This would safeguard the interests of both the dispensaries themselves and of those who take advantage of such dispensaries. I allude to this subject because though last year the Collector of Poona suggested to the Poona Municipality that a registered practitioner should be kept in charge of the dispensary, still doubts were expressed as to the usefulness of that course. Besides there is a certain question of medical ethics now looming before the public eye. It would be worth while if Government made it clear that Municipalities can in case of emergency put the Ayurvedic dispensaries, temporarily at any rate, in charge of the Health Officers of the Municipalities. I trust it is a point which is engaging the attention of Government, and I would not allude to it further than to mention that the Health Officers of Municipalities may beneficially exercise a general supervision, and in such a case not only section 11 but any other section of this Act also should not come in the way, and the interests of the Ayurvedic dispensaries should not suffer. These are all the observations that I think I need make and with these words I leave the resolution to the sense of the Council.

The Honourable Surgeon General R. W. S. LYONS :—Your Excellency :—This resolution has been brought forward on account of one particular case, the case of the Poona Municipal Dispensary, in which a man who has been working for 22 years or more would suffer hardship if the support given to him by the Municipality were cut off. In so far as the resolution purports to give relief to that man I am with it. But I am against the resolution entirely in so far as he proposes to bring in a system of medicine which is two thousand years old and which has made no advance in that long period. In order that this Council should know something more of the method by which medical science is taught, I will briefly explain the method of teaching employed in Western medical schools which Government supports here and the method in vogue in the Ayurvedic School, Bombay, the only school that I have been able to unearth in India. I have tried to find out how Ayurvedic practitioners are taught and examined in the different parts of India, what their course of instruction was, the facilities for teaching, the text books recommended and the nature of the examinations held. At Baroda and Allahabad, examinations are held twice a year, but there are no schools for

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teaching. I was told that a Sanskrit College has been opened somewhere in the Berárs, and on enquiry I was informed that the College has not been opened yet. So the only place from which I have been able to obtain any information is Bombay. The Ayurvedic School in Bombay has existed for, I think, about 15 years. During that time only about 50 practitioners have been declared qualified after examination, that is, at the rate of less than four a year. Going further into the matter, I would like to explain to the Council the course which obtains in the Western medical schools and in the Ayurvedic School in Bombay to which I have just referred.

The teaching of Western medical science is carried out at the Grant Medical College, Bombay, and the Medical Schools at Ahmedabad, Hyderabad and Poona. The course at the Grant Medical College is of 5 years and at the other three schools of 4 years' duration.

The preliminary standard of education for the Grant Medical College is the Matriculation examination of the Bombay University, in addition to which students must pass the Preliminary Science examination also.

In the three Medical Schools the Matriculation and the School Final examinations are accepted also, and in addition the Schools have an Entrance examination.

The subjects of study in all the Schools are :—

Anatomy—in which students must dissect the whole body at least once; in some this is done twice.

Physiology;

Pathology;

Bacteriology;

Clinical Medicine and out-patients;

Clinical Surgery and out-patients;

Midwifery and diseases of women. The student must be present at 20 cases of labour and conduct 6 cases.

Hygiene;

Medical Jurisprudence;

Materia Medica.

The student must also take out classes and receive clinical instruction in mental diseases, injection, diseases, skin diseases, ear and throat diseases and ophthalmic surgery.

In addition to these subjects the Grant Medical College students have classes in Practical Physiology, Practical Pathology and Bacteriology.

I have omitted from this summary the preliminary scientific course of Biology, Chemistry and Physics, which is taught in all the Schools, but in the Grant Medical College up to the Bombay University requirements.

In all these institutions the teaching of Anatomy, Physiology and Pathology, which form the foundation of all medical, surgical and maternity practice, is thorough.

In the hospitals associated with the Grant Medical College there are over 400 beds. These afford ample material for the clinical study of all forms of disease and for the purposes of instruction in midwifery. In the outdoor department over 100 patients are seen daily.

The hospitals in connection with the Ahmedabad and Poona Medical Schools have each over 200 beds, and Hyderabad over 100, sufficient in each case for the number of students who are allowed to enter the Schools.

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The text books used in these Schools are the latest editions in each subject, exactly as used in English Medical Schools.

The facilities for teaching as regards class-rooms, equipment and staff are ample and kept up to date. Sir ALFRED HOPKINSON considered the equipment and facilities for teaching at the Grant Medical College equal to that in any English school of medicine.

The examinations held are of a high standard, and it is one of the duties of the Medical Council to see that a proper standard is maintained.

Anatomy, physiology and pathology, which treat respectively of the structure of the body and the way in which the organs carry on their functions in health and disease, are the groundwork of scientific study of medicine. They are each two years' courses of study and are thoroughly taught in all the Schools. The training given in medicine, surgery and midwifery is also thorough and kept abreast of the modern advances in these subjects and of research in bacteriology and the causation of disease.

The Honourable Mr. KAMAT.—I rise to a point of order, Your Excellency:—I never went into the question whether this system or that system had so many subjects, one more or one less.

His Excellency the PRESIDENT:—I do not think there is any point of order. The Honourable Member is perfectly justified in making such remarks as he likes as long as he keeps them within the scope of the resolution.

The Honourable the Surgeon-General,—Now I have so far dealt with the methods adopted for the teaching of Western medicine in this Presidency. So far as the teaching in this Presdency goes, it is very sound and we have as excellent practitioners here as are to be found in any other part of the world. During the present war we have sent out a number of our own graduates and our own Sub-Assistant Surgeons, who are doing excellent work and are very highly spoken of.

Now, as to the practitioners of Ayurvedic medicine, they may be divided roughly into three classes: The first class are men who hawk drugs. You will see this class of men opposite the Great Indian Peninsula Railway station here, selling drugs to anyone who may consult them. The second class of men are those who are hereditary Vaids and who practise such treatment as has come down in families from father to son and who compound their own medicines. These two classes are generally uneducated. The third class of practitioners are those who have been apprenticed to Vaids, or who have been taught at an Ayurvedic School and passed an examination in Ayurvedic medicine. It is only this last class of men that need be seriously considered; and of these it is only possible to estimate the value of the teaching given in a school of medicine. It is obviously impossible to place a value on the teaching of individual Vaids.

In the Ayurvedic School in Bombay the preliminary standard of education is the highest standard of the Vernacular course with Sanskrit as second language. There are two courses of studies: a short course which lasts three years and a long course lasting five to seven years. For the short course the following books are prescribed:—

Sharangdharsan Sanhita, a work on the nature and uses of remedies.

Madhavnidan, which dates from A. C. 1331, on the symptoms and diagnosis of certain diseases.

Bhavaprakash, dating from A. C. 1550, which gives the history of medicine, physiology of the organs of sensation and of the three great idiosyncrasies Vayu (wind), Pitta (bile) and Kafa (phlegm).

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The Honourable Mr. HARCHANDRAI VISHINDAS.—I rise to a point of order, Your Excellency. Under Rule 12 of the Resolution Rules no speech, except with the permission of the President, shall exceed 15 minutes, and this speech has exceeded 25 minutes.

His Excellency the PRESIDENT.—I am afraid that I must admit that I have allowed the Honourable Member to continue his speech rather in excess of the time limit, but I think Honourable Members must leave it to me as to how long I propose to let the Honourable Member speak. However, I must suggest to the Honourable Member that he must conclude his remarks in a very few minutes more.

The Honourable the Surgeon-General.—The long course adds on two years study of the works of Charaka B. C. 320 on Medicine; Sushruta, a contemporary of Rama, on Surgery; and of Vagbatta B. C. 200 on Treatment and Hygiene. The text books are all in Sanskrit, with the exception of those for the Short Course. No books are prescribed in Western medicine, but students are given an insight by lectures into the Western teaching of Anatomy, Physiology and Materia Medica, to enable them to meet in consultation practitioners of Western medicine There is no teaching in Pathology or Bacteriology. The facilities for teaching are afforded in a house in Cathedral Street consisting of a Lecture Hall, Professors' Room, Office, a room for the examination of patients and for surgical operations, and Ward accommodation for 7 patients. There is also an outdoor dispensary—the Dayal Bhimaji Charitable Dispensary—which consists of prescribing, compounding and waiting rooms, and a museum for drugs. Anatomical plates and Plaster of Paris Anatomical models are used for teaching Anatomy. A midwifery dummy is used for teaching midwifery.

His Excellency the PRESIDENT.—Order, order. I really must ask the Honourable Member to close his remarks.

The Honourable MOULVIE RAFIUDDUN AHMAD.—Your Excellency:—I rise to support the motion that has been so ably brought forward by my friend the Honourable Mr. KAMAT. We have heard a discourse of the Honourable the Surgeon-General, who is the accepted head of the Department of Western medical science. When he highly recommended the Western system and not the Eastern one, he missed the point. The point is that a large number of Ayurvedic physicians and Unani hakims are already practising in this country. They may be called quacks and they may be condemned by the more advanced scientific physicians of the West. But the question is that these people being allowed to practice when they try to do everything in their power to advance their particular systems of medicine, why should not the State assist them. It is an indigenous system, I mean these two systems, the Ayurvedic and the Unani. They are recognised by the people. People are familiar with them, and not only in this country but also in countries like Afghanisthan, Persia and Arabia the Unani system is in vogue, and it is for the advocates of the Western system to point out that their system is so much in advance that by comparison the deaths that take place in European countries or especially in India are much fewer indeed than the deaths that take place in Afghanisthan or Arabia or Persia. On the whole I find, Sir, that there is very little difference, it may be 4 or 5 per cent.; not more than that. Humanity goes on as it is.

My point is that some of the most advanced people themselves say that nature helps more than nurture. In that case, Sir, I would recommend that the indigenous system should have a chance.

The Honourable the Surgeon-General ridiculed the idea of the Ayurvedic school conducted in Bombay, but he must remember that he has the patronage of the whole of the State, while these poor struggling institutions have no encouragement

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at all. Time there was, Sir, when Lord Macaulay said that there was nothing in the Oriental literature, that everything Western should be used, and when our Sanskrit, Persian and Arabic books and the whole oriental literature was generally neglected But we now find that Government themselves come forward to encourage oriental literature of all kinds and they now find great many treasures in them. So also I find that this mistake has been committed in the case of these indigenous medical systems, both Ayurvedic and Unani. If the State would encourage them, certainly the best merits that are to be found in the two systems would be unearthed.

The Honourable the Surgeon-General said there are so many books on so many subjects written on Western medicines. But I want to ask him, 100 years ago what was the state of their Western science in England, for instance? You have advanced by degrees. And if you will encourage the indigenous systems of medicine, books on the subject will be translated from the various oriental languages and they will be introduced in the different schools. In the natural course you have to take something from them and they have to take something from you. It is admitted that the pharmacopia of the Unani and the Ayurvedic systems of medicine is excellent. Therefore, Sir, it is rather out of the way for the members of the scientific system to come forward and advocate a particular system and ask us to dispense entirely with the indigenous system. I no doubt would rather go to a European physician than to a Unani hakim. But why? Because at present the system has not been advanced enough; but the State ought to come forward to advance it. I do not know whether the Surgeon-General is aware of the fact that there is a very good school of the indigenous system of medicine at Delhi, and His Excellency the Viceroy has acknowledged the Unani system to this degree that two eminent physicians practising that system have been given some old titles, in order to encourage the particular system of medicine.

We in this Presidency always boast that Bombay is in advance of other Provinces. We make legislations here which are generally followed by other Provinces. And I would beg Your Excellency's Government to be in advance of the other Provinces in the matter of encouraging these Ayurvedic and Unani systems of medicine as far as possible and to show that our Government is doing everything in their power to encourage rather than discourage them. We beg, Sir, that Your Excellency's Government should try by degrees to bring about the existence of institutions of Ayurvedic and Unani systems of medicine, and if there are qualified people, to have a register opened for them. Naturally, it might be resented by the Bombay Medical Council or the Bombay Medical Union, but there is a larger world than the Medical Union or the Medical Council.

The Ayurvedic and Unani practitioners are more accessible to poor people as the fees they charge are generally eight annas or four annas; while the practitioners of Western medicines charge at least two rupees. The Honourable the Surgeon-General stated that there are some Unani hakims sitting opposite the G. I. P. Railway Station waiting for patients. But if he visits the Mahomedan quarters for instance, he would find a great many eminent Mahomedan hakims to whom people are coming not only from Bombay but even from Poona and other places; and I am told the results of their treatment have been splendid.

So, Sir, I would beg you not to overlook altogether the Unani and Ayurvedic methods of treatment. I have only one word to add, and that is this. If my Honourable friend Mr. KAMAT would agree, he should ask Government to consider the feasibility of encouraging the two systems, which I think is quite necessary, as the country desires it.

With these words, Sir, I support the Resolution.

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The Honourable Lieut.-Colonel J. JACKSON:—Your Excellency:—I congratulate the Honourable Moulvie Rafiuddin on being far in advance of everybody in this country or any other in the matter of accurate statistics as to the death rate in Afghanistan, Persia and Arabia. The Resolution moved by the Honourable Mr. KAMAT is a proposition that a very antiquated—and the Honourable Member will pardon me if I add—a very empirical and unscientific method of treatment is to be revived and instituted in certain places, to a certain extent, and under certain circumstances for the system of Western medicine now universally practised. This is, to my mind, a most retrograde step. Western medicine is founded on accurate observation and built up on science; it advances every year, takes up new positions and is ever on the offensive against the old enemy disease. Antiquity is in its eyes no merit of surpassing value. Though we look back to the work of Hippocrates, Galen, Avicenna, or Vesalius, with respect, we utterly refuse to be bound by their worn out dogmas and theories or effete pathology. On the other hand, the Ayurvedic practitioner (and let the Honourable Moulvie Rafiuddin, who hopes for progress in Ayurvedic medicine, mark this) to this day looks to Charaka and Sushruta as the bedrock of knowledge and the final word in medicine and surgery. These books, written two centuries before Buddha and a millennium before Hippocrates, are laid down as text books in Ayurvedic colleges. I have read the Samhitas of Charaka and Sushruta as translated and edited by learned Kavirajs in Bengal. My task of exposing the futility of Ayurvedic medicine would be an easier one if I were addressing a body of scientists or medical men. I could then allude to a thousand delightful absurdities which require for their appreciation a knowledge of anatomy, physiology and the cognate sciences. As it is I can only deal with those absurdities which like the system that begets them are "gross as a mountain, open, palpable". Ayurvedic medicine is based on the discredited humoral pathology. Kaviraj Bhishigratna, who translated and edited the edition of Sushruta, I read, knew so well that this pathology is dead that he explains the term "vayu" or "wind" as really equivalent to the cerebro-spinal system and sympathetic nerves of Western medicine, having also a spiritual sense. But if this is so why does Sushruta tell us that "vayu is situated in the regions of the pelvis and rectum"? Had the ancient Indian a completely different anatomical construction from those of the present day?

Similarly "bile" is not bile but "metabolism"; another commentator says it is "Solar heat", whatever that may mean.

This vague and mysterious element lurks, according to Sushruta, somewhere between the stomach and intestines.

Our old friend "phlegm" is explained as that portion of the lymph that fills all the intercellular spaces of the body and holds them together in a cooling embrace. But Sushruta says that this "phlegm" is ensconced in the cavity of the stomach and Charaka in the thorax, head, throat, joints and where undigested food is, and fat. In the preface to the first volume of the Samhita the Kaviraj bestows hearty commendation on Ayurvedic physiology as unique and on the anatomy as accurate and tells us that the Samhita "embraces all that can possibly appertain to the science of medicine". In the preface to the second volume he announces that "Ayurveda is not an Encyclopædia of Medicine but rather the science of life entire". I will ask the advocates of Ayurvedic medicine to mark why a treatise on medicine and surgery blossoms out into what would seem to be a greater and more comprehensive work. "Because," says the Kaviraj, "the absence of any reference to brain, spinal cord, pancreas or heart in a book on anatomy and physiology is unpardonable". To rescue poor Sushruta from this disastrous plight the Kaviraj states: "Our beloved science of Ayurveda is by no means an Encyclopædic work but very distinctly possesses every charcteristic that marks the science of biology, and it is properly speaking a book on biology". Here is the Kaviraj's definition of biology". The primitive fluid that is endowed with motion in its evolution of life gets knotted into five divisions, Prana, Apana,

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Samana, Udana and Vyana, and this acting on any aggregated living matter is called Prana. So that what we call Prana is not "vayu" itself but a particular mode of its motion. Hence the question of identity or non-identity is a matter of choice and this is also the sum and substance of physiology". As the Bab Ballads put it,

"This may be very clever but I do not understand it".

The Kaviraj makes the honest admission: "There would be no grave omission if the chapter on anatomy is wholesale dispensed with from Ayurveda." The Ayurvedic method of dissection recommended by Sushruta is to cover a body with Kusa grass and place it to decompose in the waters of a solitary and still pool. After 7 days the body is thoroughly decomposed, when the observer will slowly scrape off the decomposed tissues with a whisk of grass or a strip of split bamboo, and as one result of this method of investigation Sushruta discovered that all the vessels start from the navel besides failing to discover many of the most important organs of the body.

I will now turn my attention to surgery which is so closely dependent on the anatomy that does not exist in Ayurveda. A practitioner is to learn incisions on cucumbers and melons, evacuation on leather bags of water; stuffing and probing on bamboos; extraction of solid bodies on a Jack fruit, and venesection on the slacks of a lily. There are mysterious meeting places of the "five organic principles—(why organic principles I do not know)—of ligaments, veins, muscles, bones and joints". It is death or immediate amputation if any are injured. There are 11 in each arm and leg and 63 in the rest of the body. A fractured thigh is hopeless. In extracting an arrow head other methods failing you tie the arrow head to a horse's head or a bent down branch of a tree. The resulting jerk extracts the arrow.

"Surgery," says an old Sanskrit verse, "is mutilation, not doctoring". That is a fair description of Ayurvedic surgery, by one who knew Ayurvedic surgery in practice; a true one, too, for practical surgery depends on practical anatomy and we have seen there is no Ayurvedic anatomy.

Turning to Hygiene, I do not know, Your Excellency, whether members of this Council are aware that according to Ayurvedic science, it is a matter of grave importance to their health through which nostril they breathe when addressing a king, or a king's representative, I presume; that shaving the head expiates one's sins; paring the nails appeases one's fate; wearing a turban improves the purity of the mind; using an umbrella improves one's energy; using a stick increases one's strength and patience and makes the mind firm and bold.

It is exceedingly dangerous to look at one's reflection in water. Exhalations from a goat or inhalations from a cowshed cure consumption. (Laughter.)

The somewhat superfluous warning is given that eating a peacock boiled in castor oil is likely to disagree with the consumer. (Continued Laughter.)

The Sanitary Board should mark that water may be purified for drinking purposes by putting into it the roots of the lotus or acquatic plants or a pearl, or a crystal or even a piece of linen.

Exercise and music are condemned with excessive wine and gambling. It will interest vegetarians and temperance advocates to know that the flesh of carnivora cures phthisis; that beef cures dyspepsia, catarrh, cough, chronic fever and destroys deranged wind; that wine is the best thing for exhaustion and fatigue, and judiciously used is as beneficial as nectar; that meat is the best thing to promote nutrition and leads to increase of flesh. Passing to the pride of the Ayurvedic practitioner—his Pharmacopœia—I find that he goes far afield for his drugs and the list is an enormous one. In it are fat, bile, marrow, blood, flesh, excreta, urine, skin, bones, tendons, horns, nails, hoofs, hair, and bristles. For a long list of diseases, including want of appetite, obesity, leprosy, phthisis and insanity urine-like parmaceti for an inword bruise—is the sovereign'st thing

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on earth. The patient has a wide selection from an elephant's to a goat's. This lengthy list of drugs is I suppose the reason for the extraordinary dictum of Charaka that "an intelligent physician should adhere to officinal recipes given in books of medicine and not introduce innovations, however logical or probable, in the regions of applied or practical therapeutics". A progressive method truly! For a very wise man, not a doctor, has said: "Surely every medicine is an innovation and he that will not apply new remedies must expect new evils."

But what really puzzles me is why the Ayurvedic practitioner should worry over this multiplicity of drugs when he has at his disposal some dozen or so super-drugs that increase the span of life from 100 to 10,000 years. I detail two for the edification of the Council. After taking the first for a month worms issue from the body and have to be extracted by forceps, next month ants come out, next month vermin issue forth, in the fourth month hair, nail and teeth fall out, and, as Sushruta says, "the patient becomes dilapidated"; but in the fifth month a divine glow beams from the body; the features become those of a god, old age and decay banish, youth comes back with elephantine strength and horse-like speed and a life of 800 springs. The next remedy is Soma juice combined with dieting mantras and prayers. This gives you new teeth, hair of a bee-black colour, a life of 10,000 summers, renders you immune to fire, water, poison and weapons and gives you the strength of 1,000 masth elephants. Someone may say here is a drug for Western medicine to investigate. Alas! though it apparently grows extensively in India it is invisible to the irreligious, the ungrateful, the spiteful, to Brahmins, and—fatal obstacle—to the disbeliever in Ayurvedic medicine.

In view of the fact that a Commission is working in Madras as to the causes and treatment of diabetes, it is no harm to mention that Silajatri—a gelatinous substance excreted from the sides of mountains in July and August—adds for every tola weight taken 100 years to your life, is a certain cure for diabetes, in fact, in the coldly scientific language of Sushruta, "there is no bodily distemper which does not yield to its highly attractive influence".

Well may Western medicine distrust a system whose great authority in one flight transcends the most brazen effrontery of the modern vendor of patent medicines! I will also give the Commission a present of the pathology of diabetes: "The obstructed wind seizes the "ojah" and marches it out of the heart through the intestinal canal". "Ojah", Sushruta tells us, "is a quantity of pure blood of a slightly yellowish colour in the heart". Commentators variously describe it as albumen glycogen, food for the heart, and the origin of the life germ. A truly elusive element. Some Ayurvedic expert may reconcile the various definitions.

I now turn to a subject which is of interest to the Legal and Judicial members of the Council—Toxicology. I will relate in the words of Sushruta how to detect a poisoner, how to establish the fact of poisoning; how to protect oneself against poisoning, and how to cure yourself if poisoned. (Laughter.)

For the first we need none of the direct or corroborative evidence so needlessly required at present in our Courts. A poisoner does not speak or answer when a question is put to him; swoons or breaks off in the middle of his statement; talks like a fool, indistinctly and incoherently; suddenly but listlessly presses his joints; scratches the earth; laughs and shivers; looks frightened at the sight of others; cuts hay or straw with his fingers; scratches his head in an agonized way; looking this way and that, tries to slip out of a back or side-door. Would not this description fit equally well some nervous unfortunate emerging from the witness-box after a merciless cross-examination? If a person has been poisoned "his heart cannot be burnt in a fire"—a dear statement but not true.

To guard against poisoning you must have the following animals and birds in your house and grounds. When poison is about, the Chakora's eyes become affected; the Jiva Jwaka dies; the cuckoo gets hoarse; the heron excited; the pea-

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cock sprightly; the sarika screams; the swan cackles; the spotted deer sheds tears; and the monkey is indisposed. (Laughter.) When you note these interesting animal phenomena you catch the would-be poisoner by the signs I have already related.

His Excellency the PRESIDENT.—I am afraid I must ask my Honourable friend to cut short his remarks.

The Honourable Lieut.-Col. JACKSON.—Dreams play an important part in Ayurvedic medicine, and so do omens. If you send for an Ayurvedic practitioner, there are hundreds of omens that will stop him coming. For instance, if the clothes of the messenger are wet or dirty, if he hears the bray of an ass or feels sad or dejected, if the atmosphere with dust or ashes raised by the wind, he has got to go back—he cannot go. There are hundreds of such preposterous things, but, as you see, Your Excellency, I am only limited by the time that is permitted to me in the enumeration of these absurdities. I cannot believe that anyone really desires that this system of medicine without any anatomy and physiology, with a discredited pathology padded out with fantastic folklore and childish fairy tales should be revived and studied as a science. It is of interest to the student of anthropology, but otherwise it may be said of Ayurvedic medicine:

"Its name is Used-to-was;
"It is also called Played-out and Done-to-death.
"And It-will-wash-no-more. Awakeneth
"Slowly, but sure awakening it has,
"The common sense of man."

The Honourable Ráo Bahádur GANESH KRISHNA SATHE.—Your Excellency:—It may surprise the Council that a lawyer should tackle this subject of medicine. However, there need be no apprehension on that score. I do not consider that I am competent to discuss the comparative merits of the two systems of medicine, namely, the Western and the Ayurvedic systems.

What I want to point out to the members of this Council is whether this discussion is not considered to be premature in view of the modest request that has been foreshadowed in the resolution of my Honourable friend Mr. KAMAT. The denunciation, that we have heard of, the Ayurvedic system of medicine, might have interested some, but one cannot forget the fact that it is bound to pain those who have been habituated to regard it with respect on account of its antiquity and indigenous character.

This Council knows from the remarks which the Honourable Mr. SHEPPARD made yesterday that this resolution has had its origin in the Poona incident, that is, the case of the Poona Municipality. Government was pleased to sanction the continuance of the medical officer in charge of the Ayurvedic Dispensary in Poona City and this resolution only wants to legalise the action which Government has taken in its executive authority. If the wording of the present Section 11 is taken into consideration, technically the course adopted by the City Municipality of Poona was outside the four corners of that section. If the Members of this Council would kindly refer to the wording of the present Resolution, particularly the words "*with the sanction of Government*", I think this resolution ought not to have evoked such a carping criticism and such long discussion; because, after all, what do we want? We want that if there are good reasons and if such dispensaries are really being efficiently managed, Government should have the power to legalise the continuance of such dispensaries under the guidance of Ayurvedic practitioners. I am quite sure that my Honourable friends, the Honourable Surgeon General and the Honourable Lieut.-Col. JACKSON, have considerable confidence in the discretion of Government. That safeguard is to be put in the Medical Act by the proposed amendment of Section 11. And, after all, Government's decision will be based on the advice of their experts like the Surgeon General and the Honourable Lieut.-Col. JACKSON. Looking at the question from this standpoint only, I think

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further discussion on the comparative merits of the two systems appears to be unnecessary and irrelevant. The Honourable Member in charge of the Bill yesterday gave us to understand that Section 11 was likely to be amended soon. And when the amendment will be placed before the Council we will be in a position to know the then attitude of Government and to discuss the comparative merits of the two systems if it be necessary so to do.

With these remarks I support the resolution of the Honourable Mr. KAMAT, on the ground that the recommendation underlying his Resolution is a very modest one, and it only requires that a certain act be legalized by legislative enactment. I believe that all this discussion could have been curtailed as my Honourable friend Mr. KAMAT had not entered into this complex question started by the speakers who followed him. With these few words, Your Excellency, I support the resolution in so far as it refers to the consideration of the amendment of Section 11 of the Bombay Medical Act.

The Honourable Dr. D. A. D'MONTE.—Your Excellency:—This resolution is evidently drawn up in pursuance of the suggestion thrown out in the report of the Select Committee on the Bill to amend the Bombay Medical Act. I am of opinion that the ancient systems of medicine should not be treated by the State as if they were mere quackery. As the Honourable Sir PARDEY LUKIS, the Director General of the Indian Medical Service, pointed out in a recent speech at Indore, these ancient systems comprise some valuable scientific truths, and they are based on a long experience of Indian constitution.

But, my Lord, I cannot overlook the difficulty which exists at present of differentiating between a qualified practitioner and a quack, as far as they are concerned: The difficulty is not diminished by the generic term "*indigenous systems*" which my friend the Honourable Mr. KAMAT has employed.

"*Indigenous systems*" may include not only the Ayurvedic and Unani, but also the exorcist, the magic man, and the village barber who uses the razor as an implement of shaving as well as a surgical instrument. I cannot therefore support the Honourable Mr. KAMAT'S Resolution.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.—Your Excellency:—I am sorry that the discussion on a small Resolution like the one which our friend the Honourable Mr. KAMAT brought forward should have branched off into a discourse which I do not think is relevant to the matter which is immediately before us. The subject of the Resolution is simply this: What steps are actually necessary to support the action that Government have taken in the matter of the Ayurvedic Dispensary at Poona. Your Excellency, when the Medical Bill was passed it was distinctly understood and declared in Council over and over again that that Bill was not intended to be put into operation in connection with practitioners of the Ayurvedic system of medicine, and, in spite of that distinct assurance, the section has been interpreted so as to bring these practitioners under its operation. It was a wrong interpretation inconsistent with the express declarations made when the Medical Bill was passed. With these remarks I urge that my Honourable friend's Resolution may be accepted. A small amendment I desire in the Resolution as it stands at present is to omit from it only the words "with the sanction of Government." The amendment of Section 11 which is contemplated in the Resolution should be so effected as not to allow the operation of the Act to be extended to a dispensary which may not have at its head a certified medical officer. The whole framework of the Act is based so as to limit its operation to practitioners of Western medicine. The very Medical Council which has to certify these practitioners does not include even one member who knows Ayurvedic medicine. The Honourable Lieut.-Col. JACKSON has attacked our Ayurvedic medicine, and I think he has not looked at it from a proper point of view. I think he has looked at it with one eye. He must know that many

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practitioners who have passed in English medicine have realized the necessity of going into the Ayurvedic system for remedies which they do not find in Western medicine. In Bombay Doctors like Surgeon Major Kirtikar, Sakharam Arjun, Sir Balchandra, Popat Parbhuram and several others have found with their long experience in the Western system of medicine that it is necessary to have recourse to Ayurvedic medicine, and they have been prescribing medicines which are not to be found in the British pharmacopœa. I do not think that we can go to the extent of declaring that there is nothing good in the Ayurvedic medicine. If these medicines were not efficacious before the advent of the Western medical system in this country, was the whole country without medical aid, and are we satisfied that the medical help which is now afforded by a few gentlemen practising western medicine is sufficient for the needs of the whole population? We have now over two crores of people spread over an area of 186,923 square miles and scattered through over forty thousand villages. Have we got Indian Medical Service men or practitioners turned out of medical colleges and schools to give adequate relief to so many people? There is only one Civil Surgeon in a District, and how long does he go, and how often can he go to places outside the headquarters. Though we incur great deal of expenditure on medical education, and on the medical department, the relief given to the community is very limited. As a matter of fact the majority of the people in a táluka have to depend on Ayurvedic medicine. I think it is the duty of Government to consider the matter seriously. I drew their attention to it specially by sending a resolution to request that some provision might be made to put the indigenous system of medicine on some proper basis. Well, what happened was that my Resolution was disallowed on public grounds and the matter stands there. I submit that if any action is to be taken to register Ayurvedic practitioners it should be taken after due provision is made for their instruction. Indian science treats of medicines that are indigenous, and we prefer medicines made of drugs from our own country. Our women and children do not like the medicines prescribed by the doctors of the Western system. When we have natural faith and predeliction for indigenous medicines why should not we consult well-known Ayurvedic doctors? Under these circumstances, I think we must consider the sentiments and conveniences of the people and it would not do to treat them in the manner in which they have been in the light hearted remarks which we had just to listen so painfully from responsible officers of Government. With these remarks, I say, that Mr. KAMAT's Resolution is fully justified, and if Government will take any action, I think that that action should be supplemented, by the necessary provision for the instruction of Ayurvedic practitioners and for safeguarding their exemption from the operation of the Act. If that provision is not made, I think nothing should be done to prejudice the interests of these practitioners on the recommendation of gentlemen who know so little of the Ayurvedic science, and who are prepared to look at it from a wrong point of view. I beg to be excused for my remarks, but I think that these are not the proper persons to advise Government on this subject.

The Honourable Sir IBRAHIM RAHIMTOOLA.—Your Excellency:—Members of this Council will be suitably grateful to the Surgeon General for treating them to a learned lecture on the manner of teaching of the Western and Eastern systems of medicine.

It appears to me, Your Excellency, that the issue before the Council is a very narrow one and we need not have indulged in these lengthy dissertations on the merits of the two systems. A large majority of the Members of this Council are laymen and cannot therefore be in a position to decide scientifically as to the relative claims of the Western, the Ayurvedic and the Unani systems. I think that the issue before the Council is a very restricted one. It was before the Council on the occasion when the Medical Registration Act was under consideration. It was then clearly pointed out that it was not the intention of Government to interfere in any way with the systems of medical treatment known as Ayurvedic and Unani. In view of such authoritative declaration the question arises whether

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anything should be done on behalf of Government to prevent the maintenance of Ayurvedic or Unani dispensaries partly or wholly at "public expense"; I mean by contributions from or at the cost of public bodies.

Your Excellency, I, for one, am a great believer in the system of treatment known as the Western system, but when we are dealing with this question, it is necessary to consider whether a sufficient number of qualified medical practitioners under the Western system could be made available for the treatment of the large population of India? Even Hospital Assistants, whose training is by no means what was described by the learned Surgeon General, are not available in sufficient numbers to give medical relief to the large number of patients who need it. The question, therefore, arises ——

The Honourable the Surgeon General LYONS.—I rise to a point of order. My Honourable friend has stated that the Hospital Assistants are not such as I described. I rise to point out that the training that I spoke of is that given to Hospital Assistants.

His Excellency the PRESIDENT.—The Honourable Member is perfectly at liberty to disagree with any statement made by any other Honourable Member. I think the Honourable Sir IBRAHIM disagrees with the Honourable the Surgeon General's statement.

The Honourable Sir IBRAHIM (continuing).—My point, Sir, is this. The cost of giving training in recognized institutions to qualified medical practitioners is heavy. The cost of this treatment to the poorer people has been found to be beyond their means. But quite apart from these two considerations, the number of qualified medical practitioners is so small, compared to the total population, that the question really arises as to whether people suffering from disease, apart from the faith which we all know they have in the Ayurvedic and Unani systems, should be indirectly forced to go without any medical treatment altogether because they cannot or will not accept the western method. That is the issue that we have got to bear in mind.

I dare say that the rapid strides which western medical science has been making will continue and in the course of time the best system will prevail. But may I enquire whether it is common sense to urge that when medical treatment under the western system is not available either on economic grounds or on the ground of there being not a sufficient number of qualified medical practitioners, whether a large body of people in India should receive medical treatment under the Ayurvedic or Unani systems, or, whether they should go without it altogether? Those who followed the discussion in this Council when the Medical Act was passed, know that Government have not the remotest intention to lay down that the systems of Unani or Ayurvedic medicine shall not be freely resorted to by people who wanted to be treated under these systems. That being so, I think the issue raised by the Honourable Mr. KAMAT is narrowed down to this one point as to whether with the previous sanction of Government, as mentioned in the resolution, public bodies can maintain or contribute from public funds towards the maintenance of dispensaries for affording medical relief under the Ayurvedic or the Unani systems. In view of the conditions prevailing the answer to the issue can only be one in my opinion, and that is that in such cases, Government should be graciously pleased not to raise any difficulties whatever.

With these words, Sir, I support the resolution.

The Honourable Mr. R. P. PARANJPYE.—Your Excellency:—I rise to support the Resolution that has been brought forward by my Honourable friend Mr. Kamat. I had no intention of engaging the attention of the Council on this question, because I thought it was a very limited subject indeed, but the Honourable Surgeon General and the Honourable Lieut.-Colonel JACKSON have introduced points of view which I think are irrelevant, but on their having been raised it certainly behoves some words to be spoken on the other side.

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In the first place, let me say that the attitude that the Honourable Surgeon-General and the Honourable Lieut.-Colonel JACKSON have taken is not a proper scientific attitude, for the proper scientific attitude is essentially one of humility. If they wanted to recommend their system of medicine, the way to recommend it is not by ridiculing the opposite systems, but by proving the efficacy of their own system, and they ought first of all to put the advocates of the opposite system on their best behaviour and in the best spirits by telling them that they already know a great deal and then put forward the merits of their own system. Well, then, I quite admit the argument of the Honourable Surgeon General that the Western system of education is very well organized, and that the education in the Eastern systems has not been so organized. But I may at the same time point out that just as before the opening of schools and colleges for engineers, people had built houses and lived in them, so also before there were organized schools of medicine, people got ill and they got cured of their illness, and, therefore, even though there are possibly no regular organized schools, still it does not follow from that that there is nothing at all in the systems that have at least the stamp of antiquity in this country.

The Honourable Surgeon General and the Honourable Lieut.-Colonel JACKSON have made a great point about the absurdities that there are in these systems, but I may point out that these absurdities lie only in the theories underlying the systems. In this connection I may mention the well-known saying of Voltaire that lots of incantations would be enough to kill a whole army if those incantations were accompanied by a sufficient dose of arsenic. In the same way these superstitious practices that seem so riduculous to us in the Eastern systems are often times accompanied by the use of drugs and the efficacy of these systems may depend to a great extent upon the use of these drugs rather than upon the concommitant non-essentials, although possibly the practitioners themselves may attach very great importance to them.

I may also mention that most of the discoveries in Western medicine have been made by experiments. When I was in Paris, I remember I used to pass every day by the statues of two eminent French Doctors who lived in the middle of the 18th century. They were the discoverers of the famous drug which the Honourable Surgeon General and the Honourable Lieut.-Colonel JACKSON are always trying to recommend every day to everybody—I mean quinine. Pelletier and Caventon were their names. They had been in South America, and they found that people there who were ill with malarial fever used to chew the bark of some tree, and these doctors made experiments and researches upon those barks and found out the essence which our doctors at present are always recommending to us. But, for aught I know, those people, the wild Indians of those tracts, might have their own fanciful theories to recommend their bark. They might possibly have thought that the malarial fevers were caused by ghosts which were living in those trees, and they might have concluded that by trying to eat the barks of those trees, the ghosts might get afraid and might therefore leave them. The theory might have been entirely wrong, but there was a vein of truth underlying those theories, and if the Surgeon Generals of those days had considered the use of this bark as being something entirely "infamous" from the point of view of the Medical Council, we should not have been at present in possession of a well-known drug like quinine.

Why go so far? Even the sciences that are at the bottom of the medical science at present are always undergoing improvement. I put it to the Surgeon General himself whether the chemistry that he learnt as an auxiliary subject to medicine, has not itself considerably improved, whether the theories which he was taught in his old days as forming the foundation of the chemical science, like the indestructibility of matter and the fixity of the chemical elements, are not now on the point of giving way to other and new scientific theories? But it does not follow from that, that although the chemical theories which the

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Surgeon General was taught might possibly be on the point of giving way, still the medicines about whose use he learnt have lost their efficacy. I think, after all, that medicine is an empirical science. You have got to experiment, and you cannot say that the various medicines that were used in olden days are all wrong and that they have got no efficacy, simply because the theories on which those medicines were based were wrong.

I might at the same time point out that the interesting dissertation on Ayurvedic physiology by the Honourable Lieut.-Colonel JACKSON had very great references to surgery rather than to medicine, and I might mention that in this country Western surgical science has commanded respect from even the most uneducated people, which the Eastern surgeons have not been able to command. (Hear, Hear.) Everybody knows that if anybody wants to undergo an operation he would certainly go to a doctor trained in the Western science, and there is no possibility of even the most uneducated man going to a doctor trained in the Ayurvedic system, if he can possibly get hold of a doctor trained in the Western science, because the superiority is so indisputable that everybody has acknowledged it; and we are grateful for Western physicians for introducing their surgery. But, as far as the Ayurvedic system of medicine is concerned, a great amount of research is still necessary, and I think the proper attitude in conducting that research is not that which has been taken by the representatives of the Western medicine in this Legislative Council. I may frankly confess that if there is to be only one system, I shall never think of banishing the Western system in opposition to the Eastern system. But if I am in a village where a doctor practising according to the Western system of medicine is not available, I will certainly consult in case of emergency even a practitioner according to the old systems rather than go without any medical aid at all, although I know that it is not the best possible. Well, in these circumstances, therefore, it is not right for this Council to pass judgment in a manner the most contemptuous and scornful on the ancient systems of medicine. That is not the way to conciliate the people. Now, let us consider who is after all competent to make the researches. Are they not the people whom you yourself have trained in the Western scientific methods? If you give them facilities for making experiments upon the Eastern medicines, something good may come out of them. After all, the Honourable Surgeon General cannot say that he knows everything about every disease that human flesh is heir to. If you consult one doctor trained in the Western science about a patient, he is pronounced to be suffering from one disease, while another doctor trained in the same system would pronounce him to be suffering from another disease. There is no finality even in the Western medical science, of which the Honourable Surgeon General is so distinguished a representative. I therefore think that there is no reason to be dogmatic in scientific matters. There can be dogmatism in medical science as there can be in religion and politics, and the remarks of the Honourable Surgeon General and Lieut.-Colonel JACKSON are good illustrations of this dogmatisim. But I think that we ought to give up this attitude. After all, the Ayurvedic and Unani systems have existed in this country for so many years, and they have been doing some good, if not all the good that Western science claims for itself; and therefore this is not the attitude that we should take towards them. If advocates of Western medicine claim that their science is the most advanced, let them prove it by actual practice and demonstration. Of course the ingnorant people might take a longer time to appreciate the advantages of the Western science, but if they see that by the Western system many more cures are effected, a time will come when they will themselves cast off their own systems and gladly take to Western medicine in preference to their own; because, after all, every one likes his own life to be saved rather than have a false pride in his own system. I think therefore that the Council would do well to accept the small Resolution that has been brought forward by my Honourable friend Mr. KAMAT.

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The Honourable Mr. DINSHAW EDULJEE WACHA.—I am afraid, Sir, there has been a great deal of digression in this animated discussion. I presume, Sir, that this Council is not a Medical Congress, and we are all met here to make laws or to amend laws. Here is a very small amendment of the law and, as my Honourable friend Sir IBRAHIM has just pointed out, the whole question lies in a nutshell. The main point is whether a particular dispensary at Poona should or should not continue to receive public grants in future on account of its having in charge a practitioner trained in the Ayurvedic system of medicine. Now, Sir, in matters of medical relief, I am of opinion that whatever goes to relieve suffering humanity by one system or another, by one kind of prescription or another, so long as the patient suffering is cured, nothing is to be said whether A system is better or B system is better.

Sir, in my long studies of science, philosophy and literature I have known of these controversies over and over again. I distinctly remember that in 1870, or in the seventies I should rather say, that in England itself a very bitter controversy took place between the advocates of what you call the Allopathic and Homeopathic systems of medicine, and it went on for years together, and I remember even to-day the scathing criticisms which were indulged in by both sides in their respective organs, specially in the columns of the *Saturday Review*.

Well, Sir, the same is the case with theology. From the days of Athanaseus downwards, I should say that there have been very bitter controversies amongst theologians, and one set of school said one way and another set of school said another way. Medical science, in the same way, as my honourable friend Mr. PARANJPYE has very rightly pointed out, is an empirical science; it is a very ancient science. We know what the ancient Greeks thought about it, and we know what Hippocrates, the greatest of all Hellenic authorities in that science, said on the subject, and there is no reason why we should decry one set of maxims of one medical school at the expense of another.

I believe, Sir, that there is good in everything. It is no use boasting that one civilization is better than the other. Civilization is common to all humanity. There is the Eastern civilization which long preceded the Western, but now the Western is vastly superior. In matters of this kind, it is far better not to deprecate one system altogether; and I for one am really sorry that in a small legislative matter of this kind, our friends the Honourable Surgeon General and Lieut.-Colonel JACKSON should have pontifically proclaimed the superiority and infallibility of the Western system over the Eastern ones. However, what I say is this, that if the dispensary at Poona has been able to give medical relief to a large number of patients, as my Honourable friend Mr. KAMAT has pointed out that it has, then I do not see why Government or anybody else should come in the way of such relief being continued. In a matter of this kind, Sir, where the patients suffer from one kind of disease or another which all humanity is heir to, why should we contend that one system alone is good and the other system is bad or pernicious? Has not the Western medicine killed as many patients as it has cured? So too of the Eastern medicine. To me it seems that it is only a question of six of one and half a dozen of the other. Therefore, I appeal to Your Excellency and to the other members of this Council that they should end this discussion by merely taking the common sense view and pass the Resolution which my Honourable friend Mr. KAMAT has brought forward.

The Honourable Mr. DATTATRAYA VENKATESH BELVI.—Your Excellency:—The trend of the discussion on this Resolution has revived in my mind the memories of the bitter controversy, to which I myself was a party, when Bombay Bill No. VI of 1911 became the present Medical Registration Act. We had the same sort of discursive discussion at the time. I took part in the wordy warfare at that time, and my excuse for taking part in this wordy warfare to-day

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is that an old soldier cannot resist the temptation of taking up his sword in an affray which is going on in his presence. We had the same sort of arguments advanced by the then Surgeon General and the Honourable Lieut.-Colonel JACKSON on that occasion. We have known Lieut.-Colonel JACKSON for a long time in this Council, and we are well accustomed to the bantering tone in which he speaks of his opponents, and especially of the Ayurvedic and Unani systems of medicine. But we never knew hitherto that the Honourable Lieut.-Colonel JACKSON was such a great authority on the Indian systems of medicine. It is news to me to learn that he has read all our ancient medical books and that we are bound to accept his dictum on everything he says. However, this is a point which is beside the mark.

The simple Resolution which is before the Council is, whether Section 11 of the Medical Registration Act should or should not be amended. Now, I shall take a practical view of the matter. Section 11 makes it impossible for public institutions like Municipalities and Local Boards to entertain in their service a man who is trained either in the Ayurvedic or Unani system. We request Your Excellency in Council to be good enough to bring about an amendment in section 11 so as to remove from the path of Municipalities and Local Boards any obstacle that they may find in employing the man they want. Municipalities and Local Boards are Bodies which are expected to pay for the services of the medical men whom they employ. If they pay the piper, I submit respectfully, they have a right to call for the tune. What is the good of forcing upon us men who will not be of any use to a large number of people whom we represent in Municipalities and Local Boards? It may be perfectly true that the Western system of medicine is infinitely better than and superior to our own systems, but that is beside the mark. The whole question is whether there are or are not many people in this Presidency who decline to take Western medicine simply because it happens to be European medicine. Are we to allow them to die without any medical relief, or are we to give them some sort of relief even at the hands of men who are trained in the Unani or Ayurvedic system?

Now when this Bombay Medical Act was under discussion, I think I was the first to attack it as the thin end of the wedge intended to drive out of existence the indigenous systems of medicine. Exception was taken to my observations by the late lamented Honourable Sir PHEROZESHAH MEHTA, but that great authority agreed with me on one point, and it was stated by himself in these words. I will read only three or four lines from his speech in November 1911: "My Honourable friend Mr. Belvi said that this Bill is the thin end of the wedge to oust the Native practitioners from the field. I cannot conceive that it will have any such end as that. *The enormous mass of the people will have nothing to do with the Western medical science: and so long as that prejudice—that unreasoning prejudice—exists, I assure my Indian colleagues the vaids and hakims will also flourish.* This prejudice is a fact to which Dr. Turner, the Executive Health Officer of the Municipal Corporation of Bombay, has testified in a letter which he has recently sent to Dr. Popat Prabhuram of Bombay. Dr. Turner says that there are lakhs of people in Bombay itself who decline to touch any Western medicine. We have to take into consideration this hard fact. On the one hand we are told that there is an excellent system of medicine practised in India by men who have been trained in the Western system of medicine; on the other hand, we find that there is a large number of Indian patients who decline to take any medicine at their hands. What are we to do? We are thus in a fix; we must, therefore, leave it to the discretion of the people who pay. You should give them discretion to make choice of the medical man whom they prefer.

Now, much has been said in this Council about the efficacy of the Western system of medicine and of the absurdity of what is to be found in the books written by Sushruta and other great and ancient authorities. In this connection I

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would invite the attention of the Honourable Surgeon General and the Honourable Lieut.-Col. JACKSON to a very brief paragraph in the issue of the "Bombay Chronicle" of the 30th November 1915. I shall read with their permission a short passage. The passage quoted in this is from "The Practitioner" of London:—"A young officer returned from the East to Aldershot, and developed fever. A tropical disease specialist was first called in and suspected malaria; but this was not confirmed. A fever expert was then consulted and he reported that the case would undoubtedly turn out to be typhoid. After two weeks this hypothesis was abandoned and a chest specialist appeared on the scene. He found no symptoms in the chest or elsewhere, but said he had no doubt tubercule was developing somewhere. The patient was up and walking about and feeling fairly well, but with a temperature between 100 deg. and 102 deg. A well known consultant gave the opinion that there must be syphilis somewhere. When I was called in I found polypi and pus in the left ethonoidal region, and on cleaning this the patient's temperature fell to normal".

I read this passage simply to show that even men trained in the Western system of medicine are not infallible. They are all human beings like us, and it is not right for them to assume airs and tell us that they are beings of a superior order. I am anxious to tell them that they must look upon themselves as human beings and they must frankly admit that they themselves are liable to err as the practitioners of any other system of medicine are.

There is, however, one redeeming feature in this discussion, and it is the frank admission made by an honourable gentleman here. It is a great relief to find that doctors themselves differ here. On the one hand, we are told by the Honourable Surgeon General and Lieut.-Col. JACKSON that the oriental systems of medicine are worse than useless; on the other hand, a gentleman of the position of the Honourable Dr. DEMONTE was good enough to tell us candidly that there is much valuable matter that is embedded in the old books on the science that are to be found in the East. I really wonder how this discussion arose to-day. Our friend the Honourable Mr. KAMAT was good enough to tell us that he did not want to enter into the comparative merits of the Eastern and Western systems of medicine. He put the Resolution on the ground of convenience. The Honourable Surgeon General seems to be prepared to accept the Resolution so far as it concerns the one gentleman who is at present in the service of the Poona Municipality, and that seems to be the real scope of the Resolution to the Honourable Mr. WACHA. I put upon the Resolution a wider meaning and submit that the object of the Resolution is to amend Section 11 of the Bombay Medical Registration Act so as to make it allowable for all public bodies like Municipalities and Local Boards to entertain the services of gentlemen who are trained in the indigenous systems of medicine.

Now, it may perhaps be said that Municipalities and Local Boards may not employ the right sort of people. But you should not suppose that Members of Municipalities and Local Boards do not possess the necessary modicum of common sense. They will not employ in their service any man because he says that he is a Vaid or Hakim. They will examine his antecedents, and they will take expert advice. If any Municipality or Local Board misbehaves itself by employing a man who is thoroughly incompetent, Government will come down upon it at once with its usual bludgeon. So, I think, Your Excellency, that the Resolution brought forward by my Honourable friend Mr. KAMAT may kindly be accepted and that it may be left to the Council to consider what form this amendment should take in the future. When the amendment is on the legislative anvil it will be time for us to see whether it should be accepted or not. I submit that a discussion on that point at this stage is premature. With these words, I very heartily support the Resolution so ably moved by my Honourable friend Mr. KAMAT.

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[9TH DECEMBER 1915.] [*Mr. W. D. Sheppard.*]

The Honourable Mr. W. D. SHEPPARD.—Your Excellency:—I gather from the remarks that fell from my Honourable friend Mr. WACHA that the Council are feeling a little tired at the length of the discussion that has taken place on the resolution of the Honourable Mr. KAMAT. I must confess that I feel myself somewhat responsible for the discussion that has taken place for so long, because I take it that the origin of the resolution comes from the petitions which the Select Committee that met at Poona on this Bill received from the Poona Municipality, and that Mr. KAMAT'S object is the same which Government have in view, and that is to remove the disabilities under which the indigenous medical practitioner serving in the dispensary of the Poona Municipality is suffering in consequence of the present state of the law. That was what I gathered from a conversation I had with Mr. KAMAT, and when he got up to move his resolution I thought he would content himself by asking me what the exact proposals of Government were, and when he had heard them he would say that he was satisfied, and that there would be no more discussion on the matter. The Honourable Mr. KAMAT, however, elaborated his speech on slightly different lines, and as I know this subject is at present interesting a great part of India, I hardly thought it would be proper for me to get up and stifle, as it were, any further remarks which Honourable Members might wish to make. But the fact of the matter is that Government, owing to its own decision to remove the disability of the Poona Municipality, has prepared a Bill, which I have before me, and for that reason, are quite prepared to accept the resolution of the Honourable Mr. KAMAT. (Hear, Hear).

I must say at the same time in accepting this resolution that our object is to relieve only the Poona Municipality. The Honourable Sir IBRAHIM when making his remarks told us that it was openly stated in the Council that it was not the intention of the Medical Act to interfere in any way with vested interests, and he mentioned the word "dispensaries". Well, Your Excellency, the Council will be interested to know that although I have challenged the members on the Select Committee to point out any other dispensary similar to the Poona dispensary where an Ayurvedic or Unani doctor is employed, they have not been able to do so; and I believe I am correct in stating that up to this time the number of Ayurvedic dispensaries which exist in this Presidency and which are supported partly by local bodies is only one. That is a reflection which I leave to members who are supporting the Oriental system of medicine, because it seems to me that if the popular feeling had been so strongly in favour of Eastern medicine, there surely would have been a much larger number of dispensaries based on the Ayurvedic or Unani system than one; but the fact that there is not, and that no Municipality has hitherto, except the Poona Municipality, thought it useful to spend public money in supporting a dispensary conducted on the indigenous system, is surely such as to suggest the reflection that they have not felt very much confidence in the indigenous systems.

I will now state to the Council the manner in which we propose to amend Section 11 of the Medical Act. Section 11 runs as follows:—(Reads.) In order to provide for the case of the Poona Municipality, we propose to say that after the words "no person shall" the words "except with the special sanction of the Governor in Council" shall be inserted. I say again what I said just now, that our present intention is to confine our action in this connection to the dispensary at Poona. I do not think I need say anything more, but there was one observation which fell from the Honourable Mr. BELVI. He said that Government would come down on the Municipality with their "usual bludgeon". I think that language has not been justified by anything that has happened in recent times. I do not understand what he means by the "usual bludgeon". It is very rarely used, and only for very good reasons.

RESOLUTION NO. 10.

[*Mr. Balkrishna Sitaram Kamat; Moulvie Rafiuddin Ahmad.*] [9TH DECEMBER 1915.]

The Honourable Mr. BALKRISHNA SITARAM KAMAT.—Your Excellency:—I believe in my opening remarks I was careful enough to put my case in as modest a language as I could possibly do, and I acknowledged the very liberal manner in which Government have treated the Poona Municipality in this matter; and I deliberately avoided every allusion to the comparative merits of either this or that system. I must thank therefore both the Honourable the Surgeon General and the Honourable Lieut.-Colonel JACKSON for having, in spite of this, enlivened the proceedings and also for having thereby given us an opportunity to discuss a topic which I wanted to exclude from discussion.

I think it is my duty to reply, and I shall do so very briefly. In the first place the Honourable the Surgeon General remarked that the Ayurvedic system of medicine was an antiquated one. I do confess it is antiquated, but I do not see how on that ground it could be condemned as a useless system. I shall quote here no less an authority than the Governor of Madras who, in a recent speech, is reported to have said: "I am not sure whether it is generally known that the science of medicine originated in India; but this is the case. And the science which originated in India passed to Europe, and it was on the basis of this science that the European physicians worked until the seventeenth century." Well, if only up to the 17th century, people in Europe had to depend on Ayurvedic medicine for the foundation of their medical science.—

The Honourable MOULVIE RAFIUDDIN AHMAD.—May I rise to a point of order? When the resolution is accepted is there any necessity for the mover of the resolution to make a long speech?

His Excellency the PRESIDENT.—I should like to suggest to the Honourable Member that really there is no point of order. The Honourable Mr. KAMAT is perfectly justified in making his remarks.

The Honourable Mr. KAMAT (continuing).—The Honourable the Surgeon General pointed out that the Ayurvedic system of medicine was simply an antiquated system and perhaps there was no need to bring in a resolution of this nature. The Surgeon General further proceeded to say that there was only one Ayurvedic School in Bombay and that the course of studies laid down by that school was not to his satisfaction. As I said in my opening remarks, I am not a medical man and I am not disposed to enter into a discussion regarding the course of studies. But once again I would say as a practical man of common sense, if there is only one Ayurvedic School, what is the cause of it? Probably there is no recognition from Government given to this school or the hall-mark of recognition which they get from the Public may not be sufficient inducement to start many more such schools. In spite of this state of things here, I might quote one instance, that in the Province of Bihár, the Bihár Government have started recently, attached to a Sanscrit College, an Ayurvedic School. If one Province can think that there is a suitable course of studies for the system of Ayurvedic medicine, I do not see why if Government wish it in the Bombay Presidency a suitable course of studies could not be devised so as to meet the satisfaction of the Surgeon General.

It has just now been said in the speech we all heard from the Honourable Lieut.-Colonel JACKSON that the system is an empirical one. I do admit at certain stages every science is empirical. I may tell the Honourable Lieut.-Colonel JACKSON that it is only 30 years ago that Western medical science assured us that malaria was caused by rank vegetation, whereas now we are told that malaria is communicated by mosquitoes. Similarly, 15 years ago plague was supposed to be air-borne, but we now know that it is conveyed by fleas to man. This only shows that science is progressive whether it is Western or Eastern, and that it should be treated in the spirit my Honourable friend Mr. PARANJPYE has just now told us. The only question before us is, as my Honourable friend Sir IBRAHIM has pointed out, whether we ought to

RESOLUTION No. 10.

[9TH DECEMBER 1915.] [*Moulvie Rafiuddin Ahmad; Mr. W. D. Sheppard; Mr. Balkrishna Sitaram Kamat; His Excellency the President.*]

exclude from these dispensaries an Ayurvedic practitioner. He has quoted the debate of 1912 and has told us what the Honourable Member in charge of the Bill at the time of the passing of the Act had stated. I will not, therefore, repeat those remarks, neither do I intend to detain the Council by referring to what passed in 1912. To my mind all that is needed is that we want an assurance from Government regarding their attitude towards the Ayurvedic and Unani systems of medicine. Even in 1912 the then Surgeon General distinctly told us that it was never intended for one moment that the Bill should affect the Ayurvedic and Unani practitioners, and that the Bill was intended to protect the qualified Medical practitioners from unqualified men, such as compounders from the bazaar. Are the practitioners trained in the Unani or Ayurvedic systems, I ask, compounders, or, are they to be treated as compounders?

I would come now to the remarks which the Honourable Mr. SHEPPARD has made. It seems from what he has observed that Government is prepared to widen the doors only for the Poona Municipality. The object of my resolution is not only to cover the case of the Poona Municipality, but if possible to open the doors still further for any other Municipality which might choose to have an Ayurvedic dispensary hereafter like the Poona dispensary. Probably it is true that there is at present only one such institution in existence in the whole of the Presidency; but if the success of the Poona dispensary is known to other Municipalities, it stands to reason that probably such dispensaries will be started by other local bodies and, therefore, what is to be done is so to amend the Act as to make it applicable to all bodies who might prefer to have Ayurvedic dispensaries.

The Honourable Mr. SHEPPARD.—I might explain to the Council that the amendment which we propose to make in the Act does cover all possible dispensaries.

The Honourable Mr. KAMAT (continuing).—In that case, Your Excellency, I think it is hardly necessary for me to press the point, and, as Government are going to accept the principle of my reslution, I need not say anything further.

His Excellency the PRESIDENT.—I really have nothing to add to what my Honourable colleague said with regard to this particular Resolution beyond this. It might be thought by Honourable Members that I have given rather a large amount of latitude in the course of this discussion, but it came to my mind that it would be interesting, having regard to the general interest in this question through this country at this particular moment, that we should have a full debate on what is after all an important matter at the present time. I would, however, deprecate altogether a suggestion made by the Honourable Mr. BELVI. He said that this debate has been carried on in a "bitter spirit." I disagree with him entirely with regard to that matter. It is perfectly true that certain Honourable members, experts in Western medical science, have expressed themselves in very forceful language with regard to their views on the merits or demerits of the Western as against the Ayurvedic medical system. But I own that the supporters of the Ayurvedic system can lay unction to their souls, that both those Honourable gentlemen showed so much interest in their particular system that His Excellency the President had to shorten their speeches before they came to an end. For myself, I can only say, in corroboration entirely of what my Honourable colleague said, that by the amendment which he proposes to put into the Act, I think it must be clear to the Council that Government are anxious to do what is fair and act as far as we can with due consideration, whether we believe more in the merits of the Western system or in the Ayurvedic system, for the feelings of the people in this country at the present time.

The Resolution was then put to the vote and carried.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council
of the Governor of Bombay.

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